

PASSAIC VALLEY WATER COMMISSION SPECIAL MEETING OF

JUNE 15, 2016

(OPEN SESSION)

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

RIGO SANCHEZ, President

GLORIA KOLODZIEJ, Vice President

GERALD G. FRIEND, Treasurer (Absent)

CHRYSTAL A. CLEAVES, Secretary (Absent)

DAVID BLUMENTHAL

JEFFREY LEVINE

ROBERT L. VANNOY

A L S O P R E S E N T :

JOSEPH A. BELLA, Executive Director

GEORGE T. HANLEY, Counsel

YAACOV BRISMAN, Assistant Counsel

JAMES G. DUPREY, Director of Engineering

YITZ WEISS, Comptroller

LOUIS AMODIO, Administrative Secretary

1 MR. AMODIO: On the roll.

2

3 (Roll call was taken, all Commissioners
4 present respond in the affirmative. Commissioner
5 Cleaves is absent. Commissioner Kolodziej is not
6 present yet. Commissioner Friend is not present
7 yet)

8

9 MR. AMODIO: The time is 11:09 a.m.

10 You have a quorum.

11 All of the requirements of the Open Public
12 Meetings Act have been met. Notices have been
13 furnished to all Commissioners; City Clerks of
14 Paterson, Passaic, and Clifton; North Jersey
15 Herald News; The Record - Passaic County edition
16 and the Commission's Executive Staff with a copy
17 posted at the main bulletin board at the Clifton
18 facility.

19 Will you please rise.

20 Commissioner Vannoy.

21

22 (PLEDGE OF ALLEGIANCE)

23

24 MR. AMODIO: Commissioner Friend will be
25 here by 11:30.

1 PRESIDENT SANCHEZ: Do we have to do this
2 one by one?

3 MR. AMODIO: If you'd like to go into
4 closed session and discuss them?

5 PRESIDENT SANCHEZ: Do we need to? We can
6 do it.

7 MR. AMODIO: We'll do it in public then.
8 The only thing, if you notice there are
9 recommendations. Everyone has a list. So if
10 you'd like to go through them one at a time and
11 then if we're in agreement, we can do one vote.

12 PRESIDENT SANCHEZ: Okay. Do me a favor,
13 you want a precise recommendation and then we'll
14 do one vote, Lou, if we agree?

15 MR. AMODIO: Okay. We can do that, right,
16 Counsel?

17 Project 16-P-1, Professional Services For
18 Reviews Or Proposed Land Use and Related Matters.

19 The recommendation is to award to Johnson
20 & Johnson, Esqs., \$190 per hour.

21 PRESIDENT SANCHEZ: Okay.

22 COMMISSIONER LEVINE: That's fine.

23 MR. AMODIO: Project 16-P-2, Professional
24 Services (New Jersey Licensed Title Company) for
25 Title Searches and Related Matters.

1 the primary and Sterling DiSanto & Associates, LLC
2 for conflicts only. That is \$190 per hour.

3 Agreed?

4 COMMISSIONER VANNOY: Agreed.

5 COMMISSIONER LEVINE: Agreed.

6 MR. AMODIO: Project 16-P-5, Professional
7 Bond Counsel Services.

8 Recommendation is to award to Gluck,
9 Walrath at \$210 an hour.

10 Agreed?

11 PRESIDENT SANCHEZ: Agreed.

12
13 (Commissioner Kolodziej is present at
14 11:10 a.m.)

15
16 MR. AMODIO: Next, Project 16-P-6,
17 Professional Services For Arbitrage Calculation,
18 Including Post-Issuance Tax Law Compliance.

19 Recommendation to award to PFM Asset
20 Management, LLC at \$280 per hour.

21 COMMISSIONER VANNOY: Agreed.

22 COMMISSIONER LEVINE: Agreed.

23 MR. AMODIO: Project 16-P-7, Professional
24 Services For Financial Advisor.

25 Recommendation to award to NW Financial

1 Group, LLC price to be determined.

2 COMMISSIONER VANNOY: Agreed.

3 MR. AMODIO: Thank you.

4 Next project is 16-P-10, Professional
5 Services Related to Loss Prevention, Insurance,
6 Personal Injury, Defense and Related Matters.

7 The recommendations are Dwyer, Connell,
8 Lisbona; Welt & Kuzemczak, LLC; Law Office of
9 James Fine; and Buglione, Hutton & DeYoe at \$190
10 per hour.

