

PASSAIC VALLEY WATER COMMISSION MEETING OF  
NOVEMBER 20, 2012  
(OPEN SESSION)

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

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

1 (Roll call was taken, all Commissioners  
2 present respond in the affirmative. Commissioners  
3 Sanchez, Levine, and Rodriguez are not present  
4 yet.)

5  
6 MR. AMODIO: Commissioners Sanchez, Levine  
7 and Rodriguez are not here at the moment.

8 The time is 9:38 a.m.

9 You have a quorum.

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

18 Please rise.

19 Commissioner Vannoy, would you lead us in  
20 the Pledge of Allegiance.

21 We have members of the public who wish to  
22 be heard.

23 Sir, if you would, your name.

24  
25 (Whereupon, Commissioner Rodriguez is

1 present at 9:39)

2  
3 MR. IACOBELLI: Good morning, my name is  
4 Bruce Iacobelli. I'm a councilman in the Borough  
5 of North Haledon and I'm here today representing  
6 the Mayor and Council and my constituents. I  
7 brought along with me a member of our local  
8 municipal utilities authority to discuss with you  
9 the covering of the three reservoirs in Northern  
10 New Jersey.

11 The biggest concern that we have at this  
12 particular point candidly, is, I'm curious to  
13 gather, I'd like to gather some information from  
14 you as to why this Commission has decided to  
15 proceed with that project when the EPA will not  
16 finish their analysis as to whether it is required  
17 until the year 2016, as I understand it.

18 I also understand that the states of New  
19 York and a couple of other states have requested  
20 deferment of proceeding with those projects until  
21 that analysis has been completed. It's my  
22 understanding that through representative Schumer  
23 in New York, they have a stay until the year 2028.

24 Secondly, as the finance chairman in  
25 the Borough of North Haledon, I'm very concerned

1 about the costs related to that project that will  
2 be passed onto our constituents.

3 And finally, if you could share with me  
4 what other alternatives you have investigated as  
5 opposed to covering over those pristine areas and  
6 in our opinion, impacting negatively upon the  
7 values of the properties surrounding that area.

8 MR. BELLA: Well, first of all, you know,  
9 if we had, you know, some advanced warning, I  
10 would be glad to come and talk to you individually  
11 or together and give you the details. Because I  
12 really I hate to get into the full details of this  
13 at a regular Commission meeting. It's very  
14 difficult to get into the details, that's number  
15 one.

16 Number two, all those concerns and all the  
17 concerns that we talked about are being addressed.  
18 We've had extensive studies done by, you know,  
19 some of the best firms in the country. We've had  
20 constant contact with the DEP. The EPA is not the  
21 prime regulator in this particular case, it's the  
22 DEP. Which we've had meetings with them which we  
23 shall proceed.

24 And aside from all that, it's the right  
25 thing to do, water quality wise. And in terms of

1 the protection of the public health, which is our  
2 number one function, something must be done here.

3 There is plenty of options, all of which  
4 are being considered. We still have not hired a  
5 consultant to do any of the five designs which is  
6 going to be in the next few months. More than  
7 likely a recommendation will come out and we'll be  
8 more than happy to have you briefed on that.

9 PRESIDENT VANNOY: Joe, I think at this  
10 point, you've gone out with me and we've talked to  
11 some people. Again, probably we should set  
12 something up with the borough and just address it  
13 there. Because right now the timing is not good  
14 at our meeting. And I'm sure we'd like to get  
15 into much more detail to answer all of your  
16 questions.

17 MR. BELLA: We certainly could.

18 MR. IACOBELLI: Do you think you can  
19 answer the question as to why you're not waiting  
20 for the EPA to finalize their study?

21 MR. BELLA: I don't think we've done  
22 anything yet. In a sense we are.

23 MR. IACOBELLI: That's good to hear.

24 MR. BELLA: Again, you got to remember,  
25 it's not about that particular part of the

1 regulation. It's about the entire body of the  
2 regulation. It's a complete review from the  
3 entire regulation. And, you know, frankly, it's  
4 part of a review that they do normally on most any  
5 regulation that's coming up for reauthorization.

6 PRESIDENT VANNOY: Commissioner DeVita,  
7 you had something?

8 COMMISSIONER DeVITA: Would it make more  
9 sense to set up a meeting so you can face to face  
10 answer the questions?

11 MR. BELLA: I'd be more than happy. In  
12 fact, if you'd like, we can set something up.  
13 I'll bring you down here. We can show you the  
14 whole layout, the potential, all the different  
15 possibilities, because they're numerous and we're  
16 still looking trying to get all of the details.  
17 We'd be more than happy to do that for you, as  
18 I've done many other times.

19 And even once we do select for design, a  
20 big component of that is going to be public  
21 outreach. We're just not at that point.

22 MR. IACOBELLI: One of the reasons I came  
23 here was because the only information I have,  
24 without delving into and asking the experts, is  
25 the newspaper. And I think all of us, as either

1 appointed or elected officials would know, you  
2 really can't always depend on what it says in the  
3 newspaper. And they indicated that it was your  
4 plans to put a shovel in the ground in the year  
5 2014. Is that correct?

6 MR. BELLA: That's probably true.

7 MR. IACOBELLI: So essentially, you're not  
8 waiting for the EPA to finalize their analysis as  
9 to whether or not this is necessary. You're going  
10 to proceed with it regardless.

11 COMMISSIONER BAZIAN: Mr. President, if I  
12 may?

13 Joe, as I understand it, our orders are  
14 not coming from the EPA, they're coming from DEP.

15 MR. BELLA: That's correct.

16 COMMISSIONER BAZIAN: As I understand it,  
17 we raised this issue with the DEP and the DEP said  
18 proceed regardless, am I correct?

19 MR. BELLA: That's correct.

20 COMMISSIONER BAZIAN: So that, sir, is  
21 basically the issue. It's not like the EPA is  
22 coming to us and saying you have to do this. EPA  
23 has gone to the State and said, State, you have to  
24 do this. The State has come to us and said, you  
25 are under our regulations, you must get this done.

1                   We have something called an ACO, an  
2                   Administrative Consent Order, if I'm remembering  
3                   the acronym properly, which basically sets up  
4                   certain dates and certain milestones by which we  
5                   have to be done.

6                   You were concerned from two perspectives  
7                   that we are concerned identically. One is the  
8                   cost of the project and most specifically, the  
9                   cost of the project that can wind up being passed  
10                  onto the consumer; that's number one.

11                  And number two, the look of the project.  
12                  Okay. In a discussion I had with Joe and Joe,  
13                  please confirm if my memory is correct. I'm not  
14                  as young as I used to be. I had asked Joe, I  
15                  said, if we're doing tanks, which is your concern,  
16                  as opposed to something else, and it will have an  
17                  affect on the landscape, why have we not reached  
18                  out to the public and have a public hearing. The  
19                  answer was, because the initial study gives us an  
20                  overview to have these five, six, seven, eight,  
21                  however many different options that you can have,  
22                  and it looks like this is the best one for now.  
23                  But there are a lot of factors beyond cost and  
24                  effect, such as, what's it going to do to the  
25                  housing values; what's it going to look like, et



1           cetera, et cetera. And that's when public  
2           hearings come in.

3                     Now, Joe has explained it to me how our  
4           next phase, which would be to hire a consultant  
5           who would do a design. It would include, and I'm  
6           being very careful to be precise so if I'm wrong,  
7           please correct me because I don't want to give the  
8           wrong information. That would include outreach to  
9           the public to say, okay, these are our options.  
10          This is what is proposed. And that's when you get  
11          your say. You can actually say, well, we like  
12          that. We don't like this. You know, is there any  
13          way... Kind of like a zoning case in a way. You  
14          come before the Zoning Board say this is something  
15          I'd like to do and the Zoning Board says, yeah,  
16          well, that's good or no, that's not good or maybe  
17          you should be doing landscape; whatever.

18                    That's kind of how I am equating the  
19          process. I can only assure you that from our  
20          perspective, speaking for myself and I'm sure I'm  
21          speaking for my colleagues, this is not something  
22          we're going to shoot from the hip on on a hundred  
23          million dollar project. I wouldn't, if it was  
24          happening across the street from me, I would be  
25          standing exactly where you are. Okay.

1           On the other hand, as Joe was mentioning,  
2           we have two major concerns. One is the State  
3           that's breathing down our neck saying you have to  
4           get this done. Now, if the State were to come to  
5           us and say, you know something, EPA is reviewing,  
6           you can have extra time, we wouldn't have a  
7           problem with it.

8           Okay.

9           But it's not like if the State -- if the  
10          State comes to the Borough of North Haledon and  
11          says to the Borough of North Haledon, you must  
12          conform to X, Y, Z, okay. You got the State  
13          telling you this is a mandate. This is what you  
14          have to do. Okay. Now --

15          MR. IACOBELLI: Well, the only conflict I  
16          have with that, excuse me for interrupting --

17          COMMISSIONER BAZIAN: Please, no. I  
18          appreciate it.

19          MR. IACOBELLI: -- I appreciate your  
20          description of the project. The first problem  
21          that I have with that is I wouldn't be convinced  
22          that all of what you have just said you plan to do  
23          could be done before you put a shovel in the  
24          ground by 2014.

