



HMUA MINUTES

REGULAR
MEETING OF

December 14, 2010

ADMINISTRATION BUILDING
424 Hurley Drive
Hackettstown, NJ



REGULAR MEETING OF DECEMBER 14, 2010
JACOB GARABED ADMINISTRATION BUILDING

The meeting was called to order by Chairperson Brown at 8:02 P.M.

Roll call indicated the following members in attendance: Harry Brown, Edward Kelly, John DiMaio, Jerry DiMaio and William Harper.

Also attending: Counselor Patricia Melia (Bell Law Group), Counselor John Zaiter, Engineer David Klemm, Executive Director Smith and Recording Secretary Palma.

Chairperson Brown announced that adequate notice of this meeting has been given to the area press and the Town of Hackettstown, and shall be convened and conducted in accord with the requirements of the Open Public Meetings Act.

Chairperson Brown led a salute of the United States Flag.

Chairperson Brown indicated that approval of the November 9th Regular Meeting to be the next agenda item. A motion to approve the minutes was made by Kelly, being seconded by John DiMaio with Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown opened the meeting to public participation and noted there were no members of the public present.

Chairperson Brown stated he would entertain a motion to convene into Executive Session.

Resolution #10-2753 was proposed by Jerry DiMaio who moved its adoption.

BE IT RESOLVED, on this 14th day of December 2010, by the Hackettstown Municipal Utilities Authority and pursuant to N.J.S.A. 10:4-1 et. Seq., the Authority shall discuss issues concerning litigation matters in Executive Session.

It is not possible, at this time, for the Authority to determine when and under what circumstances the above referenced items, which are to be discussed in Executive Session, can be publicly disclosed.

A motion to convene into Executive Session was made by Jerry DiMaio and seconded by Kelly. Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper.

THEREFORE, BE IT RESOLVED, on this 14th day of December 2010, by the Hackettstown Municipal Utilities Authority that the matters, as noted above, will be discussed in Executive Session, said session commencing at 8:06 PM.

Kelly moved to end Executive Session and re-enter Regular Session, said motion being seconded by Jerry DiMaio and all indicating approval at 9:01 PM. No formal action was taken during Executive Session.

At this point Chairperson Brown stated that the Board would once again open the meeting to public participation.

Bill Leavens of the Musconetcong Watershed Association (MWA) approached the Board and began by stating the management of Lake Hopatcong has become a big concern for the MWA. He stated that the NJDEP is considering allowing a lower minimum flow out of Lake Hopatcong for certain conditions. The MWA feels this could destroy habitat and prevent dilution of



discharge into the Musconetcong River. For many years, the outflow of the Lake Hopatcong Dam has been regulated at a minimum flow of 12 cubic feet per second. Mr. Leavens asked the Board for their support in helping the MWA in their effort to stop the NJDEP until such time as a full Environmental Impact Analysis can be conducted on the impact of the reduced flow.

The following Resolution #10-2754 was proposed by Jerry DiMaio who moved its adoption:

WHEREAS, the mission of the Hackettstown Municipal Utilities Authority is to provide safe, clean drinking water and quality wastewater management; and

WHEREAS, the Hackettstown Municipal Utilities Authority supports the activities of the Musconetcong River Management Council and its mission to implement the Musconetcong River Management Plan, which was prepared as a part of the National Wild and Scenic Rivers designation process; and

WHEREAS, the legal and historic minimum passing flow in the Musconetcong River as established at the Headwaters of the River (the Lake Hopatcong dam) has been a minimum flow of 12 cubic feet per second (cfs); and

WHEREAS, the State of New Jersey Department of Environmental Protection (NJDEP) has been reviewing the Lake Hopatcong Water Level Management Plan (LHWLMP) and has convened a Citizens Advisory Committee (CAC) to assist in the review; and

WHEREAS, said LHWLMP has a direct impact on the flow of the water in the Musconetcong River and said Plan requires 12 cfs outflow to the river at minimum; and

WHEREAS, the most recent meeting of the CAC was held on September 13, 2010; and

WHEREAS, subsequent to the CAC meeting held on September 13, 2010, the NJDEP took unilateral action, without notice to the members of the CAC or to downstream users, to reduce the outflow of the Lake Hopatcong dam to the Musconetcong River below the minimum passing flow, said action, not based upon any declared emergency; and

