

PASSAIC VALLEY WATER COMMISSION MEETING OF  
SEPTEMBER 28, 2022

**(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

GERALD G. FRIEND, Vice President **(Via Zoom)**

CARMEN DEPADUA, Treasurer

RUBY COTTON, Secretary

JEFFREY LEVINE

RONALD VAN RENSALIER **(Absent)**

JOSEPH KOLODZIEJ

A L S O        P R E S E N T :

JAMES MUELLER, Executive Director

LOUIS AMODIO, Interim Business

Adminstrator/Administrative Secretary **(Absent)**

YAACOV BRISMAN, General Counsel

YITZ WEISS, Comptroller

1 MR. BRISMAN: Call to order the meeting of  
2 September 28, 2022, Passaic Valley Water  
3 Commission meeting is called to order at 9:36.

4 On the roll.

5  
6 (Roll call was taken, all Commissioners  
7 present respond in the affirmative. Commissioner  
8 Van Rensalier is absent. Commissioner Depadua is  
9 not present yet)

10  
11 MR. BRISMAN: We have a quorum.  
12 Commissioners Depadua and Van Rensalier are  
13 absent.

14  
15 (Pledge of Allegiance)

16  
17 MR. BRISMAN: This meeting has been called  
18 to order pursuant to N.J.S.A. 10:4-6, the Open  
19 Public Meetings Act.

20 PRESIDENT SANCHEZ: No comments from the  
21 public? I guess we have none.

22 Moving on. Report of finance. I guess  
23 Carmen is not here now.

24 COMMISSIONER COTTON: Is she coming?

25 PRESIDENT SANCHEZ: I don't know.

1                   COMMISSIONER COTTON: Anybody heard  
2 anything?

3                   MR. MUELLER: She was planning on being  
4 here.

5                   PRESIDENT SANCHEZ: Yitz, do you want to  
6 report on what we discussed on the finance  
7 committee, please? You were there.

8                   MR. WEISS: Finance, we reviewed the cash  
9 disbursements.

10                   We had a little bit of an extensive  
11 discussion about overtime and tracking overtime.

12                   I don't know if there was anything else  
13 specific.

14                   MR. MUELLER: A couple of the Engineering  
15 and Lab we talked about in terms of staffing up  
16 there and getting people in place.

17                   Robert's on. We're also going to talk  
18 about the audit.

19                   MR. WEISS: Yes, we reviewed the draft  
20 audit and we're getting a copy of the final audit.  
21 We actually are getting a copy of our final audit  
22 and we have our auditor with us to be able to  
23 discuss it.

24                   PRESIDENT SANCHEZ: Thank you.

25                   Personnel, would you please help out, Joe?

1 COMMISSIONER KOLODZIEJ: Yes.

2 Personnel met last week. We reviewed all  
3 the items that also appear on this morning's  
4 agenda. Unanimously recommended moving forward  
5 with them.

6 We briefly discussed some of the greater  
7 current needs in terms of staffing, which is  
8 Customer Service, the Lab, Water Treatment, and  
9 IT.

10 We also briefly discussed the current  
11 contract negotiations. I believe that's going to  
12 be in closed session for this morning.

13 We also talked about the salary  
14 compensation needs and the need to fix it so that  
15 we can attract good employees and more  
16 importantly, retain good employees.

17 Then we also discussed at the end of the  
18 committee meeting some new requirements from  
19 pensions, who's been kicking people out or  
20 reducing their retirement pay. So we discussed  
21 the new standard operating procedure that includes  
22 a resolution and I believe that will be further  
23 discussed later on this morning as well.

24 That was personnel.

25 PRESIDENT SANCHEZ: Special projects,

1 please.

2 COMMISSIONER COTTON: Thank you, President  
3 Sanchez.

4 We had our special projects meeting on  
5 Friday. We had about ten items and I could just  
6 go through them real quickly.