25          COMMISSIONER BAZIAN: And if we can't,

1 then we don't put a shovel in the ground in 2014.  
2 That's the process, as I understand it.

3 MR. IACOBELLI: Secondly, would you be  
4 able to explain why other states have been able to  
5 defer moving in this direction?

6 PRESIDENT VANNOY: We will be able to  
7 explain that at the meeting.

8 COMMISSIONER KOLODZIEJ: Our invitation is  
9 to a meeting.

10 MR. BELLA: I will be happy to bring you  
11 down to our treatment plant and sit down and go  
12 over all the details. I'll be more than happy to  
13 give you every answer you can possibly have. This  
14 is no big secret.

15 PRESIDENT VANNOY: How do you want them to  
16 contact you?

17 MR. BELLA: I'll give you my phone number.

18 MR. IACOBELLI: Let me give your secretary  
19 a phone number of the Borough of North Haledon.  
20 Either I can contact you or you can contact them.  
21 I'd like it not to be just a meeting of the  
22 Borough of North Haledon, we should we open it up  
23 to more of the communities to get more  
24 information. Because as I mentioned, all we have  
25 is what's in the paper.

1 MR. BELLA: That's fine. I'll be happy to  
2 set up a meeting with you people.

3 MR. IACOBELLI: Let me leave you with  
4 this, if I might, which is a Resolution passed by  
5 the Mayor and Council in the Borough of North  
6 Haledon asking you to defer any continued work on  
7 this project until the EPA makes their decision.

8 COMMISSIONER BAZIAN: Has that, by the  
9 way, been communicated to the State Department of  
10 Environmental Protection?

11 MR. IACOBELLI: The last paragraph  
12 indicates it should be communicated to all  
13 involved parties.

14 Thank you. Thank you for your time.

15 MR. D'ASTOLFO: My name is Larry  
16 D'Astolfo. I'm a resident of Little Falls. No  
17 affiliation politically.

18 My inquiry is somewhat generic.  
19 Obviously, as a resident of Little Falls we have  
20 addressed this concern locally and with the PVWC  
21 through past administrations and municipality  
22 regarding Beatties Mill Dam reconfiguration. The  
23 PVWC has stated publicly in 2010 that from their  
24 perspective, the Beatties Mill Dam has no direct  
25 impact on flooding in the immediate area,

1 specifically, Little Falls and generically further  
2 up to the Two Bridges location.

3 My question is, again, pretty generic,  
4 what is the appropriate protocol for initiating  
5 dialogue to review that position with PVWC and why  
6 does the PVWC take that particular view in light  
7 of ACOE research from 1989, for example, that  
8 suggests one of the most cost effective means of  
9 mitigating flooding is through a remediation of  
10 the Beattie Mill Dam and with no significant water  
11 impact down river, Passaic, Paterson, Nutley,  
12 wherever.

13 That's it. What is the appropriate  
14 protocol for initiating guideline?

15 COMMISSIONER KOLODZIEJ: I just have a  
16 question.

17 There is a committee that has been set up  
18 to study this. Joe, are we involved in any way  
19 with those people that are studying alternatives  
20 to the flooding problem? Do we have  
21 representation on that committee?

22 MR. BELLA: Actually, no, we don't.

23 COMMISSIONER KOLODZIEJ: Maybe we should  
24 so that when questions like this arise, they can  
25 be answered by somebody that has the knowledge.

1           There is a whole study going on. Again, it's a  
2           tragedy that you have to live it over and over  
3           again. And I've been involved with this since the  
4           early '80s and as you say, some of the solutions  
5           that were put on the table then are coming back  
6           for consideration by this committee.

7                        So I would think our first step is to ask  
8           for some sort of representation on that committee  
9           so that we can be part of the whole discussion,  
10          which I'm assuming is open to the public when they  
11          hold these meetings.

12                       So would you be satisfied with us taking  
13          that step and asking for some sort of  
14          representation from our Commission on that study  
15          so that we can intelligently --

16                      MR. D'ASTOLFO: Oh, I think wholeheartedly  
17          an engagement of PVWC. I mean, it's a tremendous  
18          entity. It provides a lot, you know, water is  
19          essential. It's a commodity.

20                      COMMISSIONER KOLODZIEJ: Exactly. As Mr.  
21          Bella pointed out to the previous speaker, it's  
22          not just the local water issue, it's regional.  
23          It's what's happening with water throughout. So,  
24          you know, my first, you know, action to your  
25          request would be we should be there. We should be

1 listening to everything because it does affect us  
2 and it does affect all of the towns that are  
3 having the flooding problem.

4 MR. D'ASTOLFO: Which begs the question,  
5 why aren't you?

6 COMMISSIONER KOLODZIEJ: Well, who knows,  
7 when they set up these committees, you know, we're  
8 the stepchild out there. We're not usually  
9 invited to things until it becomes a matter of  
10 litigation, Mr. Hanley, right? Or something like  
11 that.

12 We want to be proactive.

13 MR. D'ASTOLFO: Nobody is looking to be  
14 adversarial with you.

15 COMMISSIONER KOLODZIEJ: Exactly. I think  
16 that's our first step; for us to discuss this  
17 without the body as a whole, without those  
18 suggestions that have been coming back, and I'm  
19 telling you right now, if that tunnel comes back,  
20 you're going to have problems with the City of  
21 Clifton. So we fought that battle already.

22 But they're bringing back everything;  
23 everything that's been on the table since the time  
24 frame that you mentioned.

25 MR. D'ASTOLFO: With certain caveats.

1 Obviously, a tunnel is \$3,000 per household.

2 COMMISSIONER KOLODZIEJ: Well, we don't  
3 need to discuss that. What we need to do is get  
4 our representation --

5  
6 (Whereupon, Commissioner Levine is present  
7 at 9:56)

8  
9 MR. D'ASTOLFO: -- By the owners. It is  
10 something, that if remotely, at least doable.  
11 There's no engagement with the public at large  
12 addressing that issue outside of a 2010 public  
13 relations statement about any impact of the  
14 Beatties Mill Dam on flooding.

15 So obviously, the PVWC looks at that as a  
16 hands off issue. I can appreciate that, but I'm  
17 you know, up to my neck in water. That's more  
18 water than I need. I don't want that much water  
19 in my yard. So that's all I'm looking to  
20 mitigate. It's pretty simple, actually.

21 COMMISSIONER DeVITA: Did you get an  
22 answer to your question?

23 MR. D'ASTOLFO: The question is what is  
24 the appropriate protocol and when we need to  
25 engage the public a little more.



1                   COMMISSIONER BAZIAN:  If I may, at the  
2                   very least you hit the very last final protocol to  
3                   open a dialogue and coming before the Board.  But,  
4                   obviously, a call to the Executive Director's  
5                   Office or whatever, to at least get a discussion  
6                   started.  And if you find that going to the  
7                   Administration, you know, anything that  
8                   Administration is, it's not going to originate  
9                   typically with the Board.  If necessary, we're  
10                  here and that's part of our job come to us.

11                  MR. D'ASTOLFO:  What do I take it out of  
12                  this?

13                  COMMISSIONER BAZIAN:  To initiate a  
14                  dialogue with the Administration is to reach out  
15                  to the Administration and say, this is an issue,  
16                  where do we go, et cetera, et cetera.  That starts  
17                  conversation.  But I'm saying coming to the  
18                  Board --

19                  COMMISSIONER DeVITA:  Why don't you call  
20                  Joe Bella.

21                  COMMISSIONER BAZIAN:  That's what I said.  
22                  That's the first.  But coming to the Board is  
23                  another way to get a dialogue started.  That's  
24                  what I'm saying.  It starts out with the Executive  
25                  Director.

1 PRESIDENT VANNOY: So if you can exchange  
2 the information.

3 MR. AMODIO: Sir, before you go, can you  
4 give us the spelling of your name.

5 MR. D'ASTOLFO: D-'-A-s-t-o-l-f-o.

6 COMMISSIONER DeVITA: Thank you for  
7 coming.

8 MR. D'ASTOLFO: Gentlemen and ladies,  
9 thank you.

10 MR. AMODIO: Sir, the gentlemen in the  
11 middle, would you like to be heard?

12 UNIDENTIFIED MAN: No, thank you. Bruce  
13 said everything.

14 MR. AMODIO: Anybody else from the public  
15 like to be heard?

16 Moving along, committee reports.

17 PRESIDENT VANNOY: Tom.

18 COMMISSIONER DeVITA: Yeah, we had a  
19 meeting last week. Our recommendations are on the  
20 agenda. There were two items; one is Kelly to  
21 make the status permanent based on the Civil  
22 Service, based on information we received.

