

PASSAIC VALLEY WATER COMMISSION MEETING OF
OCTOBER 22, 2014
(OPEN SESSION)

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

GLORIA KOLODZIEJ, President

JEFFREY LEVINE, Vice President

MENACHEM BAZIAN, Treasurer

CHRYSTAL A. CLEAVES, Secretary

THOMAS P. DeVITA

RIGO SANCHEZ

RUSSELL GRADDY

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: Roll call.

2

3 (Roll call was taken, all Commissioners
4 present respond in the affirmative. Commissioner
5 Sanchez is not present yet)

6

7 MR. AMODIO: Time is 12:05.

8 You have a quorum.

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

17 Please rise.

18 Commissioner Cleaves....

19 PRESIDENT KOLODZIEJ: I am going to be
20 requesting a motion to dispense of the regular
21 order of business. Joe has an update from the EPA
22 and the DEP which I think is important for all of
23 us to hear together. So may I --

24 COMMISSIONER DeVITA: So moved.

25 PRESIDENT KOLODZIEJ: Do I have a second?

1 COMMISSIONER CLEAVES: Second.

2 PRESIDENT KOLODZIEJ: Second.

3 So I know, Joe, since our meeting in
4 Woodland Park, we've taken also a lot of
5 suggestions that were given us that night and I
6 think you have some good news to report to us with
7 regard to one of our objectives. So it's all
8 yours.

9 MR. BELLA: Both the DEP and EPA are
10 interested in putting together a public meeting
11 which they will attend to talk about this
12 particular issue and talk about the, you know,
13 about the scheduling and that kind of thing. The
14 scheduling issue is still something that's
15 ongoing. We don't know what they're going to do
16 with the schedule. That's still up in the air.
17 But we will be meeting with them and they intend
18 to, you know, meet the public and talk to whomever
19 possible.

20 I'd like to thank, you know, the
21 Congressmen's office in working with the EPA to
22 get them here to do that and talking amongst
23 themselves.

24 PRESIDENT KOLODZIEJ: And I think it's an
25 excellent opportunity for us to put forward the

1 suggestions that we've been hearing for the last
2 several months. We have been forwarding all of
3 the public hearings that we've had. All the
4 information we've gotten, we forwarded to these
5 legislators. So they are also hearing the same
6 thing we're hearing from the public.

7 When you say "the scheduling issue",
8 because that was one question that kept coming up
9 in Woodland Park. We know that the DEP has
10 extended the schedule because of our request to
11 look at the three alternative sites for Levine
12 Reservoir, but they have not specifically
13 answered. Is that until January that we asked
14 for? Is it November? They have not answered
15 that?

16 MR. BELLA: That's indeterminate.

17 PRESIDENT KOLODZIEJ: All right. So when
18 they come to this public meeting, those kind of
19 questions that we can pose to them should produce,
20 because I think out of courtesy, one of the things
21 that I appreciated about Woodland Park was that
22 the mayor and his council were very cooperative in
23 kind of giving us an idea of what they would like
24 us to address, rather than what we think we should
25 be addressing with them. And I think that's one

1 of the reasons why that meeting was so productive
2 which resulted in this, you know, agreement with
3 the EPA and DEP to come.

4 COMMISSIONER DeVITA: Any idea of timing?

5 MR. BELLA: The meeting?

6 COMMISSIONER DeVITA: Yeah, any idea?

7 MR. BELLA: Well, I would suggest maybe
8 mid November before the holidays. That's my
9 suggestion. Whether or not we could get all the
10 parties together...

11 COMMISSIONER DeVITA: Will you contact
12 them to set this up?

13 MR. BELLA: Oh, yeah.

14 PRESIDENT KOLODZIEJ: All right. I think
15 one of the important things, because it's hard to
16 answer anybody, whether it's the public or another
17 governing body or an official in Trenton, when
18 people ask you questions about the LT2 rule
19 itself, all we know is that we're under this, you
20 know, Consent Order and have to do this. So we
21 can't answer for the people that should not only
22 be giving the public answers, but us as well.

23 I think the encouraging thing to me is
24 that people are beginning to recognize that under
25 our sworn duty, we have to abide by the laws that

1 we're under.

2 And, George, right now I need to have an
3 understanding, because I'm having a hard time
4 trying to put this in capsule form for people.
5 Can you refresh in our minds, because it's been
6 many, many, many years since we dealt with the
7 Administrative Consent Order and what's the down
8 side of totally ignoring an Administrative Consent
9 Order?

10 People can't understand, why don't we just
11 don't ignore them. Why don't we just take them to
12 court. You know, how do I answer that?

13 MR. HANLEY: Well, you can always go to
14 court. In this instance, I think it would be
15 difficult for us to be successful because the
16 Consent Order has been in place for how long, Joe?

17 MR. BELLA: A long time.

18 MR. HANLEY: A couple of years, maybe
19 longer. I don't remember the... A long time. So
20 you'd be suing the DEP to ask them to rescind an
21 order that we consented to. That's part.

22 Secondly, courts generally, whether it be
23 Federal or State, tend to defer to the expertise
24 of the agency empowered to regulate these things.
25 In this instance, there's really two agencies:

1 The Federal EPA and the State Department of
2 Environmental Protection. I would think that
3 probably the more productive way to do it,
4 procedure to do it is just to seek a delay in the
5 scheduling currently and then, you know, seek to,
6 whatever else the policymakers and technical
7 people think can be done to explore other
8 alternatives and to consider the other factors
9 involved, historical issues, study, to the extent
10 you're allowed to under the law and regulations.

11 PRESIDENT KOLODZIEJ: To that extent,
12 we've already done that. The DEP has already
13 granted us that particular delay in scheduling the
14 Levine Reservoir. The only answer we don't have
15 is how long they're going to give us to do that.
16 But we've already taken that step in regard to the
17 Levine Reservoir.

18 And when we were in Woodland Park, we made
19 it perfectly clear that there are no plans other
20 than the broad-based paintbrush that we've done
21 for New Street and Great Notch. And we're not
22 even looking at that until well after 2016.

23 The good thing that came out of that
24 meeting, well, the two good things: We were on
25 the same page as trying to get this public meeting

1 and Woodland Park was good enough to offer their
2 facilities there if we wanted to hold a meeting
3 there.

4 But the other good thing was that the
5 mayor and council fully support our effort to do
6 the joint project with Newark. And, again, we're
7 waiting for DEP, am I correct, Joe? We're waiting
8 for DEP to tell us how that is advancing and I'm
9 assuming at this public meeting we're going to
10 want an answer to that. We're going to want to
11 know that.

12 MR. BELLA: I'm sure they'll address it.

13 PRESIDENT KOLODZIEJ: So, you know, I'm
14 thinking that the prudent way to handle this
15 public meeting is just the way it was handled in
16 Woodland Park; to have our laundry list of answers
17 that we absolutely have to have, not only for us
18 who are the decision makers, but for the members
19 of the public who have been, you know, making it
20 clear what they want answers to. And I'm positive
21 if we give them that by mid November, they should
22 be ready to have almost everything and anything
23 that we would need in that direction.

24 MR. BELLA: That's correct.

25 PRESIDENT KOLODZIEJ: All right. Anybody

1 else have any questions in regard to?

2 COMMISSIONER BAZIAN: Yes, just a quick
3 question.

4 Joe, first of all, it's going to be both
5 the EPA and DEP?

6 MR. BELLA: That's correct.

7 COMMISSIONER BAZIAN: Would the EPA and
8 DEP in addition coming before the Board to --

9 MR. BELLA: Yes, they would. I don't
10 believe they would have any problem.

11 PRESIDENT KOLODZIEJ: Can I just jump in
12 here because you're always on the right track,
13 Commissioner Bazian.

14 I'm not sure -- they keep referring to
15 this as a "public meeting". So to me, a public
16 meeting is that we would call this. That all
17 seven of us would want to be there. We would want
18 to do this. And that we could hold a special
19 meeting, they specified at night, that we could
20 hold a special meeting at night and just devote
21 the entire evening to this topic.

22 COMMISSIONER BAZIAN: So it would be
23 noticed as a special meeting of the Commission?

24 PRESIDENT KOLODZIEJ: George, the only way
25 I could see us all being able to sit there is

1 under those circumstances.

2 MR. HANLEY: Yes, I think that's the best
3 way you could do it under New Jersey law. The
4 forum and procedures to be as you, you know,
5 arrange between them and yourself and the public.

6 PRESIDENT KOLODZIEJ: Correct.

7 And I would like some volunteers besides
8 myself to help structure this. So, I mean, all of
9 us have been to a public hearing. Technically,
10 Woodland Park was not a public hearing; it was a
11 work session. But every single one of us has had
12 the opportunity to hear the public. I think we
13 all understand what they want answers to. So if
14 we can structure a special committee to meet with
15 these officials so that we can have the most
16 productive kind of a public meeting as possible.

17 Anybody here today have any questions that
18 they think we should be posing, I'm sure we will
19 handle it just the way we're going to handle it
20 today. After we do whatever we're doing in their
21 presentation, we would open it up to the public
22 with an opportunity for the public to question, to
23 comment, et cetera, et cetera.

24 But I would feel better if we did this as
25 a committee. So if I can have one representative

1 from each city, that would be helpful.

2 COMMISSIONER DeVITA: I agree with what
3 you're saying. Maybe it would be beneficial, not
4 today, if anybody from the public have issues
5 they'd like to address, maybe they should let us
6 know and we can incorporate that into questions.

7 PRESIDENT KOLODZIEJ: Correct. Correct.

8 COMMISSIONER BAZIAN: It does seem to me
9 that the EPA and DEP can only go so far. There
10 are two issues here.

11 Issue number one is the public safety
12 issue which we've discussed at length. I know I
13 discussed it a little bit last month. And that
14 has to be made clear. And we also have to, we
15 have to understand clearly the concerns behind the
16 EPA with the LT2, discuss what happened in
17 Milwaukee. I have specific questions, especially,
18 which have not been addressed and haven't been
19 able to get them addressed, what risk our water
20 supply is in the event of God forbid terrorism.
21 That's something that keeps me up at night
22 sometimes. But that's part one.

23 Part two is: We have the LT2. I'm sure
24 EPA is going to come in and say these are the
25 reasons why the rule has to be. So at that point

1 we still have the issue of: Okay, we have a
2 problem to resolve, what's the best way to resolve
3 it. And I'm back to what I said back in 2011.
4 Because when I got here in March of 2010 is when
5 we had the initial report from Medina, as I recall
6 was the name of it. Don't ask me why I remember
7 the name.

8 PRESIDENT KOLODZIEJ: I know why, but
9 that's okay.

10 COMMISSIONER BAZIAN: There was a cost
11 benefit analysis on a whole bunch of things and
12 the decision at that point was tanks.

13 We have people here who are concerned
14 about their homes. So I think we need to be able
15 to deal with both. In terms of the LT2, I'm
16 hopeful that EPA will come up with some additional
17 alternatives that maybe we didn't review, but make
18 sure that we got to try to balance both.

19 PRESIDENT KOLODZIEJ: And I think we've
20 already accomplished that.

21 Joe, would you give us an update of where
22 the DEP stands at the last conversation you had
23 with them in regard to the alternatives? Not only
24 the project with Newark which would in essence,
25 you know, take Great Notch out of the effect, but

1 the other alternatives that are before this
2 Commission now. Is DEP aware of these?

3 MR. BELLA: They're aware, but they don't
4 make that judgment. That judgment's here. And
5 the important thing is: They're caught in the
6 same kind of bind that we're caught with when
7 you're talking about water quality. It's not just
8 about microbiological safety, that type of thing.
9 It's also about lead and copper issues.

10 So those two interplay lead us to a
11 covered solution. A solution that has, you know,
12 some way to omit some light and air, you know. So
13 other than that, that's what their concern is.
14 They're not concerned about, you know --

15 PRESIDENT KOLODZIEJ: How we accomplish
16 that. Even though they're aware of the
17 alternatives that we're looking at, they're not
18 very much interested in which one we choose.

19 MR. BELLA: It's hard to speak for them at
20 this point.

21 PRESIDENT KOLODZIEJ: Except for the one
22 that's with Newark.

23 MR. BELLA: Newark, that's a different
24 issue because that also serves a greater purpose
25 here, in that, you know, it needs more water in

1 storage. They're interested in seeing more
2 storage rather than less. So that's why they're
3 trying to put together this joint venture, so to
4 speak, between us and them.

5 PRESIDENT KOLODZIEJ: I think that
6 committee is essential, because, I mean, we get
7 bombarded from all sides and nobody wants to give
8 us a definitive answer. How do we move forward in
9 meeting what we felt was one of our major
10 objectives is get these agencies that have all the
11 control and the power to come and speak directly
12 to the residents and certainly, the Commission of
13 the Passaic County.

14 We have been diligent in exploring any
15 alternative that has been put before us and I feel
16 obligated, because the mayor had put forward in
17 Woodland Park an alternative because they did
18 exactly what I had asked them to do. This is an
19 initial, we've learned our lesson from the
20 mistakes of the past. So when we're here, to be
21 most productive if you have any thoughts on this
22 issue, put them forward now.

23 So the mayor had brought forward the
24 thought of involving North Jersey District Water
25 Supply. That's something we had never discussed

1 before, but I did promise the mayor that I would
2 bring it back to our group here.

3 Have you heard any word about North Jersey
4 District Supply and how they might factor into any
5 decision?

6 MR. BELLA: Well, they're certainly at the
7 table, particularly, concerning the Great Notch
8 Reservoir. They're at the table with that.
9 That's an important -- they could be an
10 important -- it could be possibly a three-way
11 partnership. So there are all sorts of iterations
12 of the solution that we would go through as we
13 progress this. But that would be their main
14 involvement.

