

## December 21, 2006

Chairman Allmann called the meeting to order.

Flag Salute

Administrative Assistant read the following statement: "My name is Joan Haltigan, Administrative Assistant of the Jackson Township Municipal Utilities Authority. It is 5:30 p.m. and we will commence with the public portion of the regular scheduled Public Meeting of December 21, 2006."

Chairman Allmann requested a roll call.

The December 21, 2006 Public Meeting of the Jackson Township Municipal Utilities Authority was called to order at 5:30 P.M. Present were Members Blake, Borys, and Chairman Allmann, Alternate Member Garofano and Alternate Member Lundy, along with the Business Administrator, James Diaz, Administrative Assistant, Joan Haltigan and Principal Engineer, Peter Canal. Also in attendance were Authority Engineer, Alan Dittenhofer, and Authority Counsel, William Hering. Members Clayton and Rickabaugh were absent.

Administrative Assistant stated that this meeting was in compliance with the provisions of the "Open Public Meetings Act," with adequate notice of the Public Meeting having been advertised in the manner prescribed by law, and that this statement would be entered in the Minutes of this meeting.

1. Approval of the Minutes of the Open Session Public Meeting of November 30, 2006

Mr. Borys made a motion to approve the minutes of November 30, 2006. Mrs. Blake seconded the motion and was passed unanimously.

2. Approval of the Minutes of the Closed Session Public Meeting of November 30, 2006

Mr. Borys made a motion to approve the minutes of November 30, 2006. Mrs. Blake seconded the motion and was passed unanimously.

3. Questions / Comments from the Public

Chairman Allmann opened the floor to the public.

At this time, Mr. Allmann requested a motion to go into closed session. Mr. Borys made a motion to go to closed session under Resolution No. 2006-303. Mrs. Blake seconded it, and it was passed unanimously. Mr. Allmann discussed the interviewing process for the Executive Director's position followed by a union grievance, which would take place during closed session. At this time, union members entered the meeting and Mr. Allmann asked that they excuse themselves until the first portion of the closed session was completed. Mr. Allmann also stated that an engineering firm would be present during the open session this evening.

Based on a motion made in closed session, the Administrative Assistant stated that it was approximately 7:50 p.m., and that we would continue with the public portion of the regular scheduled meeting of the Open Session of the December 21, 2006 Public Meeting.

4. Review of     Executive Director's Report  
                  Engineering Committee Report  
                  Public Relations Committee Report  
                  Administrative Committee Report

Mr. Diaz had two items to add to his report this evening:

#### **Prompt Payment Construction Contract Law**

Mr. Diaz stated that he wanted to update the Board on the Prompt Payment Construction Contract Law that came out September 1, 2006. Mr. Diaz did some additional research because there was a bit of a concern that if we have special meetings we may have to make payments. The fact of the matter is that this is not correct. The MUA can continue to make payments using the present procedure. Mr. Diaz stated that we are handling the Prompt Payment Contracts the way they should be, we might have to look at some of the language on some bids but other than that everything is in compliance.

#### **2007 Holiday Schedule**

Mr. Diaz stated that this evening we passed out a copy of the 2007 Holiday Schedule. It is on the agenda this evening for approval. It is basically the same as every year with the exception of Washington's Birthday changing to President's Day.

#### **Engineering Committee Report**

Mr. Canal discussed the Engineering Committee Report. The following items were discussed at the Engineers Committee Meeting on December 19<sup>th</sup> for action tonight;

#### **Capital Projects**

- a) Construction Test Well No. 16, Contract No. C6-00138 – Approve Change Order No. 1: William Stothoff Co., Inc., Time Extension.
- b) 2007 NJEIT Loan Program Application, Manhattan Street Facility Improvements, Contract No. C6-00154 & Southeast Quadrant IMG Elevated Tank, Contract No. C6-00155 – Award Engineering Services to O'Brien & Gere Engineers, Inc., in an amount not to exceed \$554,201.00. Mr. Allmann stated that he had previously discussed this with the Commissioners and there were no questions at this time.
- c) Sanitary Sewer System Evaluation – Phase III, Contract No. 03-112 Approve Change Order No. 1-Final in the credit amount of (\$2,236.10).
- d) Sanitary Sewer System Evaluation – Phase III, Contract No. 03-112 Authorize Closeout & Release of Performance Bond.