WHEREAS, despite heavy rains on September 30, 2010, that brought the lake to nearly full levels, the NJDEP maintained the restricted outflow of the lake below the mandated 12 cfs until October 14, 2010; and

WHEREAS, subsequent to the most recent meeting of the CAC, the NJDEP unilaterally amended the draft LHWLMP previously distributed to CAC, without input from the CAC; and

WHEREAS, said proposal includes no provision for notification to or consideration of downstream stakeholders on the Musconetcong River; and

NOW, THEREFORE, BE IT RESOLVED that Hackettstown Municipal Utilities Authority calls upon the NJDEP to:



1. Withhold or withdraw the draft plan from public comment until such time as the CAC can reconvene to consider the amendments unilaterally added by NJDEP;
2. Suspend or withdraw any portion of the draft LHWLMP that allows for a reduction in the minimum passing flow below 12 cfs, until such time as a full Environmental Impact Analysis can be conducted on the impact of the reduced flow on:
 - a) The ecology and biology of the Musconetcong River (particularly on the stretch between Lake Hopatcong and Lake Musconetcong);
 - b) The ability of the Musconetcong River to assimilate the discharges from the Musconetcong Sewerage Authority at the reduced flow;
 - c) The impact upon Lake Musconetcong of the reduced flow in the river, particularly as it relates to weed growth in the lake and the rare and endangered plant species found in the lake; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to:

1. The Musconetcong Watershed Association
2. Hunterdon County Board of Chosen Freeholders
3. Morris County Board of Chosen Freeholders
4. Sussex County Board of Chosen Freeholders
5. Warren County Board of Chosen Freeholders
6. NJDEP Division of Parks and Forestry
7. NJDEP Division of Fish and Wildlife
8. Delaware River Basin Commission
9. The NJDEP Commissioner
10. The Lake Hopatcong Commission
11. Representative Scott Garrett, 5th Congressional District
12. Representative Leonard Lance, 7th Congressional District
13. Representative Rodney Frelinghuysen, 11th Congressional District
14. State Senator Michael J. Doherty, 23rd Legislative District
15. State Senator John DiMaio, 23rd Legislative District
16. State Assemblyman Erik Peterson, 23rd Legislative District
17. State Senator Steven V. Oroho, 24th Legislative District
18. State Assemblyman Gary R. Chiusano, 24th Legislative District
19. State Assemblywoman Alison Littell McHose, 24th Legislative District
20. State Senator Anthony Bucco, 25th Legislative District

This Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.



Chairperson Brown stated the next agenda item was discussion and possible action to approve Change Order for Contract #38W.

It was decided by the Board to defer action on this item to a future date.

Chairperson Brown stated the next agenda item was discussion and possible action to approve Change Order for Contract #37S.

After a brief discussion the following Resolution #10-2755 was proposed by John DiMaio who moved its adoption.

WHEREAS, a Change Order (see attached) has been submitted by Spectraserv Inc. for additional engineering work associated with Contract #37S for the Hackettstown Municipal Utilities Authority in the total amount of \$3,416.53, therefore,

BE IT RESOLVED, that the governing body of the Town of Hackettstown Municipal Utilities Authority hereby approves the Change Order.

This Resolution was seconded by Harper and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated that Resolutions pertaining to financial transactions to be the next order of business.

The following Resolution #10-2756 was proposed by John DiMaio who moved its adoption:

Resolution #10-2756A

BE IT RESOLVED, that the following Operations Expense Requisitions be formally approved:

Dated:	November 05, 2010	OEA-936	SL-25	\$104,356.10
Dated:	November 19, 2010	OEA-937	SL-26	<u>112,372.53</u>
			Total	\$216,728.63

Resolution #10-2756B

BE IT RESOLVED, that the following Construction Aid Fund Requisition #CAF-337 be formally approved:

REQUISITION #CAF-337

Capitol Supply	Distribution Supplies	6,499.89
Hatch Mott MacDonald	Engineering Services	<u>6,982.50</u>
	Total	\$ 13,482.39