15 PRESIDENT KOLODZIEJ: Right. But,
16 again -- Go ahead, Commissioner DeVita.

17 COMMISSIONER DeVITA: So when you say
18 they're at the table, I'm going to assume in the
19 beginning this was a discussion between us and the
20 City of Newark?

21 MR. BELLA: That's going back over ten
22 years.

23 COMMISSIONER DeVITA: Now, with North
24 Jersey getting involved, they would also be
25 involved in whatever happens there.

1 MR. BELLA: They could be, yes. It's
2 possible that it would work for all of us having a
3 joint solution.

4 COMMISSIONER DeVITA: Could benefit them
5 too?

6 MR. BELLA: Sure. Could benefit them
7 because it's possible that they would increase
8 their ability and reliability; their ability to
9 serve, but also the reliability, also increase
10 reliability of the system in general, the
11 northeast system in general. That's why they
12 would be at the table.

13 PRESIDENT KOLODZIEJ: I honestly really
14 want everybody to understand here a great deal of
15 progress has been made. When I deal with Mr.
16 Cowen, he's always wanting to deal in perceptions.
17 I'm somebody that needs to deal in facts. So if
18 we interpret those facts differently, so be it.
19 That's the democracy. That's what we live in.
20 But I want everybody here to know that we have
21 kept our word. We have kept our options open.
22 And now, with the ability to bring these two heavy
23 hitters to a public meeting, and not only listen
24 to our concerns but to yours, I think that that's
25 going to be probably the most progress that we've

1 York. Now, the EPA is in charge of granting all
2 of this leeway. They'll be in charge of granting
3 us any leeway if we're going to be asking for it
4 down the line. But they need to address those
5 two. And if you want the Milwaukee case put in
6 there, Commissioner Bazian, we should put that one
7 in there too. They're going to be here. Why
8 should we not get every single bit of information
9 that we could from the people whose hands that
10 we're in, whose mercy we're at.

11 COMMISSIONER BAZIAN: Information is a
12 good thing.

13 PRESIDENT KOLODZIEJ: Thank you.

14 COMMISSIONER BAZIAN: Seriously,
15 especially, when it comes to stuff like this,
16 speaking for myself, the more information that I
17 have the better I can understand and I can make a
18 determination.

19 As I said all along, we have to make sure
20 that we properly consider all around. Now, I'm
21 hearing, for example, that the District Water
22 Supply is Great Notch. So Great Notch it looks
23 like we have two very good potentials which will
24 hopefully come to either Newark or North Jersey
25 that could take care of Great Notch.

1 We still have New Street and Levine to
2 worry about. And the Levine is the one that is
3 first stop. So I'm very interested to what kind
4 of viable alternatives; viable being defined that
5 will take care of the water safety issues, that
6 will take care of the lead issues, et cetera.
7 That we'll with the concerns of the DEP and the
8 EPA and not explode our costs. Okay. Not to
9 double our costs in Levine. Haven't heard much
10 about that and that right now is the one that's in
11 front of us.

12 I mean, Great Notch is years down the road
13 and so is New Street.

14 I think Levine right now is the one that
15 is far most in my mind because that's the one that
16 is on the schedule. And that's what concerns me
17 right now.

18 PRESIDENT KOLODZIEJ: I'm smiling because,
19 you know, I'm amazed at the progress that we make
20 in what I consider a professional manner.

21 Am I incorrect in assuming that the DEP
22 now wants to make an appointment to come out and
23 view the alternatives and the original --

24 MR. BELLA: That would be part of the
25 entire.

1 PRESIDENT KOLODZIEJ: All right. But have
2 they requested that yet?

3 MR. BELLA: Yes, yes.

4 PRESIDENT KOLODZIEJ: You know, all of us
5 have been on that tour; all of us have been on
6 that tour. Mr. Bella has, the gentleman who was
7 here at the last meeting, he was the only one that
8 stepped forward and said to Mr. Bella: Well, I'd
9 like to go and see those sites. And you did take
10 that gentleman around to those sites and we're
11 still willing to do that. It just kind of makes
12 me smile that the DEP is getting around to it.
13 This has been on their table for quite a few
14 months, so that they can see with their own eyes
15 just exactly what we're talking about. Those hard
16 decisions that we're going to have to make based
17 on the facts that we have.

18 So you're saying that before that mid
19 November meeting, that DEP and EPA will be given
20 the tour of the sites in Paterson that we're
21 considering?

22 MR. BELLA: Yes.

23 PRESIDENT KOLODZIEJ: All right. So we'll
24 make sure that happens.

25 And while they're at it, you might as well

1 take them to New Street and we've all done the
2 whole thing ourselves. So while they're out here,
3 we might as well take them on the whole tour which
4 will include the two sites in Woodland Park.

5 Any other questions from my colleagues?

6 Thank you, Mr. Bella, for bringing us up
7 to date.

8 I think that's it.

9 George, you will get us that information
10 on the Oregon case, particularly, what the judge's
11 decision is based on.

12 MR. HANLEY: We have done that some time
13 now.

14 PRESIDENT KOLODZIEJ: Right. Okay. We're
15 good.

16 MR. HANLEY: I'll get you updates.

17 PRESIDENT KOLODZIEJ: We're back to
18 regular order of business.

19 So, therefore, thank you very much.

20 Mr. Linteris.

21 MR. LINTERIS: Mayor Kazmark is here, if
22 he would like to speak.

23 PRESIDENT KOLODZIEJ: This is the first
24 card.

25 Go ahead, you have the floor.

1 MAYOR KAZMARK: First, I want to thank the
2 Commissioners for extending the courtesy of coming
3 to Woodland Park on October 6th and opening up
4 dialogue with my council and my professionals in
5 our borough.

6 I had followed up the next day after that,
7 what I would consider and I would characterize it
8 as the Chairwoman has, as a productive meeting.
9 We were able to vet some issues and certainly open
10 up dialogue. I have to say, I wish it happened
11 some time ago, but better late than never.

12 That said, the following day I had
13 authored a letter to the Chairwoman to be shared
14 at what I understand this meeting, requesting that
15 the Commission consider adopting a Resolution this
16 afternoon requesting a stay for the entire
17 project. And based on the discussion, and I do
18 apologize for coming a few minutes late, but based
19 on the discussion that I did hear this afternoon
20 amongst the Commissioners, I still think there are
21 a lot of unanswered questions. I think even from
22 the Commission's standpoint.

23 I think those unanswered questions are
24 even greater out there in the public. And I would
25 strongly urge you to meet our request. And when I

1 say "our", I include my entire borough in making
2 the request that was sent to you to request the
3 stay on this project. That's not to say that the
4 DEP or the EPA are going to consent to that stay,
5 but it is my understanding in speaking to legal
6 counsel who was formally associated with the DEP,
7 that we've had some dialogue with since our
8 October 6 meeting that certainly the concerns
9 about a lack of public input into this project,
10 especially, when it comes to Levine, because that
11 at this point is the most crucial and the most
12 timely. But in addition to that, the
13 consideration of each and every alternative that
14 might be available to this Commission. I think
15 there are Commissioners this afternoon that still
16 continue to have questions about viable
17 alternatives. But the clock is ticking. And I
18 think we all understand that. I realize that
19 there have been some relief from the DEP as to
20 postponements onto certain deadlines. But the
21 clock still remains ticking.

22 And I would ask that the Commission, and I
23 believe Mayor Torres may have indicated that he
24 wants the Resolution to be adopted backing
25 Woodland Park's request as well. But I would ask

1 you to consider that this afternoon and buy
2 yourselves some additional time to consider your
3 options and to make sure that this public
4 discourse and public dialogue continues to be
5 productive.

6 So, thank you.

7 PRESIDENT KOLODZIEJ: Mr. Linteris.

8 Ready?

9 MR. LINTERIS: Good afternoon. My name is
10 Bill Linteris. I'm President of Passaic County
11 Board of Realtors. I come before you again today
12 to thank 25 plus municipalities who have taken
13 positions calling for a delay in the reservoir
14 draining project and the numerous elected
15 officials who are leading the fight to save the
16 Great Notch, New Street, and the Levine
17 Reservoirs.

18
19 (Whereupon, Commissioner Sanchez is
20 present at 12:35 p.m.)

21
22 MR. LINTERIS: Woodland Park Mayor Keith
23 Kazmark, Paterson Mayor Joey Torres, our State
24 Legislators from both parties in District 35 and
25 40, and our federal officials from New Jersey. I

1 would also like to thank our partner organization,
2 the New Jersey Community Development Corporation
3 for their work to save these three reservoirs as
4 well as yourselves, the Passaic Valley Water
5 Commissioners, for beginning to express concerns
6 with how this plan was approved and agreeing to
7 look at other options to save the reservoirs.

8 Lastly, and perhaps most importantly,
9 members of the public who have come out to both
10 these meetings and evening public information
11 sessions to make their voices heard on this
12 important issue.

13 As to the Passaic County Board of
14 Realtors, I said all along, other alternatives to
15 draining these reservoirs and replacing them with
16 concrete tanks must be considered, whether it be
17 looking at off-site locations as you are currently
18 considering for the Levine Reservoir, the
19 possibility of treating the water through a tie in
20 to another treatment plant for the Great Notch
21 Reservoir, and most importantly, the possibility
22 of supporting a delay through 2016 for this plan,
23 this Commission must keep all options on the table
24 to preserve these three reservoirs.

25 In addition, as expressed at prior

1 meetings by members of this Commission, we
2 understand you may ask for support from various
3 officials in going to the DEP and EPA to obtain a
4 delay in the ACO to look at these other options
5 and continue to hold public hearings in light of
6 how this project originally was considered by the
7 Passaic Valley Water Commission.

8 As we know now, our elected officials have
9 listened. Congressman Pascrell, Senator Booker,
10 Senator Menendez, have asked the EPA to hold a
11 meeting here in New Jersey on this matter.

12 In addition, Senators Pou and O'Toole and
13 Assemblyman Rumana and Russo have introduced
14 Resolutions in the Senate and Assembly urging the
15 DEP to support a delay of this project until the
16 EPA determines whether changes will be made to the
17 LT2 rule.

18 The Passaic County Board of Realtors
19 firmly believes given the level of support among
20 the public for the delay in this project as well
21 as our elected officials at all levels of
22 government and now would be an appropriate time
23 for this Commission to consider taking formal
24 action to support a delay through 2016 of this
25 project.

1 We believe that the Passaic Valley Water
2 Commission should adopt a Resolution formally
3 supporting Assembly Joint Resolution 86 and Senate
4 Resolution 96 to express your support for a delay
5 in this project until such time as the EPA rules
6 are finalized. Doing so will show this Commission
7 is serious in going to bat on behalf of the
8 ratepayers you represent.

9 As you expressed last month, when you were
10 looking for possible support to go to the DEP and
11 EPA supporting a delay, I would say it is clear
12 you now have it.

13 Again, on behalf of the Passaic County
14 Board of Realtors, I thank you for your time and
15 look forward to continually working on this issue
16 to save the reservoirs.

17 Thank you.

18 PRESIDENT KOLODZIEJ: Mr. Guarasci -- I'm
19 sorry.

20 COMMISSIONER BAZIAN: Excuse me. I have
21 point of order. I think it's inappropriate for
22 there to be applause either for or against people
23 speaking.

24 PRESIDENT KOLODZIEJ: I hear you.
25 Twenty-eight years in government, there's no way

1 you're going to stop applause when they do it. I
2 hear you. Common courtesy should be exhibited,
3 but I have a thick skin, so clap, boo, whatever
4 they need.

5 COMMISSIONER BAZIAN: It's not a matter of
6 thick skin.

7 PRESIDENT KOLODZIEJ: Well, what am I
8 going to do? All right. The next person that
9 claps, they're going to get slapped out of order
10 because Commissioner Bazian will hold my feet to
11 the fire.

12 COMMISSIONER BAZIAN: The statement has
13 been made and hopefully...

14 PRESIDENT KOLODZIEJ: Hopefully, a word to
15 the wise will be sufficient. I know you're a
16 parent, I want to know after the meeting if it
17 worked for your children, because it never worked
18 for mine.

19 Mr. Guarasci.

20 MR. GUARASCI: Good afternoon, members of
21 the Commission. You must not leave this room
22 today without doing as Mayor Kazmark suggested.
23 You must not leave this room today without
24 considering a Resolution to ask the EPA and DEP
25 for a stay. The public has been very clear. The

1 governing bodies that have appointed you have been
2 very clear. Our United States Senators, our
3 Congressmen have been very clear. Members of the
4 State Legislature with oversight have been very
5 clear.

6 It is really nice that the DEP and EPA are
7 going to come and have a meeting. But that in no
8 way absolves you of your obligation to the people
9 to act today. Your obligation today is to listen
10 to everyone who has spoken out on this; to the
11 ratepayers, elected officials, the editorial
12 boards, the community groups. You must listen to
13 them. You must listen to the people who appointed
14 you.

15 You have your seats by way of governing
16 bodies that own this water company. They are
17 telling you, they are telling you that you must do
18 this. That you must pass a Resolution today
19 asking for a stay. To do anything less would be
20 thumbing your nose at those you purportedly
21 represent and quite frankly, those who have given
22 you the very authority that you hold.

23 I disagree with the President. You have
24 been controlling. You have the power. I do not
25 see it in anyone else. It is in your hands. You

1 are the Water Commission. You must decide today:
2 Are you going to fight or are you going to lay
3 down your arms.

4 Do the right thing; pass a Resolution
5 today that asks the DEP for a stay beyond the 2016
6 deadline. And I'll repeat myself, if you do not,
7 if you fail to at least engage in that
8 conversation, it will be really clear that you're
9 not standing with the people or the elected
10 officials, but that instead you're just going to
11 exceed your authority.

