

(C)  
November 5, 2008

### REGULAR MEETING OF THE MUSCONETCONG SEWERAGE AUTHORITY

Chairman Rattner called the meeting to order at 7:30 PM. Following salute to colors, announcement was made that adequate notice of this meeting had been provided for as defined by the "Open Public Meetings Act".

**MEMBERS PRESENT:** Donald Bates, James Benson, David Hoyt, John Kieser, Patrick Kunkel, Brian McNeilly, Daren Phil, Michael Pucilowski, Steven Rattner, Joseph Schwab, John Sylvester.

**MEMBERS ABSENT:** Melanie Michetti.

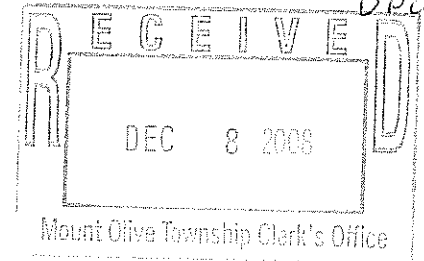
**OTHERS PRESENT:** David Biasi, Larry Kron, Esq., Lee Purcell.

Chairman Rattner opened and closed the meeting to the public.

October 1, 2008 Regular Meeting Minutes were approved on a motion offered by Mr. McNeilly, seconded by Mr. Benson and the unanimous vote of members present.

Expenditures/Treasurer's Report was accepted on a motion offered by Mr. Schwab, seconded by Mr. Pucilowski and the unanimous roll call vote of members present.

Pending Vouchers were approved for payment on a motion offered by Mr. Schwab, seconded by Mr. Pucilowski and the unanimous roll call vote of members present.



CONTRACTS 200 & 210	
Applied Water Management	\$80,115.00
Daily Record	\$376.80
Nusbaum, Stein	\$322.50
LTPA	\$4,540.00
OPERATING ACCT	
Allmax Software	\$800.00
Applied Water Management	\$32,046.84
Aquarius Florist	\$100.00
Assoc. of Environmental Authorities	\$300.00
Donald Bates	\$440.00
James Benson	\$700.00
David Biasi	\$440.00
David Biasi	\$494.49
Cintas Corp.	\$749.68
Coyne Chemical	\$8,933.04
Coyne Chemical	\$3,907.28
Coyne Chemical	\$6,519.82
Culligan Water Co.	\$84.00
Daily Record	\$94.20
FedEx	\$25.89
Fisher Scientific	\$827.17
Fox Electrical Supply	\$309.45
GE Capital	\$228.81
GovDeals, Inc.	\$363.00
Grainger	\$1,092.99
Hess Corp.	\$21,732.00
David Hoyt	\$440.00
J C P & L	\$14,934.29
J W Topping & Assoc.	\$1,138.00
Lawson Products	\$959.65
Loftus Electric	\$720.00
Lowe's	\$149.55
McMaster-Carr Supply	\$203.18
Brian McNeilly	\$440.00
Motion Ind.	\$1,109.13
Netcong Hardware	\$14.08
Nusbaum, Stein	\$881.50
NJ American Water	\$253.52
NJ Division of Fire Safety	\$199.00
NJSHP	\$12,073.40
One Call System	\$18.72
Parkhurst Distributing Co.	\$2,867.20
Passaic Valley Sewerage Comm	\$15,022.00

Pegasus Electric Motors	\$2,275.00
Daren Phil	\$440.00
Michael Pucilowski	\$440.00
LTPA	\$4,435.00
QC Labs	\$3,716.00
Quill Corp.	\$1,214.06
Steven Rattner	\$440.00
Reiner Pump Systems	\$14,059.93
Reuter Hanney, Inc.	\$660.00
SeaLand Specialties	\$144.00
Joseph Schwab	\$440.00
Shell Fleet Plus	\$521.49
Martha Soccio	\$103.57
Stamp Fulfillment Services	\$239.60
StarLedger	\$182.50
Suburban Propane	\$2,111.44
Univar	\$620.40
USA Bluebook	\$3,559.66
Verizon	\$14.55
Waste Management of NJ	\$793.01

The following correspondence was received and filed on a motion offered by Mr. McNeilly, seconded by Mr. Benson and the affirmative vote of members present.

