



**MINUTES
REGULAR MEETING
APRIL 5, 2011**

1. The Chairman called the Meeting to order at 8:12 p.m.
2. The Chairman read the statement in compliance with C.231, PL 1975.
3. Roll Call: the following Commissioners were present: Chewcaskie, Dachnowicz, Dator, Kasparian, Kelaher, Plumley, Rotonda, and Shafron.
4. Salute to the Flag. The Chairman led the salute to the flag.
5. Chairman's remarks. The Chairman had no remarks at this time but thanked everyone for all their help and work in trying to move forward.
6. Approval of Minutes.

Regular Meeting of Mar. 1, 2011. Commissioner Kasparian made a motion to approve the minutes of Mar. 1, 2011, seconded by Commissioner Shafron. All Commissioners present voted in favor of approving the minutes.

Special Meeting of Mar. 15, 2011. Commissioner Kasparian made a motion to approve the minutes of Mar. 15, 2011, seconded by Commissioner Rotonda. Commissioner Shafron noted that he had some corrections to be made to the minutes but did not have them with him. It was suggested by Commissioner Chewcaskie that Commissioner Shafron identify the corrections and the Secretary can circulate an e-mail with these corrections. All Commissioners present voted in favor of approving the minutes except Commissioner Shafron who abstained.

7. Public Comments. No public was present except for a representative from the County Counsels' office.
8. Consideration for approval list of Resolutions attached dated Apr. 5, 2011.

All Resolutions were discussed during the work session.

Commissioner Chewcaskie moved Resolutions #29-2011 thru 31-2011 and #40-2011 to #42-2011. Seconded by Commissioner Kasparian. Everyone did a lot of work with respect to the RFQ's and Commissioner Chewcaskie stated he had no problem moving these resolutions. With respect to Resolution #30-2011 the regular employment of Joseph Oravetz. This was the employee whose position was eliminated and he was someone who really

wanted to work and there was a position that was open and Commissioner Chewcaskie was happy to see that he has completed his probationary period satisfactorily.

All Commissioners present voted in favor of Resolutions #29-2001 to #31-2011 and #40-2011 to #42-2011.

Resolutions #32-2011 to #39-2011 were offered by Commissioner Chewcaskie but voted on separately.

Resolution #29-2011 Approval of Vouchers, Payroll Transfers, Payroll Tax Deposits and Pensions and Benefits Transfers for the month of March 2011 and Health and Dental Benefits for April 2011. Payroll Account, \$288,032.50; Tax Deposit Account, \$114,559.59; PERS and Contributory Insurance, \$21,082.84; PERS Employer Liability, \$349,900.00; Health Benefits \$84,367.47; Dental Benefits, \$5,039.18; DCRP Employee Contribution \$22.92; DCRP Employer Contribution, \$12.50; Operating Account \$361,426.80; Improvement Account, \$81,122.18; 2009A Project Account \$11,845.59.

Resolution #30-2011 Regular Employment, Joseph Oravetz, O&M Helper. This Resolution is to retain Mr. Oravetz as a regular employee upon completion of his probationary period effective April 3, 2011.

Resolution #31-2011 Regular Employment, Markolin Kushi, O&M Helper. This Resolution is to retain Mr. Kushi as a regular employee due to his satisfactory completion of his probationary period effective March 13, 2011.

Resolution #32-2011. Retention of Auditor for 2011. This Resolution is to appoint the firm of Lerch, Vinci & Higgins, LLP as the Authority's Auditor at a not to exceed fee of \$115,000. This Resolution was seconded by Commissioner Shafron. All Commissioners present voted in favor of the Resolution.

Resolution #33-2011. Qualification of Individuals/Firms for Provision of Engineering Services. This Resolution is to qualify the following firms that responded to the Authority's RFQ's on January 20, 2011:

- **Boswell Engineering – South Hackensack, NJ**
- **Cerenzio & Panaro, PC – Sparta, NJ**
- **CH2M Hill – Parsippany, NJ**
- **Hatch Mott MacDonald – Millburn, NJ**
- **Maser Consulting, PA – red Bank, NJ**
- **Neglia Engineering Associates – Lyndhurst, NJ**
- **Remington, Vernick & Arango Engineers – Secaucus, NJ**
- **T&M Associates – Middletown, NJ**
- **Tighe & Bond, Inc. – Westfield, Ma.**

This Resolution was seconded by Commissioner Kasparian. All Commissioners present voted in favor of this Resolution.