12 Thank you.

13 PRESIDENT KOLODZIEJ: Mr. Gonzalez.

14 MR. GONZALEZ: Hi, my name is Eddie
15 Gonzalez. Director of the NJCDC Community
16 Outreach.

17 First, I want to thank the mayor for his
18 constant support as well as the other mayors that
19 has been supporting this initiative to make sure
20 that we not only have public input, but that we
21 halt this project entirely up until 2016 when we
22 know for sure what the EPA wants to do.

23 You know, the speakers before me have
24 pretty much said what I intended to say. When Bob
25 Guarasci said you do have the power, take us, for

1 example, the public. We were called "the public"
2 when we first starting coming here eight months
3 ago. Now we have names. People have gotten to
4 know who we are. We are not your enemy; we are
5 your allies. It was much easier to get State
6 legislators, Congress, and other local elected
7 officials on the Board at a much quicker pace than
8 getting this Commission to defend the ratepayers
9 that benefit from your service. I don't
10 understand how that's the case. We don't pass the
11 buck around here. We need to take ownership of
12 what we are, you know, obligated to do on this
13 Commission.

14 If you're appointed on this Commission and
15 you represent one of the owner cities and your
16 mayor is telling you to halt this project, you
17 need to halt this project. You need to pass this
18 ordinance so you show the public, the EPA, the DEP
19 that you're also listening to the public.

20 We have been coming here much more than we
21 have been attending any meetings at the EPA and
22 DEP or State or any other public forums, yet
23 you're the last to jump on board. We need to
24 begin to get ahead of the game. And let's not let
25 these elected officials just run with the story.

1 You have to become the lead story in representing
2 the people that you represent. You need to pass
3 this ordinance. You need to show everyone so that
4 the articles come out about how the Commission is
5 backing up the public, because it's loud and
6 clear, like my colleagues have mentioned, that the
7 public is not going away. The public does not
8 want this. There was not one forum where I've
9 attended where I heard one individual, not one,
10 say they're in support of this project.

11 So why not lead, joining forces to make a
12 stronger effort so that the EPA and the DEP sees
13 that we're united in this effort. And yes, at
14 times it might seem adversarial, it's because we
15 were frustrated. I never attended this amount of
16 meetings, even when I was in elected office. This
17 is ridiculous. And I think it's time everyone
18 puts their pride aside and gets on board.

19 We need to represent the cities that we
20 represent together because there's mayors coming
21 out, there's local officials coming out, and
22 there's plenty of articles that I have in my hand
23 that I wanted to recite tonight, but you read them
24 all, from United States Congress to senators,
25 United States Senators, to local officials.

1 Everyone is putting their opinion on this, but
2 what you don't see is the President of this
3 Commission on here saying the same thing, that
4 we're going to join the fight and we're going to
5 make sure that our voices are represented and
6 heard.

7 So I beg you, I don't want to come here
8 and keep pointing fingers and saying that this
9 Commission is not doing this, because I know you
10 care. I know you care. I've gotten to meet some
11 of you and gotten to know some of you and I think
12 you have a lot of questions still. There's a lot
13 of answers that needs to be answered by the DEP
14 and EPA, yet you're not asking them. And if you
15 are, you're not waiting to get the results that we
16 want hear.

17 When we recite other towns or other states
18 about lawsuits and we're trying to reference them,
19 they didn't have someone to reference at times.
20 They were the first. We're unique. We have a
21 national park next to our reservoir. Let's begin
22 to have other towns use us as their reference.
23 Let's not only rely on other lawsuits. If we have
24 to do a lawsuit, then it's something that we
25 should look into and, you know, and I hope that

1 tonight or this morning before you leave that the
2 Resolution is passed so that we can put this to
3 rest and move forward in working with you to make
4 sure that the project is halted until 2016.

5 PRESIDENT KOLODZIEJ: I think I'm finally
6 going to get it straight. Miss Deroche. See, I
7 finally got it right. Right?

8 MS. DEROCHE: I'll try not to clap.

9 PRESIDENT KOLODZIEJ: Thank you.

10 MS. DEROCHE: If anybody was insulted in
11 this room.

12 PRESIDENT KOLODZIEJ: Thank you.

13 MS. DEROCHE: The Chair started the
14 meeting by saying how wonderful the Commissioners
15 have been and expressing generous praise that you
16 have managed to get the DEP and EPA to conduct a
17 public hearing so that we can all hear their
18 litany. Well, if there is any thanks to be given
19 for the DEP and the EPA and all of their esteemed
20 wisdom to be invited to come to a public meeting,
21 I'm afraid lady and gentlemen, ladies and
22 gentlemen, it doesn't belong to the people in this
23 room who are the Commissioners, it belongs to the
24 members of the public and people like Mayor
25 Kazmark and Mayor Torres who have in fact

1 expressed themselves publicly and have basically
2 twisted your arms behind your backs to force you
3 to listen to the public. Without these meetings,
4 without this dialogue, without this confrontation,
5 each one of you would never have had the courage
6 to listen to the public. And it's a shame,
7 because you are here to represent us and you have
8 failed in that regard so far.

9 It seems as though the opinion of some of
10 the Commissioners is that the public concern about
11 this project focuses on property values. Well,
12 certainly, that's true for some of the people
13 whose property abuts the reservoirs, but it is
14 far, far more than that. You don't live up here.
15 It's gorgeous on the mountain. I can't even begin
16 to describe how beautiful it is. People can't
17 believe it's Paterson up there. The wildlife is
18 incredible. It's one of the New Jersey's best
19 birding sites in the entire state, if not the
20 region. I know you don't care about that. And
21 that's the crime. That's the crime.

22 Milwaukee was mentioned. As you may
23 recall in various of our meetings, the whole
24 Milwaukee episode was reviewed. The big deal in
25 Milwaukee or the biggest deal in Milwaukee was

1 cryptosporidium, as was mentioned here at a former
2 meeting. If you all just take a moment and Google
3 the CDC website and Milwaukee water issues, you
4 will find the CDC posted results of that entire
5 multi-million dollar project which, of course, was
6 done by CH2, the same engineers that you hired
7 here.

8 On the CDC website, it very clearly
9 states, it's not ambiguous, that the problem with
10 the water in Milwaukee, they believe, because they
11 couldn't really prove anything, they believe was
12 because guess what was being dumped right next to
13 the water intake; the waste treatment. Hello. It
14 doesn't take a rocket scientist to figure some of
15 this stuff out.

16 The New Street Reservoir is only maybe a
17 mile or two from the Great Notch Reservoir. So
18 why can't the New Street Reservoir be considered
19 as a hookup with the Newark Reservoir, at least as
20 a question that needs to be answered.

21 And lastly, the public has repeatedly
22 expressed its dissatisfaction with how the Passaic
23 Valley Water Commission has handled this entire
24 project over the course of at least seven years.
25 We can't say that enough. You will never hear

1 that, because you haven't heard it for the past
2 year and a half. It's only because your arms, I'm
3 going to say it again, have been twisted behind
4 your backs, that we're going to actually have the
5 EPA and the DEP here to present their litany.
6 It's going to be their litany that they're going
7 to come here to present, just as you paid
8 attention and followed that litany. And it's
9 absolutely absurd and I hope that you will sign
10 that Resolution that has been mentioned repeatedly
11 in this morning's meeting.

12 Thank you all so much for your kind
13 attention.

14 PRESIDENT KOLODZIEJ: Thank you for your
15 good manners.

16 Carol Van Savage.

17 MS. VAN SAVAGE: I really just wish to
18 thank Mayor Kazmark for his support and Mayor
19 Torres and hope that the Commission will see fit
20 to pass the Resolution.

21 Many other members that have spoken prior
22 to this, I haven't heard anything that I disagreed
23 with. So thank you very much.

24 PRESIDENT KOLODZIEJ: Mary Ann Sgobba.

25 MS. SGOBBA: No comment.

1 PRESIDENT KOLODZIEJ: Thank you. I know
2 you're always a good listener and if anything was
3 skipped, you would have gotten up and mentioned
4 it.

5 All right. Thank you.

6 Mr. Weinberg.

7 MR. WEINBERG: Thank you, Madam President.
8 A couple of comments that I think they're
9 important.

10 One of the things you said in your
11 introductory remarks was lessons learned from
12 mistakes of the past as it relates to the Levine
13 Reservoir.

14 Well, it's not really the past. The
15 Levine Reservoir is still there now and I know it
16 sounds like you may have written it off as a done
17 deal, but certainly not the member of the public
18 here.

19 And I think also one of the other things
20 that was said we have to keep our options open.
21 And the reality was that in 2008 through 2012 when
22 the feasibility study was advancing and you were
23 working feverishly on that, all the options were
24 considered internally and decisions were made.
25 And basically, what is laid out in that

1 feasibility study is exactly what has been a
2 hundred percent designed for the Levine Reservoir.
3 So I would caution my friend the mayor of Woodland
4 Park when they say that, you know, all options are
5 available on the table, the reality is the
6 feasibility study which considered all the options
7 has already been signed, sealed, and delivered
8 without public input. And it is that feasibility
9 study that is the basis for the Amended
10 Administrative Consent Order. That's what this
11 Commission agreed to do when they signed the
12 Amended Administrative Consent Order last year.
13 The first Administrative Consent Order was to view
14 a feasibility study; the second Administrative
15 Consent Order was to adopt everything that was in
16 the feasibility study.

17 Now, I think what's most important here is
18 how does the Commission go to the DEP and say: We
19 want to wait, we want to wait, we want to wait and
20 take legal action to do that. And just as you
21 pointed out, Madam President, in Portland they may
22 not have been successful, but we have an ace in
23 the hole here and that is the failure of this
24 Commission to do public outreach during the
25 feasibility study that will allow us to go back

1 and begin that feasibility study again. I cannot
2 imagine that the DEP and the EPA would accept that
3 it is okay for the entire process to move forward
4 without public input, because the public input is
5 coming now and you see that it's causing all kinds
6 of controversies because people have not had a
7 seat at the table. They're going to public
8 hearings and they're being told exactly what has
9 already happened and is not being trusted.

10 And so I think this Commission is in a
11 unique position to do exactly what Mr. Guarasci
12 said and what Mayor Torres and Mayor Kazmark has
13 called for is to pass a Resolution today to say to
14 the DEP: We want to stop this process for now
15 because we want to carefully consider the
16 alternatives with the public in the room. We
17 failed to do that during the feasibility study
18 and, therefore, the feasibility study is not
19 authentic and we must start it over. And we have,
20 frankly, only ourselves to blame for that, but you
21 must allow us to go back in time and begin anew
22 with a feasibility study that considers all the
23 alternatives.

24 That is something I believe this
25 Commission must do today and I believe that is the

1 way in which you can proceed to go forward.

2 Now, a couple of other really quick
3 comments. As I get more and more concerned at the
4 pace in which this project has moved, I start to
5 look how, you know, this is going to impact the
6 ratepayers. And a couple of things I noticed in
7 looking through some of the financial documents in
8 the audit.

9 The total liability from the Commission is
10 still \$140 million decreasing only \$3 million in
11 the past year. That's still a significant amount
12 of debt that's sitting out there on top of what I
13 believe will be upwards of \$200 million when you
14 consider inflation and other costs.

15 When I look at the long-term debt service
16 plan, you had at least ten years of full debt
17 service payments of \$15 million every year and
18 significant payments even through 2029. So the
19 idea this is all going to fall off while this
20 project comes on is not exactly accurate.

21 I was looking at the audited financial
22 statements and I realized that, you know, you can
23 get lifetime prescription drug coverage after 20
24 years here. That's a great benefit but if we're
25 going to have all these other costs, is that

1 something that folks can afford.

2 Also, it says that you contribute a
3 hundred percent for healthcare for retirees.
4 Again, the State has moved in a different
5 direction on that, certainly, for people who are
6 retiring who didn't have 20 years by the date of
7 the State health pension laws.

8 When I look at the pension system, I see
9 that it is woefully underfunded. According to my
10 analysis it says 12.98 percent funded which
11 compares to I believe 55 percent for the State and
12 you only have 3.7 million in the bank for 28
13 million owed. You're expecting an investment rate
14 of return of 7.5 percent which seems high to me
15 and that healthcare will only rise eight percent
16 for the next three years and five percent after
17 that. That seems extraordinarily challenging.

18 And finally, I noticed in your last
19 environmental request to the DEP where for the
20 Little Falls treatment center, that you said the
21 average annual household user charge is going to
22 be \$465.12. And that's a big number, but it's
23 particularly a big number for the people of the
24 residents of Passaic and Paterson where the median
25 household income is only \$31,000. That's almost

1 1.5 percent of people's take home pay just to do
2 water. And at 1.75, it would trigger a threshold
3 where you have to do significant environmental
4 reviews. And we're getting close to that and we
5 have to be mindful of what this costs to people.

6 So let me just reiterate that there's a
7 lot of things to look at to try to make this place
8 operate more efficiently if we're going to spend
9 close to \$200 million. But I believe that this
10 Board has an obligation to vote today to stay that
11 Administrative Consent Order. In an
12 Administrative Consent Order, it's a negotiation.
13 Obviously, they have the upper hand. But it's an
14 Administrative Consent Order. I don't believe
15 it's litigation yet. And I believe that we can
16 ask for that delay based on the fact that we
17 didn't do our public outreach and we can start
18 over with a new feasibility study and everyone at
19 the table. And then wherever it ends is where it
20 is ends. That's how the process would move
21 forward.

22 Thank you, Madam President.

23 PRESIDENT KOLODZIEJ: Thank you.

24 Last but not least, you always like to go
25 last, Mr. Soo. So wrap it up. Wrap it up.

1 MR. SOO: I come late. Sorry.

2 When I was in school, I would say to
3 myself: Good things come to those who wait; save
4 it for the last minute.

5 PRESIDENT KOLODZIEJ: Okay.

6 MR. SOO: So I saw the article in the
7 newspaper and I want to make my comments and go in
8 that direction about the autonomy of this agency.