- e) Supervisory Control and Data Acquisitions (SCADA) – Awarding Special Project Engineer for Developer Projects.
- f) 2007 Sewer and Water Emergency Repairs & Service Work, Contract No. C6-00147 to D&D Utility Contractors in an amount not to exceed \$198,430.00.

**Status Items**

- a) Bennetts Mills Road Water & Sewer Main Emergency Repairs. As reported last month, the major water main leak was repaired. We are using the services of NJ American Leak Detection Unit as we continue to investigate if a second leak exists. Tonight, NJ American is scheduled to continue to search for the leak. With regards to the sewer main break, which was found by the County's Contractor, Green Construction, there was no reported leaks with the large hole found on the top of our 30" sewer main. It appears that it was hit by a backhoe. Our Emergency Repair Contractor, D&D Utility Contractors, Inc. repaired the exterior pipe. However the interior of the pipe still needs to be repaired. O'Donnell, Stanton and Associates through D&LD Utility Contractors are handling that repair.
- b) Hyson Road Water Treatment Plant, Contract No. 03-105B. Mr. Canal is pleased to report that there are very few punch list items remaining and the Water Treatment Plant is near completion. The contractor, Clyde Lattimer & Son Construction Company, Inc. has been difficult to work with and on December 11, 2006, during the final punch list walk thru, grabbed the inspector and made threatening remarks. The police were notified and a formal complaint was filed. Mr. Canal commented on our Technical Maintenance Supervisor, Michael Decker and O'Brien & Gere Engineers for their exceptional work and dedication on this difficult contract. Mr. Allmann stated for the record, that the Authority's attorney is fully aware of this incident and that a complaint has been filed.
- c) Well No. 15 – Redevelopment. It has been determined that the original well driller for Test Well No. 15 did not properly re-develop the well. Although this well was completed in 2002, the contractor never completed all of the punch list items and therefore the performance bond was not released. The Authority requested the project engineer, Remington, Vernick & Vena Engineers to notify Unitech that they have 30 days to re-develop the well of the Authority will have the work completed and seek damages. The letter was issued on December 4, 2006 and we are awaiting their response. The well needs to be on line in order for us to service Well No. 13 before the Spring of 2007. Mr. Allmann stated for the record the Authority's attorney has been updated on this issue.
- d) Whitesville Industrial Park Pump Station, Final Review status and Pinelands Grant Status. We should know by January if we can proceed with this program. Mr. Allmann stated that even though we have an agreement with the developer that the state is still interested in providing funds. It appears at this point, we will get a better indication, as we get closer to January. Mr. Canal noted that there were six applications made to the state and the authority was the only one being recommended for approval.

## **Other Matters**

- a) Board of Education Proposed Inter-local Agreement as Licensed Operator. Mr. Canal stated that the Authority has been discussing with the Board of Education, the feasibility of the Authority becoming their licensed operator for compliance of various water and sewer facilities. Their licensed operator is retiring by February 1, 2007 and discussions are on going. Mr. Canal stated that a meeting would be scheduled sometime next month to possibly make a recommendation.
- b) Laboratory Testing Services for Potable Water & Waste Water, Extend Contract No. C6-00148. The Authority desires to extend the contract through the year of 2007 to J.R. Henderson Labs, Inc. in an amount not to exceed \$40,000.00.

