

**MINUTES  
HARDYSTON TOWNSHIP  
MUNICIPAL UTILITIES AUTHORITY  
February 7, 2011**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, February 7, 2011, at the Municipal Building located at 149 Wheatsworth Road. Members present were Mr. Kievit, Mr. Verrilli and Mr. Kula, Absent Cicerale. Also present were Mike Vreeland, Mark Hontz, Marianne Smith, and Bob Shultz.

After salute to the flag, Mr. Kievit stated compliance with the Open Public Meetings Act.

Minutes: Minutes of the January 10, 2011 meeting will be presented at a later date.

Reorganization:

A MOTION was made by Verrilli seconded by Kula WHEREAS, the HTMUA held its annual reorganization meeting on February 7, 2011, during which the Commissioners were charged with completing the election of officers, appointment of staff and making of certain designations; and

WHEREAS, the Commissioners of the HTMUA, in public session, being familiar with the qualifications of Commissioners and staff members and after due deliberation made the following elections, appointments and designations by separate motions;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the HTMUA that the following elections, appointments and designations are made for the HTMUA organizational year beginning February 7, 2011 through the next annual reorganization meeting in February 2012:

1. Kenneth Kievit is elected Chair of the HTMUA.
2. Frank Cicerale is elected Vice Chair of the HTMUA.
3. Santo Verrilli is elected Secretary of the HTMUA.
4. Stanley Kula is elected Treasurer of the HTMUA.
5. Marianne Smith is appointed Administrator of the HTMUA.
6. Gail Hensal is appointed Recording Secretary of the HTMUA.
7. Grant Rome is appointed Accounting Clerk of the HTMUA.
8. Sussex Bank and New Jersey Cash Management Fund are designated as official depositories of the HTMUA.
9. The New Jersey Herald and The New Jersey Sunday Herald as the official newspapers for publication.
10. Adoption of meeting dates (1<sup>st</sup> Monday of each month with the exception of July 11<sup>th</sup>, September 12<sup>th</sup> and January 9<sup>th</sup>). Meeting time 7:00 p.m.
11. Motion to direct Recording Secretary to advertise public contract awards and Meeting dates.

In favor: Kievit, Verrilli and Kula.

A MOTION was made by Kula seconded by Verrilli to appoint the following professionals;

Authorizing contract with Mark Hontz, Esq. of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, and LLC.

WHEREAS, there exists a need for the retention of an attorney for the Hardyston Township Municipal Utilities Authority to render professional advice and consulting services to the Authority and to examine and prepare all legal documents; and

WHEREAS, the contractor shall, for such services, bill at the rate of One Hundred Fifty (\$150.00) Dollars per hour for work performed; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bids on the contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Municipal Utilities Authority as follows:

1. The proposal of Hollander, Strelzik, Pasculli, Hinkes, Vandenberg & Hontz, LLC, through Mark Hontz, Esq. The attorney who shall perform such services and submitted a proposal to this Board, shall be and is hereby approved.
2. A contract is awarded without competitive bidding as a “professional service” in accordance with 40A: 11-5(1) (a) of the Local Public Contracts Law because Mark Hontz has served as attorney for the HTMUA in the past and has special knowledge as to the conditions in the Township which are particularly valuable to the Authority.
3. A notice of this action shall be printed once in the official newspaper of the Township of Hardyston.

Authorizing contract with Guerin & Vreeland Engineering, Inc. Robert P. Guerin & Michael Vreeland

WHEREAS, there exists a need for the retention of an engineer for the Hardyston Township Municipal Utilities Authority to render professional advice and engineering consulting services to the Authority and to examine or prepare all engineering documents; and

WHEREAS, the contractor shall bill at the following rates for such services:

Engineer	\$105.00 per hour
Engineer (Staff)	\$70.00 per hour
AutoCAD Technician	\$65.00 per hour
Field Survey Party	\$150.00 per hour
Inspector	\$55.00 per our
Licensed Surveyor	\$80.00 per hour

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bids on the contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Municipal Utilities Authority as follows:

1. The proposal of Guerin & Vreeland Engineering, Inc. through Robert P. Guerin, P.E., and Michael G. Vreeland, P.E., the engineers who shall perform such services and submitted a proposal to this Board, a copy of which is annexed hereto, shall be and is hereby approved.

