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PASSAIC VALLEY WATER COMMISSION SPECIAL MEETING OF  
MAY 5, 2010

(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  
IDIDA RODRIGUEZ, Vice-President (Absent)  
JEFFREY LEVINE, Treasurer  
ROBERT L. VANNOY, Secretary  
THOMAS P. DeVITA  
GLORIA KOLODZIEJ (Absent)  
MENACHEM BAZIAN

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: Roll call.

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

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MR. AMODIO: Commissioner Kolodziej and Commissioner Rodriguez are excused absence.

You have a quorum.

The time is 9:57.

MR. HANLEY: I apologize for being late. I left my house an hour and a half ago.

MR. AMODIO: All of the requirements of the Open Public Meetings Act have been met. Commission meeting notice have been furnished to all Commissioners, city clerks 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.

All rise.

Commissioner Devita, please lead us in the Pledge of Allegiance.

PRESIDENT SANCHEZ: Can we go into closed session immediately?

MR. AMODIO: Absolutely.

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Do I have a motion?

COMMISSIONER VANNOY: So moved.

COMMISSIONER DEVITA: Second.

MR. AMODIO: Pursuant to the Open Public Meetings Act, Commissioner Vannoy offers the following Resolution for adoption.

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

whereas, the public body is of the opinion

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that such circumstances presently exist;

Now, therefore, be it resolved, by the  
Commissioners of the Passaic Valley Water  
Commission:

1. The public shall be excluded from the  
discussion of the hereinafter specified subject  
matters; the general nature of the subject matter  
being: Financial, Insurance, Personnel, Contracts  
Negotiations, Security, Pay-to-Play, Professional  
Services, procurement of vehicle, water resource  
study, and any other such matter as may come  
before the Commission.

2. It is anticipated that the  
above-stated subject matter will be ratified  
during public meeting following or soon thereafter

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as reason for the discussion no longer exists.

3. This Resolution shall take effect  
immediately.

Second by Commissioner DeVita.

On the roll.

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

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MR. AMODIO: Time is 11:28.

You have a quorum.

Okay. we'll start off with the

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procurement of Resolution Authorizing Procurement  
of one Vehicle to Replace Vehicle 14 with the 2010  
Dodge Avenger in the amount of \$16,238 under State  
Contract #T0099 A72830.

That's recommended by the finance  
committee. Is that correct?

COMMISSIONER BAZIAN: Yes.

COMMISSIONER LEVINE: Yes, we're  
recommending.

I'm the Chair, by the way.

MR. AMODIO: I'm sorry, would you like to

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make a motion?

COMMISSIONER LEVINE: I'd like to make a  
motion to approve the car. It's been over \$10,000  
in repairs. I make a motion for a new car.

COMMISSIONER BAZIAN: Second.

COMMISSIONER DEVITA: This is recommended  
by the finance?

COMMISSIONER LEVINE: Yes.

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

MR. AMODIO: Motion approved.

Next, we will go with requests to award  
proposal for water --

COMMISSIONER LEVINE: wait, wait. Can I  
make a recommendation to finish up with the  
finance board what we did for the employee.

We recommended that it goes to the  
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personnel board, they either hire a CPA or RMA, whatever they feel fit, with a \$60,000 base. They come back to us and they let us know if there's more than 65 and 68. And for bookkeeper or an accounting clerk for 40,000 is our recommendation. If it comes up to be 45 or 48, they come back to

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the finance committee and we negotiate. And I guess the finance committee wanted to actually look at the resumes as they came in.

COMMISSIONER BAZIAN: Yes. The feeling of the finance committee, based upon the recommendation from the CFO in terms of CPA, RMA, just to give you what our discussions were about 30 seconds.

CFO presented to us that our accounting is not necessarily municipal accounting, but is based on something called GAAP, or Generally Accepted Accounting Principals. That's why he was suggesting we go with a CPA, but we are passing that off to the personnel committee.

COMMISSIONER DeVITA: Decide which we need?

COMMISSIONER BAZIAN: Personally, I think -- my person, you don't mind?

COMMISSIONER LEVINE: Yes.

COMMISSIONER BAZIAN: I personally think that a CPA would be more appropriate.

COMMISSIONER DeVITA: why did finance want to review?