23 And the other is Mr. Gullick to become  
24 permanent. He has the position temporarily; make  
25 him permanent. We discussed it. We discussed it

1 with Mr. Gallagher.

2 MR. AMODIO: Would that be it for  
3 personnel?

4 COMMISSIONER KOLODZIEJ: Just a question.  
5 I don't know where the appropriate time to discuss  
6 this with you, here on this report in closed  
7 session or at the end of the meeting?

8 PRESIDENT VANNOY: Yes.

9 COMMISSIONER KOLODZIEJ: I have one  
10 relevant question that I think would simplify  
11 things for me. Was your personnel committee given  
12 the job descriptions that were filled out by the  
13 two employees?

14 COMMISSIONER DeVITA: Yes.

15 COMMISSIONER KOLODZIEJ: All right. And  
16 you looked at this?

17 COMMISSIONER DeVITA: Yes.

18 COMMISSIONER KOLODZIEJ: And you honestly  
19 feel that the titles that have been selected by  
20 the committee, by Civil Service, by Mr.  
21 Gallagher --

22 COMMISSIONER DeVITA: Civil Service.

23 MR. GALLAGHER: Yes.

24 COMMISSIONER KOLODZIEJ: Excuse me?

25 COMMISSIONER DeVITA: Civil Service.

1                   COMMISSIONER KOLODZIEJ:  Were they given  
2                   this?

3                   MR. GALLAGHER:  They filled out the  
4                   application.

5                   COMMISSIONER KOLODZIEJ:  They did not fill  
6                   this out when it went down to Civil Service.  It's  
7                   a promotional exam and, obviously, four of our  
8                   employees took it.  Two of our employees were not  
9                   eligible for the position because it's  
10                  promotional.  So that's all Civil Service saw.  
11                  They did not see this job description filled out  
12                  by our employees?

13                  MR. GALLAGHER:  They would not have seen  
14                  that paperwork.  They would have seen other  
15                  paperwork.

16                  COMMISSIONER KOLODZIEJ:  What my concern  
17                  is --

18                  COMMISSIONER DeVITA:  I don't believe they  
19                  saw it.

20                  COMMISSIONER KOLODZIEJ:  And you basically  
21                  see is Mr. Kelly is doing the exact same job that  
22                  Mr. Romain is doing, then he's reporting to the  
23                  wrong person.  It's under our Table of  
24                  Organization.  You have him reporting to Mr.  
25                  Hanley.  Obviously, if he's a General Supervisor

1 of Water doing all of these water duties,  
2 including supervising personnel, he should be  
3 reporting to Mr. Bella.

4 MR. HANLEY: Actually, that's not the  
5 case. I did go over that at Jim's request with  
6 Mr. Kelly and our personnel attorney looking at  
7 that and he pointed out a couple of things.

8 One is that those items in that  
9 description are, and it says it right on the  
10 paper, are illustrative, not exclusive.

11 And secondly, in his function as my  
12 investigator, all he does, in fact, do all of  
13 those things. He does it in a different context  
14 than the other job.

15 So in his opinion, it fits.

16 COMMISSIONER KOLODZIEJ: My concern here  
17 is A, we wanted to reward employees with a  
18 promotion; not a problem with me. Not a problem  
19 with me as far as compensation is concerned.

20 My concern is that there is another title  
21 that fits Mr. Kelly's job description better and  
22 who is the attorney that you spoke to so I can  
23 have my --

24 MR. HANLEY: Yaacov Brisman.

25 COMMISSIONER KOLODZIEJ: All right.

1 Before I leave today, you'll give me his name so I  
2 can deal with him and his legal opinion.

3 Thank you.

4 PRESIDENT VANNOY: Anything else?

5 MR. AMODIO: Finance.

6 COMMISSIONER LEVINE: I went over the  
7 budget. We just finished up the annual budget.  
8 We talked to Joe regarding the overtime vouchers,  
9 how that's working out. He said that it's working  
10 out well. They're open for all of us to look at  
11 to see and make sure the hours are matching up  
12 with non-emergencies. You know, that main breaks  
13 are going to come.

14 The last thing we talked about is when the  
15 RFP was going to be out for the matching of the  
16 lots and blocks. Jim can answer that question.  
17 Where are we at with that? I know we said we  
18 wanted it done this meeting.

19 MR. DUPREY: We did up the scope of the  
20 work. We also priced it and the price was  
21 extremely high. It was almost untenable.

22 COMMISSIONER LEVINE: What is it? Do you  
23 have copies? The RFP you already sent out?

24 MR. DUPREY: No, we have not issued  
25 because we wanted to revise the scope of work and

1 bring it back.

2 COMMISSIONER LEVINE: Where did you get  
3 pricing from?

4 MR. DUPREY: We did our own. We did an  
5 estimation based on the hours to be expected and  
6 the tasks that we had to do and we were looking at  
7 approximately \$3.8 million, which was just way too  
8 high. So now we're looking at ways to take some  
9 of that work out of the scope of order, see if we  
10 can revise it to more tenable numbers and go out  
11 for part of it and supplement the rest with  
12 inhouse personnel. It was just too high.

13 We didn't want to go out for advertisement  
14 and come back with a number of \$3 million and then  
15 bring it to the Board and, you know, it isn't  
16 reasonable. So we're revising that.

17 MR. BELLA: Then it will go out.

18 MR. DUPREY: It will go out shortly.

19 COMMISSIONER BAZIAN: Mr. President, I  
20 know I'm just speaking for me, but I think I'm  
21 speaking knowing the thinking of the finance  
22 committee and the Board.

23 I personally don't care how this gets  
24 done. I don't care if you put a couple of monkeys  
25 on the computer and they get it done. I don't

1 really care. The bottom line is we've been  
2 discussing this for a year, a year and a half, and  
3 it seems like we are now talking about  
4 \$2.8 million, \$3 million.

5 I don't want to get so pigeonholed that  
6 we're spending our time on something that is not  
7 necessarily going to work. I'm not going to tell  
8 Administration how to get it done. I will only  
9 point out, I've heard varying dates as to when it  
10 would be done. The last date I recall coming  
11 forward was this previous March. We're now, for  
12 all intents, in December -- we're in the middle of  
13 November. We were looking at an alternative  
14 approach of \$2.8 million, that kind of number,  
15 than what if we hired somebody at 60, \$70,000.  
16 Are we over thinking this?

17 This bottom line is and I don't want to go  
18 through the solutions now, I don't care. This is  
19 an administrative issue. This is something that  
20 this Board has been clearly stating that it wanted  
21 done for going back till somewhere in 2011. We're  
22 now almost at the end of 2012 and we're still not  
23 there.

24 And I just want to be very clear, I don't  
25 want the RFP, it's too much, it's too little, we



1 got to change the scope. It's another month,  
2 another month, and it's not done. Get it done. I  
3 don't care; bottom line.

4 COMMISSIONER LEVINE: Let me ask you a  
5 question. Commissioner Kolodziej, I forgot what  
6 we talked about, was it part-time employees? I  
7 forgot what it was. Even if it's a million  
8 dollars, you cut it in half, I can put employees  
9 on for 30,000 a year at \$90,000 and keep them here  
10 ten years and it's still savings to do this stuff.

11 I mean, it's a clear thing. I've been  
12 adamant more than anybody on the Board, I want  
13 this done. And new things keep popping up  
14 everyday with people not having water and costing  
15 the Commission 80, 50,000, 10,000.

16 I want to vote right now to let this go  
17 before finance because the Administration isn't  
18 getting it done and we'll come up with a solution,  
19 tell you what we want to do. I actually want to  
20 put employees on right now, I mean, and let it go  
21 through Personnel and see if it works. It's not  
22 getting done and I don't know how to get it done.

23 COMMISSIONER BAZIAN: If I may, I know  
24 where you're coming from, Commissioner. I agree  
25 with the sentiment. I disagree with the approach.

1 I think it would be a huge mistake for  
2 this Board, for any of us to get involved in  
3 day-to-day operations. It's our job to give  
4 direction to the Administration. If the  
5 Administration is not getting it done, then that's  
6 a whole different question.

7 COMMISSIONER LEVINE: Is it getting done?  
8 It's been two years.

9 COMMISSIONER BAZIAN: Then if you want to  
10 raise that as an issue, then we got to ask  
11 ourselves what is it with the Administration.

12 COMMISSIONER LEVINE: That's why I want to  
13 define how we would like it done and now they know  
14 and they could figure it out.

15 COMMISSIONER BAZIAN: No, it's not for  
16 this Board to tell Administration how to do their  
17 jobs. It's for this Board to send clear  
18 directives and priorities for the Administration.  
19 That's what we do. It's their job to get it done.  
20 If they can't get it done, then there's a whole  
21 different question to be asking.