Mr. Canal discussed two items discussed from the Engineering Committee Meeting that we are recommending for action this evening:

Manhattan Facility Site Survey and deed transfer. Some of our property is mixed with the Townships and needs to be straightened out. RV&V had performed a site survey some years back and should get this finalized and the deeds transferred between JTMUA and the Township. Mr. Canal also stated that the Pop Warner Field is partially on the MUA's property and we need to draw a line there and turn over to the Township. Mr. Canal also discussed Well No. 9 which is on township property and part of that is where we would like to put the future Manhattan plan. Mr. Allmann stated that Mr. Hiering should send a letter to the township to start the legal process as well as to the school board for the building of the treatment plant.

Mr. Canal discussed the last action item for RV&V. Would like to move forward with the rehabilitation of the various public supply wells, 1, 3, 11, 13, & 15, which need to be serviced by the Spring/Summer 2007. Mr. Allmann stated that the Engineering Committee looked at those particular items and knows there is a time frame involved and would like to get to the most important ones first. Mr. Allmann requested that Mr. Dittenhofer take this into consideration when doing his analysis.

Mr. Hiering stated that he had received a letter from the township attorney regarding the Legler System and will follow-up. Mr. Allmann discussed some negotiations with Jackson Valley who will contribute to the water treatment plant and Mr. Hiering needs to send them a letter to the township for the land acquisition.

With no questions, Mr. Canal concluded the Engineering Report.

Mr. Alan Dittenhofer of Remington, Vernick & Vena Engineers discussed the following three development applications for this evening and requesting approval from the Board.

Westgate On-Site, Block 147.02, Lot 38 on the Tax Map of the Township of Jackson. The applicant is requesting tentative water and sewer approval. RV&V recommended that approval per our letter to the Board dated December 11, 2006.

Mad Science of Central New Jersey, Block 85, Lot 17.04 on the Tax Map of the Township of Jackson. The applicant is requesting preliminary water and sewer approval. We recommend this approval per review letter dated December 11, 2006. Mr. Allmann stated that Mad Science also came back to the Board and requested some relief on installing the water main along the frontage. Mr. Allmann stated we are presently in negotiations with Jackson Valley to run the water line past. Whoever comes in first will be responsible for this. Mr. Dittenhofer confirmed that this approval does require the installation.

Eastern Manufacturing, Block 56.19, Lots 5-7 and 13-15 and Block 56.20, Lots 8-12 and 23-30. This is an existing site and requesting preliminary water and sewer approval recommended per our review letter dated December 11, 2006.

Green Hills Farm, Block 130.01, Lots 23 & 28. This is a release of a water and sewer performance bond. Recommended release per letter dated December 11, 2006.

5. Business Administrator's Report  
Finance Committee Report  
Personnel Committee

Mr. Diaz stated there was nothing for Public Relations or Administration.

Mr. Diaz stated that the auditors started the audit earlier this month than expected, he was not able to hand out the Statement of Revenues and Expenditures this evening as indicated in his report. Mr. Diaz will hand out the financial statements next month.

Mr. Diaz stated that the Finance Committee met on Monday, December 18th, 2006, discussing and recommending approval of items on agenda this evening, as well as the Total Voucher list amount submitted this evening in the amount of \$976,309.89, with the funds being drawn against the following accounts:

1. Capital Reserve Fund in the amount of \$ 535,505.95 for capital projects;
2. Construction Fund in the amount of \$117,832.03 for bond projects;
3. Escrow Funds in the amount of \$19,880.05 for developer work;
4. Customer Deposit in the amount of \$200.00 for deposit refund;
5. Revenue General Fund in the amount of \$302,891.86 for operating expenses.

Mr. Diaz stated that the total operating expenses of \$302,891.86 includes \$130,000.00 for funding the Payroll account and \$11,405.00 to be reimbursed by the Township for the New Mexico Tank project.

**Drug & Alcohol Testing Agreement**

Mr. Diaz then stated this is the renewal with Commerce Risk Control for 2007. The rate now is \$63.40 per CDL License holder.