11 Agreed?

12 COMMISSIONER LEVINE: Agreed.

13 COMMISSIONER VANNOY: Agreed.

14 MR. AMODIO: 16-P-13, Professional Legal
15 Services For Bankruptcy and Related Matters.

16 The recommendation is to award to Pashman
17 Stein, A Professional Corporation.

18 Agreed?

19 COMMISSIONER LEVINE: Fine.

20 COMMISSIONER VANNOY: Agreed.

21 MR. AMODIO: Project 16-P-16, Professional
22 Legal Services Related to Employment Law/Personnel
23 Issues and Other Related or Miscellaneous Legal
24 Matters. The recommendation is to award to Del
25 Sardo & Montanari, LLC; Piro, Zinna, Cifelli,

1 Paris & Genitempo, LLC; and Schwartz Simon
2 Edelstein & Celso, LLC.

3 Agreed?

4 COMMISSIONER VANNOY: Agreed.

5 MR. AMODIO: Thank you.

6 Next we have Project 16-P-17, Professional
7 Legal Services Related to Compensation Law and
8 Related Matters.

9 The recommendation is to award to Leitner,
10 Tort, DeFazio, Leitner & Brause, PC.

11 Agreed?

12 PRESIDENT SANCHEZ: Yes.

13 MR. AMODIO: Next is Project 16-P-18,
14 Special Counsel Services For Litigation, Contracts
15 and Regulatory, Legislative and Policy Matters.

16 The recommendation is to award to Del
17 Sardo & Montanari, LLC; Weber Dowd Law, LLC; and
18 Sills, Cummis & Gross, LLC.

19 I'm sorry, both of those projects are
20 \$190.

21 COMMISSIONER LEVINE: Which one is this
22 one?

23 MR. AMODIO: 18.

24 COMMISSIONER LEVINE: Can we add Schwartz,
25 Simon, Edelstein?

1 MR. AMODIO: If everyone agrees.

2 PRESIDENT SANCHEZ: I don't have a
3 problem.

4 COMMISSIONER KOLODZIEJ: I have a problem.
5 This is a rotation basis?

6 COMMISSIONER LEVINE: I'm sorry, I thought
7 it was for a different use.

8 COMMISSIONER KOLODZIEJ: If it's for a
9 different use, I'm in favor. But if it's not --

10 COMMISSIONER LEVINE: I thought it was --

11 COMMISSIONER KOLODZIEJ: Exactly. All
12 right. So with the explanation that's been given
13 that this is for specialized legal services...

14 COMMISSIONER VANNOY: Take them off.

15 COMMISSIONER KOLODZIEJ: I would put them
16 on. I just don't want to see the --

17 COMMISSIONER LEVINE: No, no, I agree.
18 Then the list becomes so long. I thought it was
19 for specialized.

20 COMMISSIONER KOLODZIEJ: Right, if it's
21 specialized --

22 MR. HANLEY: In this area it's sort of
23 both. Some, depending on what the issue is, most
24 of these firms could probably handle a certain
25 percentage. Other things that are specialties

1 like with Nowell, Amoroso on the Dial Corp. Spill
2 Act.

3 COMMISSIONER LEVINE: Is this a rotation,
4 George, where you get one or two --

5 MR. HANLEY: Like I say, I can't answer it
6 that simplistically. With personal injury, yes.
7 With this, it depends on what the case is about.
8 If it's something that any of them can handle,
9 yes, there will be a rotation. If it's something
10 where there's a specialty, like I'm using the
11 example of the Spill Act, it's going to be Nowell
12 Amoroso, because they handle that. But generally,
13 yes.

14 PRESIDENT SANCHEZ: What is your position,
15 Commissioner?

16 COMMISSIONER KOLODZIEJ: Well, if George
17 is saying he needs a specialized attorney to call
18 on and this is one of the specialized attorneys he
19 would call on --

20 COMMISSIONER LEVINE: Can we do it not on
21 the rotation, just use them as specialized.

22 COMMISSIONER KOLODZIEJ: I'm fine with
23 that.

24 COMMISSIONER LEVINE: Not in the rotation,
25 just at George's hand if he needs it.

1 COMMISSIONER KOLODZIEJ: Perfect.

2 Perfect.

3 MR. AMODIO: Add Schwartz --

4 COMMISSIONER LEVINE: Not in the rotation.

5 MR. HANLEY: Excuse me, I didn't hear

6 Nowell, Amoroso. I'd like to include them.

7 MR. AMODIO: It wasn't put as a

8 recommendation.

