

**MANCHESTER UTILITIES AUTHORITY
MONTHLY MEETING FEBRUARY 21, 2011
HALEDON MUNICIPAL COMPLEX –HALEDON, NJ
7:30 P.M.**

**• MEETING CALLED TO ORDER – OPEN PUBLIC MEETING NOTICE READ
TIME: 7:32PM**

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS LAW, ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED BY A NOTICE SENT TO THE NORTH JERSEY HERALD NEWS AND THE RECORD AND THE HAWTHORNE PRESS ON FEBRUARY 11, 2010. THIS NOTICE WAS ALSO POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING ON FEBRUARY 11, 2010 AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED BY STATUTE. IN ADDITION, A COPY OF THIS NOTICE IS AND HAS BEEN AVAILABLE TO THE PUBLIC AND IS ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK.

Proper notice having been given, the Secretary is directed to include this statement in the minutes of this meeting.

• FLAG SALUTE

• ROLL CALL ATTENDANCE

ROLL CALL

Present: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

Absent:

Other notable attendees: Casey Cordes, Justin Mahon, Chuck Ferraioli, Gerry Spiesbach

ELECTION OF OFFICERS

The attorney will manage this portion of the meeting.

Motion by Van Sickle and second by Zofrea to nominate Victor D'Ambrosio as Chairman of the Authority.

YES: Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN: D'Ambrosio

NO: -0-

Motion by Van Sickle and second by Zofrea to close nominations and elect Victor D'Ambrosio as Chairman of the Authority.

YES: Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN: D'Ambrosio

NO: -0-

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At this time, the meeting will be administered by the new Chairman.

Motion by Zofrea second by Van Sickle to elect Muhammad Malgosh as Vice-Chairman of the Authority.

YES: D'Ambrosio, Chowdhury, Van Sickle, Zofrea

ABSTAIN: Malgosh

NO: -0-

Motion by Malgosh second by Zofrea to elect Van Sickle as Treasurer of the Authority.

YES: D'Ambrosio, Chowdhury, Malgosh, Zofrea

ABSTAIN: Van Sickle

NO: -0-

Motion by Van Sickle second by Malgosh to nominate Dewan Chowdhury as Secretary of the Authority.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

RESOLUTIONS TO BE PASSED BY CONSENT

**2011-09 QUALIFICATION OF THE RESPONSES RECEIVED FOR ITS
REQUEST FOR QUALIFIED PROFESSIONALS AND APPOINTMENT
OF THE MANCHESTER UTILITIES AUTHORITY PROFESSIONALS
FOR THE 2011 TERM**

Motion by Van Sickle seconded by Zofrea to appoint Wellinghorst & Fronzuto as the MUA Attorney.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

Motion by Zofrea seconded by Malgosh to appoint Malcolm Pirnie as the MUA Engineer.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

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Motion by Van Sickle seconded by Chowdhury to appoint Ferraioli, Wielkotz, Cerullo & Cuva as the MUA Auditor.

YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

Motion by Zofrea seconded by Malgosh to appoint John Hudak, Esq., LLC as the MUA Bond Counsel.

YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

2011-10 ADOPTION OF THE OFFICIAL DEPOSITORIES OF MANCHESTER UTILITIES AUTHORITY FOR 2011

Motion by Zofrea seconded by Chowdhury to pass the Resolution 2011-10.

YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

2011-11 DESIGNATION OF ANGELO PASSAFARO AS LICENSED OPERATOR FOR THE MANCHESTER UTILITIES AUTHORITY AND PROVIDING FOR COMPENSATION

Motion by Van Sickle seconded by Zofrea to pass the Resolution 2011-11.

YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

2011-12 DESIGNATING DENISE WAHAD AS THE ASSISTANT SECRETARY AND CUSTODIAN OF RECORDS FOR THE MANCHESTER UTILITIES AUTHORITY

Motion by Van Sickle seconded by Zofrea to pass the Resolution 2011-12.

YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

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**2011-13 ADOPTION OF THE FORM OF RESOLUTION FOR USE WHEN AN
EXECUTIVE SESSION OF THE MANCHESTER UTILITIES
AUTHORITY IS NEEDED**

Motion by Malgosh seconded by Van Sickle to pass the Resolution 2011-13.
YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea
ABSTAIN:
NO: -0-

**2011-14 ADOPTION OF THE MEETING DATES OF THE MANCHESTER
UTILITIES AUTHORITY**

Motion by Van Sickle seconded by Zofrea to pass the Resolution 2011-14.
YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea
ABSTAIN:
NO: -0-