Mr. Stated there are number of annual contracts on the agenda this evening to be renewed:

Group Dental Plan – Horizon Group Dental

Life/AD&D – Guardian Life (no rate change)  
Edmunds Software Support Agreement for \$8,400.00  
Gold Bond Cleaning Service for an amount not to exceed \$13,000.00

American Wear Uniform Service for an amount not to exceed \$17,000.00. With an option to renew for two more years with no increase during that time.

### **Capital Purchase**

There is one capital purchase listed on the agenda this month for Arrow Locksmith for \$2,399.50, which is to replace and repair some locks to some of our facilities throughout town. Mr. Allmann asked whether we have received keys back from former employees who letters have been sent to. Mr. Diaz stated we have received from one and Mr. Allmann instructed Mr. Hiering to send another letter to the other individual.

### **Repairs**

Mr. Diaz discussed the next item, which deals with a repair in the amount of \$3,457.91 to Monmouth Auto Body. This was an over spray from Magnum Painting which damaged some vehicles. The MUA is paying to fix the vehicles and will be deducted from the project retainage.

### **Annual Meter Bids**

Mr. Diaz discussed the two meter acquisitions on the agenda this evening:

The first is from Neptune Water Meters doing business as SCL Meter East for the amount of \$135,317.00 for our Neptune meters.

The second is for our Sensus Meters, under the company of H.D. Supply Waterworks, LTD for the amount of \$147,534.50.

### **Resolution Amendment**

Mr. Diaz discussed with the Finance Committee an amendment to resolution 2006-266 for Pumping Services, which was awarded at the November 30, 2006 Public Meeting. The amount awarded does not change. The only change was to add an additional capital code to cover the capital expense, which is C-07-05-007-000-000.

The last item discussed with the Finance Committee was regarding compensation to Mr. Diaz and Mr. Canal until a new Executive Director takes over. Mr. Allmann stated this is regarding granting Mr. Diaz and Mr. Canal an additional \$300.00 per week and will look to the Board for approval. Mr. Diaz stated that it was also discussed to be retroactive and if Mr. Hiering can prepare a resolution separately for himself and Mr. Canal. The commissioners were all in favor and Mr. Diaz asked if there were no objections, the retroactive pay would need to be processed by December 31, 2006.

Mr. Diaz has one personnel item this month. December 31<sup>st</sup> marks the end of year for the non-union employee contracts. This involves 8 employees and is looking for a 4% increase across

the board. This also entitles the Executive Director to give out bonuses during the course of the year of up to \$1,000.00. Mr. Diaz is looking for approval from the Board this evening.

Consent Resolutions 2006-276 to 2006-284:

- 2006-276 Resolution Ratifying Cash Management Report for November 2006
- 2006-277 Resolution Authorizing Software Support Agreement with Edmunds & Assoc., Inc. Contract. No. C7-0003, in the amount of \$8,400.00.
- 2006-278 Resolution Authorizing Renewal of Annual Guardian Life, and AD&D Contract No. C7-00004.
- 2006-279 Resolution Authorizing Renewal of Horizon Group Dental Plan Contract No. C7-00005, for January 1, 2007 to December 31, 2007.
- 2006-280 Resolution Adopting 2007 Holiday Schedule.
- 2006-281 Resolution Granting Preliminary Water & Sewer for Mad Science of Central New Jersey, Block 85, Lot 17.04 on the Tax Map of the Township of Jackson.
- 2006-282 Resolution Granting Performance Guarantee Release to M. Reider Companies for Green Hills Farm Block 130.01, Lots 23 & 28 on the Tax Map of the Township of Jackson.
- 2006-283 Resolution Granting Tentative Water & Sewer Approval to Westgate On-Site , Block 147.02, Lot 38 on the Tax Map of the Township of Jackson.
- 2006-284 Resolution Granting Preliminary Water & Sewer to Eastern Manufacturing Housing Supply Block 56.19, Lots 5-7 & 13-15 and Block 56.20, Lots 8-12 & 23-30.

