

PASSAIC VALLEY WATER COMMISSION MEETING OF  
APRIL 13, 2011  
(OPEN SESSION)

C O M M I S S I O N E R S      P R E S E N T :

THOMAS P. DeVITA, President  
RIGO SANCHEZ, Vice-President  
JEFFREY LEVINE, Treasurer  
MENACHEM BAZIAN, Secretary  
IDIDA RODRIGUEZ  
GLORIA KOLODZIEJ  
ROBERT VANNOY

A L S O      P R E S E N T :

JOSEPH A. BELLA, Executive Director  
GEORGE T. HANLEY, Counsel  
JAMES G. DUPREY, Director of Engineering  
JAMES J. GALLAGHER, Personnel Director  
YITZ WEISS, Comptroller  
LOUIS AMODIO, Administrative Secretary

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MR. AMODIO: On the roll.  
Commissioner Rodriguez is not here yet.  
Commissioner Levine will be absent.  
Commissioner Vannoy's not here yet.

(Roll call was taken, all Commissioners

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present respond in the affirmative)

MR. AMODIO: You have a quorum.

The time is 9:41 a.m.

All of the requirements of the Open Public Meetings Act have been met. Commission meeting notice have been furnished to all Commissioners, City Clerk of Paterson, Passaic, and Clifton, North Jersey Herald News, The Record - Passaic County edition and the Commission's executive staff with a copy posted on the main bulletin board in the Clifton facility.

Commissioner Kolodziej, will you please lead us in the Pledge of Allegiance.

COMMISSIONER SANCHEZ: Mr. President, can I have one request? From now on can Commissioner Menachem is going to do the --

PRESIDENT DeVITA: No.

COMMISSIONER KOLODZIEJ: Ooh, ooh, excuse

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me.

PRESIDENT DeVITA: Discrimination.

COMMISSIONER KOLODZIEJ: Discrimination, thank you.

COMMISSIONER BAZIAN: If we're going to do that, then I'm going to sing "My Country 'Tis of Thee," thank you very much.

MR. AMODIO: No singing allowed.  
we have members of the public.

MR. ADAMO: My name is Tom Adamo. I live at the Four Seasons in Great Notch, 4 Cliff Road,  
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Apartment A2.

I brought with me a member of the Board of Trustees, Mr. Brian Glasier (Phonetic), who is also a resident of the community.

I was before you people --

PRESIDENT DeVITA: Mr. Adamo, I'm going to interrupt you one second. I'm sorry. I have to recuse myself because I was involved; so.

(Whereupon, President DeVita recused himself from the discussion and leaves the room)

MR. AMODIO: Commissioner Sanchez is the new Chair.

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COMMISSIONER BAZIAN: We have a problem. We don't have a quorum.

COMMISSIONER KOLODZIEJ: I don't think we're going to take any action.

COMMISSIONER SANCHEZ: Can we listen?

MR. HANLEY: Oh, yes, certainly.

MR. ADAMO: At the last meeting, a couple of weeks ago, I was here and I presented my case and you people were very kind in allowing me, with some input, as far as getting permission from our Board of Trustees to go ahead and get petitions from our residents.

I immediately contacted Mr. Glasier, who's on the Board of Trustees, who got in touch with our Board and they were a hundred percent in favor

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of it, to go get petitions and present it to you people.

Well, for the past week and a half I collected a total of 392 petitions. We are 400 units, approximately, built. As you can see, we have the majority, almost a hundred percent of our community. There's still a lot of people still in transit coming in from Florida who failed to sign the petition.

But, anyway, we're asking in our petition,

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at the present time the gate is open from 7:00 a.m. to 7:00 p.m. at night. And it is a little inconvenient for a lot of residents who go to work early in the morning before 7:00 and have to go out the other way and coming in at night, sometimes you're out shopping you come in at 7:05, 7:10, you have to go all the way around, which really was a problem this past year --

COMMISSIONER SANCHEZ: Can I interrupt you one second? When you say "go around," you go through West Paterson?

MR. ADAMO: Go down into the Clifton entrance. It's a very steep road there. With this past winter where we had a problem coming in that back gate was a real inconvenience for all our citizens in our community.

We originally asked for 7:00 to 7:00 -- right now it's 7:00 to 7:00. We're asking that it go from 6:00 to 11:00 at night. Okay. Somewhere's in between there would be great, too.

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You guys don't want to go to 11:00, we'll buy 10:00. We're not going to hold anybody to -- but just to help us out.

And like I said, the majority of the people are in favor of this. Okay. Basically,

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that is the only thing I can tell you.

We do hope that you people will reconsider this.

COMMISSIONER SANCHEZ: Let me ask you this.

Your name again?

MR. ADAMO: Tom Adamo.

COMMISSIONER SANCHEZ: Tom. Tom, my question to you is, are you going to use this road as a main way to get in and out?

MR. ADAMO: No. There's not going to be that much traffic coming through there. Okay. There have been traffic studies done in the past, I mean, I believe that's how it came up from 7:00 to 7:00 when the community first started four or five years ago.

The community has grown. Again, it's not going to be that much traffic from 7:00 to 10:00 or 11:00. It's just that people are out shopping. If you're going to have 50 to 60 cars coming up that entrance, that's going to be a lot.

COMMISSIONER SANCHEZ: George, is there anything to us? If they go from 7:00 to 8:00, I think.

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MR. ADAMO: 7:00 to 7:00 right now.

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COMMISSIONER SANCHEZ: Or 7:00 to 7:00, I see no harm doing it from 6:00 to 10:00.

MR. BELLA: I don't see any problem with it either. 6:00 in the morning we're not quite doing anything and after hours pretty much the work that we're doing up there, you know, you may in the wintertime, particularly, if you have main breaks you may have a conflict with trucks coming in and out.

COMMISSIONER SANCHEZ: But that's something that we'll deal with.

MR. BELLA: Right. I think that can be dealt with.

MR. ADAMO: I can honestly say that I'm in the community for the past two years, I think Brian is there more than me. We really haven't had a problem with any of your equipment going through.

COMMISSIONER SANCHEZ: Based on this, on the Executive Director and what he's telling us, the three of us, we cannot take any action. We're going to go back to the Board.

From my point of view, personally, I don't see a problem.

My only thing is, my mom used to tell me

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after 10:00 there's only trouble in the streets. So 10:00 I think is going to be the time.

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MR. ADAMO: Let me put it this way, we're a 55 and up community.

COMMISSIONER KOLODZIEJ: Wait a minute, all this discrimination today.

MR. GLASIER: And asleep from 10:00 to 11:00.

MR. ADAMO: Sometimes you're out shopping and the stores are open till 9:30, 10:00 and you're coming back, especially with the traffic around 3:00 and 4:00 to 6:00, there's traffic up to Route 80. It would be a convenience for us and we really appreciate it.

COMMISSIONER SANCHEZ: We're going to go back to the full Board, I guess, and based on what you say, we'll make a recommendation and we'll see what the rest of the Board has to say about it.

MR. GLASIER: I can assure you that our Board, although we've had a couple of attempts at coming to you folks, including 24/7 access, we come to the realization that prudence and some reasonableness would be the way to address this entire issue.

So we're asking that you accept our

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reasonable request. We request 11:00 but we'd be happy with 10:00. And if we can make that work, it's a win/win for everyone.

It's our own guests that are leaving and going out. The traffic study shows the major access on that road is currently being covered,

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anything beyond as a result of this authorization by you folks will not be a major traffic flow but a major convenience.

COMMISSIONER SANCHEZ: You guys are such gentlemen that we want to grant you to 10:00 so you don't have to come back.

MR. ADAMO: we'd like to see you people living up there maybe.

COMMISSIONER SANCHEZ: It's a nice place. we'll go back to the Board and see what we can do.

MR. ADAMO: Thank you.

Do I leave the petitions with you people?

COMMISSIONER SANCHEZ: Leave it with our legal counsel.

MR. GLASIER: Does counsel still need our counsel to --

MR. HANLEY: I still need something formal. It doesn't have to be from your attorney.

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It could be from the Chairman of the Board, somebody on the Board to authorize something formal because we have to memorialize this in writing.

MR. GLASIER: Understood.

MR. ADAMO: Thank you for your time.

MR. HANLEY: Great.

(Whereupon, Commissioner DeVita resumes the chair)

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MR. AMODIO: Commissioner DeVita resumes the Chair.

MR. AMODIO: Next we'll move on. The Executive Director's report.

MR. BELLA: In particular, I'd like to point out that the work is moving forward with the filters in terms of getting the contractors ready. Things are running pretty well at the plant. We have a couple of things which I notice that I wanted to speak to you about was the policy on the use of equipment and that kind of thing.