7 One of them is the Shared Services  
8 Agreement with the City of Lodi for hydrant  
9 testing. So that's the one.

10 Also, what we did was, on the second one  
11 we extended a contract for the testing of the fire  
12 hydrants from the City of North Arlington and  
13 Lodi.

14 The next item we discussed in special  
15 projects is the extension of the contract to  
16 remove the hauling of liquid residues. Sometimes  
17 I say you don't understand, it is a lot. It's  
18 like 36 million gallons that has to be taken away.

19 The next item that we have for special  
20 projects is the purchase that we were called in  
21 earlier in August, I believe, they need to replace  
22 ten vans. Right now we're getting five of them  
23 and they're cargo vans, which we were all aware of  
24 during the summer and this is coming out of our  
25 capital money.

1                   The next item is for I think it's  
2                   distribution. They need to purchase two Bobcats.  
3                   The one they have now is 2005. It's old. It  
4                   needs to be replaced. We all agreed that needs to  
5                   be replaced.

6                   The next one is the Shared Services  
7                   Agreement with, I'm not quite sure... Oh, the  
8                   Shared Services Agreement. What they do is they  
9                   collect data and information from the Passaic  
10                  River at Little Falls, they collect it. So we  
11                  agreed to extend it.

12                 MR. MUELLER: This is USGS. There's two.

13                 COMMISSIONER COTTON: There's two of them.  
14                 All right.

15                 We also recommended too in special  
16                 projects appointment for compliance officers. You  
17                 need permit compliance officers for Passaic Valley  
18                 Water to file reports with the State, so we agreed  
19                 to that.

20                 Also, we have contracts, different  
21                 professional service contracts and they're in the  
22                 table. They should have been in your... The only  
23                 thing is we were going to do only two.

24                 MR. MUELLER: Only two.

25                 COMMISSIONER COTTON: We're only going to

1 do two contracts. We had six of them but we  
2 decided we're going to do two. Patrick, our  
3 engineer and our director Jim needs to go back and  
4 discuss some of the rest of the other ones on  
5 here.

6 Also, we're going to recommend awarding a  
7 contract for services for purchasing for the  
8 software that's needed.

9 We also talked about the Great Falls  
10 Pedestrian Bridge, the Levine tanks, and the FEMA  
11 recovery. The Great Falls Bridge and the tanks  
12 and the FEMA is not on the agenda. We can discuss  
13 it later. But the rest of the items the special  
14 projects committee agreed that we move forward  
15 with everything that's on there.

16 Thank you.

17 PRESIDENT SANCHEZ: Just for the record,  
18 Commissioner Carmen Depadua is here.

19 COMMISSIONER DEPADUA: Good morning.

20 PRESIDENT SANCHEZ: Jim, go ahead. Would  
21 you report, please.

22 MR. MUELLER: Sure.

23 So I circulated the report on Monday.

24 It's in the package as well.

25 Operational Issues. We continued to focus

1 on the treatment plant and the Fiber Optic  
2 Topology, which is being reconfigured to eliminate  
3 single points of failure. We did a plant shutdown  
4 last week, upgraded four 20-year old switches with  
5 new more capable SCADA switches. We're going to  
6 keep rotating through that at the plant to upgrade  
7 our systems.

8 Siemens, our contractor, has started  
9 second round of inspection testing and calibration  
10 of electrical systems at the Little Falls site and  
11 the work is being performed under renewal of their  
12 original contract.

13 As I think all of you know, on  
14 August 26th, starting on August 26th, we received  
15 extensive discolored water complaints in four  
16 zones in Clifton, Zones 1 through 4. We started  
17 re-flushing those zones on September 2nd, 24 hours  
18 a day/7 days a week. We suspect and we actually  
19 proved out, we flew a drone up in that area and  
20 found contractors accessing local hydrants which  
21 is extensive construction going in that area.  
22 We've been working very closely with Nick Villano,  
23 the city manager, and went on September 20th to  
24 the City Council and the mayor, presented them  
25 what the issues were. That's also attached to the



1 report. I won't go through it now. But, again,  
2 it was short term.