9 We all live in America. Executive,
10 Legislative, Judicial. A government of balance
11 and counterbalance. This Commission is sort of a
12 sky castle. It's kind of on an island. You got a
13 nice big budget. You're drawing down from the
14 taxpayers, you know, \$70, \$80 million a year.
15 Spending lots of money. But nobody is overseeing
16 the activities of the Commission. This is like
17 some kind of taxation without representation. I'm
18 not saying you're bad people or you're doing the
19 wrong thing, but it just doesn't make any sense.

20 And the statute that I found really helps
21 clarify that. It gives the local governments some
22 say over what happens with private contracting.
23 And to me it's very limited and it really should
24 be broader in scope because the reality is: Water
25 services were created for this Commission when

1 Paterson, Passaic, and Clifton came together and
2 said: Look, we can't manage this all on our own.
3 We want to create an entity that's going to do
4 this for us. So you're really part of the local
5 government and they got a Court Order and it was
6 done.

7 But in reality, you guys are sort of out
8 on this island and I think it's because of this
9 configuration, because this has been allowed to go
10 on for so long. You've been able to act like
11 you're not really accountable to the general
12 public, all the legislators, everybody. You just
13 kind of go about your business the way you feel
14 it's best to do. And maybe it's right and maybe
15 it's wrong. But you know what, it's not a healthy
16 situation for the community. It's not healthy for
17 an entity of government to collect over ten, 12
18 years, over a billion dollars of money from the
19 local community and distribute it how they see fit
20 without having the public have any say on it.

21 So I think you need to really rethink the
22 way you interact with the people of this community
23 and the local governments. The statute that I
24 found, I think instead of running from it, you
25 should run to it. You should be saying at every

1 opportunity, we want to check with the communities
2 that created us because you know what, if you're
3 out there on this island and you're doing whatever
4 you want to do, it may be right, it may be wrong,
5 but at a certain point the communities may say:
6 You know what, this Commission thing is not
7 working for us. We created them. Let's uncreate
8 them. Let's take away that toy and we're going to
9 figure out another way to do it. That can be
10 done.

11 Now, you have legislators and they're
12 putting together bills to circumscribe your
13 authority. How far are you going to get fighting
14 them. They can make you and they can break you.
15 Just as simple as that with the law, with the law.

16 So I would be, you know, I've been a quasi
17 judicial officer that gives you a certain amount
18 of autonomy, but this is not that. This
19 Commission is not quasi judicial, it's not
20 judicial. You don't have that insulation.

21 So I would think really carefully about
22 how you want to proceed in a context of local
23 community and elected officials and whether you
24 want to be at odds with them or harmony with them,
25 because if you're just saying water quality and

1 purity and this and that and ignoring the fact
2 that you have people living around you, I think
3 you're on a collision course and maybe the crash
4 has already started to happen. So think well,
5 think long, think hard. And as I said last time,
6 do the right thing.

7 Thank you very much.

8 PRESIDENT KOLODZIEJ: I think this is the
9 last speaker, Mr. John Walters.

10 MR. WALTERS: John Walters, Passaic County
11 Board of Realtors, the incoming President of 2015.

12 I think what's happening the last couple
13 of weeks, the mandate is clear. Everybody sitting
14 at this table is an intelligent person. They
15 wouldn't be sitting here if they weren't. They
16 wouldn't be appointed to the positions they are.

17 I take a different view. I see that you
18 were mandated to do something and you just went
19 ahead and did it. Maybe not with the public
20 interest at heart, but you thought you were doing
21 your job. And you can't be faulted until you sign
22 contracts, made amendments, and said this is the
23 deal that we're going with.

24 Now we've got a problem because it shook
25 up the people that did not know what was going on.

1 We advocate for people. We want to help the
2 community economically. We want to help it grow.
3 We want good schools and that. And the word
4 "quasi" was mentioned here in this room. It's a
5 great word. I think about it all the time, except
6 when it's connected with government; quasi
7 government.

8 The education department and your
9 department seems to be operating as a quasi
10 government making rules and somewhat like that are
11 not in line with the law.

12 The mandate is clear now. Everybody's
13 spoke in this room showing you the pathway,
14 opening up the door, to tell you how we're going
15 to back out of this thing gracefully and do the
16 right thing.

17 I hope you continue to keep looking at
18 alternatives to what is happening, because as the
19 gentleman said, something has got to happen in the
20 end, whether it does come to concrete tanks or
21 whatever, but we'll do the best for the community
22 of what's meant to be.

23 Thank you very much.

24 PRESIDENT KOLODZIEJ: Anybody that we
25 skipped that wishes to speak?

1 Hearing none, motion to close the public
2 hearing, please.

3 COMMISSIONER DeVITA: So moved.

4 COMMISSIONER BAZIAN: Second.

5 COMMISSIONER LEVINE: I'd like to --

6 PRESIDENT KOLODZIEJ: Sure.

7 COMMISSIONER LEVINE: After hearing the
8 public and, you know, hearing our local
9 legislators, primarily, I'd like to offer a
10 Resolution to the Board on behalf of myself who
11 represents the City of Paterson. And I did
12 prepare one, you know, before this afternoon. I'm
13 going to give it to everybody, my fellow
14 Commissioners to vote and see whether -- I'm going
15 to read it while passing it around.

16 The Resolution states: Passaic Valley
17 Water Commission authorizing and directing the
18 Executive Director, Chief Engineer, and General
19 Counsel of Passaic Valley Water Commission to file
20 the necessary papers and take other necessary
21 action to petition the Department of Environmental
22 Protection of the State of New Jersey (DEP) and
23 the DEP Commissioners --

24 PRESIDENT KOLODZIEJ: Excuse me, excuse
25 me, point of order here. We had a motion to close

1 the public hearing and second.

2 COMMISSIONER LEVINE: Okay. Okay.

3 MR. AMODIO: Roll call.

4

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

7

8 PRESIDENT KOLODZIEJ: Now that we're on
9 firm legal ground.

10 COMMISSIONER LEVINE: I'll start.

11 PRESIDENT KOLODZIEJ: I think you should
12 start all over.

13 COMMISSIONER BAZIAN: Madam President.

14 PRESIDENT KOLODZIEJ: Yes.

15 COMMISSIONER BAZIAN: Before we go this.
16 Has this, I just want to make sure we got all our
17 bases covered. Has this Resolution been reviewed
18 by our Legal Department?

19 PRESIDENT KOLODZIEJ: No, it hasn't. It's
20 just being presented now for us to see.

21 COMMISSIONER BAZIAN: I'm a little
22 concerned --

23 PRESIDENT KOLODZIEJ: Sorry, sorry, sorry.

24 COMMISSIONER BAZIAN: George, would you
25 just look at this for legal form and make sure

1 that we're not --

2 COMMISSIONER LEVINE: Make sure I'm not
3 out of line.

4 COMMISSIONER BAZIAN: It's got to be
5 reviewed so the wording is correct.

6 COMMISSIONER SANCHEZ: What is the basis?

7 COMMISSIONER LEVINE: Just ask for a stay
8 to the year 2016. Final ruling come out --

9 COMMISSIONER SANCHEZ: What do we have to
10 lose by doing that, Joe?

11 MR. BELLA: Hard to tell. I mean, it's
12 really hard to tell what effect that would have
13 with the agencies. Just difficult to figure that
14 out, to know that.

15 The other bigger question is what does
16 that do with our, you know, with our liability,
17 our risk exposure going forward. That would be
18 something that George would have to look to.

19 COMMISSIONER SANCHEZ: All we're doing by
20 doing this is asking them.

21 MR. BELLA: I don't know. I have not seen
22 this.

23 COMMISSIONER SANCHEZ: George, you're the
24 legal counsel.

25 All we're doing here is asking them to

1 extend to 2016 and they can come back and say no.
2 That's all we're doing here. Right?

3 MR. HANLEY: So the question being asked
4 is do you have the authority, the appropriate, for
5 you to consider this and vote as you would and I
6 would say yes.

7 COMMISSIONER BAZIAN: But there's
8 additional questions about it and that is, that we
9 have the authority, I have no doubt.

10 The two questions that I have is number
11 one: Is that a Resolution that's legal and we can
12 act on it? You're okay the way it was written?

13 MR. HANLEY: Yes.

14 COMMISSIONER BAZIAN: That's question
15 number one.

16 And question number two, assuming this
17 passes, okay, I hear the up side; what's the down
18 side?

19 MR. SOO: Madam Chair, point of procedure

20 --

21 PRESIDENT KOLODZIEJ: No, no, no, no.

22 MR. SOO: You're supposed to move it and
23 second it.

24 PRESIDENT KOLODZIEJ: You're out of order,
25 Mr. Soo, and you know it. You know it. It is

1 not. I'm making a decision.

2 MR. SOO: Make a motion, have it --

3 PRESIDENT KOLODZIEJ: Commissioner Bazian
4 has asked our Legal Department to review a
5 Resolution. You just accused us of not reading
6 the fine print so we're reading the fine print.

7 MR. SOO: Move it and second and then
8 discuss.

9 PRESIDENT KOLODZIEJ: Mr. Soo, can you
10 please put your best manners on. I would
11 appreciate it. I really would.

12 MR. SOO: My best manners are on.

13 PRESIDENT KOLODZIEJ: God help us.

14 All right. Commissioner Bazian, yes.

15 COMMISSIONER BAZIAN: If I may?

16 The question is whether or not the
17 Resolution is appropriate. I believe it was
18 appropriate before the motion was offered.

19 The second question should be answered
20 after the motion is offered. I apologize.

21 PRESIDENT KOLODZIEJ: I would like
22 discussion on the motion, because as I'm looking
23 at this wording, so you need a second to his
24 motion is what you're telling me.

25 COMMISSIONER BAZIAN: Why don't you finish

1 reading --

2 COMMISSIONER LEVINE: I don't know where I
3 was.

4 I offer a "Resolution authorizing and
5 directing the Executive Director, Chief Engineer,
6 and General Counsel of the Passaic Valley Water
7 Commission to file the necessary papers and take
8 other necessary action to petition the Department
9 of Environmental Protection of the State of New
10 Jersey ('DEP') and the DEP Commissioner to stay
11 further proceedings or action regarding the
12 planning or implementation of the projects
13 relating to addressing the requirements of EPA
14 rules and the Administrative Consent Order issued
15 by the DEP, pursuant thereto, relating to the
16 Levine, Great Notch, and New Street Reservoir
17 ('The Projects')."

18 I so move.

19 PRESIDENT KOLODZIEJ: Second on the
20 motion?

21 COMMISSIONER LEVINE: Should I read the
22 rest?

23 PRESIDENT KOLODZIEJ: Yeah, you might as
24 well read it, for the record.

25 COMMISSIONER LEVINE: "WHEREAS, the cost,

1 environmental and cultural impacts of the
2 above-mentioned Projects promise to impose major
3 burdens on the individual and commercial
4 communities of PVWC's Owner Cities and Wholesale
5 customers constituting approximately, 800,000
6 customers" --

7 MS. DEROCHE: Can you speak a little more
8 slowly?

9 COMMISSIONER LEVINE: "WHEREAS, the cost,
10 environmental and cultural impacts of the
11 above-mentioned Projects promise to impose major
12 burdens on individual and commercial communities
13 of the PVWC's Owner Cities and Wholesale customers
14 constituting approximately 800,000 customers; and

15 WHEREAS, the impact of these Projects on
16 numerous surrounding communities constitutes a
17 major potential impact, both aesthetically and
18 economically; and

19 WHEREAS, it is perceived by a significant
20 segment of the public, which PVWC serves, that
21 they have had insufficient information, input and
22 participation in the Projects whose current
23 cost-estimates exceed \$100 million;

24 NOW THEREFORE IT BE IT RESOLVED that:

25 1. The Passaic Valley Water Commission

1 shall file the appropriate papers and take the
2 appropriate action to petition the New Jersey
3 Department of Environmental Protection and its
4 Commissioner for a stay in the proceedings
5 relating to existing Administrative Consent Order,
6 to which it is the subject, relating to the
7 Projects set forth hereinabove; and

8 The Executive Director, Chief Engineer,
9 General Counsel and such other Officers, Agents,
10 and/or Employees as are necessary shall assist in
11 that effort to the extent necessary to accomplish
12 same in an expeditious manner."

13 MR. AMODIO: Motion by Commissioner
14 Levine.

15 COMMISSIONER CLEAVES: Second.

16 MR. AMODIO: Second by Commissioner
17 Cleaves.

18 PRESIDENT KOLODZIEJ: Commissioner Bazian.

19 COMMISSIONER BAZIAN: Just a couple of
20 questions. I just wanted to --

21 COMMISSIONER SANCHEZ: You had a question
22 on the table.

23 PRESIDENT KOLODZIEJ: It's my fault,
24 Commissioner Sanchez. I didn't go through proper
25 parliamentary procedure, so it's my fault.

1 COMMISSIONER BAZIAN: Question number one
2 and I also have a question as to the wording.

3 Question one: I understand the upside.
4 Is there a downside?

5 I'd like to know what I'm voting on,
6 either from Joe or from George.

7 MR. HANLEY: Legal downside?

8 PRESIDENT KOLODZIEJ: Yes.

9 COMMISSIONER BAZIAN: Yes. Are we opening
10 ourselves up to potential liability or anything
11 like that?

12 MR. HANLEY: I don't think so. All you're
13 doing here is petitioning. So it's not like
14 there's an argument that you are being contempt
15 with the ACO. You're petitioning them saying:
16 Here are the reasons we think there should be a
17 stay. It's up to them.

18 I would add as a matter of general
19 administrative law, "the Commission". That's why
20 I assume whoever drafted this put that in has his
21 or her own discretion for most things that the
22 agency does and that's not unique to the DEP.