George, do you --

COMMISSIONER KOLODZIEJ: No, I sent it because it was a carry over from the last agenda.

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So we need to move on it today.

MR. BELLA: So it's my opinion that we should absolutely pass it by and move forward.

MR. HANLEY: Just to clarify. That was something that we sort of surfaced and --

COMMISSIONER KOLODZIEJ: Right. Because things are coming out of committee, things are coming out of Administration and the only reason this is before us, George, is that you see -- they've already implemented it. However, we are mentioned in this policy. We are the ones that are the last ones unless we designate someone to be our representative in this issue, and that's the only reason it's back here.

MR. HANLEY: Okay. I think you

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understand. I just want to clarify, what happened is, again, the situation became apparent and I think it was actually Mark Romain who suggested it and then I just reviewed it.

COMMISSIONER KOLODZIEJ: Exactly.

MR. HANLEY: I thought it was going to policy.

COMMISSIONER KOLODZIEJ: Right, right.

PRESIDENT DeVITA: This is what's in front of us?

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COMMISSIONER KOLODZIEJ: Yes. This is the only complicated one. The other three are very simple.

I've spoken to policy committee. We're all meeting out so lots of times, George, since everything is coming out of committee or coming from Administration, we feel we can use e-mail to poll the committee. There's only three of us and we can move it right here.

MR. HANLEY: You're not a quorum.

COMMISSIONER KOLODZIEJ: Right, right, exactly.

PRESIDENT DeVITA: Is this something we want to adopt today?

COMMISSIONER KOLODZIEJ: Yes, absolutely. Because they already have it in place.

COMMISSIONER SANCHEZ: Can I suggest one thing? I want to go even farther. This entity shouldn't be mentioned by agreement, shouldn't be to anybody period, not even without consent.

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COMMISSIONER KOLODZIEJ: Give us an example, Joe, of what you think might be an instance where you might want to do this? This is what the Commissioner is driving at. Do we need that little bit of -- remember, everything needs

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to come here anyway. So even if he wants to do it.

COMMISSIONER SANCHEZ: But my problem, Commissioner, that I have is the people's equipment, it's not our equipment. And I have a problem with lending something.

MR. BELLA: I agree. Unless there's some kind of dire emergency.

PRESIDENT DeVITA: I'm not talking about individuals, but this also pertains for some reason owner cities needed something.

COMMISSIONER SANCHEZ: No, that should be included. I'm talking about if one of the owner cities needs it, let's say -- that should not be excluded. The owner cities should not be excluded. I'm talking about individuals.

COMMISSIONER BAZIAN: The only possible thing I could think of, and, Joe, I'm just theorizing here, is the potential for a vehicle, in the event of an emergency, somebody's out late, you say, listen, it's 2:00 in the morning, drive the thing home.

MR. BELLA: That's correct.

COMMISSIONER BAZIAN: That would be my --

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MR. BELLA: I've given people permission

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to do that, to be honest.

PRESIDENT DeVITA: well, let me ask a question. It says, "Written consent of the Board of Commissioners or their named representative."

who is our named representative?

COMMISSIONER KOLODZIEJ: well, we would have to decide that. I would think the only one would be --

PRESIDENT DeVITA: Is Joe Bella.

COMMISSIONER SANCHEZ: Joe Bella or the Executive Director just in case he goes some place else.

COMMISSIONER KOLODZIEJ: No, they can reach him by phone. This is the man I go to. This is the man whose feet I hold in the fire when things fall apart.

Do you want this worded differently then? Do you want George to look at it and --

COMMISSIONER SANCHEZ: Yeah.

MR. HANLEY: well, I think -- I understand your point, by the way. What you're saying is there should be no circumstance under which we loan equipment for personal use.

COMMISSIONER SANCHEZ: Exactly.

MR. HANLEY: You don't have the power to

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do that. I think your protection here is that it cannot be done without the written consent of the

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Board or in this case, Mr. Bella.

(Whereupon, Commissioner Rodriguez is present at 9:55.)

MR. HANLEY: Therefore, I think you have that protection and a little flexibility for the situations that Commissioner Bazian brought.

So I think you're protected.

COMMISSIONER KOLODZIEJ: Can we insert the word "emergency" for our representative. Because, otherwise, they'll be plenty of time to come back to us and ask us but if it's an emergency and an immediate answer has to be given, then in an emergency he would do it. Otherwise, it must come to us.

MR. BELLA: Okay.

MR. HANLEY: But I think I want to make sure. What you're saying here is it's the Board or --

COMMISSIONER KOLODZIEJ: I'm suggesting a word change. I don't know what -- their policy reads it this way.

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MR. HANLEY: So, then I think probably what you're saying is in an emergency, the named representative.

COMMISSIONER KOLODZIEJ: Correct.

MR. HANLEY: But otherwise --

COMMISSIONER KOLODZIEJ: It's us, that way

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it gives us plenty of time to look at anything but in an emergency a city wants it, he's authorized, including our own employees, Joe.

PRESIDENT DeVITA: So we'll say "Or their named representative in case of emergency."

MR. HANLEY: I would say "or" and then "In the case of an emergency, their named representative." That way it's limited. You're limiting his ability, but not yours.

PRESIDENT DeVITA: Is a motion in order to adopt this?

COMMISSIONER KOLODZIEJ: I think maybe it can wait. They're already internally doing it. Let's have it come back in its final form.

PRESIDENT DeVITA: Okay. George is going to review this.

COMMISSIONER KOLODZIEJ: Yup.

PRESIDENT DeVITA: Okay.

MR. BELLA: Reservoirs update.

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MR. DUPREY: They're finalizing. There's two aspects. One is the completion of the feasibility report itself and the other one is the completion of the conceptual design, which is the feasibility report. And the consulting firm and their subcontractor are hard at work at that and we've been pushing them hard.

PRESIDENT DeVITA: Who is our consultant on that? What's their name?

MR. DUPREY: TY Lin & Carollo is their subcontractor.

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PRESIDENT DeVITA: TY.

MR. DUPREY: TY Lin.

MR. BELLA: It was originally Medina.

COMMISSIONER RODRIGUEZ: They were  
acquired by TY, right?

PRESIDENT DeVITA: So TY acquired Medina.

MR. DUPREY: Correct. So when we have  
those deliverables --

COMMISSIONER SANCHEZ: TY is the firm --

PRESIDENT DeVITA: TY took over for  
Medina.

COMMISSIONER RODRIGUEZ: They acquired  
Medina.

MR. DUPREY: And they are an engineering

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firm.

MR. BELLA: We're hoping to have all that  
soon and start preparing the RFP for Phase I. So,  
hopefully -- we don't have a whole lot of time to  
start looking at the schedule to get that done. I  
would say in the next couple of months we'll be  
back here to go out.

MR. DUPREY: For the design.

COMMISSIONER RODRIGUEZ: Do they have a  
time line?

MR. BELLA: Yeah. They're behind  
schedule. And they got, let's say, 90 percent of  
the work done on time. It's this last little bit  
towards the end that's been dragging on. Jim has  
done a masterful job.

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COMMISSIONER RODRIGUEZ: I mean, just out of curiosity, is it both or is it --

MR. DUPREY: Combination.

COMMISSIONER RODRIGUEZ: Did they ever resolve their baloney?

MR. BELLA: That's the problem.

MR. DUPREY: We've been managing them, you know, we say.

PRESIDENT DeVITA: You mean the partners?

MR. BELLA: Yeah.

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COMMISSIONER RODRIGUEZ: It's stupid. Just stupid.

PRESIDENT DeVITA: Is their squabble or whatever their baloney is going to interfere?

COMMISSIONER RODRIGUEZ: No, I don't think so.

COMMISSIONER KOLODZIEJ: It just drags it out. It's ridiculous.

MR. DUPREY: We didn't allow it.

COMMISSIONER RODRIGUEZ: They nipped it in the bud.

COMMISSIONER KOLODZIEJ: We're trying to help them.

MR. AMODIO: Anything else, Joe?

MR. BELLA: No, that's it.

PRESIDENT DeVITA: Just a couple of follow-ups.

Did we get anything on that grant money for the cameras, the reimbursement? You said we might have it in a week or two weeks?

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MR. BENOIT: The auditor is coming up as soon as we reconnect the fiber on the plant. Once the auditor is done looking at it to make sure it works, they'll reimburse the money.

PRESIDENT DeVITA: From?

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MR. BENOIT: From Homeland Security.

COMMISSIONER KOLODZIEJ: Just a follow-up on that because we spent a lot of time in security on this and Mr. Marotta is to be commended for saving us quite a bit of money in finding an existing line that we can hook these cameras to.

My question is always where are we getting the money from? He said it's going to come out of his budget line item for repairs or for security, but if this money comes back with that going or is that already for something else?

