

PASSAIC VALLEY WATER COMMISSION MEETING OF

DECEMBER 18, 2013

(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 (Absent)

JEFFREY LEVINE, Vice-President

MENACHEM BAZIAN, Treasurer

GLORIA KOLODZIEJ, Secretary

THOMAS P. DeVITA

ROBERT VANNOY

CHRYSTAL A. CLEAVES

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 MR. AMODIO: Call the meeting to order.

2 On the roll.

3

4 (Roll call was taken, all Commissioners
5 present respond in the affirmative. Commissioner
6 Vannoy is not in the room. Commissioner Levine
7 are not present yet. President Sanchez is absent)

8

9 MR. AMODIO: The time is 9:38 a.m.

10 You have a quorum.

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

19 Will you please rise.

20 Commissioner Cleaves, would you please
21 lead us.

22 We're going to go right into closed
23 session, if you don't mind.

24 Do I have a motion?

25 COMMISSIONER KOLODZIEJ: So moved.

1 MR. AMODIO: Motion by Commissioner
2 Kolodziej.

3 Do I have a second?

4 COMMISSIONER CLEAVES: Second.

5 MR. AMODIO: By Commission Cleaves.

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

9 Whereas, the public body is of the opinion
10 that such circumstances presently exist;

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

13 1. The public shall be excluded from
14 discussion of the hereinafter specified subject
15 matters; the general nature of the subject matters
16 being: Financial, Insurance, Personnel,
17 Contracts, Negotiations, Security and Law. We
18 have Summary/Aging Reports. North Arlington v.
19 PVWC; Lodi v. PVWC; First Equity Development
20 Company; Matter of Prismatic; Insurance, Rate
21 Setting Scenarios. Under Personnel, we have:
22 William Nino, promotion; John Wisniewski,
23 promotion; Chris Lipari; Jeremiah Mahoney. Under
24 Administration, we have Project 13-P-12 "Insurance
25 Agent Services and Contract 13-C-1 "Competitive

1 Contract Procurement Customer Information System"
2 and any other matter as may be discussed in
3 camera.

4 2. It is anticipated at this time that
5 the above-stated subject matter will be ratified
6 during public meeting following or as soon
7 thereafter as the reason for discussion no longer
8 exists.

9 3. This Resolution shall take effect
10 immediately.

11 Second by Commissioner Cleaves.

12 On the roll.

13
14 (Roll call was taken, all Commissioners
15 present respond in the affirmative. Commissioner
16 Levine is not present and President Sanchez is
17 absent)

18
19 MR. HANLEY: Excuse me, you mentioned
20 Personnel?

21 MR. AMODIO: Yes.

22
23 ***

24
25 (Roll call was taken, all Commissioners

1 present respond in the affirmative. Commissioner
2 Bazian and President Sanchez are absent)

3

4 MR. AMODIO: Thank you.

5 The time is 11:15 a.m.

6 You have a quorum.

7 We can go back to the top of the agenda,
8 if you'd like.

9 Committee reports.

10 None.

11 PRESIDENT PRO TEM LEVINE: We did the
12 committee reports in closed.

13 MR. AMODIO: We have a request for
14 permission to advertise Contract #14-B-18 "Furnish
15 and Deliver Mobile Column Truck Lift Equipment and
16 Appurtenances" for the garage.

17 COMMISSIONER DeVITA: To advertise?

18 MR. AMODIO: To advertise.

19 COMMISSIONER DeVITA: Move.

20 MR. AMODIO: Move by Commissioner DeVita.

21 COMMISSIONER KOLODZIEJ: Second.

22 MR. AMODIO: Second by Commissioner
23 Kolodziej.

24 On the roll.

25

1 (Roll call was taken, all Commissioners
2 present respond in the affirmative. Commissioner
3 Bazian and President Sanchez are absent)

4
5 MR. AMODIO: Motion approved.

6 We'll move the stuff from closed session.

7 I have Contract #13-C-1 "Competitive
8 Contracting Procurement of Customer Information
9 Systems (CIS) and Related Professional Services".
10 Recommendation to award to Advanced Utilities for
11 software in the amount of \$1,266,000 for software
12 licenses and implementation and \$484,321.49 for
13 management services in the total amount of
14 \$1,750,321.49.