3 Our plans are we've re-flushed the system.  
4 Complaints are drastically down. Water's being  
5 reported as not discolored anymore.

6 Short term we're looking at a permitting  
7 process so we understand where contractors are  
8 going to be. They have to come to us and let us  
9 know. They might fill at our yard or maybe fill  
10 at a DPW yard rather than in the street.

11 Longer term we're looking at pipe  
12 replacement and lining, which is capital  
13 intensive. As I reported to the council, it's  
14 probably a better part of ten years or more that  
15 that would be phased over time and try to address  
16 problem areas first. There's extensive online  
17 cast irons needs in that area. They're also in  
18 Paterson. They're also in Passaic.

19 So this presentation that I attached, our  
20 plan is to go to Paterson and Passaic as the owner  
21 cities and then Prospect Park, North Arlington and  
22 Lodi, part of our retail system, give the same  
23 presentations. We have to make sure when there's  
24 extensive construction, paving, street sweeping,  
25 even dust control for longer construction, they

1           need water, it's water intensive that they have to  
2           make sure they're not accessing hydrants without  
3           our approval and in locations that they shouldn't  
4           be accessing because of the mains underneath.

5                        So that's just a quick report out there.

6           The issue in Clifton, we did water  
7           distribution for six days as we were trying to  
8           figure that out. The issue was resolved. But,  
9           again, it's something we want to sit with each of  
10          the owner cities with the mayors and their key  
11          staff to get that word out. So that's on Clifton.

12          Organizational Highlights. Two new hires  
13          started. Brandon Fuld as Director of EH&S on  
14          September 6th and also Landy Ducheine also on  
15          September 6th, Director of Information Technology.  
16          So the board approved those positions in July and  
17          they started September 6th.

18          The search process is still ongoing for  
19          Director of Communications.

20          As Commissioner Kolodziej mentioned at the  
21          personnel committee meeting, it came up in finance  
22          as well in terms of OT. We're looking at  
23          organization wide in terms of what the needs are.  
24          Key focuses are Engineering, Lab, Customer  
25          Service, which a lot of positions are on the

1 agenda for today were former transfers out of  
2 Customer Service - we have to backfill them -  
3 Information Technology and Distribution. You'll  
4 hear more about those groups and specific  
5 positions at future meetings. We'll work through  
6 that with the personnel committee.

7 Regulatory Issues. EPA's Health  
8 Advisories. As you all know, we've been issuing  
9 alerts every three months because we're not in  
10 compliance with PFOS goals or the targets there.  
11 So the folks have not been able to drink that  
12 water. We've gotten a temporary system online as  
13 of August 16th we are now treating and it's in  
14 compliance with the PFOS regulations in terms of  
15 the metrics, in terms of the parameters. We do  
16 still need to build a permanent system by  
17 regulation. At least a temporary system is in  
18 service and we're planning on having an open house  
19 for the community to come down and see the system,  
20 getting the word out to them that it's now in  
21 place. It's really good news and we were mandated  
22 by the end of the year to have the temporary  
23 system in place, we beat that by four months,  
24 which is great.

25 Little Falls Treatment Plant. Again, PFOS

1 I reported on it at our last meeting in July. EPA  
2 came out with health advisories for eight  
3 different kinds of "forever chemicals". They're  
4 basically non-detect or below the detection limits  
5 that they want us to go down to. We do not  
6 currently meet that level, so they're not mandated  
7 yet but it's like an advisory. Next step is  
8 likely in the next few years to come up with extra  
9 targets.

10 We are starting a pilot program to figure  
11 out what we need to do at Little Falls in terms of  
12 meeting those future targets. So myself, Wendy,  
13 Engineering -- I'm sorry -- Purification,  
14 Engineering, you know, Pat and Wendy will be part  
15 of that. We're also going to engage a consultant  
16 as well as peer review through organizations, AWWA  
17 and others, to come and look at what we're doing.  
18 We have a nice pilot set up at Little Falls, so  
19 that's coming up ahead.