2. A contract is awarded without competitive bidding as a “professional service” in accordance with 40A: 11-5(1)(a) of the Local Public Contracts Law because Robert Guerin & Michael Vreeland have served as engineers for the HTMUA in the past and have special knowledge as to the conditions in the Township which are particularly valuable to the Authority.

3. A notice of this action shall be printed once in the official newspaper of the Township of Hardyston.

Authorizing contract with Ferraioli, Wielkocz, Cerullo & Cuvo, P.A. for professional services

WHEREAS, there exists a need for the retention of Certified Public Accountants for the Hardyston Township Municipal Utilities Authority to render professional advice and consulting services to the Authority and to examine or prepare budgets and financial statements; and

WHEREAS, the contractor shall, for such services, bill at the rate for such services as follows:

Partner	\$110.00 per hour
Manager	95.00 per hour
Senior Accountant	85.00 per hour
Staff Accountant	75.00 per hour
Secretarial	60.00 per hour

WHEREAS, the Local Public Contract Law (N.J.S.A. 40A: 11-1 et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bids on the contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Municipal Utilities Authority as follows:

1. The proposal of Ferraioli, Wielkotz, Cerullo & Cuva submitted to this Board to perform such services, a copy of which is annexed hereto, shall be and is hereby approved.
2. A contract is awarded without competitive bidding as a “professional service” in accordance with 40A: 11-5(1) (a) of the Local Public Contracts Law because Ferraioli, Wielkotz, Cerullo & Cuva, a Professional Association, having extensive experience serving municipal and other public bodies for a number of years, including the Township of Hardyston, and has special knowledge as to the conditions in the Township which are particularly valuable to the Authority.
3. A notice of this action shall be printed once in the official newspaper of the Township of Hardyston.

In favor: Kievit, Verrilli, and Kula.

**OLD BUSINESS:**

Indian Field:

**Corrosion Control** – Mike stated a letter was received from the State for non-compliance for the balance of last year. Ron composed a letter regarding our current status of the equipment purchase and sent it on to the NJDEP.

**Phase II As-Built Plans** – Mike stated nothing has been received to date.

**Phase III Conveyance** – Mike stated nothing has been received to date.

**Water Tank Railing** – Marianne stated that we are hoping to receive our FCC license by the spring for emergency services. We would need the railing installed prior to the painting for safety reasons for this purpose, if there are no other options to install the antennas.

A MOTION was made by Kula seconded by Verrilli for installation of the water tank railing prior to painting for the purpose of providing antennas for the emergency services request. In favor: Kievit, Verrilli, and Kula.

Crystal Springs:

**Ardleigh & Shotmeyer Housing Sections** – Mark stated a transfer of property occurred on January 17, 2011 for the Country Club Ridge section for the water and sewer improvements. The performance bond and maintenance bond have been presented as well. The utility accounts will need to be transferred, which will occur at a later date. The as-built plans will need to be signed by them and us.

A MOTION was made by Kula seconded by Verrilli for the as-built plans for the Country Club Ridge conveyance as presented to be signed by the HTMUA Chairman. In favor: Kievit, Verrilli, and Kula.

A MOTION was made by Verrilli seconded by Kula to accept the performance bond as presented and reviewed by the HTMUA attorney for the Tannery Pump Station. In favor: Kievit, Verrilli, and Kula.

**Additional items** – Marianne stated a letter was received from the Homeowner's Association for the Cedars section of Crystal Springs regarding a broken curb box. The letter was read to the Commissioner's. The rules and regulations state that the resident or customer is responsible for the curb box.

A MOTION was made by Verrilli seconded by Kula for the HTMUA attorney to respond to the Management Association letter explaining the Rules and Regulations with regards to the responsibility of the curb box. In favor: Kievit, Verrilli, and Kula.

High Ridge Properties:

**Payment status** – Gail stated the Beaver Run Shopping Center (Anton Pilz) portion is one quarter behind with one quarter just newly billed with interest calculated through January 31, 2011 for a total due of \$11,238.88. The quarter which is considered late is in the amount of \$5,765.88. The High Ridge Properties portion is ten quarters and 1 partial quarter late with interest calculated through January 31, 2011 for a total amount due of \$218,172.00.