MR. BELLA: Actually, that money comes back, we can earmark for further security upgrades. It's probably a good thing to do. I haven't thought about it that way but maybe the Board can tell us.

COMMISSIONER KOLODZIEJ: I definitely am recommending, you're going to hear some other recommendations from security, but there is a Phase II coming. So, you know, right now if we have the money that's paying for this, because the cameras will be hooked up. They're already hooked up in the pump house and Mr. Marotta is working on the other two.

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So I would like to make a motion that we

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authorize Joe's committee, inhouse committee, to further explore where this money, when it comes back to be put to our security uses and that way the committee will have something to --

COMMISSIONER RODRIGUEZ: I'll second that. I'll second. That's good. Very good.

(Whereupon, Commissioner Vannoy is present at 10:01.)

MR. BELLA: And you might add in your motion that this money should be used for further security. It sort of acts like seed money.

COMMISSIONER KOLODZIEJ: Okay. To make it clear, for further security.

MR. BELLA: Good. I'm sorry.

COMMISSIONER KOLODZIEJ: All right.

MR. HANLEY: Do you want to make --

PRESIDENT DeVITA: It's a motion and second.

MR. AMODIO: Grant money to be used for further security issues.

On the roll.

(Roll call was taken, all Commissioners

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present respond in the affirmative)

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MR. AMODIO: Motion approved.

PRESIDENT DeVITA: Follow-up one question.  
Any idea when the auditors might be coming?

MR. BENOIT: He's waiting for me to call  
to say when the fiber is all connected.

PRESIDENT DeVITA: Which will be when?  
When will the fiber be reconnected?

MR. BELLA: It depends on the damage and I  
just didn't get a chance to get a full report. He  
was looking, having somebody look at it yesterday,  
and I haven't had a chance to do it but it should  
be relatively quick.

We have to bring new fiber in. We have  
the forces down for electrical to approve.

PRESIDENT DeVITA: Joe, Customer Service  
on line for our expanded hours as of May 1st?

MR. BELLA: Yes. We're working on that  
diligently.

PRESIDENT DeVITA: The answer is yes?

MR. BELLA: The answer is yes, but I want  
to give you a couple of things.

The way it looks, Ed and I talked about  
this, I would like to go first, initially, I'd

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like to go to 6:00. See how that goes.

PRESIDENT DeVITA: During the week you  
mean?

MR. BELLA: During the week.

Because it won't draw so many hours out of  
the Customer Service Department, you know, to

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answer phones and stuff like that. And we're going to make some changes, which I'll recommend later on to help alleviate the drawl of hours out of the Customer Service Department during normal hours.

PRESIDENT DeVITA: Okay. So May 1st.  
Okay.

COMMISSIONER VANNOY: Are we going to have Saturday hours?

MR. BELLA: We're working on.

COMMISSIONER VANNOY: He said --

PRESIDENT DeVITA: No, he just said during the week he wanted to expand it till 6:00 p.m., but Saturday is part of the deal, right, Joe?

MR. BELLA: That's correct. It's not going to be quite as easy; but.

COMMISSIONER VANNOY: Are we looking to have Saturday starting May 1st?

PRESIDENT DeVITA: Yes, yes.

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MR. BELLA: Yes.

PRESIDENT DeVITA: Yes. Everything is starting May 1st.

COMMISSIONER RODRIGUEZ: In Customer Service.

PRESIDENT DeVITA: Expanded Customer Service hours start May 1st.

COMMISSIONER SANCHEZ: How are the people going to know that's going to happen, Joe?

MR. BELLA: We'll put that on the bill. I have to say the first month let's kind of keep it,  
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let's see how it works, and get it all squared away and then after that, we'll put it on our bill saying that, you know, we have these new hours and here's our new expanded hours. Put it right on our bills.

COMMISSIONER KOLODZIEJ: And our web site.

COMMISSIONER BAZIAN: Mr. President.

PRESIDENT DeVITA: Yes.

COMMISSIONER BAZIAN: Joe, at our next IT committee just remind me, let's discuss the Facebook accounts that we have using those and also identifying those and talk to Mr. Benoit about it. And also, let's start a Twitter account and start tweeting this information.

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PRESIDENT DeVITA: Twitter?

COMMISSIONER BAZIAN: Twitter is a social media site.

PRESIDENT DeVITA: Thank you very much.

COMMISSIONER BAZIAN: It seemed like a good question.

PRESIDENT DeVITA: Can anybody get it?

COMMISSIONER BAZIAN: Anybody can get it.

PRESIDENT DeVITA: Speaking of Twitter, our web site closer or what?

COMMISSIONER BAZIAN: I can give you an update as of yesterday.

We have a page up there right now which has our financial information.

Mr. Benoit, do we have the meeting

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information up there as of this morning?

MR. BENOIT: No.

MR. AMODIO: Excuse me, you mean, the Commission meetings? They're posted.

MR. BENOIT: Yes, you're right. I'm sorry.

MR. AMODIO: They are posted. They've been posted.

COMMISSIONER BAZIAN: We're still on the old site but what we're trying to do is build a

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structure within our site so that every single meeting, we'll be able to say, this is our agenda, here are our minutes, et cetera, et cetera. It isn't done yet. I've been hearing now for the last week or so every time I ask, "It will happen today. It will happen today." It hasn't happened yet. I expect it imminently, and I'm not going to lie, I'm unhappy.

PRESIDENT DeVITA: That's a good word, imminently. What does this mean now?

COMMISSIONER BAZIAN: It means that it should have happened already. It hasn't happened yet.

COMMISSIONER VANNOY: What's the delay?

COMMISSIONER BAZIAN: That's a good question.

Mr. Benoit?

MR. BENOIT: It's our new vendor. He's been doing a lot of things. I've been actively trying to get this done as well.

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COMMISSIONER RODRIGUEZ: Who's the vendor?

MR. BENOIT: Synetek is the new IT vendor.

COMMISSIONER KOLODZIEJ: And we met with Giovanni Rodriguez. I was very impressed and you must have been, because in the two weeks time he's

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been here, Commissioner Bazian kept saying, "I said that last year. I said that last year." So he really has a long list of things that need to be done. So, I mean, so as long as somebody is cracking the whip here.

COMMISSIONER RODRIGUEZ: So what I'm saying is, in fairness to Synetek, yeah, if he's got his -- if he's got his hands --

COMMISSIONER KOLODZIEJ: Oh, yeah. Oh, yeah.

PRESIDENT DEVITA: He's only been here --

COMMISSIONER RODRIGUEZ: He happens to have the best last name around; but.

COMMISSIONER KOLODZIEJ: I didn't even ask if you were related.

COMMISSIONER RODRIGUEZ: If he's got his hands full and he's not doing what you're asking him, it's not your fault. It's not your priority.

COMMISSIONER BAZIAN: Hold one second. First of all, I am unclear as to exactly who is doing what. I'm sure that Giovanni is not the only individual at Synetek Solutions and my guess was that the web work that we're asking to be done will probably not be done physically by Giovanni.

I'm not ascribing any blame to anybody. I'm just

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suggesting --

COMMISSIONER RODRIGUEZ: I want to ease your unhappiness.

PRESIDENT DEVITA: One at a time.

COMMISSIONER BAZIAN: Excuse me, excuse me.

what I'm unhappy is, is that I've been asking this question and I still don't have a reason as to why its been delayed. There should at least be communication back to me somehow saying we're running late. We were busy with other things. I haven't gotten anything. I asked the questions and I'm not getting any answers, just I'm told that it's going to be done by the end of the day and it's not done. And that's what makes me unhappy.

As a technical professional, if I say something's going to be done by a particular time and it isn't done, I have a responsibility to go back to my client and say, "Sorry, I didn't get it done." I haven't had that yet.

So far my initial impression of Mr. Rodriguez and Synetek is excellent. I'm not --

COMMISSIONER RODRIGUEZ: Okay.

COMMISSIONER BAZIAN: I'm not knocking

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Synetek. I'm not saying this is Syntex's fault or anything. I'm just stating on a fact on this

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particular issue, I'm unhappy because I don't know what's going on.

COMMISSIONER KOLODZIEJ: Suggestion. You're Chairperson, call Synetek, find out who you should be talking to directly to this.

And while I'm on the record here, our employees who actually worked crazy hours over the weekend, I heard Marissa tell me it was 1:30, 2:00 in the morning they were working around the clock to get some of these things done with Mr. Rodriguez. I think that shows a lot of cooperation from our staff. He talked a lot about training, because there's going to be so many things that are going to be different. And we've got employees who are really excited, right, Joe; excited about the potential.

So my suggestion, Commissioner, is go directly to Synetek, find out if it's not Mr. Rodriguez, then who is it and yell. I don't think anybody here has a problem with you dealing directly with Synetek.