**2011-15 ADOPTION OF THE OFFICIAL NEWSPAPERS FOR
THE MANCHESTER UTILITIES AUTHORITY FOR 2011**

Motion by Chowdhury seconded by Zofrea to pass the Resolution 2011-15.
YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea
ABSTAIN:
NO: -0-

**2011-16 ADOPTION OF THE OFFICIAL SIGNATORIES OF THE
MANCHESTER UTILITIES AUTHORITY**

Motion by Zofrea seconded by Van Sickle to pass the Resolution 2011-16.
YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea
ABSTAIN:
NO: -0-

**2011-17 ADOPTION OF THE MANCHESTER UTILITIES AUTHORITY 2011
BUDGET OF \$2,429,000.00**

Motion by Van Sickle seconded by Chowdhury to pass the Resolution 2011-17.
YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea
ABSTAIN:
NO: -0-

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• REVIEW OF MINUTES:

Motion by Van Sickle seconded by Malgosh to approve the Minutes and Executive Session for December 13, 2010 and January 10, 2011.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

• REPORTS AND DISCUSSION

CHAIRMAN

Victor D'Ambrosio spoke on the following:

He gives a special thank you for everyone attending the meeting since it was scheduled on President's Day.

He would like to thank the Mayor for re-appointing him as well as his fellow commissioners for electing him as Chairman for the 2011 term.

The MUA closed on the temporary note \$1,000,000.00. The MUA was able to pay down the original 2010 temporary note of \$1,500,000.00, which he was obviously happy about; however, he is going to research financing alternatives for next year. He thanked the professionals for getting the closing accomplished.

He sent a letter to the Haledon and North Haledon Planning Boards to ensure that the MUA application is included in their reviews in order to expedite the application process for members of the public.

Billing fell behind due to software issues. He is working with the water clerk to issue credits that are due. Cycle 2 will be issued a 2.21% credit on next bill and cycle 3 a 2.74% credit.

He apologizes to Haledon & North Haledon for the incorrect billing on fired hydrants.

There was a recent article in the newspaper and a report by the Governor's office on local government entities and transparency. The MUA was listed under the Borough of Haledon. The MUA received a 3.5 rate out of 6 marks for transparency. The MUA will look at the constructive criticism and make changes. In the future the MUA will modify its website to post the Agenda, Minutes, Financial Statements, Audit, etc.

This year he plans to hopefully organize and implement a Leak Detection Plan along with Valve Cleaning and Maintenance. He also hopes to formulate a plan for the Filter Plant, revise the MUA's Rules and Regulations along with completing the first MUA Policy Manual.

TREASURER

No report at this time.

SUPERINTENDENT

Angelo Passafaro was not present, Chairman read report and is on file.

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ENGINEER

Justin Mahon submitted report and is on file. He noted that the NJEIT has a new financing deadline of March 9, 2011, which may be the last time forgiveness money is available. Due to the tight time constraints, it is unlikely that the MUA can meet this deadline.

ATTORNEY

Casey Cordes submitted report and is on file.

AUDITOR

Chuck Ferraioli spoke on the following:

The DCA delayed the approval of the 2011 Budget, which is why the hearing took place last meeting and the MUA could not formally approve until this meeting after the DCA approval had been received.

• **CORRESPONDENCE**

1. Approved Outlay Report # 25
2. Various MUA Letters
3. NJDEP/Shipment of July Drinking Water PT Samples
4. MP/NJDEP Certification of Operation and Maintenance Manual
5. MP/MSP Pay Request #10-Incomplete Release of Retainage
6. MP/Letter of Transmittal/Water Storage Tank Inspections
7. WF/MUA Temporary Funding Note Closing Documents-General counsel Opinion
8. Partial Payment Request No. 26
9. MP Letter/27 Church Street & 485 Haledon Ave.
10. MP/APS Review of Additional costs
11. ESC/Rate schedule
12. Borough of Haledon Resolution 2011-023/MUA Appointment of Victor D' Ambrosio

Discussion held on MP Letter/27 Church Street & 485 Haledon Ave.

Motion made by Van Sickle seconded by Zofrea to approve 485 Haledon Avenue, Haledon Water Connection Application subject to DEP.

YES: D' Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0

The listed Correspondence were reviewed and accepted by the MUA Board.

A motion was made by Zofrea seconded by Malgosh to Accept and File Correspondence.

YES: D' Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0

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• COMMITTEE REPORTS AND DISCUSSION

INTRALOCAL SERVICE AGREEMENT COMMITTEE – Dissolved since it met its goal to re-negotiate and formalize a new Agreement with the Borough

RULES AND REGULATION COMMITTEE- Chairman hopes to have something in place for next meeting to begin the process of revamping these dated Rules and Regulations.