20 Delinquent Accounts. As you all know, the  
21 shutoff moratorium was lifted on March 15th. We  
22 had planned to start shutoffs through the  
23 messaging, to start shutoffs August 22nd is when  
24 they actually started. We did it for about ten  
25 days. We received about \$132,000 from those

1           shutoffs in that ten-day period, which is great.  
2           Unfortunately, the issue in Clifton, we had to  
3           pivot resources out of shutoffs and into 24/7  
4           flushing of those four zones in Clifton. So we  
5           will pick back up on those shutoffs in the next  
6           week or so as we're figuring out resources.

7                       We also pivoted resources once we address  
8           the issue in Zone 1 through 4 into the routine  
9           flushing to try to finish that quicker because we  
10          fell behind because of what we had to do with the  
11          re-flushing. So we will back to the shutoffs. It  
12          was effective. We got \$132,000 across either  
13          payment plans or lump sum payment in those ten  
14          days, so we will revisit that.

15                      Low Income Household Water Assistance  
16          Program. We've gotten \$22,000 in payments from  
17          the State. I think it was 38 accounts, so that  
18          was great. We're, again, still trying to get the  
19          word out. The State has the process to determine  
20          the eligibility. We don't have anything to do  
21          with it. People have to apply. They have to be  
22          determined to be eligible. So, again, we keep  
23          getting the word out, but it is moving.

24                      COMMISSIONER COTTON: Let me just ask if I  
25          may?

1 MR. MUELLER: Please.

2 COMMISSIONER COTTON: That mean they got  
3 to call down to the DCA if they need to have  
4 assistance?

5 MR. MUELLER: Yeah, correct. And they have  
6 to apply online. There's a website or you could  
7 do a hard copy, but they have to submit an  
8 application as well.

9 PRESIDENT SANCHEZ: Is that for  
10 residential customers or?

11 MR. MUELLER: Just residential.

12 COMMISSIONER COTTON: I'm going to try to  
13 get the word out.

14 MR. MUELLER: I mean, you were great at  
15 the press conference, Commissioner. I just want  
16 to thank Commissioner Kolodziej, Commissioner  
17 Depadua, and you, Commissioner Cotton, for coming  
18 and getting that word out and it's just continual  
19 trying to get it out there.

20 I know the State, I'm not sure if they're  
21 going to renew it for next year, so, again, we're  
22 trying to get everybody in for this year and use  
23 whatever money other people aren't using.

24 So, yeah, just keep on getting the word  
25 out. That will be helpful.

1                   Communications. So I mentioned the press  
2                   conference on August 30th. We had that press  
3                   conference on LIHWAP. Again, try to get the word  
4                   out. It was great attendance. We had Senator  
5                   Nellie Pou; Assemblyman Gary Schaer; Assemblyman  
6                   Benjie Wimberly; Paterson Mayor Andre Sayegh;  
7                   Prospect Park Council President Shah; and  
8                   Commissioners Cotton, Kolodziej, Depadua. So that  
9                   was terrific.

10                   We continue to communicate with the  
11                   communities on the moratorium. If you remember  
12                   the shutoffs, we started with businesses because  
13                   we were letting LIHWAP try to take hold and get  
14                   the word out for residents, so we're not jumping  
15                   in the residents yet, but in the next few months  
16                   it's clear where our application rate is.

17                   COMMISSIONER COTTON: We haven't started  
18                   residential yet?

19                   MR. MUELLER: No, that's what I'm saying,  
20                   no. Just commercial, just commercial.

21                   That's it for my... Next month I will  
22                   report out on our Lead Service Line Replacement  
23                   Program. We are making progress.

24                   PRESIDENT SANCHEZ: Jim, I'd like to,  
25                   while I got you here now, I got you on the full

1 board. I notice a lot of people, big people  
2 retiring from Distribution, the Lab. I just feel  
3 that all the energy should be put into hiring to  
4 get the departments to run normal again.