9 MR. HANLEY: It doesn't exclude anybody

10 else that -- -

11 COMMISSIONER LEVINE: You want to use them

12 in the rotation or is that just a specialty?

13 MR. AMODIO: Add Nowell, Amoroso.

14 MR. HANLEY: Excuse me, if it's a Spill

15 Act case, no, it's not going to be a rotation if I

16 have anything to say about it. It's going to be

17 Nowell, Amoroso. But there are many, many things

18 here.

19 PRESIDENT SANCHEZ: Okay. George, we got

20 it.

21 COMMISSIONER KOLODZIEJ: So it's the same

22 caveat because we've been through this year after

23 year after year? The bottom line with the caveat

24 that you may need those specialized attorneys.

25 MR. HANLEY: Exactly.

1 COMMISSIONER KOLODZIEJ: So they're not in
2 the rotation, but they're on the list to call
3 upon.

4 COMMISSIONER LEVINE: That's fair enough.
5 That's what I want.

6 COMMISSIONER KOLODZIEJ: And that's both
7 firms.

8 COMMISSIONER LEVINE: Right. I'd rather
9 have the people --

10 MR. HANLEY: So can I hear the roster on
11 that one again, please.

12 MR. AMODIO: Okay. This is project
13 16-P-18, Special Counsel Services - Litigation,
14 Contracts, Regulatory, Legislative, and Policy
15 Matters.

16 The rotation for the roster is Del Sardo &
17 Montanari, LLC; Nowell, Amoroso, Klein, Bierman;
18 Schwartz, Simon, Edelstein; Weber Dowd Law; and
19 Sills, Cummis & Gross.

20 Is that good?

21 MR. HANLEY: Yes.

22 MR. AMODIO: That's \$190.

23 Next, 16-P-19, Professional Legal Services
24 - Hearing Officer For Personnel Issues.

25 The recommendations are Law Office of

1 Matthew Priore; Frank Donato; and Joseph
2 Scancarella.

3 COMMISSIONER KOLODZIEJ: These are done in
4 rotation, George. Correct? And we don't really
5 have that much work in here, do we?

6 MR. HANLEY: It's been decreasing over
7 time because of this process, in my opinion.

8 COMMISSIONER KOLODZIEJ: Right. Okay.

9 COMMISSIONER LEVINE: How many did we put
10 on?

11 COMMISSIONER KOLODZIEJ: Three.

12 MR. AMODIO: Next, Project 16-P-20,
13 Professional Services for Medical Insurance
14 Issues.

15 Recommendation is Brown & Brown Metro LLC.

16 Next, Project 16-P-22, Professional Legal
17 Services Related to Contractual Matters,
18 Miscellaneous Litigation and Other Related
19 Matters.

20 The recommendation here is Weber Dowd Law;
21 Dwyer, Connell & Lisbona; Nowell, Amoroso, Klein,
22 Bierman; Waters, McPherson, McNeill; and Schwartz,
23 Simon, Edelstein & Celso at \$190 an hour.

24 Is that correct, Counsel?

25 MR. HANLEY: Yes, sir.

1 MR. AMODIO: We're good with that.

2 Moving on. 16-P-23, Professional Legal
3 Services For Real Property Tax Appeals and Related
4 Issues.

5 The recommendation is to Waters,
6 McPherson, McNeill and DeCotiis, FitzPatrick &
7 Cole at \$190 per hour.

8 16-P-25, Professional Engineering Services
9 For Evaluations and Reviews of Proposed
10 Easements/Improvements and Related Matters.

11 The recommendation is Remington, Vernick &
12 Arango Engineers and Slaby Engineering Associates.
13 They are at \$190 per hour for non-PVWC projects
14 and \$160 per hour for PVWC projects.

15 Everyone okay with that?

16 Next is 16-P-26, Professional Engineering
17 Services For Water Supply Planning and Related
18 Issues.

19 The recommendation here is to award to
20 Howard J. Woods & Associates. And that is on a T
21 & M, time and material, not-to-exceed \$50,000.

