



HMUA MINUTES

REGULAR  
MEETING OF

MAY 10, 2011

ADMINISTRATION BUILDING  
424 Hurley Drive  
Hackettstown, NJ



REGULAR MEETING OF MAY 10,2011  
JACOB GARABED ADMINISTRATION BUILDING

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

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

Also attending: Michael Holenstein, Counselor Thomas Fischer, Engineer David Klemm, Executive Director Smith and Recording Secretary Palma.

Chairperson Kelly 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 Kelly led a salute of the United States Flag.

Chairperson Kelly indicated that approval of the April 12, 2011 Regular Meeting to be the next agenda item. A motion to approve the minutes was made by Harper, being seconded by Brown with Kelly, Brown and Harper voting yea and John DiMaio abstaining.

Chairperson Kelly indicated that approval of the April 12, 2011 Executive Session to be the next agenda item. A motion to approve the minutes was made by Brown being seconded by Harper with Kelly, Brown and Harper voting yea and John DiMaio abstaining.

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

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

Resolution #11-2794 was proposed by Brown who moved its adoption.

BE IT RESOLVED, on this 10<sup>th</sup> day of May 2011, by the Hackettstown Municipal Utilities Authority and pursuant to N.J.S.A. 10:4-1 et. Seq., the Authority shall discuss issues concerning potential tax 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 Brown and seconded by John DiMaio. Ayes: Kelly, Brown, John DiMaio and Harper.

THEREFORE, BE IT RESOLVED, on this 10<sup>th</sup> day of May 2011, by the Hackettstown Municipal Utilities Authority that the matters, as noted above, will be discussed in Executive Session, said session commencing at 8:07 PM.

Brown moved to end Executive Session and re-enter Regular Session, said motion being seconded by Harper and all indicating approval at 9:20 PM. No formal action was taken during Executive Session.

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



The following Resolution #11-2795 was proposed by John DiMaio who moved its adoption:

**Resolution #11-2795A**

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

Dated:	April 08, 2011	OEA-947	SL-10	\$110,523.24
Dated:	April 22, 2011	OEA-948	SL-11	<u>143,327.72</u>
			Total	\$253,850.96

**Resolution #11-2795B**

BE IT RESOLVED, that the following Construction Aid Fund Requisition #CAF-342 be formally approved:

REQUISITION #CAF-342

QC Laboratories	Laboratory Analysis	<u>2,825.50</u>
	Total	\$ 2,825.50

**Resolution #11-2795C**

BE IT RESOLVED, that the following Renewal and Replacement Fund Requisition #RR-161 be formally approved:

REQUISITION #RR-161

Hatch Mott MacDonald	WPCP Improvements-39S	\$ 14,900.00
Spectraserv, Inc.	WPCP Improvements-37S	<u>33,880.07</u>
	Total	\$ 48,780.07

**Resolution #11-2795D**

BE IT RESOLVED, that the following Escrow Sub-account Requisition #ESR-212 be formally approved:

REQUISITION #ESR-212

Broad Industrial Pipe Co.	HOGS	\$ 129.32
Bros., Fischer & Zaiter	HACKHONDA	138.75
Bros., Fischer & Zaiter	STEPHENS	92.50
Hackettstown Comm. Hospital	HCHSTORAD-Refund	2,879.86
Hatch Mott MacDonald	DONALDSON	802.50
Hatch Mott MacDonald	HACKHONDA	460.00
K. Hovnanian Homes (No. Central)	HUNTERBRK-Refund	389.61
Rio Supply	HOGS	1480.00
USA Bluebook	HOGS	<u>209.15</u>
	Total	\$ 6,581.69

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

Chairperson Kelly stated the next agenda item was discussion and possible action to award the Contract for the WPCP Process Aeration Blower Replacement Project.



The following Resolution #11-2796 was proposed by Brown who moved its adoption.

WHEREAS, subsequent to the proper advertisement, nine (9) sealed proposals for the WPCP Process Aeration Blower Replacement Project were received and read aloud at a public bid opening on May 6, 2011 at 2:00 P.M. at the HMUA Jacob Garabed Administration Building; and,

WHEREAS, it has been determined that the lowest responsible bid was received from Liberty Construction & Developing, Inc. of Belle Mead, New Jersey in an anticipated value of \$345,800; therefore,

BE IT RESOLVED, Contract #39S for the WPCP Process Aeration Blower Replacement Project be awarded to Liberty Construction & Developing, Inc. of Belle Mead, New Jersey and the Executive Director is hereby authorized to execute the necessary contract documents.

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

Chairperson Kelly stated the next agenda item was discussion and possible action to acknowledge receipt of the Annual Audit Report.

The following Resolution #11-2797 was proposed by Harper who moved its adoption.