22 COMMISSIONER LEVINE: You know what, as  
23 the finance chair, I'll have you head of this and  
24 I want to handle it different and then you make  
25 sure it gets done or do whatever you need to do --

1                   COMMISSIONER BAZIAN:  You're not -- you're  
2                   not.

3                   PRESIDENT VANNOY:  Okay.  Okay.

4                   COMMISSIONER LEVINE:  I'm saying right  
5                   now, I'm looking for a way to get it done.  It's  
6                   not getting done.

7                   MR. BELLA:  It will be advertised by this  
8                   week -- not this week, next week.

9                   PRESIDENT VANNOY:  What will be  
10                  advertised?

11                  MR. DUPREY:  The RFP.

12                  MR. BELLA:  Scaled down.  We took a lot of  
13                  stuff out of there and focused.  It will be done.  
14                  I want this done, too.  It has a lot of other  
15                  benefits besides that.

16                  COMMISSIONER BAZIAN:  So I guess my  
17                  question is, I get that the RFP is going to go  
18                  out.  That's great.  Do we feel that the RFP is  
19                  going to come back at a price that makes sense?  
20                  Is this a viable direction to go or should there  
21                  be a different direction that we're going on a  
22                  parallel?

23                  I mean, for example, take the Sheriff's  
24                  contract.  We got to a point where we were saying  
25                  it's not working with the Sheriff's contract,

1 let's go along a parallel track, either they're  
2 going to get it down or we're going to go out to  
3 an RFP. What is our plan B if these RFPs come  
4 back at \$500,000?

5 MR. BELLA: They're going to come back  
6 over 500,000.

7 COMMISSIONER BAZIAN: Is this the best way  
8 to get it done?

9 MR. BELLA: Yes.

10 COMMISSIONER BAZIAN: As opposed to hiring  
11 someone --

12 MR. BELLA: Yes. Because it's more than  
13 just going out and looking at this. It's GIS  
14 maps. It's GIS layers that go on top of each  
15 other. You got to correct tax maps and our own  
16 maps and locations and services. Go in and  
17 inspect cones and knock on doors and make  
18 arrangements and everything. So believe me, it's  
19 better to do it this way. Some of this stuff  
20 we're going to do and that's what we're doing. At  
21 one time the whole thing was going to go out.  
22 Now, we're going to pull back and if we need some  
23 additional help, we'll let you know. But we think  
24 we can get it done.

25 COMMISSIONER LEVINE: Let me ask you a

1 question, Joe. Aren't there people that do this  
2 that we can pay maybe \$80,000 if we're allowed to  
3 give, I'm not sure, a year contract or part time  
4 and get it done?

5 MR. BELLA: It's such a big effort and  
6 there's so many hours involved in this, you would  
7 have to maybe hire five people to get to the same  
8 point where we could get and then you're going to  
9 have five people on staff that you don't need at  
10 the end of the year.

11 COMMISSIONER LEVINE: Are we allowed,  
12 legally, Jim, to put them on a one-year contract?

13 MR. GALLAGHER: You can hire someone for  
14 one year.

15 COMMISSIONER LEVINE: So we hire three  
16 employees who actually know what they're doing on  
17 a one-year contract and when this is over, we  
18 re-evaluate it, if we need them for anything else.  
19 Are we allowed to do that, Jim?

20 MR. BELLA: Let's get a price.

21 COMMISSIONER LEVINE: I want to have  
22 another --

23 PRESIDENT VANNOY: Tom, Tom.

24 COMMISSIONER DeVITA: I have a suggestion.  
25 The RFPs are going to be out and come back for

1                   when?

2                   MR. BELLA:   Probably --

3                   MR. DUPREY:   Three to four weeks.

4                   COMMISSIONER DeVITA:   Pending them coming  
5                   back, can you look into if something doesn't work  
6                   an alternative?

7                   MR. DUPREY:   Yeah.

8                   COMMISSIONER DeVITA:   And is this  
9                   something that we have to have constantly or every  
10                  year or once it's done --

11                  MR. BELLA:   We're not going to do the  
12                  entire thing every year.  What you're doing is  
13                  you're making sure that everything matches up.  So  
14                  that's a one time deal.

15                  COMMISSIONER DeVITA:   Understood.  Once  
16                  it's done, sorry to interrupt you, once it's done,  
17                  can we have the updating done inhouse?

18                  MR. BELLA:   Yes.  That's exactly --

19                  COMMISSIONER DeVITA:   Okay.

20                  PRESIDENT VANNOY:   All right.  So by next  
21                  Friday the RFP will go out.  You're saying three  
22                  to four weeks, I guess, that's not making our  
23                  meeting then, right?

24                  COMMISSIONER BAZIAN:   If I may, concurrent  
25                  with that, I want a conference scheduled, in

1 writing, presented to the finance committee  
2 chairperson.

3 MR. BELLA: Okay.

4 MR. AMODIO: Anything further for finance?

5 Moving onto IT.

6 Commissioner Bazian.

7 MR. GALLAGHER: Yes, Commissioners, I just  
8 want to bring you up to date. I have a memo I can  
9 distribute it to the rest of the Board.

10 On the telephone, I have to give kudos to  
11 a number of people; Mike Marotta, Jim Duprey,  
12 Linda Beckering. We ran into a few snags.  
13 Obviously, the weather being one of them. We have  
14 secured from Mitel an additional amount of time.  
15 We're anticipating the start of the deployment of  
16 the new phones themselves some time in mid to late  
17 December. We're anticipating moving Customer  
18 Service over on or about January 1st. That  
19 includes the training and deployment of the  
20 phones. We're going to run both systems  
21 simultaneously for that period of time and the  
22 rest of the phone system should be deployed soon  
23 thereafter. But the real goal is to get Customer  
24 Service up and running on track with the phone  
25 system.

1           The wiring was more of a challenge than we  
2 originally anticipated, getting into certain  
3 buildings. Particularly, at the plant and then  
4 there were some other issues with NEC not ordering  
5 the right material and then we had long period of  
6 time where we had to go back and forth with them.  
7 But everything's back on track with that.

8           And, again, really, Jim and Linda have  
9 been a big help and Mike has been a tremendous  
10 help getting the deployment of the thin wiring  
11 done.

12           The Business Process Review is on track.  
13 Mr. Lloyd was here from Westin. He met with  
14 Customer Service again. They're preparing the  
15 first phase of the bidding for the new computer  
16 system which would be for the Customer Service  
17 base in getting what they're calling best in  
18 breed, which is he's looking at what's out there  
19 in the marketplace.

20           COMMISSIONER RODRIGUEZ: Let me just -- I  
21 hear you saying they're starting the first phase.  
22 When are we getting the business review  
23 presentation? It seems like they're moving in a  
24 direction. I have no idea what they've done thus  
25 far.



1 COMMISSIONER BAZIAN: In other words,  
2 where's the report?

3 COMMISSIONER RODRIGUEZ: Where's the  
4 report? I mean, before they go out bidding for  
5 us.

6 MR. GALLAGHER: When I say, they're  
7 putting that package together to bring to the  
8 Board.

9 COMMISSIONER RODRIGUEZ: Is that part of  
10 their -- wait, is that part of their package?

11 MR. GALLAGHER: That's part of their  
12 package.

13 COMMISSIONER RODRIGUEZ: Okay. I had  
14 expected them --

15 COMMISSIONER LEVINE: Do we have to pay  
16 for anything?

17 MR. GALLAGHER: We've been paying them for  
18 the time --

19 COMMISSIONER RODRIGUEZ: For October.

20 COMMISSIONER LEVINE: Before we pay, I  
21 believe, just to hear what we're getting, what  
22 their scope was going to be and what their  
23 direction was going to be.

24 COMMISSIONER RODRIGUEZ: I apologize, Jim.

25 MR. GALLAGHER: That's okay. I mean, they

1 did come in and met with IT on one occasion and  
2 then they've been meeting with staff.

3 COMMISSIONER LEVINE: I thought they said  
4 they were going to meet with the whole Board, if I  
5 remember correctly.

6 MR. GALLAGHER: Well, no, they plan on  
7 that the month of December.

8 COMMISSIONER LEVINE: I thought before,  
9 before they started I thought they were going to  
10 meet with us. If that's our consensus, maybe you  
11 can put in a request to come before the next Board  
12 meeting.

13 MR. GALLAGHER: They will be here the next  
14 Board meeting.

15 COMMISSIONER RODRIGUEZ: Are they done?

16 COMMISSIONER BAZIAN: Has the final report  
17 been issued?

18 MR. GALLAGHER: No.

19 COMMISSIONER BAZIAN: So I just want to  
20 understand this. The final report has not yet  
21 been issued but they're moving forward with the  
22 search and things like that?

23 In the presentation they gave to the IT  
24 committee, they actually pretty much have a view  
25 of where they thought they were going to go

1 technological wise. Okay. They presented two  
2 different views. One view was, let's get a suite  
3 of solutions that comes from the same vendor.  
4 There are certain benefits to that.

5 They said the other thing is to mix and  
6 match the best solution that we can find, even if  
7 they're from different vendors.