22 COMMISSIONER LEVINE: I just want to ask
23 Jim a question on that.

24 Would it make sense to put a backup to
25 that one? Just to put, like, Maser because we use

1 them? Just in case there's ever a conflict or
2 just a backup. Not a rotation, not to give them
3 any work but just a backup?

4 MR. BELLA: If you want to put them as a
5 backup, that's fine. I don't have a problem with
6 that, however, that particular one is they
7 developed a module.

8 COMMISSIONER LEVINE: I'm saying if we
9 ever need one.

10 MR. BELLA: It's very specialized, what
11 I'm saying.

12 COMMISSIONER LEVINE: You don't think we
13 need one?

14 MR. BELLA: I don't know how much use they
15 would be without developing a whole new model. If
16 you want to put it in, we can do it.

17 PRESIDENT SANCHEZ: Do you think you're
18 going to have any use for it or no? If you don't
19 have any use for --

20 MR. BELLA: The answer is no.

21 PRESIDENT SANCHEZ: The answer is no,
22 forget about it.

23 COMMISSIONER KOLODZIEJ: It's silly to
24 carry it.

25 MR. AMODIO: Okay. Project 16-P-27,

1 Professional Engineering Services For Upgraded
2 Plant Process Optimization Integration and Related
3 Matters.

4 The recommendation is to award to Black &
5 Veatch Corporation on a time and material basis of
6 \$80,000.

7 Is everyone okay with that?

8 PRESIDENT SANCHEZ: Yes.

9 MR. AMODIO: Next is Project 16-P-28,
10 Professional Engineering Services For Disinfection
11 Optimization and Related Matters.

12 Two recommendations are Black & Veatch
13 Corporation and Process Applications on a time and
14 material not-to-exceed \$65,000.

15 Project 16-P-29, Professional Engineering
16 Services For Materials Selections/Applications and
17 Related Matters.

18 There were no proposal received.

19 Project 16-P-30, Professional Engineering
20 Services for Computational Fluid Dynamics
21 Modeling.

22 Recommendation is CH2M Hill Engineers,
23 Incorporated, time and material not-to-exceed
24 \$60,000.

25 Project 16-P-31, Professional Engineering

1 Services for Rate Studies and Related Matters.

2 Two recommendations: Howard J. Woods, Jr.
3 & Associates and HDR Engineering both of them on a
4 T & M not-to-exceed \$60,000 each.

5 Next, Project 16-P-32, Professional
6 Services For Electrical Facilities and Operation
7 Issues and Related Services.

8 Recommendation to award to Associated
9 Technology, Incorporated, Time and Materials
10 not-to-exceed \$90,000.

11 16-P-33, Professional Engineering Services
12 For Environmental Regulatory Compliance Issues.

13 Two recommendations here. First one is
14 Remington, Vernick & Arango and Hatch, Mott,
15 MacDonald on a time and material not to exceed
16 \$50,000.

17 16-P-34, Professional Engineering Services
18 For Structural and Related Issues.

19 Recommendation to award to Remington,
20 Vernick & Arango time and materials not-to-exceed
21 \$80,000.

22 Next, Project 16-P-35, Professional
23 Services for General Energy Optimization and
24 Procurement.

25 Recommendation to CH2M Hill Engineers on a

1 time and material not-to-exceed \$80,000.

2 Next project is 16-P-36, Professional
3 Services For Asbestos Related Issues and Project
4 Oversight/Compliance Certifications.

5 Recommendation is to award to Hatch, Mott,
6 MacDonald on a time and material not-to-exceed
7 \$60,000.

8 Project 16-P-38, Miscellaneous
9 Professional Architectural Services for PVWC's
10 Facilities.

11 Recommendation is to award DMR Architects
12 on a time and material not-to-exceed \$50,000.

13 Next, Project 16-P-39, Professional
14 Services for New Jersey Licensed Land Surveying
15 (small projects).

16 Recommendation is to award to Paporozzi
17 Associates at \$190 per hour.

18 Next, Project 16-P-42, Miscellaneous
19 Inspections and Other Regulatory Compliance Issues
20 For PVWC's Reservoir Dams.

21 Two recommendations: CDM Smith,
22 Incorporated and French & Parrello Associates on a
23 time and material not-to-exceed 90,000.

24 COMMISSIONER KOLODZIEJ: Just a question,
25 Mr. Chairman.

1 MR. AMODIO: Yes.

2 COMMISSIONER KOLODZIEJ: You've added
3 another one because of specialty items that we
4 needed in regard to the dam?

5 MR. DUPREY: Yes, Commissioner. We have
6 two aspects to this. One is our routine
7 inspections and dams and the other one is for
8 existing projects.