5 You have Jeff Baig leaving and I think  
6 he's not going to be here in December. I think he  
7 used all his time. So I think by the end of  
8 November he'll be out. That's plus he's taking  
9 some of his licenses that he has.

10 So my thinking is, Mr. Kolodziej, since  
11 you're on the personnel committee, how do we  
12 have -- even if we need outside resources to hire  
13 people for those departments, I'd like to spend a  
14 lot more energy trying to get people in those  
15 departments because God knows what will happen if  
16 we don't get to a level normalcy and I hear a lot  
17 of more people are planning on leaving.

18 I need for you to come up with a plan in  
19 two weeks how we're going to do this. Even if we  
20 need to go outside and get help to hire these  
21 people. We need people there and we need them  
22 ASAP.

23 So I'd like the board to help me help you  
24 do whatever it takes to get that done because we  
25 need it and it's really necessary that we just get



1 on it and get done with it.

2 COMMISSIONER COTTON: I think that, if I  
3 may, I didn't know these people are going out. We  
4 don't get no who's leaving and what their title is  
5 and who we really need to replace. I think that  
6 needs to be shared with everybody. I hear it,  
7 because you're making it sound, and it probably  
8 is --

9 PRESIDENT SANCHEZ: It is, Commissioner,  
10 it's bad.

11 COMMISSIONER COTTON: We're going to be in  
12 trouble. But, I mean, we can't fix what happened  
13 in the past. I always said that, you know, people  
14 here now really wants to go to school and get  
15 their license. Back in the past it was stopped,  
16 they wouldn't sign off in order to get your  
17 license. Someone in the plant has to sign off.  
18 So now I think we need to encourage more of our  
19 employees to want to do that if they working in  
20 the treatment plant to do that. I'm not quite  
21 sure what we're looking at. How many people we're  
22 looking at leaving, I'm not sure. I think that  
23 needs to be shared with all of us.

24 PRESIDENT SANCHEZ: Yeah, and in the  
25 process, I agree with Commissioner Ruby, we need

1 to make sure that if we have people that within  
2 five, seven years, they be on that path, we got  
3 assure them: Listen, you have a great path here.  
4 You know what I'm saying. This is what it takes.  
5 What do you need from us. Do it. We need to do  
6 that because I feel like some of the guys are  
7 older, they're leaving, they're getting sick.

8 So, listen, Jim, God bless you. I know  
9 you have a lot on your plate and some of the  
10 things I respect you need to deal with. This,  
11 this you got to get your whole department to do  
12 this, if not we're going to be in trouble, trust  
13 me. And it's falling all on you because for the  
14 past we're not getting all the information and now  
15 we're getting it. We know what's going on. So,  
16 please, let's get it going.

17 Mr. Kolodziej, I don't know if there's  
18 anything you could do to help through the  
19 personnel committee.

20 COMMISSIONER KOLODZIEJ: No. That was  
21 part of the discussion that we had and some of the  
22 departments that were in greatest need at the  
23 personnel committee meeting and Administration's  
24 certainly on top of it. Our new hire, Mr. Garcia,  
25 in HR is also on top of it.

1                   It would be nice to see, like you said, in  
2                   two weeks, here's our plan of where we're going;  
3                   here's where we're going to need help. It sounds  
4                   to me like you're going to have unanimous support  
5                   from the board if we have to go outside to spend  
6                   the money, we'll go outside to spend the money.

7                   PRESIDENT SANCHEZ: Listen, we do whatever  
8                   it takes. That's my opinion.

9                   COMMISSIONER LEVINE: Who's next in line  
10                  for that job?

11                  MR. BRISMAN: Let's not talk about  
12                  employees, please.

13                  COMMISSIONER DEPADUA: I have a question.  
14                  Do you go through applications? Somebody maybe  
15                  applied for that position a year ago. So how do  
16                  you know like who applied or who's looking for the  
17                  job or you just post and that's how you bring the  
18                  people in, whoever applies or do you go through  
19                  these applications that have been put on file?

20                  PRESIDENT SANCHEZ: I don't know the  
21                  process and I don't know if we have candidates for  
22                  those types of positions, which I doubt.