LITIGATION COMMITTEE- If necessary, an update will be provided in Executive Session.

• OLD BUSINESS

1. 15 E. Barbour Street-Service Repair
2. 340 Central Avenue, Haledon/Claim submitted-insurance rejected claim.
3. 2 John Street/withdrawal of Water connection Application

• NEW BUSINESS

1. Borough of Haledon Letter/Out of Service Fire Hydrants- Angelo Passafaro addressed this letter; however, Chairman suggests that if the public has information about a broken fire hydrant, to immediately advise the MUA.
2. Corrective Action Plan – The plan has been approved as recommended in past comments in the MUA Audit Reports.
3. Bank of New York Fee Schedule/MUA Temporary Funding Note Series 2011 – Discussed in Chairman Report
4. OPRA Form review and Governor’s Transparency Report – Discussed in Chairman Report

• PUBLIC COMMENT

Motion by Malgosh seconded by Van Sickle to open public hearing.

YES: D’Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

Khalique, Salim -340 Central Ave., Haledon

Mr. Khalique questions why the Tilt Street is no longer working. The Haledon residents would like to know if the spring could be fixed.

Mr. Khalique states November 5, 2010 around 6:30pm water entered the basement, he called 911. He called Haledon police 15 times and they did not arrive until

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9:45pm. Mr. Khaliques is very disappointed and feels that the damage could have been prevented.

Motion by Van Sickle seconded by Zofrea to close the public hearing.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

MUA COMMISSIONERS RESPONSES TO PUBLIC COMMENT/INQUIRIES

The Chairman advised Mr. Khalique the Tilt Street Spring belongs to the Borough of Haledon and there is discussion for the MUA to take over; however, there are significant costs to repair the spring and to maintain it. The MUA will discuss with the Borough of Haledon.

The Chairman apologies to Mr. Khalique for what they experienced with the police department.

However, to his knowledge Borough employees worked until midnight to make the repair.

The claim was submitted and denied by the insurance company.

The Chairman has a call into the Insurance Company to get follow-up information & he will continue to follow up on the matter.

RESOLUTIONS TO BE PASSED BY CONSENT

**2011-18 AUTHORIZATION TO APPROVE FOR PAYMENT THE WATER
OPERATING BILLS AS SET FORTH IN THE WATER OPERATING
BILLS LIST DATED FEBRUARY 21, 2011**

**2011-19 AUTHORIZATION TO APPROVE FOR PAYMENT THE USDA 2-2
BILLS AS SET FORTH IN THE USDA 2-2 BILLS LIST DATED
FEBRUARY 21, 2011**

**2011-20 AUTHORIZATION TO APPROVE FOR PAYMENT THE NJEIT 2008
WATER MAIN IMPROVEMENTS PROJECT BILLS AS SET FORTH
IN THE NJEIT 2008 WATER MAIN IMPROVEMENTS PROJECT BILLS
LIST DATED FEBRUARY 21, 2011**

Motion by Van Sickle seconded by Zofrea to pass the Resolutions by Consent.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

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**• EXECUTIVE SESSION FOR CERTAIN SPECIFIED PURPOSES: LITIGATION
AND/OR CLAIMS, CONTRACT NEGOTIATIONS, PERSONNEL, OTHER**

WHEREAS, the MUA is a public body subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act requires a Resolution of this MUA in the event the MUA determines it has a need and is permitted by law to exclude the public from an executive session;

NOW, THEREFORE, BE IT RESOLVED by the MUA that the public be excluded from its meeting for the purpose of discussing matters covered under N.J.S.A. 10:4-12B, set forth as follows:

- A. LEGAL
- B. OTHER

IT IS FURTHER RESOLVED, that the public shall not be admitted to the portion of the meeting at which time the foregoing matters will be discussed, and it is not known when or if the matters to be discussed in closed session can be disclosed to the public; and

IT IS FURTHER RESOLVED, that at the conclusion of Executive Session, formal action may be taken.

IT IS FURTHER RESOLVED, that the within shall take effect immediately upon passage and publication as provided by law.

TIME 8:33PM

Motion by Van Sickle seconded by Malgosh to go into executive session as indicated above.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

TIME: 9:13PM

Motion by Van Sickle seconded by Zofrea to reconvene the regular meeting

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

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Motion made by Zofrea seconded by Malgosh to release retainage in the amount of \$10,000 to MSP Contractors.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

TIME: 9:14PM

• MEETING ADJOURNED

Motion by Van Sickle seconded by Zofrea to adjourn meeting.

YES: D'Ambrosio, Chowdhury, Malgosh, Van Sickle, Zofrea

ABSTAIN:

NO: -0-

Respectfully Submitted,

Denise Wahad
Recording Secretary

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