9 COMMISSIONER KOLODZIEJ: Okay. Thank you.

10 MR. DUPREY: And the split is as stated on
11 the right-hand side. We actually had a split.

12 COMMISSIONER KOLODZIEJ: I see.

13 MR. AMODIO: Oh, I'm sorry, yes. \$30,000
14 CDM and \$60,000 French & Parrello.

15 Next project is 15-P-46, Professional
16 Engineering Services for Filtration System Issues,
17 Filter Assessments, and Related Matters.

18 Recommendation HDR Engineers; CH2M Hill
19 Engineers on a time and material basis
20 not-to-exceed \$90,000.

21 16-P-48, Professional Services for W-4
22 Licensed Operator.

23 Recommendation to award to Superior
24 Services, LLC, time and material basis
25 not-to-exceed \$78,000.

1 Project 16-P-49, Professional Services for
2 Background Checks.

3 Recommendation to award to Staff
4 Investigations, time and materials not-to-exceed
5 \$29,500.

6 16-P-51, Professional Engineering Services
7 For Corrosion Control and Treatment.

8 Recommendation is to award to
9 Environmental Engineering & Technology,
10 Incorporated on a time and material not-to-exceed
11 \$90,000.

12 16-P-55, Professional Services Complex
13 Litigation, Contracts, Regulatory Legislative and
14 Policy and Related Matters.

15 Recommendation to award to Weber Dowd at
16 \$275 per hour.

17 That's it.

18 PRESIDENT SANCHEZ: On 55, I thought it's
19 Sills, Cummis.

20 COMMISSIONER LEVINE: They didn't put in.
21 Right? Sills, Cummis, did they put in?

22 MR. HANLEY: Yes, they should be in there.

23 MR. AMODIO: They're not.

24 MR. HANLEY: They did not propose.

25 MR. AMODIO: That was last year.

1 PRESIDENT SANCHEZ: I'm sorry.

2 MR. AMODIO: These are the respondents for
3 this year.

4 COMMISSIONER LEVINE: Just Weber Dowd?

5 PRESIDENT SANCHEZ: Sills, Cummis --

6 MR. HANLEY: If we have a kind of case
7 where I know that they're the better choice, I'll
8 just have to come back to you.

9 COMMISSIONER KOLODZIEJ: Right.

10 PRESIDENT SANCHEZ: Okay.

11 MR. AMODIO: George, Sills, Cummis did put
12 in for Project 16-P-18 which they were given the
13 award on and that's Special Counsel Services for
14 Litigation, Contracts, and --

15 MR. HANLEY: Oh, okay.

16 MR. AMODIO: The difference in the title
17 is complex.

18 PRESIDENT SANCHEZ: Move by Commissioner
19 Vannoy.

20 Second by Commissioner Blumenthal.

21 MR. AMODIO: Hold on. Hold on.

22 So motion by Commissioner Vannoy.

23 Second by Commissioner Blumenthal.

24 Thank you. On the roll.

25

1 (Roll call was taken, all Commissioners
2 present respond in the affirmative. Commissioner
3 Cleaves is absent. Commissioner Friend is absent)

4
5 MR. AMODIO: Thank you. Approved.

6 There is nothing else for this agenda.

7 Do I have a motion to adjourn?

8 COMMISSIONER VANNOY: So moved.

9 COMMISSIONER KOLODZIEJ: Second.

10 MR. AMODIO: So moved by Commissioner
11 Vannoy.

12 Second by Commissioner Kolodziej.

13 On the roll.

14
15 (Roll call was taken, all Commissioners
16 present respond in the affirmative. Commissioner
17 Cleaves is absent. Commissioner Friend is absent)

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19 MR. AMODIO: The time is 11:30.
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C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XIO1388, a
Certified Court Reporter and Notary Public of the State
of New Jersey, certify that the foregoing is a true and
accurate transcript of the hearing at the time and the
date hereinbefore set forth.

I further certify that I am neither attorney
nor Counsel for, nor related to or employed by any of the
parties to the action in which this hearing was taken.

I further certify that I am not a relative or
employee of anyone employed in this case, nor am I
financially interested in this action.

LYNANN DRAGONE, CCR
Certified Court Reporter