23                  COMMISSIONER DEPADUA: We don't know.  
24                  People apply, just because they apply for a  
25                  certain position and we weren't looking for at the

1 time, what happened to that application? Does it  
2 get put away? Does it get thrown out?

3 MR. MUELLER: There was applications  
4 submitted.

5 I'm not going to mention names, but  
6 yesterday I found out that one of our key staff is  
7 planning to retire, as President Sanchez said.

8 So I will have a plan in place in a couple  
9 of weeks. I already got a contact and starting to  
10 talk how we get through that in short term while  
11 we staff up.

12 There are a couple of key positions also  
13 vacant and have been vacant for quite some time  
14 under that key position that's leaving. So  
15 there's three key vacancies there. We have been  
16 trying to fill the under vacancies for the last  
17 five months and it has not been successful.

18 So we have to come back on and I'll have  
19 that plan in two weeks. But I know the positions;  
20 I know what we'll need. I think some of the lower  
21 levels we might be in better shape or we can move  
22 people up because they've been here and have the  
23 experience, but not at these assistant or higher  
24 level than that.

25 So I'll be back in two weeks with a plan.

1 I think that's completely fair and was my intent.

2 PRESIDENT SANCHEZ: I appreciate that, but  
3 I think you're going to have a unanimous support  
4 from the board. Whatever it takes, we need to do  
5 this. It could be bad.

6 MR. MUELLER: I appreciate your support.

7 COMMISSIONER COTTON: When can we share  
8 names?

9 MR. MUELLER: We haven't Riced. We  
10 haven't had this plan.

11 PRESIDENT SANCHEZ: It hasn't been Riced.  
12 If you want, after the meeting you can...

13 COMMISSIONER DEPADUA: I can understand  
14 what you're saying because I feel, if I'm on the  
15 same page here, the moment we know somebody's  
16 retiring we can bring somebody in before that  
17 person leaves so this way we need to get them  
18 trained and know the department and get to know,  
19 you know, the process and how it works. So it's  
20 always good to not wait until that person leaves  
21 and then all of a sudden you're trying to get  
22 somebody thrown in there.

23 PRESIDENT SANCHEZ: It's a tough market of  
24 labor. We have to make an effort to get people in  
25 and we're going to do it. It could be done. I'm

1 from the thinking that anything could be done. A  
2 lot more work, but we're going to get it done and  
3 this is what I want to do.

4 MR. MUELLER: Thank you for the support.

5 PRESIDENT SANCHEZ: Mr. Comptroller, tell  
6 us you got money, please.

7 MR. WEISS: We got money.

8 Cash on hand is 13.8 million.

9 Our accounts receivable's at 21.6 million.

10 Our accounts payable's at 5.5 million.

11 We have Rob McNinch, who is the managing  
12 auditor on our audit to discuss the results of our  
13 audit. He's on Zoom because he wasn't feeling  
14 well and he didn't want to get everybody sick, so  
15 I told him we appreciate him not getting everybody  
16 sick.

17 PRESIDENT SANCHEZ: Thank you, Robert.

18 MR. McNINCH: Thank you guys. Thank you  
19 for having me here remote.

20 So as Yitz mentioned, we did wrap up our  
21 audit, the 2021 financial statements. I'd just  
22 like to take a quick few moments just to highlight  
23 some areas in the report and give a few financial  
24 highlights for the 2021 year.

25 So financially speaking, 2021 was a good

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XI01388, 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 employed by any of the parties to the action in which this hearing was taken.

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

*Lynann Dragone*  
\_\_\_\_\_  
LYNANN DRAGONE, CCR  
Certified Court Reporter

*Rigo Sanchez*  
\_\_\_\_\_  
**RIGO SANCHEZ**  
**PRESIDENT**

*Ruby N. Cotton*  
\_\_\_\_\_  
**RUBY N. COTTON**  
**SECRETARY**

**APPROVED: OCTOBER 26, 2022**