8 Okay. And we had a discussion about that.  
9 I see their point. It's not my normally preferred  
10 way of going, however, I don't have their blue  
11 water experience, pun intended.

12 So they're coming through and saying this  
13 is what they have done that works best with Water  
14 Commissions. They've done many of them. So fine,  
15 if it gets us to where we want to go, fine.

16 COMMISSIONER LEVINE: What's it going to  
17 cost --

18 COMMISSIONER BAZIAN: The fact of the  
19 matter is, they presented a time line and cost  
20 line that needs to be reviewed before we start  
21 doing additional work.

22 COMMISSIONER RODRIGUEZ: That's my point.  
23 This body approved an RFP and a contract for them  
24 and before they were going to move, I was under  
25 the impression that in October, in October we were

1 going to have their final report and a  
2 presentation to the entire body.

3 COMMISSIONER BAZIAN: I have a view -- I'm  
4 sorry.

5 COMMISSIONER RODRIGUEZ: So my concern,  
6 when I hear that they come in, I think that's  
7 great they come into IT, they've given a  
8 presentation, several options. I still, as a  
9 member of this body, before they move anywhere  
10 else, I'd like to see what they have done.

11 COMMISSIONER BAZIAN: I agree with you and  
12 my understanding was that they would do that. The  
13 meeting with IT was to cover their preliminary  
14 findings, which I didn't have a problem coming  
15 just before IT. I wanted them to present their  
16 findings here. But I agree, in fact, in the  
17 meeting --

18 PRESIDENT VANNOY: Did you say they were  
19 coming next month?

20 MR. GALLAGHER: Yes.

21 PRESIDENT VANNOY: Okay.

22 COMMISSIONER LEVINE: Let me ask you.  
23 Isn't the scope of work much wider than IT? It's  
24 supposed to incorporate our Table of Organization.  
25 People doing their own jobs. Why are they only

1 going to IT is my question?

2 COMMISSIONER BAZIAN: They're not just  
3 going to IT.

4 COMMISSIONER KOLODZIEJ: That's what you  
5 directed. You directed it to go to IT. I sit on  
6 IT, so does he. The bottom line is I don't  
7 necessarily agree. I don't have as much expertise  
8 as Commissioner Bazian, but my concern was the  
9 decisions that need to be made, need to be made as  
10 this body.

11 PRESIDENT VANNOY: As a whole.

12 COMMISSIONER KOLODZIEJ: And we need, I'm  
13 telling you, we should set aside a special  
14 meeting. It's not something we can decide. But  
15 they need direction now and I don't know which way  
16 you guys are going. I know some things I agree  
17 with Commissioner Bazian on and some things I  
18 don't. I need the rest of you.

19 PRESIDENT VANNOY: We should set a special  
20 meeting.

21 COMMISSIONER KOLODZIEJ: Exactly. The  
22 sooner or better.

23 COMMISSIONER RODRIGUEZ: I'd like to  
24 recommend that we do that.

25 COMMISSIONER BAZIAN: And for the record,

1           it was never the intent and I think Commissioner  
2           Kolodziej can back me up on this, that IT was  
3           going to make the decision.

4                    COMMISSIONER KOLODZIEJ:  No.

5                    COMMISSIONER BAZIAN:  I just wanted to get  
6           an idea where they were going.

7                    COMMISSIONER LEVINE:  Just on the  
8           technology end.  There's a lot of different ends  
9           that makes sense on the technology.

10                   COMMISSIONER DeVITA:  Can we have a  
11           special meeting?

12                   PRESIDENT VANNOY:  Jim, so you'll set it  
13           up?

14                   MR. GALLAGHER:  Is there a preference on  
15           the date?

16                   COMMISSIONER LEVINE:  Earlier the better.  
17           We don't want them to keep going forward if  
18           they're doing something we're not looking for.

19                   MR. GALLAGHER:  I'll try to get it  
20           resolved before we leave today.

21                   PRESIDENT VANNOY:  Right.  Okay.

22                   COMMISSIONER DeVITA:  Set a special  
23           meeting and let Mr. Amodio know.

24                   MR. AMODIO:  Jim, get a hold of them and  
25           get a date so we can set it before we leave today.

1                   PRESIDENT VANNOY: Get a couple of dates,  
2                   Jim.

3                   COMMISSIONER BAZIAN: Also, may I make a  
4                   suggestion, the preliminary report that you shared  
5                   with me, share it with all of the Commissioners.

6                   MR. GALLAGHER: Okay.

7                   COMMISSIONER BAZIAN: Let all the  
8                   Commissioners have, especially, the report on the  
9                   process. Let them see that.

10                  PRESIDENT VANNOY: I'd like to think that  
11                  they'll go through everything as a whole.

12                  COMMISSIONER KOLODZIEJ: Yes.

13                  COMMISSIONER BAZIAN: But by having their  
14                  preliminary report will give us an opportunity to  
15                  do our homework between now and then.

16                  PRESIDENT VANNOY: Oh, okay. So we can  
17                  ask questions.

18                  COMMISSIONER LEVINE: Is that primarily on  
19                  IT or --

20                  COMMISSIONER BAZIAN: No, no. Originally,  
21                  they wanted to give me just a preliminary report  
22                  regarding IT and I specifically requested the  
23                  report which was a review on our business  
24                  processes because I have a special interest in  
25                  that.

1 PRESIDENT VANNOY: Right. Okay. Jim,  
2 take care of that and give us a couple of dates.

3 MR. GALLAGHER: Okay.

4 MR. AMODIO: Anything else for IT?

5 Legal affairs.

6 COMMISSIONER BAZIAN: Legal affairs;  
7 George, did you want to discuss what we discussed?

8 MR. HANLEY: I think that should be in  
9 closed.

10 COMMISSIONER BAZIAN: Let's move the legal  
11 affairs to closed, please.

12 MR. AMODIO: Legal affairs to be moved to  
13 closed.

14 COMMISSIONER BAZIAN: In terms of what we  
15 could discuss in open, we had some discussions  
16 with regards to how might we structure an  
17 attorney's position within the Legal Department,  
18 an additional attorney. Specifically, we're  
19 trying to go through and come up with what that  
20 attorney would specifically do. We have some  
21 recommended requirements for a job, but we want to  
22 actually go through, if we brought somebody in,  
23 what would they be doing and how would that affect  
24 the cost structure of the Legal Department with an  
25 eye towards doing more inhouse and saving money.





1           what the Business Process Review says, if they  
2           actually recommended it. And we want to analyze  
3           the bills to see if there's actually a cost  
4           savings on certain things we can bring inhouse; if  
5           we can or can't bring it inhouse. That's what  
6           George was going to look at it.

7                    COMMISSIONER BAZIAN: The general feeling  
8           of the committee is we can definitely save money,  
9           however --

10                   MR. HANLEY: I just want to make it clear,  
11           I'm not convinced that's the case.

12                   COMMISSIONER LEVINE: I wasn't either.

13                   MR. HANLEY: For two reasons.

14                   PRESIDENT VANNOY: What, that we would  
15           save money?

16                   COMMISSIONER LEVINE: I want to see  
17           numbers.

18                   MR. HANLEY: I just want to make sure, I  
19           don't want to have people say that I promised and  
20           guaranteed that, because I had not. Which doesn't  
21           mean I'm opposed to it. Okay. Because there are  
22           other reasons other than cost that could be argued  
23           to do it. First, though, very critical in my mind  
24           is to get the secretary in here. Get the physical  
25           space to accommodate that attorney or you're not

1 going to be able to use that individual  
2 productively.

3 PRESIDENT VANNOY: Right.

4 COMMISSIONER BAZIAN: And acknowledging  
5 what George said, so we have clearly a difference  
6 of opinion, when you have a difference of opinion,  
7 the general rule of thumb is to try to work out  
8 and scientifically, as best you can, come down to  
9 which one is correct. The way you do that is  
10 exactly the approach that we're talking about.  
11 We're talking about analyzing what George's day  
12 typically looks like, what he's doing. He's going  
13 to be going over that with Commissioner DeVita.  
14 They're both attorneys. They'll understand it a  
15 lot better than I ever will.

16 And then Commissioner DeVita, at the next  
17 meeting, will come back and say, this is what  
18 George does. This is what comes outside. This is  
19 what we can do if we brought another attorney in.

20 Obviously, we're not going to do anything  
21 without George agreeing that it's going to be  
22 correct and then we'll be able to come to a  
23 determination it makes sense to bring in another  
24 attorney, maybe not an attorney, maybe a  
25 paralegal, whatever it might be.

1                   But right now we're looking at a budget  
2                   for 2013 of \$1.2 million, I believe, and we've  
3                   already been able to reduce the budget from last  
4                   year by just analyzing what's going on. But it  
5                   behooves us when you have out of an \$80 million  
6                   budget, you have over a million dollar department.  
7                   If we're scrutinizing everybody else, we have to  
8                   scrutinize the Legal Department. We have to try  
9                   to think out of the box on this, what things can  
10                  we do to be reducing cost and increasing service  
11                  to the Commission. That's what we're trying to  
12                  do.