Mr. Borys made a motion to approve Resolutions 2006-276 through 2006-284. Mr. Lundy seconded the motion and it was passed unanimously.

7. Resolutions Offered:

- 2006-285 Resolution Authorizing Payment of Vouchers, Deposit Refunds & Payroll

Mrs. Borys made a motion to approve Resolution 2006-285. Mrs. Blake seconded the motion and it was passed unanimously. Mr. Allmann stated that the Commissioners would abstain from any checks that they had a conflict with.

- 2006-286 Resolution Approving Change Order No. 1- Final for Sanitary Sewer System Evaluation, Phase 3, Contract No. 03-112 to National Water Main Cleaning, in a Credit amount of (\$2,236,10).

Mr. Borys made a motion to approve Resolution 2006-286. Mrs. Blake seconded the motion and it was passed unanimously.

2006-287 Resolution Granting Closeout & Performance Bond Release to National Water Main Cleaning Company for Sanitary Sewer System Evaluation – Phase III, Contract No. 03-112.

Mr. Lundy made a motion to approve Resolution 2006-287. Mrs. Blake seconded the motion and it was passed unanimously.

2006-288 Resolution Authorizing Award of Engineering Design Services to O'Brien & Gere for The Manhattan Street Facility Improvements, Contract No. C6-00154 and Southeast Quadrant 1MG Elevated Tank, Contract No C6-00155, 2007 NJEIT Loan Program Applications in an amount not to exceed \$554,201.00.

Mrs. Blake made a motion to approve Resolution 2006-288. Mr. Borys seconded the motion and it was passed unanimously.

2006-289 Resolution Approving Change Order No. 1 for William Stothoff Company Contract No. C6-00138 for the Construction of Test Well No. 16, Allowing for a Time Extension of 51 Calendar Days.

Mr. Borys made a motion to approve Resolution 2006-289. Mr. Lundy seconded the motion and it was passed unanimously.

2006-290 Resolution Approving One-Year Extension to D&D Utility Contractors, Inc. for 2007 Sewer & Water Emergency Repairs & Service Work Contract No. C6-00147, in the amount not to exceed \$198,430.00

Mrs. Lundy made a motion to approve Resolution 2006-290. Mr. Borys seconded the motion and it was passed unanimously.

2006-291 Resolution Awarding 2007 Neptune Water Meter Acquisition Contract No C7-00002, to Rio Supply, Inc., D/B/A SLC Meter East in the amount of \$135,317.00.

Mr. Lundy made a motion to approve Resolution 2006-291. Mr. Borys seconded the motion and it was passed unanimously.

2006-292 Resolution Awarding 2007 Sensus Water Meter Acquisition Contract No. C7-00001, to H.D. Supply Waterworks, LTD, in the amount of \$147,534.50.

Mrs. Blake made a motion to approve Resolution 2006-292. Mr. Borys seconded the motion and it was passed unanimously.

2006-293 Resolution Approving One-Year Extension to J.R. Henderson Labs for Laboratory Testing Services for Potable Water & Waste Water for the year 2007, Contract No. C6-00148, in the amount not to exceed \$40,000.00.

Mrs. Blake made a motion to approve Resolution 2006-293. Mr. Borys seconded the motion and it was passed unanimously.

2006-294 Resolution Authorizing Award of Engineering Services to Montgomery Watson & Harza as Special Project Engineer for Supervisory Control and Data Acquisitions (SCADA) for Developers Projects.

Mrs. Blake made a motion to approve Resolution 2006-294. Mr. Borys seconded the motion and it was passed unanimously.

2006-295 Resolution Authorizing Contract with Gold Bond Building Services, Inc. for Cleaning Services Cont. No. C7-00006, in amount \$13,000.00

Mr. Lundy made a motion to approve Resolution 2006-295. Mr. Borys seconded the motion and it was passed unanimously.