23 COMMISSIONER BAZIAN: Question number two:

24 The Resolution specifically makes mention
25 and I will quote "Take other necessary action"

1 unquote. Mentioned both in the preamble and
2 within the body.

3 If we're approving that, are we in effect
4 approving potential legislation or would that be
5 something that would have to come before us.

6 MR. HANLEY: I would not interpret it that
7 way. In other words, the way that's -- the reason
8 that kind of language is put in.

9 COMMISSIONER BAZIAN: I meant litigation.

10 MR. HANLEY: No, I don't believe this
11 gives anybody authority to file a lawsuit.

12 COMMISSIONER DeVITA: Specifically not.

13 MR. HANLEY: I think this language gives
14 the authority which it says it does, to request a
15 stay and that's it.

16 So the reason typically that language is
17 put in so they don't, whoever is doing it, in this
18 case us, I guess it would be us, we don't have to
19 go back and ask you: Should this be an "and" or
20 an "or". Everything is consistent with the
21 precise wording and it's very limited.

22 COMMISSIONER SANCHEZ: Are they the only
23 counsel here in the meeting? Any other lawyers
24 here?

25 PRESIDENT KOLODZIEJ: I just have a

1 question out of courtesy.

2 For the sake of transparency, who drafted
3 this, Commissioner?

4 COMMISSIONER LEVINE: I did.

5 PRESIDENT KOLODZIEJ: You wrote this
6 yourself?

7 COMMISSIONER LEVINE: I had help.

8 PRESIDENT KOLODZIEJ: Well, I would like
9 to know who you had help from.

10 MR. SOO: He doesn't have to tell you.

11 PRESIDENT KOLODZIEJ: I'm asking out of
12 courtesy. I want transparency as much as you do.
13 I mean, is it such a secret who helped you put
14 this together?

15 COMMISSIONER LEVINE: I put together --

16 PRESIDENT KOLODZIEJ: I know you did, but
17 who helped you?

18 COMMISSIONER LEVINE: Lawyers that are
19 personal friends --

20 PRESIDENT KOLODZIEJ: All right. That's
21 all I need to know. Your personal friends --

22 COMMISSIONER LEVINE: Yeah, of course.

23 PRESIDENT KOLODZIEJ: Helped you. That's
24 all I need to know.

25 COMMISSIONER LEVINE: I wanted to make

1 sure my language, that's why it's not a hundred
2 percent perfect.

3 PRESIDENT KOLODZIEJ: Right.

4 COMMISSIONER LEVINE: I wrote it. I just
5 asked if it was correct.

6 PRESIDENT KOLODZIEJ: Go ahead.

7 COMMISSIONER DeVITA: Question: We're
8 under a mandate now. Can we now petition them to
9 extend the time? We're not violating that?

10 MR. HANLEY: No.

11 COMMISSIONER DeVITA: Okay.

12 COMMISSIONER BAZIAN: If I may, Tom.
13 We've already twice, twice, three times petitioned
14 them for stays of smaller durations. It's the
15 same kind of thing we've done before. It's just
16 asking for a longer period of time.

17 COMMISSIONER DeVITA: Question: This
18 doesn't say the time period. You had said 2016?

19 COMMISSIONER LEVINE: Until after.

20 COMMISSIONER DeVITA: This doesn't say. I
21 don't have a problem if you say 2016. That's what
22 you talked about.

23 COMMISSIONER LEVINE: We can add that
24 afterwards.

25 MR. HANLEY: You can add it now, if you

1 choose.

2 COMMISSIONER DeVITA: Let's add it now.

3 PRESIDENT KOLODZIEJ: Or you can indicate
4 that you're doing it. That's part of the record
5 which makes it clear as to what date you mean.

6 COMMISSIONER LEVINE: Until after the
7 review comes out from the State EPA and DEP on the
8 LT2.

9 COMMISSIONER DeVITA: That would be --

10 PRESIDENT KOLODZIEJ: That's what I think
11 my colleagues are driving at. This is your draft.
12 We're seeing it for the first time. We think we
13 know the intent of this but we want to be sure
14 what we're signing. So now you're having
15 Commissioners look at this and say this better
16 reflect.

17 COMMISSIONER DeVITA: Your intention is to
18 go to 2016, but now you're saying it's going to be
19 after they review it. That could be 2014.

20 COMMISSIONER LEVINE: The reason is that's
21 when their intent was.

22 COMMISSIONER DeVITA: I'm asking, if you
23 want to put, let's put --

24 COMMISSIONER LEVINE: Let's put the year
25 2016 then.

1 COMMISSIONER BAZIAN: If I may?

2 MR. HANLEY: You want to amend the
3 Resolution?

4 PRESIDENT KOLODZIEJ: Yes.

5 COMMISSIONER LEVINE: Can I amend the
6 motion to the year 2016 at the least or say "or
7 until". I don't want them to say 2016 then stay
8 goes and then they don't give out the rules until
9 2017. I want to somehow incorporate that in with
10 the Counsel. I'm not a lawyer.

11 COMMISSIONER BAZIAN: If I may?

12 PRESIDENT KOLODZIEJ: Yes, Commissioner
13 Bazian.

14 COMMISSIONER BAZIAN: I think what he's
15 saying is he'd like it to be 2016 or until the
16 review of the LT2 which is completed, whichever is
17 later.

18 COMMISSIONER LEVINE: Exactly. I should
19 have had you --

20 COMMISSIONER BAZIAN: You should have, but
21 didn't.

22 PRESIDENT KOLODZIEJ: All right. Can you
23 just clarify for me the mention of the word
24 "stay", because we've asked for an extension.
25 We've always used the word "extension". Is there

1 any legal, you know, difference between a stay?
2 And I think my colleagues have alluded to that,
3 that would put us on a different path than where
4 we are now, you know, saying that we need more
5 time for information, alternatives, you know. Is
6 there a difference between extending and asking
7 for a stay, legally? I don't know.

8 MR. HANLEY: There can be. I'm just
9 reading this.

10 PRESIDENT KOLODZIEJ: Right. Thank you.

11 MR. HANLEY: "For a stay in the
12 proceedings".

13 So what that I think intended to say --

14 COMMISSIONER LEVINE: I can tell you,
15 George, right now. To stay would be to halt it
16 until they come out and an extension would grant
17 us more time to finish. That's why I put the word
18 "stay".

19 MR. HANLEY: In other words, it is
20 effectively a delay.

21 PRESIDENT KOLODZIEJ: Right.

22 MR. HANLEY: But it's slightly different
23 than what you previously asked for in that you say
24 there will be no further proceedings in this
25 regard in the interim. Again, I think that's what

1 that means.

2 PRESIDENT KOLODZIEJ: All right. So when
3 they come out to this meeting that we're having,
4 why are we having a discussion, if we're not going
5 to do anything?

6 MR. HANLEY: I don't think it has any
7 impact whatsoever on that.

8 PRESIDENT KOLODZIEJ: All right. So
9 they'll be able to answer all these questions we
10 put on the table in the beginning, you know, what
11 time and the assurance that we've been given from
12 the other attorney in the room that we basically
13 can do all of this and have both the EPA and the
14 DEP say: We hear you but you know what, these are
15 your new timelines. This in no way hampers them
16 from doing what they have been threatening to do
17 with us from day one, does it?

18 I feel like I've been under a threat from
19 day one that if you do my ACO and I'm abiding by
20 the law, so we've hammered the amended agreement,
21 and they have been very good in working with us
22 every time we're going to them and saying we need
23 a stay because now we got some more things to
24 consider, et cetera, et cetera. But I want to be
25 sure that EPA and DEP and, Mayor, you remember my

1 saying that at your meeting, that they took
2 responsibility for what they put us through. And
3 I'm willing to work with anybody. I am a team
4 player, believe it or not, and my mayor does not
5 tell me what to do and doesn't dare tell me what
6 to do and I also want to be sure to not let EPA
7 and DEP off the hook for what we have been put
8 through for just trying to do the right thing.

9 MR. HANLEY: I think that's a separate
10 question.

11 PRESIDENT KOLODZIEJ: Okay.

12 MR. HANLEY: This doesn't answer one way
13 or the other.

14 What I do think, though, is that adds no
15 additional risk to determine the sanctions by the
16 DEP.

17 PRESIDENT KOLODZIEJ: Okay. Perfect. No
18 additional risk for sanctions, because that has
19 been the club they held over our head from day
20 one. If you don't do it by our timeline, we're
21 going to fine you a thousand dollars a day.

22 MR. HANLEY: If you didn't request those
23 extensions, that might be true. But it's kind of,
24 I don't mean to be oversimplified, but it's kind
25 of like when you were in school, you raise your

1 hand and ask, you're not going to get punished for
2 raising your hand.

3 PRESIDENT KOLODZIEJ: Okay. So we're
4 raising our hand and asking. And there's no risk
5 involved. That's important to me. There's no
6 risk involved.

7 Commissioner Bazian is being very patient.

8 COMMISSIONER BAZIAN: George, just getting
9 back to "stay" versus "extension". If a stay
10 means we're doing nothing. Okay.

11 MR. HANLEY: No, no. It means they will
12 do nothing. They will call a timeout.

13 COMMISSIONER BAZIAN: I get that. One of
14 the concerns that I posed early on back in 2011
15 was the lack of public input. Okay. The lack of
16 public input. That was a discussion we began in
17 2011.

18 If we are talking about something at 2016
19 and whatever, technology will change. It would
20 seem to me, let's assume 2016 they review the LT2
21 and they say we still have to do this. Right. It
22 would seem to me that at that point we're probably
23 going to have to go back and relook at this thing
24 and hopefully better than it was done the first
25 time.

1 So I want to make sure that by using the
2 word "stay", we're not prevented from having
3 discussions with the public, doing whatever is
4 necessary so if this has to be redone, that we're
5 not tying our hands to at least go back and get
6 the appropriate feedback if we have to move
7 forward.

8 MR. HANLEY: No.

9 PRESIDENT KOLODZIEJ: Is there a
10 possibility that they would make us redo
11 everything that we've done? Wouldn't we want to
12 move forward from where we are with all the good
13 suggestions.

14 MR. HANLEY: Two answers: One. I don't
15 know.

16 Two. Again, that doesn't impact this
17 Resolution, the effect of this Resolution one way
18 or the other.

19 PRESIDENT KOLODZIEJ: So all these good
20 questions that my colleagues are putting on the
21 table now can be addressed with the DEP and EPA
22 when we have those meetings.

23 MR. HANLEY: The stay is a formal
24 proceeding separate and apart. You're doing
25 public hearings now.

1 PRESIDENT KOLODZIEJ: Yes, we've done
2 three.

3 MR. HANLEY: That are not inherently
4 mandated or not by the ACO. There is a regulation
5 and the ACO does require public hearings, but you
6 can do public hearings on your own motion at any
7 time.

8 PRESIDENT KOLODZIEJ: I understand that.
9 But if everybody in the public's perception is the
10 procedure was faulted, I don't think the procedure
11 was faulted. Do I think we made mistakes;
12 absolutely. But I don't want to be precluded from
13 taking all the positive things that are coming
14 before us when we hold these public hearings and
15 using that as the springboard to move forward.
16 And that would be my way of negotiating with the
17 DEP and EPA.

18 So as long as I am guaranteed that I'm not
19 going to have to frivolously spend more money, I
20 am willing to spend money on any legitimate
21 alternative out there, whether it be North Jersey,
22 whether we'll be using the spillways in Paterson.
23 That's money well spent, because somebody's come
24 up with an alternative that can be documented and
25 can have facts that we can all look at. But I

1 don't want be to in a position of having to go
2 back to square one all because somebody doesn't
3 like the fact that I didn't do public hearings
4 early enough. Maybe I'm wrong, but anyway.

5 MR. HANLEY: I can't answer that.

6 COMMISSIONER DeVITA: I have a question.
7 It says we're going to ask for a stay in the
8 proceedings, the Administrative Consent Order.
9 Shouldn't we also not say for a stay and
10 evaluation? I mean, if we just say we're going to
11 stay, then what?

12 PRESIDENT KOLODZIEJ: That's my point,
13 Tom. We're in limbo doing nothing. So you want
14 to add some phraseology there also?

15 COMMISSIONER DeVITA: Do you have a
16 problem?

17 COMMISSIONER LEVINE: George, does that
18 make sense?

19 MR. HANLEY: Yeah.

20 PRESIDENT KOLODZIEJ: Now I'm starting to
21 feel more comfortable.

22 COMMISSIONER SANCHEZ: I'm like a seven
23 year old. I'm confused here.

24 COMMISSIONER DeVITA: We know.

25 COMMISSIONER SANCHEZ: What is going to be

1 the Resolution? Is it going to be stay or no?

2 COMMISSIONER DeVITA: We're going to ask
3 them to stay it if we pass it. And I'm suggesting
4 that we ask them to reevaluate the Administrative
5 Consent Order.

6 PRESIDENT KOLODZIEJ: Yes, yes.

7 COMMISSIONER SANCHEZ: Lou, is that on the
8 table?

9 PRESIDENT KOLODZIEJ: There's a motion
10 that's been made and seconded. We're going to
11 have to ask the mover and the seconder to amend
12 their original motion to include the new language.

13 MR. SOO: Make a motion to amend and second
14 and then vote --

15 PRESIDENT KOLODZIEJ: You know, Mr. Soo, I
16 appreciate it. Why don't you grab a seat right
17 here and whisper in my ear because this is very
18 disturbing. Come on right here. Right here next
19 to me. Right here next to me.

20 MR. SOO: I need a chair.

21 PRESIDENT KOLODZIEJ: I can't help you
22 there. Can somebody give their seat to Mr. Soo?

23 MR. GUARASCI: Madam President, point of
24 procedure. If there's something new on the
25 agenda, you have to give the public a chance to

1 address this.