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COMMISSIONER LEVINE: Ask your fellow  
Commissioner. It was her. She wanted us to

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review.

COMMISSIONER DeVITA: Do we know why?

COMMISSIONER BAZIAN: The personnel  
committee reached out to the finance committee for  
a recommendation of what kind of personnel we  
should have. Okay. And we're coming back with  
that information.

COMMISSIONER DeVITA: Now it's up to  
personnel committee to --

COMMISSIONER BAZIAN: It follows that if  
you reached out to us and asked what kind of  
person should we have, that perhaps we might be  
also be able to add some values on the individuals  
themselves.

COMMISSIONER DeVITA: So, now is the  
personnel committee going to discuss this?

PRESIDENT SANCHEZ: I'll set up a meeting  
with the personnel committee next week.

COMMISSIONER LEVINE: Are we going to see  
the resume?

COMMISSIONER DeVITA: We don't have them.

PRESIDENT SANCHEZ: We might --

COMMISSIONER LEVINE: That was our --

MR. AMODIO: Okay. Thank you for the  
recommendation.

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Next will be recommendation to award  
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contract for Water Resources Study concerning the March, 2010 flood with Medina in the amount not-to-exceed \$48,600.

Discussion?

Motion.

PRESIDENT SANCHEZ: I just want to make a statement now. Based on Joe's recommendation, I guess we move it.

MR. AMODIO: Do I have a motion?

COMMISSIONER VANNOY: I'll move it.

MR. AMODIO: Do I have a second?

COMMISSIONER LEVINE: I'll second.

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

COMMISSIONER DEVITA: Based on our discussions, yes.

COMMISSIONER BAZIAN: Based on our discussions, yes.

COMMISSIONER VANNOY: Based on our discussions, yes.

MR. AMODIO: Motion approved.

Next we'll go along with Professional

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Service Contracts.

COMMISSIONER LEVINE: All at once?

MR. AMODIO: would you like to do them all at one time? If anybody has an abstention --

COMMISSIONER VANNOY: I have to abstain

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for I think it's four.

MR. AMODIO: Counsel, they'd like to do one on all the professional services? No?

MR. HANLEY: To do one what?

MR. AMODIO: One vote.

COMMISSIONER DeVITA: There's a lot of different things.

MR. HANLEY: well, I think you better make a clearer record.

MR. AMODIO: Okay. Project number one. Professional Legal Services for Evaluations and Reviews of Proposal Easements/Improvements and Related Matters. Recommendation is to award to Johnson & Johnson, Esqs.

COMMISSIONER BAZIAN: Move it.

MR. AMODIO: Wait, and Waters, McPherson, McNeill.

COMMISSIONER BAZIAN: Move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Thank you.

Project number two. Recommendations to re-solicit.

Motion.

COMMISSIONER BAZIAN: Move.

COMMISSIONER DeVITA: Second.



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MR. AMODIO: On the roll.

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

MR. AMODIO: Motion approved.

Next will be project number three.

Professional Services For New Jersey Licensed Land Surveying and Related Services. Recommendation is Remington & Vernick and P & M Surveying.

Motion.

COMMISSIONER BAZIAN: Move.

MR. AMODIO: Second?

COMMISSIONER DEVITA: Second.

MR. AMODIO: On the roll.

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

COMMISSIONER VANNOY: Abstain on Remington & Vernick.

MR. AMODIO: Project number --

COMMISSIONER LEVINE: I'm sorry, project number five. Let me ask you a question.

For the bond counsel, George, is that a -- do we do a lot of work on that or no?

MR. HANLEY: Yes.

COMMISSIONER LEVINE: would anybody have a problem me adding Nowell, Amaroso?

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MR. HANLEY: Yeah, there would be.

COMMISSIONER DeVITA: We need Gluck.

COMMISSIONER LEVINE: I know that's all they do. Is there anybody else they can add?

MR. HANLEY: You know it's a bad idea to have two bond counsel.

COMMISSIONER LEVINE: There is, okay.

MR. HANLEY: Yeah.

COMMISSIONER LEVINE: That was my question.

PRESIDENT SANCHEZ: Let's go.

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MR. AMODIO: Project number four.