Resolution #10-2756C

BE IT RESOLVED, that the following Renewal and Replacement Fund Requisition #RR-156 be formally approved:



REQUISITION #RR-156

Treasurer, State of NJ	Wetlands Permit #18	\$ 600.00
Cerenzio & Panaro, P.C.	Engineering Services	8,250.00
H.T. Lyons	Lighting Upgrade	3,105.32
P.M. Construction	Water System Imp. – 38W	42,381.67
Princeton Hydro	Engineering Services	2,307.50
Spectraserv, Inc.	WPCP Improvements – 37S	167,668.20
Suburban Consulting	Engineering Services	15,021.88
Water Works Supply Co.	5/8" Water Meters/Ert's	<u>3,223.75</u>
	Total	\$ 242,558.32

Resolution #10-2756D

BE IT RESOLVED, that the following Escrow Sub-account Requisition #ESR-207 be formally approved:

REQUISITION #ESR-207

Hatch Mott MacDonald	CENTENARY	\$ 388.50
Hatch Mott MacDonald	HACKHONDA	710.00
Hatch Mott MacDonald	HESSCORP	<u>772.50</u>
	Total	\$ 1,871.00

The Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion and possible action to ratify budget line item transfers.

The following Resolution #10-2757 was proposed by Kelly who moved its adoption:

BE IT RESOLVED, the Governing Body of the Town of Hackettstown Municipal Utilities Authority hereby ratifies the action of the Executive Director to transfer funds between the individual Expense Accounts as listed below:

- Water Administration – MAILING -(65601) is increased by \$1,500
- Water Administration – SUPPLIES & SERVICES – (67101) is increased by \$2,000
- Water Operations – ELECTRIC & GAS – (63301) is decreased by \$3,500.

This Resolution was seconded by Jerry DiMaio and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Chairperson Brown stated the next agenda item was discussion and possible action to award Contract AS-10 for Liquid Aluminum Sulfate.

After a brief discussion, the following Resolution #10-2758 was proposed by John DiMaio who moved its adoption:



WHEREAS, subsequent to the proper advertisement, two (2) sealed proposals for Liquid Aluminum Sulfate were received and read aloud at a public bid opening on November 30, 2010 at 2:00 PM at the HMUA Jacob Garabed Administration Building; and,

WHEREAS, it has been determined that the lowest bid was received from General Chemical of Parsippany, New Jersey; therefore

BE IT RESOLVED, Contract #AS-10 for Aluminum Sulfate be awarded to General Chemical of Parsippany, New Jersey and the Executive Director is hereby authorized to execute the necessary contract documents.

This Resolution was seconded by Kelly and upon roll call vote carried: Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

At this point, Chairperson Brown requested the Executive Director to proceed with his report.

Executive Director Smith requested that the Board acknowledge receipt of the Annual Facilities Inspection Report prepared by Hatch Mott MacDonald. Upon completion of a brief discussion, Jerry DiMaio made a motion stating the Board had received the Annual Facilities Inspection Report as prepared by Hatch Mott MacDonald. Kelly seconded the motion with Brown, Kelly, John DiMaio, Jerry DiMaio and Harper voting yea.

Smith also stated that he has not heard anything from Dr. Crow regarding the estimate for the repairs to his lawn. Smith indicated that maybe Dr. Crow is waiting until the spring to get an estimate. P.M. Construction has indicated that due to litigation threatened by Dr. Crow, they will not be communicating with him.

Smith also stated that a few weeks ago one of the water utility personnel found an ammunitions box on the wall of the lower mine hill reservoir. The box only contained some trinkets and a small notebook. The employee determined that this was geocaching. Geocaching is a game similar to a scavenger hunt, but utilizes a GPS device. After reviewing the entries in the geocaching.com web page, it was determined that the box was hidden at various locations on HMUA property for more than 2 years. There were logs on the site of people trespassing onto the property, even at night. Due to the dangerous nature of this problem, Smith emailed the website and told them that the games were being conducted on private property and to please correct the problem. With the help of HMM, the Authority provided property coordinates so that geocaching will be prevented from occurring on any HMUA property.