15 Do I have a motion?

16 COMMISSIONER VANNOY: So moved.

17 COMMISSIONER KOLODZIEJ: Second.

18 MR. AMODIO: By Commissioner Vannoy.

19 Second by Commissioner Kolodziej.

20 On the roll.

21
22 (Roll call was taken, all Commissioners
23 present respond in the affirmative. Commissioner
24 Bazian and President Sanchez are absent)

25

1 COMMISSIONER DeVITA: Yes. Excellent job.

2 MR. AMODIO: Motion approved.

3 Next. Move on. Recommendation of

4 Personnel.

5 Promotion of William Nino - Senior

6 Maintenance Repairer/TA.

7 Salary of \$57,500.

8 Range of \$17,809 to \$60,589.

9 Nathaniel Jones - Maintenance Repairer/TA.

10 Salary of \$55,241.

11 Range of \$16,785 to \$57,996.

12 Next is John Wisniewski - Heavy Equipment

13 Operator/TA.

14 Proposed salary of \$56,500.

15 Range of \$18,648 to \$62,556.

16 Next is Christy Lipari - Senior Water

17 Treatment Plant Repairer/TA.

18 Proposed salary of 57,500.

19 Range of \$17,935 to \$61,229.

20 Next is Jeremiah Mahoney - Assistant Water

21 Treatment Plant Operator/TA.

22 Salary of \$39,500.

23 Range of \$25,000 to \$54,222.

24 Do I have a motion?

25 COMMISSIONER VANNOY: So moved.

1 MR. AMODIO: By Commissioner Vannoy.

2 Do I have a second?

3 COMMISSIONER CLEAVES: Second.

4 MR. AMODIO: By Commissioner Cleaves.

5 On the roll.

6

7 (Roll call was taken, all Commissioners
8 present respond in the affirmative. Commissioner
9 Bazian and President Sanchez are absent)

10 MR. AMODIO: Next, we have Project 13-P-12
11 "Insurance Agent Services Property, Casualty,
12 Automobile and Excess Liability." Recommendation
13 to award to Cupo Agency at a rate of three percent
14 of the JIF.

15 Do I have a motion?

16 COMMISSIONER KOLODZIEJ: So moved.

17 MR. AMODIO: By Commissioner Kolodziej.

18 COMMISSIONER VANNOY: Second.

19 MR. AMODIO: By Commissioner Vannoy.

20 On the roll.

21

22 (Roll call was taken, all Commissioners
23 present respond in the affirmative. Commissioner
24 Levine abstained. Commissioner Bazian and
25 President Sanchez are absent)

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PRESIDENT PRO TEM LEVINE: Abstain.

MR. AMODIO: We have the agreement with
Mr. Lisbona.

Counsel, if you'd like to recite that.

MR. HANLEY: Yes.

Mr. Lisbona, of the firm of Dwyer, Connell
Lisbona, submitted a proposal regarding Passaic
Valley Water Commissioners against claims which he
believes we should assert against ITT Water and
Wastewater Leopold, McManimon, Scotland, Baumann,
and Prismatic, although as I understood his
explanation, the lawsuit will be only filed
against McManimon, Scotland, Baumann.

You have a proposal that you reviewed
carefully, I understand, dated December 9th which
I'll summarize it briefly.

It concludes the fact that legal fees will
be contingent on prevailing in the lawsuit and the
Commission would be responsible for disbursements
and other out of pocket expenses, experts, et
cetera, court reporters, and so on.

And after reviewing this matter in closed
session, I believe it's the consensus of the
Commission that they would like him to proceed

1 with that lawsuit and retain them for that
2 purpose. His proposal sets forth details which
3 would be reduced to a written agreement in the
4 form that we normally utilize.