2 PRESIDENT KOLODZIEJ: Oh gee, oh gee, oh
3 gee.

4 COMMISSIONER SANCHEZ: Is that correct?

5 MR. HANLEY: No.

6 COMMISSIONER SANCHEZ: No, that's not
7 right.

8 PRESIDENT KOLODZIEJ: So people, look, you
9 came here with -- can I just have some order?

10 MR. GUARASCI: He's saying yes.

11 MR. HANLEY: May I?

12 PRESIDENT KOLODZIEJ: You are out of order
13 and you're trying to help get to something that
14 makes sense to you and we're trying to get to the
15 point to make sense something here.

16 If it's a matter of parliamentary
17 procedure, Mr. Hanley is the one that's going to
18 make that decision.

19 So right now we have a motion on the table
20 and we have a second and certainly, in all my
21 years in government, if somebody, the mover of the
22 motion and the seconder is willing to amend their
23 particular motion to include other phrases,
24 Clifton Council certainly works that way. So
25 right now we have Commissioner DeVita asking the

1 mover and the seconder if you would object to
2 adding this wording to this that we have here.

3 COMMISSIONER LEVINE: Counsel, so it
4 doesn't change my thing. I'm still asking for a
5 stay. Asking them to ask for a stay and to look
6 over, reevaluate the consent orders and look at
7 them. Correct?

8 MR. HANLEY: And how about consider
9 revisions to the consent order. Is that okay?

10 MR. AMODIO: Reevaluate.

11 COMMISSIONER LEVINE: And the timeframe.

12 PRESIDENT KOLODZIEJ: Commissioner
13 Cleaves, with a lot of experience on our Board of
14 Ed, would you like to go about explaining the
15 proper way to amend this?

16 COMMISSIONER CLEAVES: You have a motion
17 on the floor, you can't leave the discussion.

18 COMMISSIONER LEVINE: No, I'm not. I just
19 said I'm not leaving.

20 COMMISSIONER CLEAVES: You can make a
21 motion on top of the motion that you already --

22 COMMISSIONER LEVINE: I thought I did that
23 already.

24 COMMISSIONER CLEAVES: And it would
25 supersede the first motion that you made to

1 include everything that you want it to include.

2 COMMISSIONER LEVINE: I thought I did --

3 COMMISSIONER CLEAVES: You don't have to
4 rescind your motion to make a new motion. It
5 takes precedent over the one --

6 PRESIDENT KOLODZIEJ: All right.

7 COMMISSIONER LEVINE: I make a motion to
8 include Commissioner DeVita's amendment.

9 Let me ask you a question.

10 PRESIDENT KOLODZIEJ: Wait, wait, Mr.
11 Hanley, our lawyer is speaking.

12 MR. HANLEY: Just give me a moment to get
13 it on paper and I'll read it.

14 PRESIDENT KOLODZIEJ: All right. Then you
15 can read it into the record.

16 COMMISSIONER LEVINE: While we're waiting.
17 Mr. Guarasci, do you have something to say to me?

18 MR. GUARASCI: I'm simply trying to be
19 helpful, which is we're all on the same page here.

20 COMMISSIONER LEVINE: Be quick.

21 MR. GUARASCI: I just wanted to say
22 quickly, I believe this Resolution will be more
23 acceptable to the authority if it states that the
24 reason that you're seeking the stay to 2016 is to
25 give the Commission an opportunity to undertake a

1 new alternative study. I believe that is
2 something that would make --

3 PRESIDENT KOLODZIEJ: That's something
4 different. You know, I've allowed, and I
5 understand you're trying to be helpful, but you're
6 not, because now I have secondary conversations
7 going on. That's not what we were talking about.

8 So please don't confuse the situation.

9 MR. GUARASCI: I'm not here to make your
10 life easy as a public official.

11 PRESIDENT KOLODZIEJ: Mr. Hanley is taking
12 the original mover and adding the suggestion from
13 my esteemed colleague and we are going to read
14 into the record what we are going to be voting on
15 and I'm perfectly satisfied with that; so.

16 MR. HANLEY: I'm ready to try this.

17 PRESIDENT KOLODZIEJ: Okay. You're ready.

18 MR. HANLEY: Paragraph one: In other
19 words, this is part of the Resolution that is
20 instructing us as to what to do: "The Passaic
21 Valley Water Commission shall file the appropriate
22 papers and take the appropriate action to petition
23 New Jersey Department of Environmental Protection
24 and its Commissioner for a stay in the
25 proceedings," it should really say, "including but

1 not limited to consideration of revisions to the
2 Consent Order."

3 I got to fix that.

4 "Revisions to the Administrative Consent
5 Order, to which it is subject, relating to the
6 Projects set forth hereinabove." Which was
7 referenced, is that --

8 COMMISSIONER DeVITA: Until when?

9 MR. HANLEY: Oh, I didn't specify. Okay.
10 "Until 2016 or" --

11 COMMISSIONER BAZIAN: Or.

12 MR. HANLEY: Or upon --

13 COMMISSIONER BAZIAN: Completion of the --

14 MR. HANLEY: "Upon completion of the
15 EPA's", I'll write that out, "report" --

16 COMMISSIONER DeVITA: Review and
17 reevaluation.

18 COMMISSIONER LEVINE: Can we put 2016, the
19 earliest?

20 MR. HANLEY: Wait, wait, stop.

21 "Or upon completion of the EPA's review
22 of," I'll say, "LT3 regulation".

23 COMMISSIONER BAZIAN: LT2.

24 MR. HANLEY: Two, oh.

25 COMMISSIONER BAZIAN: You're a man ahead

1 of your time.

2 MR. HANLEY: "LT2's regulations or upon
3 completion, whichever is later."

4 You want me to try that again? I'll give
5 you the whole paragraph again.

6 PRESIDENT KOLODZIEJ: Right.

7 MR. HANLEY: "Passaic Valley Water
8 Commission shall file the appropriate papers and
9 take the appropriate action to petition the New
10 Jersey Department of Environmental Protection and
11 its Commissioner for a stay in the proceedings,
12 including but not limited to consideration of
13 revisions to the Administrative Consent Order to
14 which it is subject, and until 2016," I don't know
15 if you want to put a date in there?

16 COMMISSIONER LEVINE: Can you put the
17 earliest 2016?

18 MR. HANLEY: Do we have a more precise
19 date than just 2016?

20 COMMISSIONER DeVITA: If we get the
21 consent order, if there's a date --

22 MR. HANLEY: Yeah, that's true. That's
23 true. Yeah. So I'll leave it.

24 "And until 2016 or upon the completion of
25 the EPA's review of the LT2 regulations, whichever

1 is later."

2 That's the way it would read currently.

3 PRESIDENT KOLODZIEJ: Everybody's clear on
4 what we're voting on? The mover and seconder are
5 okay with it?

6 Roll call, please.

7

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

10

11 COMMISSIONER DeVITA: Without feeling any
12 arm twisting, yes.

13 PRESIDENT KOLODZIEJ: Aren't you glad
14 we're appointed by Clifton?

15 Yes.

16 COMMISSIONER SANCHEZ: I want to make
17 another Resolution and I don't want it to be that
18 long, but I want to see how can we get, because
19 Woodland Park, if we could get Newark, in case we
20 got to do this, if we could get Newark to work
21 with us, we could leave Woodland Park intact and
22 we could save tons of money if we do what we're
23 doing jointly.

24 So I want to make a Resolution having all
25 these politicians that are involved now getting us

1 together, Newark, the Passaic Valley Water
2 Commission and DEP together so we can make it work
3 that we don't have to touch Woodland Park and just
4 do it jointly with Newark. That will save the
5 reservoir. It will save a lot of money. So I
6 want to make a Resolution just to --

7 PRESIDENT KOLODZIEJ: All right. I don't
8 think it's important to do that today. Let's have
9 it in its final form for next meeting.

10 The bottom line here is every legislator I
11 talked to, I said: If you really want to help
12 what's going on, you need to get on board with
13 that. That's been our position from day one. So
14 let's see what we're going to be voting on,
15 Commissioners. You can wait until he puts that in
16 final for the next meeting and we can take action
17 in November.

18 Okay. All right. Any more in regard to
19 this topic? If not, I'm going to give a five
20 minute recess and then we should be out of here,
21 our agenda. And I'm going to brag about our
22 budget because in spite of what Mr. Weinberg said,
23 we've done yeoman's job here.

24
25 (Recess)

1 PRESIDENT KOLODZIEJ: Roll call.

2

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

5

6 MR. AMODIO: You have a quorum.

7 The time is 1:43.

8 COMMISSIONER LEVINE: Commissioners, I

9 just want to apologize to everybody for not
10 handing them the Resolution ahead of time.

11 Commissioner Kolodziej actually brought it to my
12 attention. I finished this last night, 10:00 at
13 night. I didn't address anybody, include anybody
14 until just now. I wasn't even sure how I was
15 going to do. So I apologize. Next time, you
16 know, I'll try to think a little bit, you know.

17 PRESIDENT KOLODZIEJ: You are a good
18 listener to incorporate our concerns.

19 COMMISSIONER SANCHEZ: If we have problem
20 --

21 PRESIDENT KOLODZIEJ: We know where to go
22 to for our legal advice.

23 PRESIDENT KOLODZIEJ: All right.

24 Committee reports, quickly.

25 This should be a really short meeting

1 because already this is we're we've been today so
2 far.

3 MR. AMODIO: You want to do personnel
4 first?

5 PRESIDENT KOLODZIEJ: Yeah, let's do those
6 first.

7 COMMISSIONER CLEAVES: Personnel did not
8 meet.

9 PRESIDENT KOLODZIEJ: Okay.

10 COMMISSINER CLEAVES: So we request that
11 we're going to finalize the student intern program
12 for the next meeting.

13 PRESIDENT KOLODZIEJ: All right. So can
14 we do that in closed session or in public session?

15 MR. HANLEY: Which one?

16 PRESIDENT KOLODZIEJ: The student intern
17 program. It's listed under Personnel but under
18 Executive Session.

19 MR. HANLEY: As long as there's no
20 individual.

21 PRESIDENT KOLODZIEJ: No, there isn't.
22 This is just the student intern program.

23 MR. HANLEY: Policy.

24 PRESIDENT KOLODZIEJ: So the chairwoman
25 has indicated that they will have a final. We

1 talked about this at finance yesterday. So maybe
2 you want to give your question to Commissioner
3 Cleaves in regard to how that hiring is going to
4 be done.

5 This is just on the student interns and
6 there are several that are waiting to be rehired
7 back but because of what we've done, they can't do
8 that until this committee gives us a
9 recommendation and we vote on it, so.

10 COMMISSIONER BAZIAN: Commissioner
11 Cleaves, in the budget narrative that we all
12 received the way that Yitz prepared the budget was
13 on the assumption of a maximum of nine interns
14 working for a maximum of three months total,
15 assuming, I believe it was 35 hours per week, no
16 overtime I think is the way he had assumed it. Is
17 that in line with what the personnel committee --
18 I'm concerned that we might be passing something
19 in the budget that will not match what the
20 personnel committee is doing.

21 COMMISSIONER CLEAVES: Well, I think so
22 because initially when we had the discussion, it
23 would be intern one per Commissioner and then Mr.
24 Bella would get the two.

25 COMMISSIONER BAZIAN: So that's eight.

1 MR. AMODIO: Nine.

2 COMMISSIONER CLEAVES: Nine. He gets two.

3 PRESIDENT KOLODZIEJ: And that was the
4 number given to us at finance, nine.

5 But the other question you asked was the
6 period for which they would be hired and it's my
7 understanding that you'll check that with Mr.
8 Gallagher what Civil Service says.

9 COMMISSIONER CLEAVES: Correct.

10 PRESIDENT KOLODZIEJ: The way it was
11 explained to us at finance was we can hire them in
12 six month intervals.

13 COMMISSIONER DeVITA: I thought it was six
14 months.

15 PRESIDENT KOLODZIEJ: Right. But you
16 clear that up with both legal and personnel. So,
17 in other words, they can work six months but then
18 they have to be let go and then rehired back,
19 whatever that's going to be.

20 MR. WEISS: Calendar year.

21 PRESIDENT KOLODZIEJ: Calendar year.

22 COMMISSIONER BAZIAN: Our budget is based
23 upon a total of four and a half intern person
24 years. That's nine interns; six months. So
25 annualized, it's four and a half people. Yitz, Is

1 that correct? That's what I recall from our
2 discussion in finance from what you wrote in the
3 budget narrative.

4 MR. WEISS: The answer is yeah, you cannot
5 hire an intern for more than six months.

6 COMMISSIONER BAZIAN: I'm aware of that.

7 MR. WEISS: Okay.

8 COMMISSIONER BAZIAN: The question was:
9 Can I hire one intern for six months and then a
10 different intern for another six months?
11 Therefore, I have in effect nine interns. It
12 would be a total 18; nine for six, nine for six.

13 MR. WEISS: No.

14 COMMISSIONER BAZIAN: No. That is the
15 assumption, that's my understanding of the budget
16 and I just wanted to make sure what we put in the
17 budget matched what personnel is talking about.

18 COMMISSIONER DeVITA: It's nine annually.

19 COMMISSIONER BAZIAN: No, it's nine
20 people, six months. It's four and a half annually
21 in effect.

22 COMMISSIONER LEVINE: So you don't get to
23 hire a second one when yours leaves.

24 PRESIDENT KOLODZIEJ: Exactly.

25 The point is, we're not all going to

1 a recommendation on nepotism? A policy --

2 COMMISSIONER CLEAVES: We voted on that
3 already.

4 PRESIDENT KOLODZIEJ: We voted on that
5 already. The vote was, you and I voted
6 differently. The majority voted that nepotism
7 would not apply.