Smith also confirmed that the Electronic Billing is going well and he confirmed that there have been 184 customers who have signed up so far.

Smith also stated that the Authority has received approval from the DEP to allow the operation of the Claremont Well at the original 300 gallon per minute rate.

Smith continued by stating that the Authority's fiscal year 2009/2010 revenue was down by 5.3%. He confirmed that this is mainly due to the loss of the Leachate revenue, loss of an M&M Mars Capital contribution, which ended the prior year, and the reduced miscellaneous revenue associated with construction activity. He further stated that there should be no reason for concern in that the Authority will have no problem meeting our obligations.

Smith continued by stating he is still waiting to hear from PVSC regarding the changes to the contract for the biosolids treatment.



Smith advised that there are still issues with E.Coli and Coliform at Well #2 and that he and the staff are working on ways to pump water to the HMUA's 1.0 million gallon storage tank, so as to provide fire protection for M&M.

Smith continued by stating that Lead and Copper sampling was done and there were 4 samples that were above the 15 parts per billion (ppb) action level. Smith stated that the samples must be the first draw samples. It has been confirmed that at least one person took the sample from a bathroom that has been unused for weeks. This would certainly cause the lead level to be high. The Lead is not from the HMUA Water system, but is dissolved into the water from home interior soldered copper piping.

Smith confirmed that the DEP is reviewing the draft of the Water Allocation Permit.

Smith also stated that the CEPT full-scale pilot study was started on December 2nd.

Smith also stated that he read the Administration Building electric meter today and the usage is down since the energy reduction lighting retrofits have been completed. Smith estimates and electrical savings of approximately \$1,000 per year.

Smith also stated that the Energy Reduction Plan prepared by CDM is on the agenda for approval by the BPU on December 16th. If approved, the maximum rebate would be approximately \$361,000.

Smith concluded by stating discussion continues with Helio Sage.

At this point, it was suggested that the Board convene into Executive Session.

Chairperson Brown stated he would entertain a motion to convene into Executive Session.

Resolution #10-2759 was proposed by Kelly who moved its adoption.

BE IT RESOLVED, on this 14th day of December 2010, by the Hackettstown Municipal Utilities Authority and pursuant to N.J.S.A. 10:4-1 et. Seq., the Authority shall discuss issues concerning contract negotiation in Executive Session.

It is not possible, at this time, for the Authority to determine when and under what circumstances the above referenced items, which are to be discussed in Executive Session, can be publicly disclosed.

A motion to convene into Executive Session was made by Kelly and seconded by Harper. Ayes: Brown, Kelly, John DiMaio, Jerry DiMaio and Harper.

THEREFORE, BE IT RESOLVED, on this 14th day of December 2010, by the Hackettstown Municipal Utilities Authority that the matters, as noted above, will be discussed in Executive Session, said session commencing at 10:10 PM.

John DiMaio moved to end Executive Session and re-enter Regular Session, said motion being seconded by Kelly and all indicating approval at 10:40 PM. No formal action was taken during Executive Session.

Chairperson Brown requested Counselor Zaiter to proceed with his report.

Counselor Zaiter stated he had nothing further to add.



Chairperson Brown then requested the Projects Engineer to proceed with the Engineer's report. Projects Engineer Klemm discussed the report, which was submitted to the Board prior to the meeting (attached).

Chairperson Brown requested whether anyone had business of a general nature to discuss.

Executive Director Smith stated that he recently discussed an opportunity with Chairperson Brown and Vice Chairperson Kelly. At this time Recording Secretary Palma exited the meeting. Smith continued indicating that he had discovered an individual that was recently separated from employment a municipality due to budget issues. This may present an opportunity for the Authority to hire an individual that could eventually replace the current Executive Director upon his retirement. Smith requested if the Board would like to pursue this matter further. This matter was discussed in detail and the Board indicated that succession planning made a lot of sense and requested the Executive Director to pursue this matter further.

There being no additional comments or discussion, Chairperson Brown declared a motion to adjourn would be in order and was so moved by Jerry DiMaio seconded by Harper and followed by a unanimous voice vote.

Time – 11:04 P.M.



Bruce D. Smith
Executive Director & Secretary