COMMISSIONER BAZIAN: If I may, let's take that discussion off line.

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COMMISSIONER KOLODZIEJ: Pardon?

COMMISSIONER BAZIAN: I prefer not to have that discussion overall. I have an issue with that approach, but let's discuss that in private.

COMMISSIONER KOLODZIEJ: Does it need to be a closed session approach?

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COMMISSIONER BAZIAN: No.

COMMISSIONER KOLODZIEJ: I don't want to leave here today without doing this. These Commissioners are being brought up to speed. I happen to sit through an hour and a half meeting so I have a little head start. Commissioner Levine is not here.

COMMISSIONER BAZIAN: I'll put it this way, as far as I'm concerned, having stated my concern and having our Executive Director and CIO in the room, they're staff, they're the ones who should be dealing --

COMMISSIONER KOLODZIEJ: So, you want them to follow through with who that contact person is --

COMMISSIONER BAZIAN: Absolutely. Absolutely. That's the way it should be done.

COMMISSIONER KOLODZIEJ: Simply solved. Simply solved.

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PRESIDENT DEVITA: So that's how it's going to be done, Joe.

MR. BELLA: Okay.

COMMISSIONER BAZIAN: If I may, Mr. President. Since Commissioner Kolodziej brought this up and I know we're out of order. My understanding is, is that as of the day before yesterday, we ran a test on taking credit cards at the window.

This is apropos of your comments with regards to Marissa.

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I would like to express kudos to Mr. Benoit, to Marissa, to the entire staff. My understanding that Marissa was here till 1:30 in the morning Saturday morning doing the upgrade to our Sunguard software that enabled us to do this. The test was done. It is not yet complete. We're still waiting to see if the monies are in our bank.

Did we get any update on that, Mr. Benoit?

MR. BENOIT: Not as of this morning but they expect it tomorrow morning.

COMMISSIONER BAZIAN: Tomorrow morning. Okay.

As soon as that has been confirmed, we can

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then take credit cards at the window.

PRESIDENT DEVITA: And we have to let our customers know.

COMMISSIONER BAZIAN: Absolutely. Which, again, brings me back to putting it in the bills; Facebook, Twitter, et cetera.

COMMISSIONER KOLODZIEJ: I'd like to recommend to put a lot of commendation in the file to those employees.

COMMISSIONER RODRIGUEZ: That's a big plus, because we've been working on this.

COMMISSIONER VANNOY: I second.

MR. AMODIO: Second by Commissioner Vannoy.

On the roll.

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(Roll call was taken, all Commissioners present respond in the affirmative)

MR. AMODIO: Mr. Benoit, you'll get us the name?

MR. BENOIT: Yes.

PRESIDENT DeVITA: Next.

Any other questions of Mr. Bella?

Seeing none.

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Yitz.

MR. WEISS: Cash on hand is currently 11.3 million.

Our accounts receivable are at 12.1 million. 11.7 million of that is 30 days or less, which means we're at 97 percent, which is very good.

Accounts payable's at 4.5 million.

Just a couple of notes. We're going to be making our annual pension payment this week. That's a \$1.3 million payment. That will be going out by the end of the week.

Our audit is winding down. We're almost complete with the audit. We should have a draft shortly, I'm told.

And on a little bit of a personal note, the Board had pushed me to go out and try to get a certification as CMFO. I'm taking the last final for the last class on Friday.

COMMISSIONER RODRIGUEZ: Good luck. Good  
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luck. And great job.

MR. WEISS: That's all I have.

PRESIDENT DeVITA: Do we have anything to discuss with the overtime reports?

MR. WEISS: Oh, yes. I apologize.

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The overtime reports were discussed in the finance committee. They were -- do you mind if I --

COMMISSIONER KOLODZIEJ: No, jump right in.

MR. WEISS: The finance committee is actually pulling in department heads one by one in every meeting and we're going through overtime for each individual department. And they're sending them back with suggestions, things to look into in terms to be able to cut down in the overtime. So I expect you'll see results from that.

PRESIDENT DeVITA: Will we have a written report?

COMMISSIONER KOLODZIEJ: Yeah, we're still trying to format it. We're still trying to format how all of us can track overtime.

Commissioner Levine has made it perfectly clear he will, as each department is brought in, overtime must be brought under control. So we started with the lab, very interesting. And, yeah, it's one thing to criticize. We offered some suggestions as to how that might be accomplished. And they will look into that.

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will have to be voted on today, I'm not sure of the procedure to do that, but tying in with both finance and security, we are asking today for the immediate elimination of the Sheriff Officers that patrol the inside of the plant. It's not necessary. Cameras are going up. It will save us three Sheriff's Officers' salaries.

The only question was, probably to George, we're on a month-to-month contract with the Sheriff's Department. So, we'll be asking later to vote on that. We don't know exactly when, to me it should be tomorrow. Maybe it can't be until next month because whatever that month-to-month contract with the Sheriff's Department. We absolutely determined that there's no need for the three Sheriff's Officers inside. We're still maintaining the one for the outside patrol and the suggestion was to specifically go back to the old method of patrolling randomly but checking all these facilities.

COMMISSIONER RODRIGUEZ: Can I ask? The outside patrol is the person that goes and checks our pump station and reservoirs?

COMMISSIONER KOLODZIEJ: Correct, correct. Yeah, exactly. And we have some other ideas that

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will be coming up.

COMMISSIONER RODRIGUEZ: That's a good  
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idea.

COMMISSIONER VANNOY: It appears there's 18 different sites, okay, that he goes around to outside.

COMMISSIONER KOLODZIEJ: Right now we need to maintain that, because he has police power. However, one of the suggestions is going back to the individual municipalities and asking if they would like to consider doing that job and how much. It helps the city and helps us. But that's a thought in the process.

COMMISSIONER RODRIGUEZ: Let me ask you a question. If you do, if you contract the city, Jim, you would probably know this. You have to contract with the PBA --

COMMISSIONER KOLODZIEJ: We don't know. Joe has said that was a draw back in the past.

COMMISSIONER RODRIGUEZ: That's what has to happen. What has to happen, because I've done these kind of programs before, and I think what happens, outside of the regular work schedule, because, of course, the unions and the contract.

COMMISSIONER KOLODZIEJ: Exactly.

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COMMISSIONER RODRIGUEZ: I think this happened in North Arlington when we were doing repairs.

PRESIDENT DeVITA: It happens all over.

COMMISSIONER RODRIGUEZ: I had this issue with PSE&G.

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PRESIDENT DeVITA: They have an outrageous hourly rate.

COMMISSIONER KOLODZIEJ: What about the Sheriff's Department, are they outrageous?

COMMISSIONER RODRIGUEZ: I'm saying this has to be done through the PBA.

COMMISSIONER KOLODZIEJ: We know that. We know that and it's just a thought in process.

MR. HANLEY: With all due respect, because of the month-to-month contract, we certainly have a right to renegotiate. I would suggest you can authorize it today. I would suggest doing it by way of a 30-day notice being it's month-to-month.

Secondly, it would my strong recommendation not to contact the PBA.

With respect to the County, we should negotiate with the County, because that's who the contract actually is with. It's not really with the Sheriff Department.

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As you recall, we went through various steps of negotiations on that. It's up to the County or whoever the municipality is to go to the PBA and work that out. We don't have an agreement with those collective bargaining.

COMMISSIONER KOLODZIEJ: So, George, what you're saying is, we can go right back to the County and tell them immediately we do not need those three people?

MR. HANLEY: I would recommend 30 days.

COMMISSIONER KOLODZIEJ: All right.

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Thirty days those are going to be gone but the ones that we are continuing, I would like this group to give the committee a chance to continue on a month-to-month basis with the others. It's quite obvious to us that we need somebody, when they see something wrong, immediately to arrest, not to detain and wait until you call somebody.

PRESIDENT DEVITA: Can I make a suggestion, too? Whatever motion we pass, let's make it subject to George making sure that under the contract we have the right to do.

COMMISSIONER KOLODZIEJ: That's exactly what he said. Thirty days notice on the three and negotiate for the other three that we have.

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PRESIDENT DEVITA: If it's more, whatever it may be.

MR. HANLEY: The other thing is if I can have someone, whoever is appropriate, give me the details of the program as you revise them.

COMMISSIONER KOLODZIEJ: Joe, you were there. He wants the detail of the program.

So we're eliminating the three inside guys. So, the rest of the program and what we want to be sure George includes is the patrol schedule that we used to have that is not being done now.

So, that's what we want to have whatever cost their going to give us.

MR. BELLA: Yes.

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COMMISSIONER VANNOY: Something that we, that I thought about, I guess, after we left.