Professional Services For Property and Easement Valuations and Related Services. (Accredited Real Estate Appraisal Firms). The recommendation is to award Richard Mohr Appraisal and to re-solicit.

Motion.

COMMISSIONER LEVINE: Move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Motion approved.

Project five. Professional Services For Bond Counsel. Recommendation award to Gluck, Walrath.

COMMISSIONER VANNOY: Motion.

COMMISSIONER DeVITA: Second.

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MR. AMODIO: On the roll.

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

MR. AMODIO: Motion approved.

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Thank you.

Moving along.

Project number six. Professional Services For Arbitrage Calculation. Recommendation to award to PFM Asset Management.

Do I have a motion?

COMMISSIONER VANNOY: So moved.

COMMISSIONER LEVINE: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Motion approved.

Moving along.

Project number seven. Professional Services for Financial Advisers. Award NW Financial Group.

Motion.

COMMISSIONER VANNOY: So moved.

COMMISSIONER LEVINE: Second.

MR. AMODIO: On the roll.

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

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MR. AMODIO: Motion approved.

Moving along.

Project number nine. Professional  
Services For Accounting and Management Consulting  
Services. Recommendation to hold.

Do I have a motion?

COMMISSIONER VANNOY: So moved.

COMMISSIONER DeVITA: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Motion for hold.

Project number ten. Professional Legal  
Services Related to Loss Prevention, Insurance,  
Personal Injury Defense, and Related Matters. The  
recommendation is the Law Offices of James Fine;  
Welt & Kuzemczak; DeYoe, Heissenbuttel & Buglione;  
Dwyer, Connell & Lisbona.

Motion.

COMMISSIONER DeVITA: Move.

COMMISSIONER LEVINE: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Motion approved.

Moving along.

Project number 14. Internal and External Communications and Related Services (Media Relations Consultant). Recommendation is hold -- I'm sorry -- reject and re-solicit and hold Lost Boys' current contract for 60 days.

Do I have a motion?

COMMISSIONER LEVINE: Move.

COMMISSIONER BAZIAN: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project 16. Recommendation to carry.

Do I have a motion?

COMMISSIONER BAZIAN: Move.

COMMISSIONER DeVITA: Second.

MR. AMODIO: On the roll.

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MR. HANLEY: Excuse me, carrying to the next meeting.

MR. AMODIO: May 26 meeting. Yes.

(Roll call was taken, all Commissioners

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present respond in the affirmative)

MR. AMODIO: Recommendation approved.

Next, project 17. Professional Legal Services Related to Employment Law/Personnel Issues, Bankruptcy Matters and Other.

MR. HANLEY: wait, you have to do these separate. Do the employment law first.

MR. AMODIO: For the employment law is to award Eric M. Bernstein; Piro, Zinna, Cifelli, Paris & Genitempo.

Do I have a motion?

COMMISSIONER DEVITA: So move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Next will be 17 is for

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bankruptcy. The award to Louis Pashman, Pashman, Stein.

COMMISSIONER DEVITA: So move.

COMMISSIONER LEVINE: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Moving along. Project number  
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18. Professional Legal Services Related to Workers' Compensation Law and Related Matters. Recommendation to award to Brause, Brause & Ventrice.

Motion.

COMMISSIONER DeVITA: So moved.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Moving along.

Project 19. Special Counsel Services: Litigation, Contracts, and Regulatory, Legislative

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and Policy Matters. The recommendation to award Bio & LaRocca; McManimon, Scotland; Damico, Del Sardo & Montanari; Weber, Dowd and Waters, McPherson; and Nowell, Amaroso.

Motion.

COMMISSIONER LEVINE: Move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project 20. Professional Legal Services Related to Contractual Matters,

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Miscellaneous Litigation and Other Related  
Matters. Recommendation is to award to Bio &  
LaRocca; Damico; Nowell, Amaroso; Johnson; Weber  
and Waters, McPherson.

COMMISSIONER LEVINE: I'll move.

COMMISSIONER BAZIAN: Second.

MR. AMODIO: On the roll.

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

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MR. AMODIO: Project 21. Professional  
Engineering Services For Evaluations and Reviews  
of Proposed Easements/Improvements and Related  
Matters. Recommendation: Louis Slaby Engineering  
Associates.