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made; and,

WHEREAS, the annual audit report for the fiscal year ended November 30, 2010 has been completed and filed with the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:5A-15; and,

WHEREAS, N.J.S.A. 40A:5A-17, requires the governing body of each authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, specifically the sections entitled "General Comments" and "Recommendations", and evidenced same by group affidavit in the form prescribed by the Local Finance Board; and,

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically noted that the audit did not include any "General Comments" and "Recommendations"; therefore,

BE IT RESOLVED, the governing body of the Town of Hackettstown Municipal Utilities Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended November 30, 2010, and specifically noted that the audit did not include any "General Comments" and "Recommendations" and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED, the Executive Director of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of the resolution.

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



Chairperson Kelly stated the next agenda item was discussion and possible action to retain an Energy Management Firm to prepare documents for procurement of electricity.

After a brief discussion, the following Resolution #11-2798 was proposed by John DiMaio who moved its adoption:

WHEREAS, New Energy Concepts previously worked with the Hackettstown Municipal Utilities Authority in cost saving energy management; and,

WHEREAS, a proposal was requested and received from New Energy Concepts for Energy Management Services related to the procurement of electricity; and,

WHEREAS, the Hackettstown Municipal Utilities Authority has a need to acquire Professional Services as a Non-Fair and Open Contract pursuant to the provisions of N.J.S.A. 19:44A-20-4; therefore

BE IT RESOLVED, by the board Members of the Town of Hackettstown Municipal Utilities Authority as follows:

1. That the appointment of New Energy Concepts to provide Energy Management Services to the Authority relating to the Procurement of Electricity in accordance with their March 22, 2011 proposal, is herewith authorized without public bidding.
2. The said payment to New Energy Concepts shall not exceed \$6,000.
3. That the Executive Director of the Authority is hereby authorized and directed to publish this Resolution in the Star-Gazette pursuant to N.J.S.A 40:11-2.

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

Chairperson Kelly stated the next agenda item was discussion and possible action to authorize Change Order No. 2 for Contract 37S in the amount of \$484.

After a limited discussion on the matter, the following Resolution #11-2799 was proposed by Brown who moved its adoption.

WHEREAS, a Change Order (see attached) has been submitted by Spectraserv, Inc. for additional work associated with Contract 37S for the Hackettstown Municipal Utilities Authority in the total amount of \$484.00, 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 John DiMaio and upon roll call vote carried: Ayes: Kelly, Brown, John DiMaio and Harper voting yea.

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

Executive Director Smith began by stating that the Authority received authorization from the NJ Division of Archives and Records Management to dispose of the Authority old records. They were taken today to the Pollution Control Financing Authority for disposal.

Smith also stated the Water Utility has been working on High Street to replace a leaking 2-inch galvanized water service line. They had to be done very carefully due to a high-pressure gas



line. Most of the digging was by hand. The repair took 2 days due to the gas main conflicts and to maintain traffic on High Street.

Smith continued by stating that Trout Unlimited has done some survey work regarding the redirecting of the stream at the perimeter of the Water Pollution Control Plant site. Additional information will be available in the future.

Smith also stated the Water Allocation Permit Modification Application has been deemed Administratively Complete.

Smith continued by stating he has been in communication with the DEP via email and there will be a conference call tomorrow. The call is regarding the DEP imposed Water Ban due to Insufficient Firm Capacity.

Smith stated there are now 310 customers that are registered to receive email billing. The number continues to grow.

Smith confirmed that the Water Pollution Control Plant Project is moving forward, and currently the secondary digester is being pumped out. Upon completion of that work, the painting of the digester cover will begin.

Smith also stated that additional sampling is being performed for the CEPT study and is nearly completed.

Smith stated that Mountain Top Church should be coming before the Board at the next meeting for approval to connect to the Sanitary Sewer.

Smith continued by stating Helio Sage will be submitting the application for the Solar Project on Friday to Washington Township.

Smith also confirmed the illegal sump pump connection to the sanitary sewer has been disconnected.

Smith also stated that last September a contractor was using a fire hydrant without the permission of the HMUA. After numerous attempts to collect the fine, the Authority filed a complaint with the Hackettstown Police and the court date was today. The Authority won the judgment against the contractor in the amount of \$1,000.

Smith concluded by stating the collection process continues to improve. However, we are receiving more and more requests to pay by Credit Card. He believes that acceptance of credit cards will help improve collections. Debbie is working to obtain additional information.

Chairperson Kelly requested Counselor Fischer to proceed with his report.

Counselor Fischer stated he had nothing further to add.

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

At this point, Executive Director Smith stated that recording Secretary Palma could leave the meeting.



Chairperson Kelly, Board Member Brown and Executive Director Smith discussed the interview process and the results of the interviews that were conducted for the proposed hiring of a Deputy Director. All Board Members participated in the discussion.

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

Time – 10:20 P.M.



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Bruce D. Smith  
Executive Director & Secretary