13                   PRESIDENT VANNOY: Sounds good.

14                   George.

15                   MR. HANLEY: One other clarification is  
16                  that it's been less than 12 months -- the Legal  
17                  Department's budget used to be one item, included  
18                  everything we did. It's only been, maybe not even  
19                  12 months, that we broke those out into various  
20                  categories. I forget how many there are, 15, 16  
21                  now. Just one very easy example is the cost of  
22                  "settlements" was lumped into that one item.  
23                  Obviously, that has nothing to do with the cost in  
24                  personnel. That's now broken out. And a lot of  
25                  other things. For example, the use of experts was

1 lumped into that one item.

2 But anyway, my point is, we don't have a  
3 lot of data, financial data, with which to compare  
4 year on year in that department. We have a lot  
5 more than we did, but it still ain't perfect.

6 COMMISSIONER BAZIAN: But it's more than  
7 we had before and it's what we have to work with  
8 and we have to work with what we have.

9 If we don't have better information from  
10 prior years, shame on us for not having captured  
11 it. We gotta go forward with what we got.

12 PRESIDENT VANNOY: Next.

13 MR. AMODIO: That will be it.

14 COMMISSIONER KOLODZIEJ: No, security,  
15 please.

16 MR. AMODIO: Did you want to discuss that  
17 in closed session?

18 PRESIDENT VANNOY: Are we finished with  
19 legal affairs?

20 MR. AMODIO: Security.

21 COMMISSIONER KOLODZIEJ: Yes. I spent a  
22 frustrating week dealing with the County  
23 Administrator, three Freeholders, and trying to  
24 get a hold of Sheriff Berdnik. I feel like we  
25 have not been treated respectfully and I have a

1 better understanding after talking to these three  
2 entities just how messed up they are over there.  
3 So I am recommending that we go out to bid as our  
4 plan B said, and we're done.

5 COMMISSIONER DeVITA: I thought we did  
6 that.

7 COMMISSIONER KOLODZIEJ: No, that was our  
8 plan B. We were supposed to have an answer back  
9 but the storm came.

10 COMMISSIONER DeVITA: So we're going out?

11 COMMISSIONER KOLODZIEJ: We're definitely  
12 going out.

13 COMMISSIONER DeVITA: When?

14 COMMISSIONER KOLODZIEJ: By Friday, next  
15 Friday, with the other one.

16 COMMISSIONER BAZIAN: Do we need a motion  
17 for that?

18 COMMISSIONER KOLODZIEJ: No, we had a plan  
19 B last time. We just gave them the respect and  
20 courtesy.

21 COMMISSIONER LEVINE: They didn't sign the  
22 contract then?

23 COMMISSIONER KOLODZIEJ: Because they're  
24 still fighting over territory. They don't,  
25 obviously, in my opinion, have communication.

1 COMMISSIONER LEVINE: No one signed it?

2 COMMISSIONER KOLODZIEJ: Right.

3 COMMISSIONER DeVITA: We don't have a  
4 contract.

5 COMMISSIONER KOLODZIEJ: I think we have  
6 certainly been treated disrespectfully when people  
7 can discuss this on a golf course and yet can't  
8 pick up a phone to talk to Joe or talk to me or  
9 talk to you or anybody else here. So it's not --

10 COMMISSIONER LEVINE: I talked to the  
11 Sheriff, the Sheriff --

12 COMMISSIONER KOLODZIEJ: Well, it's not a  
13 done deal. It's not a done deal. But I  
14 personally put in a call to him. I know him  
15 personally and no call back. So let's just go out  
16 to bid. It's not going to happen.

17 COMMISSIONER RODRIGUEZ: We made it very  
18 clear.

19 COMMISSIONER LEVINE: I thought they  
20 signed the contract.

21 COMMISSIONER KOLODZIEJ: No, no. They  
22 haven't even discussed this as a Board as a whole  
23 and there's no way we're going to drag our feet.

24 COMMISSIONER DeVITA: We're going out to  
25 bid, period.

1                   COMMISSIONER BAZIAN: Jeff, President  
2 isn't here. Move next.

3                   MR. AMODIO: Move onto the Executive  
4 Director's report.

5                   MR. BELLA: Okay.

6                   MR. AMODIO: You want to get the  
7 President?

8                   COMMISSIONER BAZIAN: Why don't we go into  
9 closed if we have attorneys here.

10                  MR. AMODIO: Do I have a motion? Do I  
11 have a motion?

12                  COMMISSIONER BAZIAN: Move it.

13                  COMMISSIONER KOLODZIEJ: Second it.

14                  MR. AMODIO: Motion by Commissioner  
15 Bazian.

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

19                  WHEREAS, the public body's of the opinion  
20 that such circumstances presently exist;

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

24                  1. The public shall be excluded from  
25 discussion of the hereinafter specified subject



1 matters; the general nature of the subject matters  
2 being: Financial, Insurance, Personnel,  
3 Contracts, Negotiations, Security. Under Law:  
4 Summary/Aging Reports, North Arlington v. PVWC,  
5 Lodi v. PVWC, Non-Disclosure Re - Paterson Census  
6 Data. Under Personnel: Promotion, John Kelly -  
7 General Supervisor, Water, Richard Gullick - Water  
8 Superintendent. Under Administration: Electrical  
9 Power Procurement, Project 13-P-11 "Risk  
10 Management Services," Project 13-P-12 "Insurance  
11 Agent Services" and any other matter as may be  
12 discussed in camera.

13 2. It is anticipated that the  
14 above-stated subject matters will be ratified  
15 during public meetings following or as soon  
16 thereafter as reason for the discussion no longer  
17 exists.

18 3. This Resolution shall take effect  
19 immediately.

20 Second by Commissioner Kolodziej.

21 On the roll.

22  
23 (Roll call was taken, all Commissioners  
24 present respond in the affirmative. Commissioner  
25 Sanchez is not present yet)

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MR. AMODIO: On the roll.

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

MR. AMODIO: Time is 11:48.

You have a quorum.

Joe, if you'd like, we'll go back to your  
report.

MR. BELLA: Okay.

MR. AMODIO: Then we'll move on.

MR. BELLA: Just to give you a brief  
update with the situation with the hurricane and  
where we are currently.

The issues with the hurricane basically  
centered around three actions that were being  
taken. One was preparation, which was mainly  
bringing in standby generators and fuel, food,  
stuff like that to keep people here which all went  
very well.

Then the actual work during the time of  
the hurricane.

And then finally, the mitigation of the

1 effects of that.

2 And we'll have an emergency Resolution.  
3 We'll have the details and also have a detailed  
4 report of what our costs were and that kind of  
5 thing.

6 I will say that the preparation work was  
7 done, that really saved us a lot of consummation  
8 during the storm. People did a wonderful job.  
9 Very thoughtful. Very well organized. The staff  
10 did a fantastic job getting prepared for the  
11 storm.

12 During the storm, the best, not the best,  
13 the least I can say was that the efforts of the  
14 staff were valued. I mean, there were people out  
15 in the teeth of this hurricane and putting  
16 themselves at risk to do what had to be done and  
17 that's the reason why we didn't have to push the  
18 water; we didn't have to issue, you know, to  
19 conserve water. We didn't have problems with  
20 outages at all with our system.

21 So I'd just like to name a few, like Mike  
22 Marotta, Laura Cummings, Jim, Kevin Byrne, our  
23 electrical crew, Mayer Rosenberg, Colleen, I don't  
24 know her last name, and Michael Zerwin. They  
25 really went out of their way to do the right

1 thing. They worked around the clock. There was  
2 mechanical crews were there and in my report I'll  
3 have specific names of people who really put  
4 themselves out. Because I really think they did  
5 way more than their pay grade; everybody. And  
6 they did way more than they merely would be  
7 expected of somebody just collecting the paycheck.

8 Now, finally, the mitigation which is  
9 ongoing, will be mainly repair of structures, that  
10 kind of thing. In particular, the pump station,  
11 roof pretty much broken off, skylights were  
12 just... So that's going to be part of the  
13 emergency Resolution to have that repaired.

14 And then the residuals, which is a big  
15 problem. We're currently getting some of it  
16 trucked out by contractors that were not  
17 necessarily under bid, but we went out and got the  
18 best prices we can get to do some of the trucking  
19 that's not merely meeting our needs. So we're  
20 bringing in a company now that will bring center  
21 fuges and do our sludge removal and that kind of  
22 thing.

23 That's, again, under an emergency  
24 Resolution. We had other quotations.

25 COMMISSIONER RODRIGUEZ: Joe, let me ask

1           you. Have you looked into FEMA?