COMMISSIONER LEVINE: Move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project 22. Professional  
Engineering Services For Water Supply Planning and  
Related Matters. Recommendation: Birdsell  
Services Group --

COMMISSIONER BAZIAN: Move.

MR. AMODIO: -- And Howard Woods.

COMMISSIONER LEVINE: Second.

MR. AMODIO: On the roll.



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

MR. AMODIO: Project 23. Professional

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Engineering Services For Upgraded Plant Process Optimization Integration and Related Matters. Recommendation: Black & Veatch.

COMMISSIONER DEVITA: So move.

COMMISSIONER BAZIAN: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project number 24. Professional Engineering Services For Ozonation Optimization and Related Matters. Recommendation is to reject and re-solicit.

COMMISSIONER BAZIAN: Move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project number 25. Professional Engineering Services For SCADA. Recommendation to award to Hatch, Mott, MacDonald.

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COMMISSIONER BAZIAN: Move.

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COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project 26. Professional Engineering Services For Filtration Assessment and Related Matters. Recommendation to award CH2M Hill and Remington.

Do I have a motion?

COMMISSIONER BAZIAN: Move.

COMMISSIONER DeVITA: Second.

MR. AMODIO: On the roll.

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

COMMISSIONER VANNOY: Abstain on Remington & Vernick.

MR. AMODIO: Project 27. Professional Engineering Services For Materials Selections/Applications and Related Matters. Recommendation is to award to Materials Selection Resources --

COMMISSIONER DeVITA: Move it.

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COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project number 28.  
Professional Services For Artificial Neural Network --

COMMISSIONER DeVITA: Move it.

MR. AMODIO: Second by Commissioner Levine.

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

MR. AMODIO: Project number 29.  
Professional Engineering Services For Rate Study.  
Do I have a motion to award Howard Woods?

COMMISSIONER LEVINE: Move.

COMMISSIONER DeVITA: Second.

MR. AMODIO: On the roll.

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

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MR. AMODIO: Project number 30.  
Professional Engineering Services For Electrical Issues and Related Services. Recommendation to award to AE Com and Remington.

Motion.

COMMISSIONER LEVINE: Motion.

COMMISSIONER BAZIAN: Second.

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MR. AMODIO: On the roll.

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

COMMISSIONER VANNOY: Abstain on Remington & Vernick.

MR. AMODIO: Project number 31. Professional Services Related to Project Oversight/Compliance Certifications. Recommendation to Birdsall.

Do I have a motion?

COMMISSIONER BAZIAN: Move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

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MR. AMODIO: Project number 33. Professional Services For Real Property Tax Appeals. Recommendation to Nowell, Amaroso --

COMMISSIONER BAZIAN: Move.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project 37. Professional  
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Services For Year 2010 --

COMMISSIONER DeVITA: Move it.

Is this Birdsall?

MR. AMODIO: It is.

COMMISSIONER VANNOY: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project 38. Immedi Center.

Do I have a motion?

COMMISSIONER VANNOY: So move.

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COMMISSIONER DeVITA: Second.

MR. AMODIO: On the roll.

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

MR. AMODIO: Project number 43.

Recommendation to award to AE Com and Remington.

Do I have a motion?

COMMISSIONER DeVITA: Move.

COMMISSIONER BAZIAN: Second.

MR. AMODIO: On the roll.

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

COMMISSIONER VANNOY: Abstain from

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Remington.

MR. AMODIO: Motion approved.  
Project 44. Hearing Officer: Frank M.  
Donato.

COMMISSIONER DeVITA: Move.  
COMMISSIONER BAZIAN: Second.  
MR. AMODIO: On the roll.

(Roll call was taken, all Commissioners

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present respond in the affirmative)

MR. AMODIO: Thank you. That's all I  
have. Nothing further.

Do I have a motion to adjourn?

COMMISSIONER BAZIAN: Motion to adjourn.  
COMMISSIONER LEVINE: Second.

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

MR. AMODIO: Time is 11:48.  
Next meeting is May 26 at 11:00. That  
meeting is at 11:00, May 26.

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C E R T I F I C A T E

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Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the meeting 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 meeting 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.

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LYNANN DRAGONE, CCR  
Certified Court Reporter