Joe, is there a specific time that deliveries are made to the plant?

MR. BELLA: For the most part, yes. I mean, generally they're within a fairly narrow window during the workday. During peak times, there's deliveries and truck haulings and things like that greatly expand, sometimes around the clock, seven days a week. It depends on what's

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going on.

COMMISSIONER VANNOY: The reason I'm asking this is when we talked about the rotating shift, I know sometimes they would say that when somebody comes in, they don't check out one hundred percent, the Sheriff's Officer is there. So if we can kind of tailor out --

COMMISSIONER KOLODZIEJ: That's the plan that George asked for, right.

PRESIDENT DeVITA: So, Joe, you'll give that to George?

COMMISSIONER BAZIAN: Mr. President, if I may? I got to backtrack on one quick issue and then I'll get into some questions for our CFO.

Our CFO just showed me that indeed the web site has been updated and the meeting information is now on that page. That must have happened between when I checked it yesterday and this morning. So the web site is, what we want up there is done.

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PRESIDENT DeVITA: Great.

COMMISSIONER BAZIAN: So scratch everything I said before.

Now, with regards to the audit. Mr. Weiss, do we have any clue what will be in the

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management letter? Any issues?

MR. WEISS: No, not yet. Not yet.

COMMISSIONER BAZIAN: I notice in terms of the financial --

MR. WEISS: I was told, by the way, that some of the issues we had from last year they said for sure were going to be taken out because they were addressed. I'm not sure exactly.

COMMISSIONER BAZIAN: You'll come to the finance committee as soon as you have it?

MR. WEISS: Sure.

COMMISSIONER BAZIAN: I notice from the financial statements, first of all, we have January and February?

MR. WEISS: Yes.

COMMISSIONER BAZIAN: How long does it take to produce the statements? Is it possible, I mean, we're April 13th.

MR. WEISS: We usually don't have all our accruals until the middle of the month.

COMMISSIONER BAZIAN: I note just looking at the statements, which I realize are in pro forma format. So our net income or loss, which is, of course, the wrong term for us, has been

negative for the last two months. Is that normal

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for January and February?

MR. WEISS: Yes. The reason why it shows that way is because we have year end accruals. We accrue our revenues annually. We don't accrue them on a month-to-month basis.

COMMISSIONER BAZIAN: We accrue our revenues annually?

MR. WEISS: Yeah. At the end of the year we do an accrual for our collections. We don't do it on a month-to-month basis. When we asked the auditors, this was years ago, we used to calculate this on a month-to-month basis. There's absolutely no reason for it. So it adjusts itself out throughout the year.

COMMISSIONER BAZIAN: Rather than doing this here, if you can bring this to finance committee and give us an explanation to finance committee of how this is. Because if I'm getting a financial statement that's showing income, I should be able to match it up. If I don't have the numbers here, it limits the utility of the report. Okay?

MR. WEISS: Okay.

COMMISSIONER RODRIGUEZ: Commissioner, if I may, since you are also the accounting

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professional and since we're talking about IT, I mean, how do we make these -- this is food for

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thought. You don't have to respond.

COMMISSIONER KOLODZIEJ: Exactly.

COMMISSIONER RODRIGUEZ: I've been hearing this for a year now and I know Yitz, Mr. Weiss, you know, went to get his CMFO to help, you know, help in his endeavor to put a budget for a public entity together. But the IT piece I don't think comes with the course. So maybe at some point the IT committee could look at how to make these reports, to a degree, you know, just a recommendation, to make it more legible and more friendly to us to understand. That's all.

COMMISSIONER BAZIAN: It is an excellent recommendation.

COMMISSIONER KOLODZIEJ: Please do it, just bring it back for us to look at it. It's being considered.

COMMISSIONER BAZIAN: We've been working on it.

COMMISSIONER KOLODZIEJ: He has been working on it because Commissioner Levine and I are way over our heads. But we're learning fast.

COMMISSIONER BAZIAN: And the only other

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question I have, Mr. Weiss, if you could. Is it possible on these financials to give us year to year comparison? 2011 versus 2010?

MR. WEISS: Not on these, but we can create some other kind.

COMMISSIONER BAZIAN: I think it would be

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very, very useful if I'm looking at numbers to be able to compare it to the prior years. I know that Joe gives us this in his Executive Director's report, but to have it in a simple report format just makes analysis a lot easier.

Thank you, very much Mr. President.

PRESIDENT DEVITA: Before we go on. Anybody else have any questions?

COMMISSIONER SANCHEZ: I have one.

If you're going to do that for the previous year, make it in a form that a seven year old can read it.

PRESIDENT DEVITA: You mean like us?

COMMISSIONER SANCHEZ: Like me, because I don't know the column and all the numbers. I cannot follow.

PRESIDENT DEVITA: I agree with you.

COMMISSIONER SANCHEZ: Just make it simple. I want to be able to understand.

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PRESIDENT DEVITA: Before we go, I was told there was a matter involving our finances and Brown & Brown is here to address us concerning us getting a rather substantial reimbursement for Medicare payments.

So we're okay doing this, George?

MR. HANLEY: In open?

PRESIDENT DEVITA: Yes.

MR. HANLEY: Yeah.

PRESIDENT DEVITA: Oh, yeah, open.

COMMISSIONER RODRIGUEZ: If they have a

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check, we're happy to accept it.

PRESIDENT DeVITA: Apparently, it's involving Medicare reimbursement. It's kind of involved, so let's here from them.

MR. HANLEY: This was brought by the risk manager.

PRESIDENT DeVITA: Gentlemen.

MR. FLETCHER: Tom Fletcher, Brown & Brown.

MR. FEUERSTEIN: David Feuerstein, Brown & Brown.

PRESIDENT DeVITA: You got the floor.

MR. FLETCHER: Jim asked us to come and discuss health care reform, retiree insurance.

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I'm sure you're all familiar with the health care reform under the Obama administration. They made a provision -- there's a provision that there are monies available to employers who offer benefits for early retirees between the ages of 55 and 65 -- 64, excuse me. So, anyway, you can get 80 cents on the dollar reimbursement for claims above a \$15,000 threshold up to a ceiling of \$90,000.

So, as you probably know, you have a sizable population that falls within that category of early retirees and we're hoping that it's going to be a substantial amount of monies that's going to be returned to the Commission for their services.

Now, the one thing that we do have hanging

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over our head, there's five billion dollars that's been appropriated by the government for this early retiree insurance program.

COMMISSIONER RODRIGUEZ: I'm sorry, excuse me, how much? Five billion?

MR. FLETCHER: Five billion.

And as you would imagine, that is just a drop in the bucket where we have a health care spent in the nation of over 300 trillion dollars.

So, David has passed out a handout here

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that kind of gives you an overview of the program and some frequently asked questions.

But the last couple of pages are some details that have been provided by Health and Human Services, who's the Administrator of this program, detailing what has been paid out by State so far.

And one of the good things, as we're all taxpayers here in the State of New Jersey, New Jersey is one of the largest benefactors of this program. However, the monies are drying up very, very quickly.

We did receive communication with Health and Human Services last week that they were no longer accepting new applicants into the program after May 8th of this year. The good thing is, however, that we have secured your application. It's been approved by the government. We did that around the holidays of last year. Now we're just waiting for some contractual documents to be

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executed and CIGNA will then begin providing us the data to upload us to the Health and Human Services to begin reimbursement on this.

We are applying for monies on a quarterly basis and we hope that it's going to be a

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significant amount of money. We all talked about health care here in the past, as you know that your employees are using the plan quite frequently and to the best of their abilities, and within that category of 54 -- excuse me -- 55 to age 64, those are probably your heaviest users. So, we hope that we are going to get a significant amount of money back.

COMMISSIONER RODRIGUEZ: I just want to go back to the early retirement benefit you were talking. Are you sharing with us that if someone decided to retire now? I mean, I'm not getting it. Maybe I just need to.

MR. FLETCHER: I need Jim's help or guidance on this.

COMMISSIONER RODRIGUEZ: Like, if we had an employee that is 55 and over and wanted to retire now, basically, what you're saying is that there's a benefit to us if they did so? I'm just asking.

MR. FLETCHER: No, no. That's not necessarily what I'm saying.

COMMISSIONER RODRIGUEZ: Okay.

MR. FLETCHER: As I understand it, maybe

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you can help me out.

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If you have 25 years of service in, you are eligible to retire from the Commission with full benefits.

COMMISSIONER RODRIGUEZ: Right.