2                   MR. BELLA: Absolutely.

3                   COMMISSIONER RODRIGUEZ: Because right now  
4 I'm working down in the Ocean County, Monmouth  
5 County and Jersey City and Hoboken and the places  
6 that were really affected. And as a matter of  
7 fact, I'm going to be meeting with the Senator  
8 Peterson, who is coming up from Louisiana who  
9 chaired the recovery unit for Hurricane Katrina.

10                   Since we're doing this, she's basically  
11 informing us on, not necessarily the emergency  
12 response that happens ten days out, but  
13 everything. And I thought about it, because if  
14 the roof, if any of our structures are damaged,  
15 since we're a public utility there are tons --  
16 we're entitled to that FEMA money, too, you know.

17                   So I'm just letting you know that if you  
18 need, you know, information and, of course, and  
19 you need to talk someone, because we should -- and  
20 that has to be done properly, by the way. I can  
21 send you a whole presentation on it because A and  
22 B is the first part of the emergency response to  
23 the staffers and then there's C to G and then you  
24 do work orders and all that stuff.

25                   But even the money that we're putting out

1 now, that's coming from our reserves because  
2 that's not appropriated. We should be able to get  
3 at least 75 percent of that money from FEMA.

4 MR. BELLA: We're carefully cataloguing  
5 all those efforts, you know, during these three  
6 phases. We are fortunate that we have Pat  
7 Porcaro, who worked for FEMA, who did this for six  
8 years I think it was. So he really understands  
9 the system. We put him in charge immediately of  
10 making sure that all of the right information and  
11 everything is being sent to the right place,  
12 everything is catalogued, photographed.

13 COMMISSIONER RODRIGUEZ: Even if we had  
14 people work overtime; I don't know. Even if we  
15 had people work overtime, you know, we should not  
16 be paying them. FEMA, you know, that money is  
17 here or there in reserve for us to request.

18 MR. BELLA: He's putting that all  
19 together. It's a big effort. In fact, we'll be  
20 meeting with FEMA next week.

21 COMMISSIONER RODRIGUEZ: The debris is one  
22 thing.

23 PRESIDENT VANNOY: Joe, I know you  
24 acknowledged people, but I'd like to give you my  
25 acknowledgment. I spoke to Joe probably four to

1           ten times every day with this whole thing and I  
2           believe that he did a wonderful job, you know, in  
3           just preparing and doing everything for the best  
4           interest of the Commission. I know you want to  
5           acknowledge other people, but I want to  
6           acknowledge you.

7                     MR. BELLA: Thank you. And you know what,  
8           Commissioners, I appreciate, too, the support  
9           during the whole thing. Whatever you have to do,  
10          it's good to have your opinions and that kind of  
11          thing and I appreciate your support.

12                    PRESIDENT VANNOY: We also like to wish  
13          you a Happy Birthday.

14                    MR. BELLA: Thank you.

15                    COMMISSIONER BAZIAN: Yes.

16                    Just three things. First of all, I want  
17          to reiterate what you said. I know I had one  
18          conversation with Joe at 10:00 at night. I had  
19          come up and I think I woke the poor guy up. He  
20          was so exhausted. I very much appreciate it. He  
21          was very helpful.

22                    Number two, given how much devastation I  
23          saw going on around us, not only just looking at  
24          what happened to the Sewerage Commission, we just  
25          kept humming along without any issues, I think is

1 a tremendous testament to the technical leadership  
2 and efficiencies that this organization can bring  
3 when there are problems. And, you know, when I  
4 have questions of the Commission, I'm quick to  
5 point them out. But now that there is a plus  
6 side, a plus side, I think that tremendous kudos  
7 need to go out.

8 And third, I also want to say thank you to  
9 Louie. Louie kept the rest of us informed and he  
10 was always available if I had a question, despite  
11 the fact that he had no power and the poor guy,  
12 unfortunately, had to work from home. But he was  
13 always available. I think that was very good.

14 As for the employees that went above and  
15 beyond, I don't know if this requires a motion or  
16 whatever, I would like to see some kind of  
17 acknowledgment in their personnel jackets or  
18 whatever else that we can do to thank them for  
19 having pulled this organization, not only to get  
20 us through it, but to get us through it with  
21 flying colors.

22 PRESIDENT VANNOY: Anyone else?

23 MR. AMODIO: Anything further, Joe?

24 MR. BELLA: No.

25 MR. AMODIO: We'll go onto the



1                   Controller's Report.

2                   MR. WEISS: Cash on hand is \$17 million.

3                   Their accounts receivable is 12.9,  
4 actually, \$13 million.

5                   Our 30 days or less accounts receivable  
6 are at 12.4, which is 96 percent.

7                   Our accounts payable is at 3.6 million.

8                   We are refilling our reserves and we are  
9 making payments as we need to and that's pretty  
10 much it.

11                  MR. AMODIO: Any questions?

12                  COMMISSIONER BAZIAN: Question. Can we  
13 get a report on, when it's all done, exactly what  
14 the costs related to Sandy was?

15                  MR. BELLA: Yes. We'll have a whole  
16 report. We'll put that altogether.

17                  COMMISSIONER LEVINE: If the pipe, how  
18 much it costs the --

19                  MR. BELLA: Okay.

20                  MR. AMODIO: Okay. Moving onto Consent  
21 Agenda.

22                  We have minutes of Passaic Valley Water  
23 Commission in camera and Regular Public Meeting  
24 held October 24th, 2012.

25                  Do I have a motion?

1 COMMISSIONER DeVITA: So moved.

2 MR. AMODIO: By Commissioner DeVita.

3 Do I have a second?

4 COMMISSIONER BAZIAN: Second.

5 MR. AMODIO: By Commissioner Bazian.

6 On the roll.

7

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

10

11 MR. AMODIO: Next, does the Chair accept,  
12 receive, and file miscellaneous purchase orders  
13 placed by Linda Beckering, Purchasing Agent, for  
14 the period of October 15, 2012 to November 11,  
15 2012?

16 Mr. President, do you accept, receive, and  
17 file?

18 PRESIDENT VANNOY: Yes.

19 MR. AMODIO: Thank you.

20 Move onto Requests For Action.

21 We have Contract #12-B-30 rebid. "Furnish  
22 and Deliver Portable Diesel Generator Sets For  
23 Trailers and Appurtenances." Recommendation to  
24 award a one year contract to Lightning Power  
25 Electric Industry, Incorporated of Coral Gables,

1 Florida in the amount of \$157,957.

2 Questions?

3 Motion.

4 COMMISSIONER KOLODZIEJ: So moved.

5 MR. AMODIO: By Commissioner Kolodziej.

6 Do I have a second?

7 COMMISSIONER DeVITA: Yes.

8 MR. AMODIO: By Commissioner DeVita.

9 On the roll.

10

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

13

14 MR. AMODIO: Motion approved.

15 Thank you.

16 Next we have Contract #12-B-38 "Analytical  
17 Laboratory Services for UCMR-3 Compliance."

18 Recommendation to award a three year contract to

19 Eurofins Eaton Analytical, Incorporated of

20 Monrovia, California in the amount of \$134,450.

21 Question?

22 COMMISSIONER BAZIAN: Yes. I'm not quite  
23 sure I understand what the problem was with

24 Analytical Laboratory Services. They're \$18,000

25 less.

1 MR. DUPREY: May I?

2 They were not EPA certified for all seven  
3 testing methods which is required. So their bid  
4 was nonresponsive.

5 COMMISSIONER BAZIAN: Okay.

6 MR. AMODIO: Any further questions?

7 Motion.

8 COMMISSIONER KOLODZIEJ: So moved.

9 MR. AMODIO: By Commissioner Kolodziej.

10 Do I have a second?

11 COMMISSIONER SANCHEZ: Second.

12 MR. AMODIO: By Commissioner Sanchez.

13 On the roll.

14

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

17

18 MR. AMODIO: Motion approved.

19 Thank you.

20 Moving on, we have New Business.

21 Summary of Disbursements and Payrolls

22 through November 20, 2012, in the amount of

23 \$5,901,785.13. Does the Treasurer find them in

24 order?

25 COMMISSIONER LEVINE: Yes.

1 MR. AMODIO: Motion, sir.

2 COMMISSIONER LEVINE: Make a motion to  
3 approve.

4 COMMISSIONER RODRIGUEZ: Second.

5 MR. AMODIO: Motion by Commissioner  
6 Levine.

7 Second by Commissioner Rodriguez.

8 On the roll.

9 COMMISSIONER BAZIAN: Yes. Abstain on  
10 Dell.

11 COMMISSIONER SANCHEZ: Abstain on Montana.

12 COMMISSIONER DeVITA: Abstain on Rachles  
13 Michele.

14 PRESIDENT VANNOY: Yes. Abstain on  
15 American Hose.

16

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

19

20 MR. AMODIO: Moving on.

21 Recommendations from Executive Session.  
22 Resolution authorizing Non-Disclosed  
23 Confidentiality Agreement with Social Compact, a  
24 nonprofit corporation for the exchange of certain  
25 confidential information and materials as

1 discussed in camera.