5 So at this point, I guess you'll be
6 seeking a vote on that proposal and to award that
7 contract.

8 MR. AMODIO: Do I have a motion?

9 COMMISSIONER KOLODZIEJ: So moved.

10 COMMISSIONER CLEAVES: Second.

11 MR. AMODIO: By Commissioner Kolodziej.

12 Second by Commissioner Cleaves.

13

14 (Roll call was taken, all Commissioners
15 present respond in the affirmative. Commissioner
16 Bazian and President Sanchez are absent)

17

18 MR. HANLEY: I'm sorry, I did want to
19 repeat, for the record, some material terms.

20 It's a Contingency Agreement which would
21 be 25 percent of any amount recovered prior to
22 mediation and arbitration or litigation and one
23 third of any amount recovered afterwards.

24 And the hourly rate, which would measure
25 the work and the value of the work but not would

1 be an hourly rate you're paying because you won't
2 be paying one, but the hourly rate would be
3 measured by the \$275 per hour.

4 COMMISSIONER DeVITA: Which we are not
5 paying.

6 MR. HANLEY: Which you are not paying.

7 MR. AMODIO: Okay.

8 MR. HANLEY: Simply a measurement for
9 purposes of keeping track of how much work is
10 actually expended.

11 PRESIDENT PRO TEM LEVINE: Let me ask you
12 a question, George. Say we win this lawsuit and
13 he gets paid lawyers fees back, does he get one
14 third of our thing plus the lawyers fees?

15 MR. HANLEY: Yes. And he will be seeking
16 recovery on your behalf.

17 PRESIDENT PRO TEM LEVINE: Would we get
18 back the lawyers fees?

19 MR. HANLEY: To the extent that you would
20 have to pay any lawyer fees, which you would not
21 be expected to under this agreement, you are
22 entitled to reimburse him for those fees of
23 McManimon & Scotland and anybody else who we had
24 to pay under this project.

25 PRESIDENT PRO TEM LEVINE: All right.

1 MR. AMODIO: Moving along.

2 Controller.

3 MR. WEISS: You have three Resolutions in
4 front of you.

5 We've got a Budget Resolution, as we've
6 been discussing. This is to approve the Budget
7 for 2014. Then we'll adopt the Budget in January.

8 We've got the Budget Submission
9 Resolution.

10 We've got the Rate Resolution.

11 We've discussed this extensively. If
12 anybody has any further questions, I'll be happy
13 to answer them, otherwise, I would ask for...

14 COMMISSIONER DeVITA: So you're not going
15 to answer them?

16 MR. WEISS: I'll be happy to answer them.

17 COMMISSIONER KOLODZIEJ: Believe me, he
18 answered them all in committee.

19 MR. HANLEY: The Rate Resolution before
20 you, by the way, is based on the Cost of Service
21 Study you also have in your hand and have reviewed
22 and discussed.

23 COMMISSIONER DeVITA: Can I ask a
24 question? I just have a question.

25 With our rates, are there going to be in

1 addition to percentage increases any other
2 increases?

3 MR. WEISS: I didn't follow, I'm sorry.

4 COMMISSIONER DeVITA: In other words,
5 previously, we adopted rate increase that says X
6 percent, but there were also other increases and
7 fees to customers.

8 MR. WEISS: Yes. That's actually included
9 in the Rate Resolution. There's a schedule.

10 COMMISSIONER DeVITA: So we're not going
11 to have someone saying there's \$20 on my bill?
12 It's all inclusive?

13 MR. WEISS: That's all inclusive. In
14 other words, the rates are spelled out for all
15 different categories --

16 COMMISSIONER DeVITA: And included?

17 MR. AMODIO: Correct. We will publish
18 that. It will be advertised in the newspapers and
19 probably, I guess, the newspaper of North
20 Arlington if there's a different one.

21 MR. HANLEY: I would think, you know, you
22 have to send them by contract wholesale.

23 MR. AMODIO: Yes.

24 MR. HANLEY: Which I know you already
25 sent, wasn't adopted. And in addition to that, I

1 would think you would have to send one to each
2 municipality that we service.