MR. FLETCHER: So, when you retire, typically most retirees in the outside world wait until they're age 65 or over and they're Medicare primary and Medicare picks up the line share of those costs and if they have group coverage or supplemental coverage that supplements the Medicare coverage. However, if you're under age 65, if you're not disabled or anything like that, you're not eligible for Medicare. So the full burden of providing those benefits falls on the Water Commission. And so, because health care is such a huge expense to the Federal government and local governments here, they want to encourage employers to maintain those benefits for those employees and not close it down. So, by doing so, they're offering an incentive to the employers to continue to offer those benefits and what that is, claims above \$15,000, you're going to get eighty cents on the dollar up to a ceiling of \$90,000. So, it's \$75,000.

PRESIDENT DEVITA: Is there any down side

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in applying for this?

MR. FLETCHER: No.  
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PRESIDENT DeVITA: The only positive thing is that you get money back?

MR. FLETCHER: Exactly.

COMMISSIONER BAZIAN: Is that 90,000 per employee?

MR. FLETCHER: Yes. And also your dependents.

COMMISSIONER BAZIAN: So, if I have an employee, he's got a spouse and three kids and they're getting paid through retirement, 90,000 per?

MR. FLETCHER: No, they have to incur claims up to -- it's 80 percent of \$75,000.

PRESIDENT DeVITA: So you're getting reimbursement of 15 to a cap 90 up to 80 percent of whatever their bills.

MR. FLETCHER: The floor is 15, the ceiling is 90.

PRESIDENT DeVITA: We get a percentage of that?

MR. GALLAGHER: Commissioners, just so you understand, that population that Tom's talking about tend to be high end users in this category.

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So, this has a potential of being a real windfall, when I say, again, based on percentages. I mean, they tend to be people who are taking advantage of the system.

PRESIDENT DeVITA: All right. What do you need from us?

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MR. FLETCHER: There's a contract that's outstanding that needs to be executed and once we have that, CIGNA will begin collecting the data and CIGNA will also file directly to Health Agreement Services.

We populated the application, uploaded the eligibility and everything like that.

PRESIDENT DeVITA: So there's a contract we have to sign with the Federal government.

MR. FLETCHER: No, with CIGNA. And there's a small charge from CIGNA for the cost of --

COMMISSIONER RODRIGUEZ: What is that small cost?

MR. FLETCHER: Three thousand dollars.

PRESIDENT DeVITA: Total?

MR. FLETCHER: For the year. Again, next year, assuming there's still monies available --

COMMISSIONER RODRIGUEZ: This has to be

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done before May 8th?

MR. FLETCHER: No. They're not accepting new applications after May 8th. It's going to be shut down. You're ahead of the curve. We took care of that.

PRESIDENT DeVITA: So you need a contract to be signed?

MR. FLETCHER: Yes.

PRESIDENT DeVITA: Do we have this contract?

MR. FLETCHER: It is, I believe, in  
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attorney's --

PRESIDENT DeVITA: George, did you review it?

MR. GALLAGHER: I actually have copies Karen's printing up right now for distribution.

MR. HANLEY: I do have it. I reviewed it briefly. I didn't want to hold it up. I said put it on.

PRESIDENT DeVITA: Okay. Good.

MR. HANLEY: I probably have a few things to discuss in closed, but I will be recommending that it be --

PRESIDENT DeVITA: Okay. Great.

MR. FLETCHER: There's only one caveat to

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this, I don't think it's going to be a problem.

PRESIDENT DeVITA: Just one?

MR. FLETCHER: Yes. The monies you receive for the reimbursement need to be appropriated back to the Commission for health care related services. You're just going to use it to subsidize premiums or employee contributions or --

PRESIDENT DeVITA: As long as it's health care?

MR. FLETCHER: It can't go back to the general ledger. It has to go towards health care related.

PRESIDENT DeVITA: That's good.

COMMISSIONER BAZIAN: Do we have any

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reasonable expectation of about how much money is out there to us? Any guess-estimate?

MR. FLETCHER: I don't want to commit to it. If I can give you a range. You probably are looking on the south side of \$100,000 plus. On the north side, could be half million dollars.

PRESIDENT DEVITA: So it's more than the 3,000 it's going to cost us?

MR. FLETCHER: You're going to get an ROI as they say.

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PRESIDENT DEVITA: The only restriction, as I understand, is that we must use whatever reimbursement or refund for health care?

MR. FLETCHER: If you use that to subsidize premiums or whatever. There has to be a --

COMMISSIONER VANNOY: We're going to use it anyway.

MR. FLETCHER: There has to be some sort of a line that shows. And I will tell you something, you will get audited. They will do a hundred percent audit on all these cases.

MR. HANLEY: Just to reinforce that. Having dealt with many Federal reimbursement programs, you should assume you will be audited and that's why you need to keep good records about what you did with the money, because it could happen 15 years from now.

PRESIDENT DEVITA: Okay. No problem.

COMMISSIONER BAZIAN: Do we need to vote  
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on this contract?

PRESIDENT DEVITA: well, you know what, George said he has comments to make in closed.

COMMISSIONER BAZIAN: I understand that. Is this going to be a motion and a vote in this

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meeting?

PRESIDENT DEVITA: Yes. I assume so. I think that's what we need, correct?

MR. GALLAGHER: Yes.

COMMISSIONER BAZIAN: Thank you.

MR. AMODIO: You have a Resolution for that?

MR. GALLAGHER: I handed out the Resolution. You have a copy of the Resolution. You have a copy. That's the one that George has a copy of.

Again, this has been done on a relatively short timetable because of a number of logistics, but everything is in there.

PRESIDENT DEVITA: Do we need anything right this second?

MR. FLETCHER: We would hope that, you know, the sooner the better to get that contract executed just because I'm very nervous that these monies are going to dry up. I'm confident, though, however, for 2010 and for 2011 it should be okay. But when we get towards the end of 2011, we can run into some problems. It's just going to take a couple large employers.

PRESIDENT DeVITA: So we'll discuss the

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contract, the Resolution, and we can vote on it today, correct?

MR. HANLEY: I don't think, to my knowledge, there's no written Resolution, but I will do one verbally and we can memorialize it, if you want.

COMMISSIONER KOLODZIEJ: Yes.

PRESIDENT DeVITA: There's some urgency involved?

MR. FLETCHER: You have a neighboring County here that we do work with that we filed for three months in 2010 and that was \$390,000. So there's significant monies.

COMMISSIONER RODRIGUEZ: That's not going to be applied to my tax bill? Let's get on this right now.

MR. GALLAGHER: Commissioner, just to let you know. Tom needs to leave. I don't know if David is staying or not.

COMMISSIONER RODRIGUEZ: We're going to take care of this today.

COMMISSIONER KOLODZIEJ: George needs to draw us something.

MR. GALLAGHER: I'm just saying if there's any other questions.

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PRESIDENT DeVITA: We don't have a Resolution. You just need the contract signed.

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COMMISSIONER RODRIGUEZ: We can give that to them.

MR. HANLEY: Authorize the execution of this agreement with a verbal Resolution.

COMMISSIONER KOLODZIEJ: So moved.

COMMISSIONER VANNOY: Second.

COMMISSIONER BAZIAN: Question.

There was going to be some comments in closed section?

PRESIDENT DeVITA: Do you want to wait before we vote?

MR. HANLEY: Nothing I'm going to say from my point of view is going to cause you not to vote affirmatively.

PRESIDENT DeVITA: So we can vote on it?

MR. HANLEY: Unless you have other reservations. From my point of view, I'm going to recommend.

COMMISSIONER BAZIAN: So, in other words, what you're saying is the comments you're going to make in closed session are irrelevant?

For the record, that was a joke.

COMMISSIONER RODRIGUEZ: I mean, it is.

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Why -- Mr. President, if I may?

PRESIDENT DeVITA: There's a motion and second.

COMMISSIONER RODRIGUEZ: Who made a motion?

COMMISSIONER KOLODZIEJ: I made the

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motion.

COMMISSIONER VANNOY: I seconded.

COMMISSIONER RODRIGUEZ: Okay. All right.  
No problem then.

PRESIDENT DeVITA: Let's vote.

MR. AMODIO: Motion to accept the Early Retirement Agreement. Resolution to accept the Early Retirement Reimbursement Program Agreement, right, counsel?

MR. HANLEY: You're authorizing the agreement, which is in front of you, to authorize you to enter into the program as described to you by Mr. Fletcher as being incorporated in this written document you have in front of you, which refers to the early Retirement Reimbursement Program pursuant to the Health Care Reform Act.

PRESIDENT DeVITA: Okay. Motion and second.

Any discussion?

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MR. AMODIO: Roll call.

(Roll call was taken, all Commissioners present respond in the affirmative)

MR. FLETCHER: Thank you, everybody.

PRESIDENT DeVITA: Are we going into closed?

MR. AMODIO: Can I have a motion?

COMMISSIONER KOLODZIEJ: So moved.

COMMISSIONER VANNOY: I second that.