8 COMMISSIONER LEVINE: How far does
9 nepotism go? Let me ask you.

10 PRESIDENT KOLODZIEJ: Not in summer help.

11 COMMISSIONER LEVINE: After summer help,
12 where does nepotism stop?

13 MR. AMODIO: I have it for you. I have
14 the policy.

15 COMMISSIONER BAZIAN: I don't think that
16 has to be done now.

17 PRESIDENT KOLODZIEJ: Back to anything
18 else on personnel.

19 Finance, Yitz is here.

20 COMMISSIONER BAZIAN: Before we get into
21 the budget, something I wanted to point out. Last
22 year when we did our union negotiations, one of
23 the points that came out of the negotiating
24 committee that I was on was very strong that, and
25 Mr. Gallagher also was very strong in this, that

1 we would eliminate double time. I think it's time
2 to put Robert to the road and see where we're at.
3 As a result, the change that we made in the
4 contract with the union, according to my
5 calculations, our overtime numbers are calculated
6 for nine months, I think, through September.
7 Okay. Am I correct, Yitz? The reports that we
8 have?

9 One of the things we added that I have
10 requested and that was added, at the end of the
11 overtime quotas of comparison, not in dollars but
12 in hours, to give us an idea of actually how much
13 overtime are we using, because pay rates change
14 from year to year. Looking at the overtime
15 spreadsheet which is dollars doesn't necessarily
16 give us all of the information. I wanted
17 another look.

18 COMMISSIONER SANCHEZ: Commissioner,
19 before you move on. Can you also request which
20 departments are overtime? Don't forget --

21 COMMISSIONER BAZIAN: We have --

22 PRESIDENT KOLODZIEJ: Do you get that same
23 copy we get?

24 COMMISSIONER SANCHEZ: I do. I want to
25 say, for the record, we should for department.

1 Unfortunately, there's some departments that is
2 going to have overtime because we are an emergency
3 utility and when breaks happen, we need to call
4 people. I want the record to have that.

5 COMMISSIONER BAZIAN: We have it by
6 department. It is broken down by department.

7 I just wanted to quote this little
8 statistic because I found this to be quite an eye
9 opener. In looking at it in one way, it's been a
10 bad year for overtime, by which I mean, nine
11 months into the year we have expended in terms of
12 hours, 95.3 percent, approximately, of the
13 overtime hours that we used last year. So, in
14 other words, we're looking at potentially having a
15 lot more overtime this year.

16 If you look at the cost comparison, which
17 is on I believe page 15 of the spreadsheet, you
18 will notice that our overall costs are still down
19 on a nine month to nine month basis by 6.13
20 percent. More overtime and we're still spending
21 less money and that is directly as a result of
22 what this Board did and the position we took with
23 the union and that change we got in the contract.

24 I think that's important. It should be
25 noted because now we actually have objective data

1 to back up what our assumption was last year.

2 PRESIDENT KOLODZIEJ: Can we send that to
3 Mr. Weinberg so he can know that we accomplish
4 some things.

5 COMMISSIONER BAZIAN: Yitz or Louie.

6 COMMISSIONER SANCHEZ: Can you inquire why
7 we have so much overtime?

8 PRESIDENT KOLODZIEJ: It won't even be
9 discussed, but point well taken. Thank you,
10 everybody, for your hard work.

11 COMMISSIONER BAZIAN: Commissioner Sanchez
12 asked why we have so much overtime. It's
13 something we discussed, but if you could just
14 enlighten him.

15 MR. BELLA: Last year was one of the
16 coldest years we've had in record time for I don't
17 know how many years. Record break, main breaks.

18 The other thing is, we've done record
19 amount of capital investments which in a sense,
20 you know, it ties; it brings more and more of our
21 people into position where we have to get out
22 there and either manage the projects and/or assist
23 in the projects, kind of thing. So those things
24 kind of add up, without question record.

25 The other thing was in operations. We

1 hired a lot of people in operations and we're
2 going through that training phase where we're
3 bringing them in. And remember, we train somebody
4 to operate the treatment plant just to get them to
5 the point they feel comfortable to leave them in
6 the plant. It takes a year. During that time,
7 you're bringing them in. Like, for instance, we
8 had a big shutdown yesterday. We bring them in,
9 bring in these people on overtime outside the
10 regular shift to work during that period of time
11 when we're starting the plants backup and getting
12 the plant running and stuff like that; so.

13 PRESIDENT KOLODZIEJ: Rest assured that we
14 scrutinize that, Commissioner, every meeting and
15 you know your colleague from Passaic is not going
16 to let anybody get away with not getting to where
17 we say: Cut overtime period, when you can.

18 COMMISSIONER BAZIAN: I do have to ask you
19 a question.

20 You mentioned that we did more capital
21 improvements that we've done in the past. Of
22 course, that's good we have an aging
23 infrastructure. But those are things we should be
24 planning. Do we need to hire additional people to
25 bring down the overtime? Are we at that point

1 where hiring additional people would reduce
2 overall cost?

3 MR. BELLA: Like, for instance, in the
4 engineering department, we have permission and we
5 have a new budget to hire another engineer.

6 In terms of those kind of situations, it's
7 hard to tell, because it's project by project.
8 Some projects may not be. But, you know, let's
9 face it, the big thing was the summer. I don't
10 think that we should do that because projects are
11 different. Some projects do require a lot of
12 interaction and some projects don't. And some
13 projects you got to do them, like, when you're
14 doing cleaning and lining, you got to bring people
15 in and have all the valves and everything turned
16 and so when the contractor turns up during the
17 day, you're bringing them in off hours. It's
18 tough. I don't think that would solve it.

19 PRESIDENT KOLODZIEJ: Personnel, you're
20 working closely with Mr. Bella. Your
21 recommendations in the laboratory, if you look at
22 the statistics in the laboratory, those new hires
23 cut down that department considerably. So your
24 committee is going to get a chance to look
25 department by department.

1 COMMISSIONER SANCHEZ: That's what we got
2 to do.

3 PRESIDENT KOLODZIEJ: Exactly. Exactly.
4 So keep up the good work.

5 COMMISSIONER BAZIAN: Just one other
6 comment.

7 In the better part of two years that I've
8 been Treasurer, every time we look at the reports,
9 new questions come up and this is natural. And
10 I'm constantly burdening Yitz with: By the way,
11 could you add this and could you add that. And I
12 just wanted to say: Thank you. I mean, every
13 time I ask for a new spreadsheet, he has to put
14 that together. He's been doing that. He's been
15 maintaining that. Sometimes with a little bit of
16 programming assistance from yours truly. In
17 general, I want to say thank you to Yitz for
18 putting that final piece of the puzzle by giving
19 us the hours was very, very enlightening to me and
20 I think it will be a very effective management
21 tool going on, especially, when we add that last
22 piece I asked for which is a different
23 spreadsheet.

24 PRESIDENT KOLODZIEJ: You were given some
25 materials at the beginning of our meeting. We are

1 opting to introduce the budget today. Read the
2 budget narrative. That was, again, an initiative
3 of Commissioner Bazian and very nicely put
4 together. So it really, I think, says everything
5 that we hope to accomplish with this budget.

6 If you read the first bullet point, you
7 should be proud of all the committees that have
8 been working to do that.

9 So I'll give you a chance to look at it.
10 We'll continue with the meeting. But I guess
11 we'll put that on later. Okay.

12 COMMISSIONER BAZIAN: Madam President,
13 just one context on this.

14 This is something that I've been saying
15 all year this year. The intent of the budget
16 narrative, okay, one of the issues that has been
17 going on in the past that has kind of bothered me
18 a little bit is that we have a budget, we have a
19 certain amount of money that is budgeted for. And
20 many times I've asked questions: Hey, is
21 something budgeted for and when the answer was
22 yes, that meant that we had money which meant
23 perhaps we didn't spend money in place one and put
24 it in place two.

25 The purpose of the budget narrative is to

1 stop it. The practice basically is: Everything
2 that can and should be planned for is in the
3 budget narrative, which means if Joe were to come
4 to us and say: I want to hire a fourth or a fifth
5 person that's not in the budget narrative,
6 regardless of whether or not we have the dollars
7 left over, that would not be doable without us
8 amending the budget. So please review the budget
9 narrative very carefully because it is meant to be
10 a definitive and restricting document.

11 PRESIDENT KOLODZIEJ: I'm sure you'll be
12 pleased when you read the narrative.

13 All right. Finance done.

14 IT.

15 COMMISSIONER BAZIAN: We had a very
16 interesting IT meeting. Very briefly, Mr.
17 Gallagher, who is heading up our IT will be
18 reporting on a monthly basis to us on
19 accomplishments. We're going to be continuing to
20 scrutinize the IT contract and how that is being
21 managed.

22 On the plus side, we got a little bit of a
23 preview of the website that is being developed.
24 It needs work. I am hopeful that, perhaps, as
25 early as our next month's meeting that we can get

1 a preview of it for the Board so the Board can
2 actually see what the website is looking at.

3 My personal opinion, just as an IT
4 professional who works on websites, what's coming
5 out right now seems to be a much cleaner look than
6 what we have right now. I think it looks pretty
7 good. But, of course, everybody can put in their
8 two cents on that. But the project is definitely
9 moving forward because I've seen it and so did
10 Commissioner Kolodziej.

11 PRESIDENT KOLODZIEJ: Thank you to you.
12 Legal affairs.

13 COMMISSIONER DeVITA: We had a good
14 meeting last week. A lot of the stuff that we
15 discussed we need to discuss in closed session.

16 PRESIDENT KOLODZIEJ: Okay. Good.
17 Other than that...

18 COMMISSIONER DeVITA: Other than that,
19 everything was fine.

20 PRESIDENT KOLODZIEJ: Okay. Finance
21 chairman, giving you an additional task, but we
22 don't know yet because we're still discussing it
23 and we're hoping that Commissioner Levine can join
24 us next meeting.

25 Joe may have a family emergency to take

1 care of, so, Joe, I'm going to let you put on the
2 record now while you're still able to be here
3 whatever you want to cover besides your director's
4 report. Is there anything else that you need to
5 say to us in case you have to leave in a hurry?

6 MR. BELLA: No, I think we're okay.

7 PRESIDENT KOLODZIEJ: You think you're
8 okay?

9 MR. BELLA: Yeah.

10 PRESIDENT KOLODZIEJ: All right.

11 MR. BELLA: As far as the director's
12 report:

13 All of our projects are moving forward
14 very well and the plant was down for about a day
15 yesterday, but all the work that was needed to be
16 done is back up and running.

17 COMMISSIONER BAZIAN: Why did it go down?

18 MR. BELLA: We're getting ready to put in
19 the new ambient air vaporizers for the ozone as
20 opposed to using the old way where we would
21 evaporate the liquid oxygen with water which was
22 costing us about a thousand bucks a day or maybe
23 \$500 a day. So this will save us a considerable
24 amount of money.

25 PRESIDENT KOLODZIEJ: Saving money is a

1 good thing.

2 And I do want to commend Joe, because it
3 was a very difficult concept to explain in
4 Woodland Park which was the importance of the New
5 Street Reservoir to our distribution system. And
6 I was really proud of the elected officials who
7 were actually listening.

8 Did any of them take you up on your offer
9 to tour the plant and to learn more about how we
10 do that?

11 MR. BELLA: Yes, we had one woman who was
12 a regular.

13 PRESIDENT KOLODZIEJ: Right. But also no
14 officials?

15 MR. BELLA: No.

16 PRESIDENT KOLODZIEJ: Because it's very
17 important for them to understand that you think
18 there's going to be the magic pill that's going to
19 make everything disappear, but they have no
20 concept of our distribution system at all and it's
21 very important. And here, we have give them an
22 open invitation and they don't take it.

23 The other two things. Any questions on
24 the dump truck or the loader backhoe?

25 No. So we'll take care of that later.

1 MR. AMODIO: That's okay.

2 Consensus to move.

3 PRESIDENT KOLODZIEJ: Yes.

4 MR. WEISS: Cash on hand is 14.4 million.

5 Our accounts receivable is at

6 14.5 million. Our 30 days or less accounts

7 receivable is at 14 million which is about

8 96 percent. That's good.

9 Our accounts payable total is 3.5 million.

10 And you heard the details about the

11 budget. If there's any questions, otherwise, you

12 have that Resolution.

13 MR. AMODIO: Do you have it now?

14 If you'd like to do it now.

15 PRESIDENT KOLODZIEJ: Did you have time to

16 look at the budget narrative? Are you guys okay

17 with it? Do you want to do that at the end of the

18 meeting or do you want to do it now?

19 COMMISSIONER SANCHEZ: I'm fine with it

20 now.

21 PRESIDENT KOLODZIEJ: Good. Somebody make

22 a motion.

23 MR. AMODIO: Can Yitz give you some --

24 MR. WEISS: Just a couple of highlights.

25 If you did get a chance to go through the budget

1 narrative, we had originally had a four and a half
2 percent retail and five percent wholesale increase
3 for 2015.

4 COMMISSIONER BAZIAN: Explain what the
5 schedule was. When you say: It was scheduled, it
6 was scheduled per the rate --

7 MR. WEISS: Rate Resolution that we
8 adopted last year. So we actually have four and a
9 half percent increase for retail that was going to
10 kick in January 1st and a five percent that was
11 going to kick in for wholesale January 1st. With
12 this budget, we were able to drop those rates by
13 one percent. So the increase in retail will be
14 only three and a half percent; increase for
15 wholesale will be only four percent. The other
16 rates, the other nuisance rates will remain the
17 same.

18 We're increasing our operating reserves.
19 One of the things that the rating agencies were
20 very happy about, the reason we were able to
21 maintain our ratings and we've been consistently
22 able to increase our ratings is because of the
23 operating reserve. We have currently 45 days
24 worth of working capital starting in 2016. We're
25 going to ramp that up. We're going to move it up

1 50 days and 55 then 60 days.