Resolution #34-2011. Retention of Authority Engineer for 2011. This Resolution is to retain T&M Associates as Authority Consulting Engineer at a not to exceed cost of \$65,000. This Resolution was seconded by Commissioner Kelaher. All Commissioners present voted in favor of this Resolution, except Commissioner Rotonda who abstained from voting.

Resolution #35-2011. Retention of Authority Engineer for Service Charges. This Resolution is to retain the firm of Tighe & Bond to prepare the 2012 Service Charges and miscellaneous consulting services related to individual municipal issues for a not to exceed price of \$23,300. This Resolution was seconded by Commissioner Dachnowicz. All Commissioners present voted in favor of the Resolution.

Resolution #36-2011. Retention of Bond Counsel. This Resolution is to retain the firm of Gibbons, PC to provide the necessary services for issuance of bonds required for financing The Franklin Lakes Business District Sanitary Sewer Project (NJEIFP No.S-340700-09) at a not to exceed price of \$40,000. This Resolution was seconded by Commissioner Shafron. All Commissioners present voted in favor of the resolution, except Commissioner Kasparian who abstained from voting.

Resolution #37-2011. Qualification of Individuals/Firms for Provision of Legal Services. This Resolution is to designate the following individuals/firms as qualified to provide legal services to the Authority for 2011:

- **Joseph M. Ariyan, Esq.,LLC – Paramus, NJ**
- **Beattie Padovano, LLC – Mahwah, NJ**
- **Eric M. Bernstein & Associates – Warren, NJ**
- **Johnson & Conway, LLP – Ho-Ho-Kus, NJ**
- **Kaufman, Bern, Deutsch & Leibman, LLP – Fort Lee, NJ**
- **Schwartz Simon Edelsten & Celso, LLC – Morristown, NJ**
- **Sokol, Behot & Fiorenzo – Hackensack, NJ**

This Resolution was seconded by Commissioner Rotonda. All Commissioners present voted in favor of the resolution, except Commissioner Plumley who voted no.

Resolution #38-2011. Retention of General Counsel for 2011. This Resolution is to retain the firm of Kaufman, Bern, Deutsch & Leibman, LLP as General Counsel at a not to exceed amount of \$60,000. This Resolution was seconded by Commissioner Rotonda. All Commissioners present voted in favor of the Resolution.

Resolution #39-2011. Retention of Authority Labor Counsel for 2011. This Resolution is to retain the services of the firm of Eric M. Bernstein & Associates, LLC as Labor Counsel at a rate not to exceed \$10,000. This Resolution was seconded by Commissioner Shafron. All Commissioners present voted in favor of the Resolution.

Resolution #40-2011. Approval to join with the NACWA in effort to appeal EPA's New Solid Waste Rules. The USEPA has released proposed rulemakings on the regulation of commercial and industrial incinerators and boilers under the Clean Air Act and one of the rules proposed by EPA articulates a new regulatory definition of non-hazardous solid waste that includes sewage sludge targeted for incineration while rules previously stated that sludge generated at publicly owned treatment works is not a solid waste and should be regulated under the Clean Water Act's Part 503 rules. It is anticipated that this compliance with CAA emission requirements for solid waste combustion would result in a significant financial burden requiring additional incinerator emission control equipment to be installed at our incinerator. The National Association of Clean Water Agencies, a national association of America's clean water utilities has formed a Sewage Sludge Incinerator Advocacy Coalition to oppose the implementation of these new regulations through legal and lobbying activities. This Resolution would authorize the Authority to join with the SSIAC in its efforts to oppose the implementation of new SSI regulations at a contribution of \$5,000.

Resolution #41-2011. Proposed Sanitary Sewer Extension, Chestnut Trees, LLC, Masonicus Road between Airmont Ave. and Osborne Ct., Township of Mahwah. This Resolution is to approve the application for a sewer extension which will add 10 additional residential EDU's to the Authority's system from Mahwah.