3 MR. AMODIO: Yes, we certainly do.

4 Any other questions?

5 Would you like to do all three in one
6 vote?

7 COMMISSIONER KOLODZIEJ: Yes.

8 MR. AMODIO: Is there a motion?

9 COMMISSIONER VANNOY: Move it.

10 MR. HANLEY: I think the Budget --

11 MR. WEISS: I think the Budget has to be
12 separate.

13 MR. HANLEY: You have to do the Rate
14 first.

15 MR. AMODIO: Rate Resolution first, by
16 Commissioner Kolodziej.

17 Do I have a second?

18 COMMISSIONER CLEAVES: Second.

19 MR. AMODIO: By Commissioner Cleaves.

20

21 (Roll call was taken, all Commissioners
22 present respond in the affirmative. Commissioner
23 Bazian and President Sanchez are absent)

24

25 MR. AMODIO: Motion approved.

1 Next, we'll do the Budget.

2 Do I have a motion?

3 COMMISSIONER KOLODZIEJ: So moved.

4 MR. AMODIO: By Commissioner Kolodziej.

5 COMMISSIONER CLEAVES: Second.

6 MR. AMODIO: By Commissioner Cleaves.

7

8 (Roll call was taken, all Commissioners
9 present respond in the affirmative. Commissioner
10 Bazian and President Sanchez are absent)

11

12 MR. AMODIO: Motion approved.

13 Now, we'll do the Budget Submission.

14 Again, do I have a motion?

15 COMMISSIONER VANNOY: So moved.

16 MR. AMODIO: By Commissioner Vannoy.

17 COMMISSIONER KOLODZIEJ: Second.

18 MR. AMODIO: By Commissioner Kolodziej.

19

20 (Roll call was taken, all Commissioners
21 present respond in the affirmative. Commissioner
22 Bazian and President Sanchez are absent)

23

24 MR. AMODIO: Motion approved.

25 Thank you.

1 Would you like to give your report?

2 MR. WEISS: Cash on hand is 17.2 million.

3 Our accounts receivable is 12.1 million.

4 Thirty days or less accounts receivable are
5 11.5 million, which is just above 95 percent.

6 Accounts payable is at 2.7 million.

7 Commissioner Bazian mentioned about the
8 interest that we've been getting back on some of
9 our investments. You have a copy of the most
10 recent bank balances. You might want to take a
11 look at that. It is working out wonderfully well
12 for us. We want to continue for next year in
13 terms of investing our funds the way we've been.

14 I just want to report the bank charges
15 because we did the banking RFP. Our bank charges
16 for November were down to \$2,800 from 16,000. So
17 that's also something working very much in our
18 favor.

19 That's all I have, unless somebody has
20 questions.

21 MR. AMODIO: No questions.

22 We'll move onto the Consent Agenda.

23 We have the minutes of Passaic Valley
24 Water Commission in camera session and Regular
25 Public meetings held November 13th, 2013.

1 Do I have a motion?

2 COMMISSIONER KOLODZIEJ: So move.

3 COMMISSIONER VANNOY: Second.

4 MR. AMODIO: By Commissioner Kolodziej.

5 Second by Commissioner Vannoy.

6

7 (Roll call was taken, all Commissioners
8 present respond in the affirmative. Commissioner
9 Bazian and President Sanchez are absent)

10 MR. AMODIO: Thank you.

11 Does the Chair accept, receive, and file
12 miscellaneous purchase orders for the period of
13 November 4th, 2013, to December 8, 2013, from
14 Linda Beckering, Purchasing Director?

15 PRESIDENT PRO TEM LEVINE: Yes.

16 MR. AMODIO: Thank you.

17 Move onto Requests For Action.

18 If you'd like to do one vote on that or if
19 you'd like it separated, please let me know.

20 PRESIDENT PRO TEM LEVINE: One vote.

21 MR. AMODIO: Okay. I will recite:

22 6. Contract Extension - Contract #10-B-30
23 is a rebid. "Water Meter Reading and Related
24 Services" Recommendation for a one-year extension
25 with Severn Trent Environmental Services of Glen

1 Cove, New York in the amount not-to-exceed
2 \$558,166.

3 7. Contract #13-B-30 "Maintenance of HVAC
4 Equipment and Systems" Recommendation to award a
5 two-year contract to Powers Service Company,
6 Incorporated of Cedar Grove, New Jersey in the
7 amount of \$119,000.