2006-296 Resolution Authorizing Contract with American Wear for Uniform Services, Contract No. C7-00008 in amount not to exceed \$17,000.00

Mrs. Blake made a motion to approve Resolution 2006-296. Mr. Garofano seconded the motion and it was passed unanimously.

2006-297 Resolution Authorizing Payment to Arrow Locksmith for Securing Authority Facilities including Repair and/or Replacement of various Locking Devices, in the amount of \$2,399.50.

Mrs. Blake made a motion to approve Resolution 2006-297. Mr. Garofano seconded the motion and it was passed unanimously.

2006-298 Resolution Authorizing Payment to Monmouth Auto Body to Settle a Claim as a Result of the Over Spraying of an Automobile by Magnum Painting (New Mexico Tank Rehabilitation) under Contract No. 05-126, in the amount of \$3,457.91.

Mr. Borys made a motion to approve Resolution 2006-298. Mr. Lundy seconded the motion and it was passed unanimously.

2006-299 Resolution Authorizing Commerce Risk Management to Provide Mandatory Drug and Alcohol Testing Services for the JTMUA Contract C7-00007.

Mr. Lundy made a motion to approve Resolution 2006-299. Mrs. Blake seconded the motion and it was passed unanimously.

2006-300 Resolution Approving Line Item Adjustments to the 2006 Sewer/Water Operating Budget

Mr. Borys made a motion to approve Resolution 2006-300. Mrs. Blake seconded the motion and it was passed unanimously.

2006-301 Resolution Amending Resolution 2006-266 Awarding Contract to Pumping Services, Inc. for Contract No. C6-00167, in the amount of \$5,748.70.

Mrs. Blake made a motion to approve Resolution 2006-301. Mr. Borys seconded the motion and it was passed unanimously.

2006-302 Resolution Authorizing Salary Adjustment to The Annual Non-Union Employee Contracts

Mr. Borys made a motion to approve Resolution 2006-302. Mr. Garofano seconded the motion and it was passed unanimously.

2006-303 Closed a) Closed Statement  
b) Back to Open – Opening Statement & Roll Call

Mr. Borys made a motion to approve Resolution 2006-303. Mrs. Blake seconded the motion and it was passed unanimously.

Mr. Allmann stated that two resolutions will be added to the agenda this evening, 2006-304 for Mr. Diaz's adjustment of an additional \$300.00 per week and 2006-305 for Mr. Canal's adjustment of an additional \$300.00 per week, as discussed previously. Both resolutions will be retroactive to November 13<sup>th</sup>, 2006. For the record, Mr. Hering stated that in light of the vacancy of the Executive Director's position for date commencing November 13<sup>th</sup>, 2006 until the position is filled, as per resolutions 2006-304 and 2006-305.

Mr. Allmann introduced Mr. Timothy Shea from O'Brien & Gere Engineers. Mr. Shea wanted to thank the Board for giving him the opportunity to work with the MUA again and best wishes for the New Year. Mr. Allmann made a motion to close the public portion of the meeting. Mr. Borys made a motion to approve. Mrs. Blake seconded the motion and it was passed unanimously.

## 8. Other Matters

Mr. Allmann discussed the Jackson Chamber of Commerce Meeting on Wednesday, January 17<sup>th</sup>, 2007, buffet at Dantes, \$25.00 per person. We are looking for some representatives from the MUA to attend. The speakers include Mr. Mark Seda, Mayor, and Council President, Angelo Stallone. Anyone wishing to attend please inform Joan and she will make the arrangements.

With no further matters to discuss, Mr. Lundy made a motion to adjourn. Mrs. Blake seconded the motion and it was unanimously passed. Chairman Allmann declared the December 21, 2006 Public Meeting adjourned.

---

End of Minutes

/jh