2 Do I have a motion?

3 COMMISSIONER KOLODZIEJ: So moved.

4 MR. AMODIO: By Commissioner Kolodziej.

5 Do I have a second?

6 COMMISSIONER RODRIGUEZ: Second.

7 MR. AMODIO: By Commissioner Rodriguez.

8 On the roll.

9

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

12

13 MR. AMODIO: Next, we have from Personnel,  
14 if you'd like to do it as one agenda.

15 COMMISSIONER BAZIAN: Separate them,  
16 please.

17 COMMISSIONER KOLODZIEJ: Please.

18 MR. AMODIO: John Kelly, Supervisor, Water  
19 - no change in salary. This is a permanent  
20 position on the Civil Service list.

21 Motion.

22 COMMISSIONER LEVINE: Make a motion to  
23 approve.

24 COMMISSIONER RODRIGUEZ: Second.

25 MR. AMODIO: Motion by Commissioner

1 Levine.

2 Second by Commissioner Rodriguez.

3 On the roll.

4 COMMISSIONER BAZIAN: Given I voted no  
5 when this first came up, I will reiterate a no  
6 vote.

7

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

10

11 COMMISSIONER KOLODZIEJ: I have some  
12 concerns still, I'm glad that we brought an  
13 outside counsel, Mr. Brisman, who gave input to  
14 the personnel committee. Without that input, I  
15 also have to vote no.

16 MR. AMODIO: Motion approved.

17 Next, we have Richard Gullick, Water  
18 Superintendent. Proposed salary of \$111,769.

19 Do I have a motion?

20 COMMISSIONER KOLODZIEJ: So moved.

21 MR. AMODIO: Motion by Commissioner  
22 Kolodziej.

23 Do I have a second?

24 COMMISSIONER RODRIGUEZ: I'll second.

25 MR. AMODIO: Second by Commissioner

1 Rodriguez.

2 On the roll.

3 COMMISSIONER BAZIAN: Given the salary  
4 increase would have happened anyway, not really  
5 part of this motion, I say yes.

6

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

9

10 MR. AMODIO: Motion approved.

11 Next we have Project 13-P-11 "Risk  
12 Management Services." This is the property and  
13 casualty liability insurance.

14 Recommendation to Brown & Brown. They  
15 were the only submission. Recommendation is Brown  
16 & Brown.

17 COMMISSIONER RODRIGUEZ: Risk management.

18 COMMISSIONER BAZIAN: Move it.

19 MR. AMODIO: Motion by Commissioner  
20 Bazian.

21 Second by Commissioner Levine.

22 On the roll.

23

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



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MR. AMODIO: Next, we have Project 13-P-12 "Insurance Agent Services" also for property, casualty, liability. The recommendation there is Anthony Cupo. Is that correct?

COMMISSIONER SANCHEZ: Yes.

MR. AMODIO: Anthony Cupo, Clifton, New Jersey.

Do I have a motion?

COMMISSIONER BAZIAN: Move it.

MR. AMODIO: Move by Commissioner Bazian.

Do I have a second?

COMMISSIONER SANCHEZ: Second.

MR. AMODIO: By Commissioner Sanchez.

COMMISSIONER KOLODZIEJ: Clarification, in the discussion in the closed session there is only a percentage difference between Anthony Cupo Agency and the current one. Did I misinterpret some statements that were made in the closed session about additional services that are --

COMMISSIONER LEVINE: We're not going to go with the additional services.

COMMISSIONER KOLODZIEJ: All right. So you're saying, what are you going to do with the additional services?

1 COMMISSIONER LEVINE: Brown & Brown was  
2 just awarded that.

3 COMMISSIONER KOLODZIEJ: We're just down  
4 to strictly percentage.

5 COMMISSIONER LEVINE: Right.

6 COMMISSIONER KOLODZIEJ: Got it. Thank  
7 you for the clarification.

8 MR. AMODIO: Any further questions?  
9 On the roll.

10  
11 (Roll call was taken, all Commissioners  
12 respond in the affirmative. Commissioner Levine  
13 abstains)

14  
15 COMMISSIONER LEVINE: I'm not sure if I  
16 have any business with Cupo or not.

17 COMMISSIONER BAZIAN: Just abstain.

18 COMMISSIONER LEVINE: I'll abstain.

19 PRESIDENT VANNOY: Just abstain.

20 COMMISSIONER KOLODZIEJ: Based on the  
21 representation that Anthony Cupo is the lowest  
22 bidder on that, yes.

23 MR. AMODIO: Thank you.

24 Next, we have Contract #12-B-40 "Electric  
25 Energy Supply For Hourly Accounts."

1 Recommendation is to award to Constellation New  
2 Energy of Baltimore, Maryland and that  
3 recommendation was for \$72.30 a megawatt. That  
4 was a two year deal. The total amount listed on  
5 the Resolution is \$2,568,452.

6 Questions?

7 Motion.

8 COMMISSIONER KOLODZIEJ: So moved.

9 MR. AMODIO: By Commissioner Kolodziej.

10 Second.

11 COMMISSIONER SANCHEZ: Second.

12  
13 (Roll call was taken, all Commissioners  
14 respond in the affirmative)

15  
16 MR. AMODIO: Thank you.

17 I have nothing else.

18 COMMISSIONER DeVITA: We have a special  
19 meeting date.

20 PRESIDENT VANNOY: Yeah. Here we go. We  
21 have the 12th in the afternoon.

22 First of all, when is our regular meeting?

23 MR. AMODIO: The 19th. The 12th would be  
24 the Wednesday before.

25 PRESIDENT VANNOY: We have the 12th or

1 18th?

2 COMMISSIONER LEVINE: Or we can do the  
3 19th before our meeting or after our meeting?

4 COMMISSIONER DeVITA: The purpose is to go  
5 over --

6 COMMISSIONER KOLODZIEJ: And it's  
7 complicated.

8 COMMISSIONER SANCHEZ: Can we do it on the  
9 12th?

10 COMMISSIONER BAZIAN: I'd like to do it on  
11 the 12th. Definitely not the 18th. That's just  
12 two days --

13 COMMISSIONER RODRIGUEZ: I can't do it on  
14 the 12th.

15 COMMISSIONER LEVINE: What about doing the  
16 19th, the day of our meeting?

17 COMMISSIONER KOLODZIEJ: Then you better  
18 be prepared to stay a long time.

19 COMMISSIONER LEVINE: I don't care what we  
20 do. Whatever you guys want.

21 COMMISSIONER KOLODZIEJ: I want everybody  
22 there. If we do it on that day, somebody better  
23 not go home because now we're going to spend two  
24 hours. It's a costly item. It's a complicated  
25 item.

1                   COMMISSIONER LEVINE: We should all be  
2 here.

3                   MR. AMODIO: Our regular meeting is  
4 scheduled for 9:30.

5                   COMMISSIONER BAZIAN: If that's the case,  
6 I'm guessing this meeting is a minimum two hour  
7 meeting. So if we start at 9:30 with them, then  
8 figure we're not starting our regular meeting  
9 probably until 12:00, 12:30 and that's assuming we  
10 serve lunch.

11                  MR. AMODIO: We can do our regular meeting  
12 first and have them follow.

13                  COMMISSIONER BAZIAN: Either way. The  
14 reason I'd like to have them first, if there's any  
15 follow-up in the regular meeting, we can do it  
16 right after.

17                  COMMISSIONER KOLODZIEJ: 9:30 and we're  
18 doing it all on that one day.

19                  MR. AMODIO: Would you just rather make it  
20 part of the meeting as opposed to a special?

21                  COMMISSIONER BAZIAN: Commissioners, just  
22 understand, we're probably going to be here until  
23 2:00.

24                  COMMISSIONER KOLODZIEJ: Okay.

25                  COMMISSIONER LEVINE: What time?

1 COMMISSIONER BAZIAN: 2:00.

2 MR. AMODIO: We can start the meeting with  
3 the Business Process Review, if you'd like. If  
4 that's okay. We'll just start the meeting off  
5 with the Business Process Review.

6 PRESIDENT VANNOY: Exactly.

7 MR. AMODIO: Okay. I have nothing left  
8 other than a Happy Thanksgiving.

9 COMMISSIONER KOLODZIEJ: On one of the  
10 agenda, unless the rest of the Commissioners are  
11 killing this, I have a promise that we're going to  
12 have a discussion on the veterans preference  
13 issue. We got a lot of legal questions.  
14 Obviously, it's not going to be the December  
15 meeting. So for January, can we have that?

16 PRESIDENT VANNOY: Wait, wait, wait.  
17 Everybody, have a safe and wonderful Thanksgiving.  
18 If you're traveling, we want to see you all back  
19 here.

20 COMMISSIONER BAZIAN: Motion to adjourn.

21 COMMISSIONER KOLODZIEJ: Second.

22 Time is 12:11.

23

24 (Proceedings concluded)

25