8 8. Contract #13-B-32 (Rebid). "Furnish
9 and Deliver Forklifts and Appurtenances"
10 Recommendation to award 180-day contract to Modern
11 Group, LTD, Hasbrouck Heights, New Jersey in the
12 amount of \$101,956.

13 9. Contract #13-B-33. "Furnish and
14 Install Replacement Sodium Hydroxide Storage
15 Tanks." Recommendation to award a two-year
16 contract to Ferraro Construction Group of
17 Franklin, New Jersey in the amount of \$916,532.40.

18 Next, we have a Resolution Shared Services
19 Agreement with USGS to continue Water Resource
20 Investigations for the period continuing through
21 September 30th, 2014 in the amount of \$54,950.

22 Next, we have Project #14-P-47.
23 "Professional Services for Rehabilitation of the
24 Great Falls Pedestrian Bridges" Recommendation to
25 award to Remington, Vernick & Arango Engineers of

1 Secaucus, New Jersey in the amount of \$43,500.

2 Is that correct?

3 MR. DUPREY: Yes.

4 MR. AMODIO: Last Resolution providing for
5 the renewal of PVWC's membership in the NJUA JIF.

6 Any questions?

7 COMMISSIONER DeVITA: Question, if I may?
8 On the Severn, that's a zero increase?

9 MR. DUPREY: Zero percent.

10 COMMISSIONER DeVITA: And the forklift,
11 there was only one bid received twice?

12 MR. DUPREY: That's correct.

13 COMMISSIONER DeVITA: Is this in
14 accordance with what Engineering estimated?

15 MR. DUPREY: That's correct.

16 COMMISSIONER DeVITA: And the rehab of the
17 Great Falls Bridge, that is to just prepare bid
18 documents, correct?

19 MR. DUPREY: That's correct.

20 COMMISSIONER DeVITA: Okay.

21 MR. AMODIO: Any further questions?

22 Hearing none, do I have a motion?

23 COMMISSIONER KOLODZIEJ: I'll move the
24 group.

25 MR. AMODIO: By Commissioner Kolodziej.

1 COMMISSIONER VANNOY: I'll second the
2 group.

3 MR. AMODIO: By Commissioner Vannoy.
4 On the roll.

5
6 (Roll call was taken, all Commissioners
7 present respond in the affirmative. Commissioner
8 Bazian and President Sanchez are absent)

9
10 MR. AMODIO: Motion approved.

11 Next, we have New Business.

12 Summary of Disbursements and Payrolls
13 through December 18th, 2013, in the amount of
14 \$9,062,146.01.

15 Do I have a motion?

16 COMMISSIONER VANNOY: So moved.

17 MR. AMODIO: By Commissioner Vannoy.

18 COMMISSIONER KOLODZIEJ: Second.

19 MR. AMODIO: Second by Commissioner
20 Kolodziej.

21 On the roll.

22 COMMISSIONER VANNOY: Abstain on Damico,
23 Del Sardo and American Hose.

24 COMMISSIONER DeVITA: Abstain on Vito's
25 Towing and Rachles Michele and I also abstain for

1 a check to Passaic County Jail for 6,964.

2 MR. WEISS: It was a settlement.

3 COMMISSIONER DeVITA: Damage?

4 MR. HANLEY: That was damage.

5 COMMISSIONER DeVITA: Okay. I'll vote yes
6 with those abstentions.

7 MR. AMODIO: Last item then what we need
8 to do now is the next meeting is not scheduled for
9 January. I believe we need, for the Budget, 30
10 days. So if you'd like to take that into
11 consideration. Mr. Weiss tells me January 22nd.

12 MR. WEISS: That's the fourth Wednesday.

13 MR. AMODIO: Is everyone good with
14 January 22nd?

15 Okay. Wednesday, January 22nd, 2014, at
16 9:30 a.m.

17 Nothing else, I just wish everyone a Happy
18 Holiday.

19
20 (Whereupon, the proceedings concluded at
21 11:34 a.m.)
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25