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MR. AMODIO: Moved by Commissioner Kolodziej.

Second by Commissioner Vannoy.

Pursuant to the Open Public Meetings Act, Commissioner Kolodziej offers the following Resolution for adoption:

WHEREAS, Section 8 of the Open Public Meetings Act permits the exclusion of the public from meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Passaic Valley Water Commission:

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1. That the public shall be excluded from the discussion of the hereinafter specified subject matters; the general nature of the subject matters being: Financial, Insurance, Personnel, Contracts, Security, Various Litigation; Delford Gardens, Incorporated v. PVWC. Prismatic and Leopold. Lodi v. PVWC. North Arlington v. PVWC. Shadow Government.

MR. HANLEY: Legislation.

MR. AMODIO: In the matter of Sills, Cummis, Radin, Tischman, Epstein & Gross: Agreement. Summary/Aging Reports. Personnel; New Hire --

MR. HANLEY: Before you finish, Lou, the law list, could we add DOT negotiations on

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Route 46 Great Notch.

PRESIDENT DeVITA: That's ongoing, right, George?

MR. HANLEY: Yes. Just an update.

MR. AMODIO: Update. Okay.

Also, are you going to discuss the Early Retirement Medicare Program, George?

MR. HANLEY: Yes, thank you.

MR. AMODIO: Also under Law.

Back to Personnel. Javier Valez -

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Laborer. Changes in Point View Fishing Program. Summer Help Program. Appointment: Ester Gluck. Title Change: Charles Poyssick. Employment Status: Edward Benoit. Administration; Shutoff Policy. Delinquent Accounts. And any other matter may be discussed in camera.

MR. BELLA: Can we go back to security in closed session?

MR. AMODIO: And security under Administration.

COMMISSIONER KOLODZIEJ: Can I just ask a question?

260 Gregory Avenue, are we addressing that at all? Some people made a decision last time but it was contingent on getting back to the City of Passaic. Are we going to get an update on where we stand on that?

MR. HANLEY: I don't have anything new.

COMMISSIONER KOLODZIEJ: All right. So it's still --

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MR. HANLEY: Ongoing.

COMMISSIONER KOLODZIEJ: Fine. Fine.

That's okay.

PRESIDENT DeVITA: We may discuss that under Administration.

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COMMISSIONER KOLODZIEJ: That's why -- I didn't know. We have the ability to do that.

MR. AMODIO: 2. It is anticipated at this time that the above-stated subject matters will be ratified during public meeting following or soon thereafter as the reason for discussion no longer exists.

3. This Resolution shall take effect immediately.

Second by Commissioner Vannoy.

On the roll.

(Roll call was taken, all Commissioners present respond in the affirmative)

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MR. AMODIO: The time is 12:06.

You have a quorum.

And we're going to Consent Agenda.

The minutes of the PVWC in camera and Regular Public Meeting of March 23rd, 2011. I believe Commissioner DeVita has --

PRESIDENT DeVITA: I just had one

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correction on page 27 in the minutes. I had left the room speaking of the Hovnanian because I had a conflict and I think on page 27 it mentions that I asked a question or said something. If I could just be deleted there because I wasn't there.

MR. AMODIO: It was actually Commissioner Bazian.

COMMISSIONER SANCHEZ: Can we do anything now?

PRESIDENT DeVITA: I can't talk about it.

COMMISSIONER SANCHEZ: I'd like to see if we can get it done now.

what happened was, they came back --

MR. AMODIO: Hold on. Hold on. Let's finish the minutes.

PRESIDENT DeVITA: Yeah, let's finish what we're doing first.

MR. AMODIO: We'll make the changes of the minutes, page 27 change it to Commissioner Bazian.

PRESIDENT DeVITA: Thank you.

MR. AMODIO: Do I have a motion?

COMMISSIONER BAZIAN: Mr. President, just a quick minor change. Several times the term Google Docs is in here. It's two words, not one. It should be changed.

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MR. AMODIO: Very good. We'll change it.

Do I have a motion?

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COMMISSIONER KOLODZIEJ: Moved.

COMMISSIONER VANNOY: Second.

(Roll call was taken, all Commissioners respond in the affirmative)

MR. AMODIO: Does the Chair, accept, receive, and file miscellaneous purchase orders by Linda Beckering, Purchasing Agent, for the period of March 14th, 2011 to April 13th, 2011?

PRESIDENT DeVITA: Yes.

MR. AMODIO: Thank you.

Commissioner Sanchez.

COMMISSIONER SANCHEZ: Tom, can you stay for this discussion or no?

What happened was Hovnanian came in. They have the gate open from 7:00 to 5:00 -- 7:00 to 7:00.

MR. AMODIO: Commissioner DeVita is leaving the room.

(Whereupon, President DeVita has recused himself from the discussion and has left the

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room.)

COMMISSIONER SANCHEZ: They want to extend it 6:00 to 11:00. I put it to Joe and everybody here. I think it can be 6:00 to 10:00.

I would like to make a motion to make that

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happen.

COMMISSIONER KOLODZIEJ: Second.  
Legal will take a look.

MR. AMODIO: On the roll.

(Roll call was taken, all Commissioners  
respond in the affirmative, Commissioner Levine  
having abstained)

COMMISSIONER LEVINE: Abstain.

MR. AMODIO: That will be from 6:00 to  
10:00.

(Whereupon, President DeVita resumes the  
Chair)

MR. AMODIO: Request for Action.

Contract #11-B-13 "Furnish and Install  
Line Stops." The recommendation here is to reject

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and rebid.

COMMISSIONER RODRIGUEZ: So move.

COMMISSIONER KOLODZIEJ: Second.

MR. AMODIO: On the roll.

COMMISSIONER BAZIAN: I'm sorry, what's  
the motion?

MR. AMODIO: Motion to reject and rebid  
Contract #11-B-13.

(Roll call was taken, all Commissioners  
respond in the affirmative)

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MR. AMODIO: Motion approved.

Okay.

Next will be Professional Special Legal Services for complex litigation, services, contracts, regulatory, legislative, contracts and policy and related matters, recommendation to award to Sills, Cummis, Radin, Tischman, Epstein & Gross.

COMMISSIONER BAZIAN: I have a quick question on this.

MR. AMODIO: Question.

COMMISSIONER BAZIAN: My understanding is that this contract is only to continue ongoing

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existing matters?

COMMISSIONER KOLODZIEJ: Correct.

PRESIDENT DeVITA: To continue their ongoing representation on current matters.

COMMISSIONER BAZIAN: In current matters. That's not the way I read the Resolution, Mr. President.

PRESIDENT DeVITA: Then we'll have to change it.

MR. HANLEY: That provision will be made.

PRESIDENT DeVITA: we'll make that change.

MR. AMODIO: with that provision made, any further discussion?

COMMISSIONER KOLODZIEJ: Move it.

COMMISSIONER VANNOY: Second.

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MR. AMODIO: On the roll.

(Roll call was taken, all Commissioners  
respond in the affirmative)

MR. AMODIO: Motion approved.

Next will be Contract #11-B-14 (Rebid)  
"Furnish and Deliver Cargo Van." The  
recommendation to award to North Jersey Truck  
Center of Saddle Brook, New Jersey in the amount

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of \$50,825.

Discussion.

COMMISSIONER LEVINE: I'll move it.

COMMISSIONER KOLODZIEJ: Second.

PRESIDENT DeVITA: Question. How come we  
only got one bid on a truck?

COMMISSIONER LEVINE: It was a custom  
truck with special shelves and tool holders.

COMMISSIONER KOLODZIEJ: He researched it.

COMMISSIONER LEVINE: Only one company  
makes it.

PRESIDENT DeVITA: What kind of a truck is  
it?

COMMISSIONER LEVINE: It's a sprinter  
truck. It has to be custom made.

COMMISSIONER VANNOY: I'm going into that  
business.

PRESIDENT DeVITA: Okay.

MR. AMODIO: Okay. On the roll.

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(Roll call was taken, all Commissioners respond in the affirmative)

MR. AMODIO: Thank you.

Motion approved.

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MR. HANLEY: Just for the record, that was the second solicitation.

PRESIDENT DeVITA: We still only got one bid.

MR. AMODIO: Moving on.

Contract #11-B-2 -- I'm sorry. This one here is going to be rejected because there is a bid protest.

MR. HANLEY: No, no. It's not going to be rejected. There is a bid protest filed and we will hold a hearing.

MR. AMODIO: It's on hold.

COMMISSIONER VANNOY: What number is that?

MR. AMODIO: Number eight.

COMMISSIONER KOLODZIEJ: Finance discussed this.

MR. AMODIO: They were sent out, Commissioner Rodriguez.