Resolution #42-2011. Proposed Sanitary Sewer Extension, Wyckoff Ave., Twsp. Of Mahwah. This Resolution is to approve the application for a sewer extension which will add 7 additional residential EDU's to the Authority's system from Mahwah.

9. Reports of Committees

- A. Finance Committee – Nothing further than what was reported at the work session.**
- B. Personnel Committee - Nothing further than what was reported at the work session.**
- C. Insurance Committee – Nothing to report.**
- D. Operating Committee – a report was presented during the Work Session. Highlights are as follows:**

Committed Flow Report – The plant averaged 9.2 mgd flow for the month of February. The facility operated at 55% of capacity, the highest since June 2010. Final data for March was not yet available but as a result of the storms, flows exceeded permitted levels.

Incinerator Rebuild – Notice to Proceed has been issued to the Contractor.

Discharge Permit Appeal – The Authority received some encouraging feedback suggesting that we can expect a stay on all appealed issues for the life of the present permit.

Allendale Service Charges – At a meeting with the Allendale mayor, it was established that the information provided by the Borough and used to establish municipal service charges was in error and that Allendale's share of the annual charges for 2010 is greater than it should have been. The mayor has written to the Authority and asked that consideration be given to correcting this overpayment in the future. The commissioners plan to investigate options.

Franklin Lakes Interceptor – The Authority is continuing with its plans to expand service to the western municipalities (Franklin lakes and perhaps Oakland) in order to increase capacity and reduce unit costs. A loan agreement with the NJEIT is pending.

Northwest Bergen County Mayors Association Meeting – A meeting is planned for Saturday, April 16 here at the Authority. Objective is to inform our municipalities about the Authority.

E. Buildings & Grounds – Nothing additional to report.

10. **Report of Treasurer** – \$11.5 million in short term investments at rates of .05% to 1.25%. The Treasurer thanked the Executive Director and staff for making the effort to try to find ways to improve the yield on our investments which has obviously been challenging over the past 24 to 36 months. Expects it to remain challenging for the foreseeable future. As the Executive Director mentioned in his report he is considering the ability to put more C/D's with one particular banking institution. The Treasurer expressed his concerns about this. The basic reason is he felt there might be some risk in doing so. He is not sure an undefined risk is worth a limited reward. He is raising the fact that there might be a risk. For our deposits to represent over 5% of a banks capitalization is scary. He is sure the bank is absolutely fine but he doesn't feel the risk of earning an additional \$20,000 over the course of twelve months makes sense.

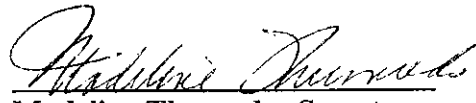
It was decided the Finance Committee will meet and make a recommendation at the next meeting.

11. **Report of Counsel** – Nothing additional to report.
12. **Report of Engineer** – The 2010 Annual Report is under review. The Commissioners suggested that a minimum number of copies be printed and that the Report be distributed electronically.

13. **Report of Executive Director – The Authority has expanded content for its website (under development) to incorporate material which will provide additional transparency. The site is expected to be on line later this month.**
14. **Report of Superintendent – Nothing further than what was discussed at the work session.**
15. **Old Business. No old business.**
16. **New Business. Commissioner Plumley wanted to clarify for the record and maybe elaborate a bit that Resolution #40-2011 which was voted on tonight that the \$5,000 we deemed to be something that would be to the benefit of all the towns for us to join that association, advocacy group.**

The Chairman noted the issue there is that if they put in the regulations as proposed we will have a big problem with our incinerator because they are going to basically judge us as solid waste. This will put us in the same category as the garbage incinerators. It has a potential of adding ten million dollars in capital costs to the Authority. It is worth investing the \$5,000 with the group to fight this.

17. **Public comments (on subjects 8 through 17). No public comments.**
18. **Adjournment. Motion to adjourn was made by Commissioner Chewcaskie, seconded by Commissioner Shafron. All Commissioners present voted to adjourn at 8:25 p.m.**


Madeline Thumudo, Secretary