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|---------------|--|
| a. 09/26/2008 | NJDEP – Disapproved WMP Amendment              |
| b. 10/01/2008 | NJEIT – Loan Disbursement No. 5B               |
| c. 10/07/2008 | LTPA – Combe Fill North Landfill               |
| d. 10/09/2008 | NJDEP – Approval of Payment Request No. 6      |
| e. 10/10/2008 | American Water – Liquid Waste Hauling Contract |
| f. 10/15/2008 | NJEIT – Loan Disbursement No. 6A               |

Mr. Biasi reported on the Passaic Valley proposed agreement with 2 options for prices: 1) first year \$43, second year \$45. 2) up to a 5 year agreement, first year \$43, following years would include a clause for yearly rate adjustment according to the Consumer Price Index. These rates would be for sludge with total solids of less than 4%. The Commissioners would like to contract with Passaic Valley and discussed the CPI option with a 6-month termination notice. The draft contract will be forwarded to Mr. Kron for review. The Commissioners agreed with Mr. Biasi's recommendation to solicit and receive bids at the December meeting for sludge hauling and the pumping station replacement pumps. Monthly Repairs & Maintenance was accepted on a motion offered by Mr. Sylvester, seconded by Mr. Kunkel and the affirmative vote of members present.

Chairman Rattner sent a response letter to the NJDEP regarding their disapproval of the MSA WMP. Mr. Purcell's office has answered questions from Camp Dresser (Morris County WMP) regarding Netcong and Roxbury and suggested they contact the engineers from Mt. Olive and Mt. Arlington regarding their respective WMP. Stanhope, Hopatcong and Byram are not being addressed in the Morris County WMP and Mr. Purcell suggests they contact Sussex County to make sure their requirements are addressed. It is Chairman Rattner's understanding that Morris County will be contacting each municipality. The Sludge Thickening System is in operation with an overall savings of approximately \$36,000 for the month of October. All VFD's are installed and running with the exception of one VFD that will have a start-up later in November. The drive unit for microstrainer #2 has been sent out to have the gearbox refurbished. The new large sheave is on site for microstrainer No. 1 with the new bushing and pillow block scheduled for delivery in December. Mr. Purcell discussed the analysis of NJEIT loans for contracts 200 & 210 and anticipates a surplus of approximately \$60,000. Engineer's Report was accepted on a motion offered by Mr. McNeilly, seconded by Mr. Schwab and the affirmative vote of members present.

The Commissioners discussed the change in the economy, the drop in prices this last month and the possibility of re-bidding. **Res. No. 08-26 Awarding Contract for Light Soda Ash** was moved by Mr. McNeilly, seconded by Mr. Schwab and the unanimous roll call vote of members present.

**RESOLUTION NO. 08-26**

**Resolution of the Musconetcong Sewerage Authority  
Awarding Contract for Light Soda Ash  
(Sodium Carbonate) to  
Univar USA, Inc., for the Year 2009**

WHEREAS, on October 1, 2008, the Musconetcong Sewerage Authority received the following bids for light soda ash (sodium carbonate), 100 tons per year:

<u>Contractor</u>	<u>1 Year Price/Ton (2009)</u>	<u>2 Year Price/Ton (2010)</u>
Coyne Chemical Co.	\$423.45	No Bid
Univar USA, Inc.	\$419.20	No Bid

WHEREAS, the Commissioners of the Musconetcong Sewerage Authority hereby make the following findings of fact:

- a. Univar USA, Inc., submitted the lowest bid for the contract for the year 2009 which bid is in the amount of \$419.20 per ton.
- b. No bids were received for the two year price term including 2009.
- c. The bid of Univar USA, Inc., is a conforming bid in that it complied with all of the requirements of the Notice to Bidders and submitted all of the required documentation.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Musconetcong Sewerage Authority that Contract No SA09 for light soda ash (sodium carbonate) is hereby awarded to Univar USA, Inc., in the amount \$419.20 per ton for the year 2009 which amount shall not be exceeded without further authorization from the Musconetcong Sewerage Authority.