2 COMMISSIONER BAZIAN: Yitz, take one
3 minute and explain what an operating reserve is,
4 please.

5 MR. WEISS: Operating reserve gives us the
6 ability to... It funds our interim cash flow
7 which means that we know our operating reserve has
8 X number of millions dollars in it and that's what
9 we use, that's what we draw down to spend, to pay
10 for our expenses throughout the month. It gets
11 refilled throughout the month as we do our
12 billing.

13 COMMISSIONER BAZIAN: Allow me to try this
14 a little differently.

15 The rating agencies want us to have a
16 certain amount of cash put aside to make sure that
17 we can pay our bills. It would be kind of like,
18 if you have a mortgage and your mortgage is \$2,000
19 a month. The bank is going to say: I'll give you
20 the mortgage for 2,000 a month, but you have to
21 maintain a bank balance on average of \$3,000 or
22 \$4,000 or 5,000.

23 And please correct me if I'm wrong, the
24 operating reserve is measured in terms of how many
25 days of operations. So when he's saying 45 days,

1 50 days, 55 days, that means we will have on
2 average, if I'm using the right term, correct me
3 if I'm wrong, approximately, enough money in the
4 operating account to run the company for 45, 50,
5 55 days, whatever those number of days are.

6 Rating agencies like that because that
7 means that if there's an issue, we can still pay
8 down our bonds. It means our bonds are more
9 available, they're more secure. That results in
10 keeping or even approving our bond rating which
11 results in lower costs of borrowing.

12 Have I said anything that is incorrect?

13 MR. WEISS: No.

14 COMMISSIONER BAZIAN: Thank you.

15 PRESIDENT KOLODZIEJ: What is more
16 important is that the seven of us targeted that as
17 one of our major goals and we have been
18 successful. So all of you should be taking a bow.
19 You should be taking a bow.

20 COMMISSIONER BAZIAN: That's the net
21 result.

22 COMMISSIONER SANCHEZ: Madam President,
23 when it comes to the rates, I'd like to say that
24 even though increases are increases, but we have,
25 I believe, the second lowest rates in the State of

1 New Jersey and still somewhat of the residential
2 customers that we have, I'm a customer of United
3 Water, and I get a bill every month and the rates
4 are unbelievable. So I think people should be
5 aware of that.

6 PRESIDENT KOLODZIEJ: They don't want to
7 be aware. Point well taken. It's part of our
8 record now. Good.

9 PRESIDENT KOLODZIEJ: Yitz.

10 COMMISSIONER BAZIAN: Yitz, are you done
11 with the budget?

12 MR. WEISS: Yes.

13 PRESIDENT KOLODZIEJ: I just want to make
14 a comment on the salaries and the different
15 things. We took into consideration and it's
16 budgeted for that everything that's before your
17 committee now, it is included here. However, if
18 you and we decide that we don't want to give that
19 amount or do all of that, then, obviously, that
20 will be money that we can program to wherever we
21 want to program.

22 COMMISSIONER DeVITA: We don't have to
23 spend it.

24 PRESIDENT KOLODZIEJ: Correct. Thank you.

25 COMMISSIONER BAZIAN: Just because we

1 budgeted, doesn't mean we have to spend it.

2 PRESIDENT KOLODZIEJ: Exactly. But you
3 guys are really going to attack that.

4 MR. AMODIO: Treasurer, would you like to
5 make a motion.

6 COMMISSIONER BAZIAN: Move it.

7 MR. AMODIO: By Commissioner Bazian.

8 Do I have a second?

9 COMMISSIONER CLEAVES: Second.

10 MR. AMODIO: By Commissioner Cleaves.

11 On the roll.

12

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

15

16 MR. AMODIO: Motion approved.

17 Controller report done. That will be it.

18 We can move onto closed session.

19 Do I have a motion?

20 COMMISSIONER SANCHEZ: Move it.

21 COMMISSIONER BAZIAN: Second.

22 MR. AMODIO: WHEREAS Section 8 of the Open
23 Public Meetings Act permits the exclusion of the
24 public from a meeting in certain circumstances;
25 and

1 WHEREAS, the public is of the opinion that
2 such circumstances presently exist;.

3 NOW, THEREFORE, BE IT RESOLVED, by the
4 Commissioners of the Passaic Valley Water
5 Commission that:

6 1. The public shall be excluded from
7 discussion of the hereinafter specified subject
8 matters; the general nature of the subject matters
9 being: Financial, Insurance, Personnel, Contracts,
10 Negotiation, Security. Under Law we have
11 Summary/Aging Reports, North Arlington Ancillary
12 Services, McManimon & Scotland mediation, Contract
13 #12-B-12 Rebid, Contract #14-B-20, JAK Diamond,
14 Walgreens, and what was the other one, George?

15 MR. HANLEY: Two more actually. One
16 relates to what I call the Paterson Museum Great
17 Falls Building and the continuing requirements of
18 the FCC.

19 MR. AMODIO: And any other matter as may
20 be discussed in camera.

21 2. It is anticipated at this time that
22 the above-stated subject matters will be ratified
23 during public meeting following or as soon
24 thereafter as the reason for discussion no longer
25 exists.

1 3. This Resolution shall take effect
2 immediately.

3 Second by Commissioner Bazian.

4 On the roll.

5

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

8

9 MR. AMODIO: Gentlemen, please close the
10 doors.

11

12

13

14

MR. AMODIO: On the roll.

15

16

17

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

18

19

20

21

MR. AMODIO: Minutes of Passaic Valley
Water in camera and Regular Public Meeting as well
as the workshop meeting held September 17th, 2014.

22

23

Do I have a motion?

24

COMMISSIONER BAZIAN: Move it.

25

MR. AMODIO: By Commissioner Bazian.

1 Do I have a second?

2 COMMISSIONER SANCHEZ: Second.

3 MR. AMODIO: By Commissioner Sanchez.

4 On the roll.

5

6 (Roll call was taken, all Commissioners
7 respond in the affirmative. Commissioner Cleaves
8 is absent)

9

10 MR. AMODIO: Does the Chair accept,
11 receive, and file miscellaneous purchase orders
12 from Linda Beckering, Purchasing Agent, for the
13 period of September 8, 2014 to October 12th, 2014?

14 PRESIDENT KOLODZIEJ: Yes.

15 MR. AMODIO: Thank you.

16 Moving on: We have Requests For Action.
17 We could do this in one vote, if you'd like.

18 PRESIDENT KOLODZIEJ: Yes.

19 MR. AMODIO: We have State contract
20 purchase for Contract #M0483-08-4-39975

21 Procurement of Computer Equipment with Dell
22 marketing, L.P., in the amount \$3,118.30

23 We have Contract #14-B-14, which is a
24 second rebid. "Furnish and Deliver Products and
25 Appurtenances for Standard Method 9233 Testing"

1 Recommendations a award a two year contract to
2 Idexx Distribution, Incorporated in the amount of
3 \$135,520.50.

4 We have Sungard Public Sector. It's a
5 six-month contract extension for maintenance for
6 PVWC's Proprietary Software System in the amount
7 of \$54,772.98.

8 12-B-12 (Rebid) "Remote Sites SCADA"
9 Recommendations to award R. Spark, Incorporated of
10 Somerville, New Jersey in the amount of
11 \$1,789,636.

12 And lastly, we have approval of purchase
13 order for data conversion Daniel R. Houser, in the
14 amount of \$13,800.

15 Do I have a motion?

16 COMMISSIONER SANCHEZ: So moved.

17 MR. AMODIO: By Commissioner Sanchez.

18 Do I have a second?

19 COMMISSIONER GRADDY: Second.

20 MR. AMODIO: By Commissioner Graddy.

21 COMMISSIONER BAZIAN: Sungard contract,
22 which, by the way, also did not come up at IT. I
23 understand that we're going to have Sungard for a
24 couple of years yet until we move over. Does the
25 amount of support go down as we start phasing out

1 modules?

2 MR. WEISS: Yes.

3 COMMISSIONER BAZIAN: And the amount of
4 this contract, is it the same amount as the prior
5 contract and when does it start going down?

6 MR. WEISS: Probably after the next six
7 months, you know, does it start going down.

8 COMMISSIONER BAZIAN: Thank you.

9 Lou, I need a separate vote on the Dell
10 contract.

11 COMMISSIONER BAZIAN: Madam President, I'm
12 sorry.

13 PRESIDENT KOLODZIEJ: That's okay. That's
14 okay.

15 COMMISSIONER BAZIAN: I have to abstain on
16 that.

17 PRESIDENT KOLODZIEJ: Anybody else?
18 Let's --

19 MR. AMODIO: Item 6(a) State contract,
20 procurement of computer equipment with Dell
21 Marketing in the amount of \$3,118.30.

22 Do I have a motion?

23 COMMISSIONER LEVINE: I make a motion.

24 MR. AMODIO: By Commissioner Levine.

25 Do I have a second?

1 COMMISSIONER SANCHEZ: Second.

2 MR. AMODIO: By Commissioner Sanchez.

3 On the roll.

4

5 (Roll call was taken, all Commissioners
6 present respond in the affirmative. Commissioner
7 Bazian abstains. Commissioner Cleaves is absent).

8

9 COMMISSIONER BAZIAN: Abstain.

10 MR. AMODIO: On the rest, I have a motion
11 by Commissioner Sanchez.

12 Second by Commissioner Graddy.

13 On the roll.

14

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

18

19 MR. AMODIO: Last: We have New Business.

20 We have summary of disbursements and payrolls
21 through October 22, 2014, in the amount of
22 \$7,916,340.46.

23 Do I have a motion?

24 COMMISSIONER BAZIAN: Move it.

25 MR. AMODIO: By Commissioner Bazian.

1 COMMISSIONER SANCHEZ: Second.

2 MR. AMODIO: By Commissioner Sanchez.

3 On the roll.

4

5 (Roll call was taken, all Commissioners
6 present respond in the affirmative. Commissioner
7 Cleaves is absent)

8

9 COMMISSIONER DeVITA: Abstain on Rachles
10 Michele.

11 MR. AMODIO: Under Good and Welfare, as
12 everyone knows --

13 PRESIDENT KOLODZIEJ: We need to change
14 our date in November because of the municipal
15 convention. So look at your calendars. We
16 usually meet the third Wednesday, which is the
17 19th. The next week is Thanksgiving.
18 Commissioner Cleaves has said if we're changing
19 the meeting, her best dates are the 24th or 25th
20 which would be the Monday or Tuesday before
21 Thanksgiving.

22 COMMISSIONER DeVITA: 24th is a Monday.

23 PRESIDENT KOLODZIEJ: Yes.

24 COMMISSIONER DeVITA: Does that cause any
25 problem with the staff?

1 PRESIDENT KOLODZIEJ: Does that cause any
2 problem with the staff?

3 MR. AMODIO: No, as long as we get the
4 agendas out in time. We have to get them out
5 early.

6 PRESIDENT KOLODZIEJ: Right. And you know
7 how tough I am on agendas. That's why I'm upset
8 about the things that found their way today.

9 COMMISSIONER LEVINE: Let's do the 25th.

10 COMMISSIONER DeVITA: I was going to say
11 the 24th.

12 PRESIDENT KOLODZIEJ: All right. All
13 right. The 24th at noon again is better for you,
14 Commissioner Sanchez?

15 All right. Twelve noon on the 24th.

16 COMMISSIONER DeVITA: Can I ask you a
17 question? If we have the meeting of the EPA and
18 we're going to have the special meeting, et
19 cetera, this will be in West Paterson?

20 PRESIDENT KOLODZIEJ: No, we don't know
21 yet.

22 MR. BELLA: No, I would recommend that it
23 be in Paterson in the high school.

24 PRESIDENT KOLODZIEJ: Right. Right.
25 Where we were and we already have two volunteers.

1 MR. BELLA: Later on, as we move forward,
2 when we get close to thinking about New Street, we
3 can do those there.

4 COMMISSIONER LEVINE: We have extra --

5 PRESIDENT KOLODZIEJ: We have the
6 committee, Commissioner Graddy and myself and we
7 recruited Commissioner Sanchez because it's
8 basically the special improvements committee to
9 sit down and map out the agenda.

10 COMMISSIONER DeVITA: Question.

11 COMMISSIONER SANCHEZ: Isn't the high
12 school going to be uncomfortable? Can we do it at
13 the museum?

14 PRESIDENT KOLODZIEJ: Can we do it what?

15 COMMISSIONER SANCHEZ: At the museum, the
16 Paterson museum?

17 PRESIDENT KOLODZIEJ: No, the school is
18 better. Right? Commissioner Graddy, didn't the
19 school work out nice for the public hearing?

20 COMMISSIONER GRADDY: Yes. Very much so.

21 PRESIDENT KOLODZIEJ: And that's why Joe's
22 recommending going back. Right? Plenty of
23 parking. People know how to get there.

24 MR. HANLEY: Bring your own Chair.

25 COMMISSIONER LEVINE: Let me ask you a

1 question: All seven Commissioners, we sit in the
2 audience?

3 PRESIDENT KOLODZIEJ: It's a meeting.
4 It's scheduled as a public meeting. We're holding
5 the public meeting. They're front and center.
6 They're running it, that's why they did it this
7 way.

8 COMMISSIONER LEVINE: We're allowed to go.
9 I sat in the audience.

10 PRESIDENT KOLODZIEJ: And that's what
11 you're going to do.

12 All right. You have the special committee
13 to work with and you're reaffirming the school is
14 the way to go.

15 All right. Motion to adjourn.

16 COMMISSIONER BAZIAN: Move it.

17 COMMISSIONER GRADDY: Second.

18
19 (Roll call was taken, all Commissioners
20 present respond in the affirmative. Commissioner
21 Cleaves is absent)

22
23 MR. AMODIO: Time is 2:51 p.m.

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C E R T I F I C A T E

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

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

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

LYNANN DRAGONE, CCR
Certified Court Reporter