COMMISSIONER KOLODZIEJ: Will you notify me, please, Mr. Hanley when this hearing will be held. I like to be here for those.

MR. DUPREY: Tuesday, May 10th, 10:00.

MR. AMODIO: Number nine, Annual Summer Help Program is tabled.

Project No. 11-P-34, "Professional Engineering Services for Energy Optimization and Procurement."

COMMISSIONER RODRIGUEZ: So moved.

COMMISSIONER SANCHEZ: Second.

MR. AMODIO: On the roll.

COMMISSIONER BAZIAN: This was a low bid?

MR. AMODIO: No. This is a professional service.

COMMISSIONER RODRIGUEZ: These are professional services.

MR. AMODIO: They're RFPS.

COMMISSIONER RODRIGUEZ: RFQs.

MR. AMODIO: I'm sorry. I apologize.

COMMISSIONER RODRIGUEZ: They're not bids. They're RFQs and RFPS.

MR. AMODIO: Any further questions, Commissioner Bazian?

COMMISSIONER BAZIAN: Abstain.

MR. HANLEY: These are all pay-to-play. They come earlier because they had to be.

(Roll call was taken, all Commissioners respond in the affirmative, Commissioner Bazian having abstained)

MR. AMODIO: Motion approved.

Moving along.

We have Resolution Awarding Project No.  
Page 60

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11-P-41, "Professional Services for Point View Bridge Rehabilitation to Remington, Vernick and Arango of Secaucus with reimbursement to be on a take and pay, time and material basis, not-to-exceed 74,900.

COMMISSIONER RODRIGUEZ: So moved.

COMMISSIONER KOLODZIEJ: Second.

MR. AMODIO: On the roll.

COMMISSIONER BAZIAN: Abstain.

(Roll call was taken, all Commissioners respond in the affirmative, Commissioner Bazian having abstained)

PRESIDENT DEVITA: Yes. In reviewing the explanation from Engineering, they were not the low bidder but they were high on the point system, yes.

MR. AMODIO: Next will be a Resolution Awarding Project No. 11-P-42 "Professional Engineering Services for Regulatory Compliance-PVWC's Dams." Recommendation to award

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to French and Parrello Associates of Wall, New Jersey with a reimbursement to be on a take and play, time material basis, not-to-exceed \$86,980.

COMMISSIONER RODRIGUEZ: So move.

COMMISSIONER KOLODZIEJ: Second.

MR. AMODIO: On the roll.

COMMISSIONER BAZIAN: Abstain.

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(Roll call was taken, all Commissioners respond in the affirmative, Commissioner Bazian having abstained)

PRESIDENT DeVITA: Yes. Lowest bidder proposal.

MR. AMODIO: Motion approved.

Next will be Summary of Disbursements and Payrolls through March 11, 2011 in the amount of \$2,450,501.34 -- make that April 13th, 2011; \$2,450,501.34.

Treasurer make a motion?

COMMISSIONER LEVINE: Make a motion.

COMMISSIONER BAZIAN: Second.

MR. AMODIO: On the roll.

(Roll call was taken, all Commissioners

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respond in the affirmative)

PRESIDENT DeVITA: Yes, except I abstain on Rachles Michelle.

MR. AMODIO: Next will be recommendation from Closed Session.

We have New Hire, Javier Valez - Laborer/TA.

Proposed Salary: \$30,000.

Proposed Range: \$16,315 to \$54,214.

Do I have a motion?

COMMISSIONER RODRIGUEZ: So move.

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COMMISSIONER SANCHEZ: Second.

MR. AMODIO: On the roll.

(Roll call was taken, all Commissioners respond in the affirmative)

COMMISSIONER KOLODZIEJ: Just a clarification, yes, but Personnel will be looking into our summer help internship policy that's why he got a yes today.

MR. AMODIO: Motion approved.

Next will be the appointment of Ester Gluck - Senior Accountant.

Permanent Status.

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Civil Service Certification List.

No change in salary.

COMMISSIONER KOLODZIEJ: Move.

COMMISSIONER RODRIGUEZ: Second.

MR. AMODIO: On the roll.

(Roll call was taken, all Commissioners respond in the affirmative)

COMMISSIONER SANCHEZ: Can we do everything at once?

MR. AMODIO: well, there's only one more left.

PRESIDENT DeVITA: So the answer is yes.

MR. AMODIO: The answer is yes.

The Next will be Title Change for Charles

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Poyssick from Assistant Water Treatment Plant  
Operator/TA to Lab Tech Water Analysis/TA.

No change in salary.

Proposed Salary Range: \$25,000 to  
\$57,616.

Motion.

COMMISSIONER KOLODZIEJ: Move.

COMMISSIONER RODRIGUEZ: Second.

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(Roll call was taken, all Commissioners  
respond in the affirmative, Commissioner Levine  
having abstained)

COMMISSIONER LEVINE: Let me ask you a  
question, Lou. Did we vote on the hire before  
that?

MR. AMODIO: Yes.

COMMISSIONER LEVINE: Abstain me for that  
one because I wasn't here for the discussion. I  
was talking on all the hires.

MR. AMODIO: I abstained you on both.

Next will be the Resolution. I'll read  
it, for Ed Benoit.

MR. HANLEY: Why don't you let Alan?

MR. AMODIO: Mr. Genitempo, if you would,  
please.

MR. GENITEMPO: I apologize, it's not in  
great detail. I just wrote it.

Resolution.

"WHEREAS, the Commission has been advised  
that Edward Benoit was a provisional appointment

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as Management Specialist as of February 1, 2010,  
and

WHEREAS, the Commission has been advised

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that a Civil Service test was taken by Mr. Benoit  
for a permanent appointment to the position of  
Management Specialist, and

WHEREAS, the Commission has been advised  
that Mr. Benoit ranked number 15 on the list,  
which has ultimately been certified by the Civil  
Service Commission, and as a result, thereof, Mr.  
Benoit is ineligible to remain in the position of  
Management Specialist, and

WHEREAS, the Commission to remain  
compliance with NJAC 4A:10-2.1, is mandated to  
remove Mr. Benoit from the position of Management  
Specialist, and

WHEREAS, the Commission has determined  
that it was appropriate to eliminate the position  
by petitioning the Civil Service Commission to  
permit the elimination of the position.

BE IT RESOLVED, that effective on the very  
last day by which the Commission is required to so  
act, the employment of Edward Benoit as Management  
Specialist will be terminated.

AND BE IT FURTHER RESOLVED, that effective  
on the very last day by which the Commission is  
required to act, the Commission will petition the  
Civil Service Commission to eliminate the position

of Management Specialist until such time as the Commission decides to fill the position from the Certified list.

MR. AMODIO: Discussion?

Motion.

COMMISSIONER VANNOY: So move.

COMMISSIONER KOLODZIEJ: Second.

MR. AMODIO: On the roll.

(Roll call was taken, all Commissioners respond in the affirmative, Commissioner Levine having abstained)

COMMISSIONER RODRIGUEZ: Yes, and if we are going to eliminate the position, I'm going to ask, when the time comes, that we ask the Civil Service Commission to waive the fee.

COMMISSIONER LEVINE: I wasn't here for the discussion. Abstain.

MR. AMODIO: Motion approved.

Anything under committee reports?

COMMISSIONER KOLODZIEJ: People, policy, we did the hard one, the equipment policy, which will come back to us.

The other three are no brainers.

Next meeting, Mr. Chairman, can we move these three first? They're no brainers.

Second, B and C just gives the Chair additional power. Right now Commissioner

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Rodriguez pointed out, when it's convenient, we do things this way. When it's not convenient, we don't. This strengthens the Chair, Robert's Rules of Order.

And the agenda listing would be every Commissioner needs to go through the Chair, not directly through to our employees.

That's all it is.

Rotating presidency, Commissioner Vannoy asked for it back. We used to have it. We didn't have it and now we're just --

COMMISSIONER SANCHEZ: That's something we're going to discuss, right?

COMMISSIONER KOLODZIEJ: Exactly. I want it first on the list because I'm tired of carrying this. Either it's done or not and we can move on to other things. That's my concern.

MR. AMODIO: I have nothing under Good and Welfare.

COMMISSIONER VANNOY: I'm sorry. What was the one about going to the Chair?

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COMMISSIONER KOLODZIEJ: Putting things on the agenda. We always go through the Chair. Apparently, some Commissioners try to go directly to the employees --

COMMISSIONER SANCHEZ: Well, if he doesn't take phone calls.

COMMISSIONER KOLODZIEJ: Exactly.

MR. AMODIO: I have nothing under Good and

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welfare.

PRESIDENT DeVITA: Meeting adjourned.

Next meeting, May 3rd.

MR. AMODIO: Tuesday, May 3rd, 9:30 a.m.

The time is 12:22.

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