Res. No. 08-27 Budget 2009 Adoption was moved by Mr. Hoyt, seconded by Mr. Schwab and the unanimous roll call vote of members present.

**RESOLUTION NO. 08-27  
ADOPTED BUDGET  
MUSCONETCONG SEWERAGE AUTHORITY  
FISCAL YEAR: from Jan. 1, 2009 to Dec. 31, 2009**

WHEREAS, the Annual Budget and Capital Budget for the Musconetcong Sewerage Authority for the fiscal year beginning January 1, 2009 and ending December 31, 2009 has been presented before the governing body of the Musconetcong Sewerage Authority at its open public meeting of November 5, 2008; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$6,611,315, Total Appropriations including any Accumulated Deficit if any, of \$6,712,315, and Total Unrestricted Net Assets utilized of \$101,000; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$95,000 and Total Unreserved Retained Earnings planned to be utilized as funding thereof, of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Musconetcong Sewerage Authority at an open public meeting held on November 5, 2008 that the Annual Budget, and Capital Budget/Program of the Musconetcong Sewerage Authority for the fiscal year beginning January 1, 2009 and ending December 31, 2009 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

Mr. Purcell leaves the meeting at 8:20 PM.

Motion made by Mr. Sylvester, seconded by Mr. Kunkel and the affirmative roll call vote of members present for the commissioners to go into closed session at 8:20 PM:

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9) permits the exclusion of the public from meeting in certain circumstances;

WHEREAS, the Commissioners of the Musconetcong Sewerage Authority is of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Musconetcong Sewerage Authority as follows:

1. The public shall be excluded from discussion of, action on and hearing the tape of closed session of the Musconetcong Sewerage Authority;
2. The general nature of the subject matter to be discussed is as follows:  
Attorney/Client Privilege

The above subject matter will be made public as soon therefore as it is deemed to be in the public interest.

Chairman Rattner re-opened the meeting at 8:23 PM on a motion offered by Mr. Schwab, seconded by Pucilowski and the affirmative vote of members present.

Motion was offered by Mr. Pucilowski, seconded by Mr. Sylvester and confirmed by the unanimous roll call vote of members present to authorize the Chairman to sign the letter releasing all of the labor attorney files to Knapp, Trimboli & Prusinowski, LLC from Laufer, Knapp, Dalena, Trimboli & Cadicina, LLC.

Motion was offered by Mr. McNeilly, seconded by Mr. Pucilowski and confirmed by the unanimous roll call vote of members present to authorize a letter to be sent to Applied Water Management, Inc. advising that the MSA will not consent to an Assignment of the Contract because the present contract has a no-assignment clause, that the present contract expires on February 14, 2009 and that the MSA will be receiving bids shortly for a new Contract that will commence on February 15, 2009.

Motion made by Mr. Pucilowski, seconded by Mr. Benson and the affirmative roll call vote of members present for the commissioners to go into closed session at 8:26 PM:

**WHEREAS**, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12 (b) (1-9) permits the exclusion of the public from meeting in certain circumstances;

**WHEREAS**, the Commissioners of the Musconetcong Sewerage Authority is of the opinion that such circumstances exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Musconetcong Sewerage Authority as follows:

1. The public shall be excluded from discussion of, action on and hearing the tape of closed session of the Musconetcong Sewerage Authority;
2. The general nature of the subject matter to be discussed is as follows:  
Personnel/Contract Negotiations

The above subject matter will be made public as soon therefore as it is deemed to be in the public interest.

Chairman Rattner re-opened the meeting at 8:42 PM on a motion offered by Mr. Sylvester, seconded by Mr. McNeilly and the affirmative vote of members present.

Motion was offered by Mr. Sylvester, seconded by Mr. McNeilly to adjourn and by the affirmative vote of members present, Chairman Rattner adjourned the meeting at 8:42 PM.

Respectfully Submitted:

Martha Soccio  
Admin Asst