Marianne questioned the past due amount held by Beaver Run Shopping Center and suggested the revocation process begin in the same manner as did HFH. Discussion ensued. Gail stated the quarter which is past due was due October 15, 2010.

A MOTION was made by Verrilli seconded by Kula to direct the HTMUA attorney, Mark Hontz, to send a notice of revocation of sewer allocation discussion to Beaver Run Shopping LLC for quarterly payment delinquency at the regularly scheduled HTMUA meeting of March 7, 2011. In favor: Kievit, Verrilli, and Kula.

**Civil Action** – To be discussed in executive session.

### Ridgefield Commons Emergency Interconnection:

Mike stated a meeting was held with the conflict counsel regarding prepared draft documents of the conveyance documents.

Mr. Kievit discussed a recent problem with a water main leak. The current owner was not aware of where any shut off valves or information was to address the issue at hand. Marianne stated a stern letter is being drafted by Bill Hickerson, OEM regarding the incident and requesting a copy of their emergency response plan, emergency contacts, etc. Mike is reaching out to Agua to set up a meeting with the town and the HTMUA and will keep the commissioners up to date.

Mark Hontz recused himself from the discussion

### North Church Technical Center

Marianne stated a meeting is scheduled with the property owners and the original developer on Wednesday.

### New Business

Mike stated based on information from our accountant, Paul Cuva there are several projects and capital items which need to be accomplished. This would involve an amendment to the capital portion of the budget. A meeting was held with Ron Schneider and Bob Schultz. As an example a few items that need to be addressed this year is the Generator replacement, VFD's at Crystal Springs, leaky fitting at the Crystal Springs water tank and the pit less adapter at Well #2. We are recommending approximately \$90,000 for the water capital budget and \$150,000 for the sewer capital budget. This comes out of the R&R portion but needs to be shown as an amendment in our budget. Additionally, a recommendation within the amendment for equipment purchase in the amount of \$40,000 for water and \$10,000 for sewer. Mike read the sewer capital budget amendment.

The meeting was open to the public but as there is no public present the meeting is closed to the public.

A MOTION was made by Kula seconded by Verrilli to approve the sewer budget amendment as presented with total sewer project costs to increase from \$125,000 to \$285,000. In favor: Kievit, Verrilli and Kula.

Mike read the water sewer capital budget amendment.

The meeting was open to the public but as there is no public present, the meeting was closed to the public.

A MOTION was made by Kula seconded by Verrilli to approve the water budget amendments as present with total water projects to increase from \$325,000 to \$455,000. In favor: Kievit, Verrilli, and Kula.

**PAYMENT OF BILLS:**

A MOTION was made by Verrilli and seconded by Kula to pay the bills as per the bill list. In favor: Kievit, Verrilli, and Kula.

**CORRESPONDENCE:**

A MOTION was made by Kula and seconded by Verrilli to accept the correspondence as presented. In favor: Kievit, Verrilli, and Kula.

**OFFICER'S REPORTS:**

Nothing at this time.

**2009-10 ANNUAL AUDIT:**

A MOTION was made by Verrilli and seconded by Kula to accept the 2009-10 Audit as presented at the January 10, 2011 HTMUA regularly scheduled meeting. In favor: Kievit, Verrilli, and Kula.

**INTERLOCAL CONTRACTS:**

Tabled for next meeting

**PROFESSIONAL'S REPORTS:**

Administrator – Nothing further

Operator – Nothing further

Billing Clerk – Nothing further

CFO – Not present

Accountant – Not present

Attorney – Nothing further

Engineer – Mike stated himself and Ron inspected the leak at the Crystal Springs water tank. After research and speaking with the prior vendor whom inspected the tank it is not an uncommon occurrence that a joint expansion has these issues. A name was provided and Mike is in the process of reaching out to a vendor in Maryland.

**OPEN PUBLIC PORTION:**

The meeting was opened to the public.

No comments were heard from the public. The meeting was closed to the public.

**Executive Session**

A MOTION was made by Kula and seconded by Verrilli to adjourn to executive session.

The minutes of the executive session will be presented at a later time.

There being no further business, A MOTION to adjourn was made by Verrilli, meeting adjourned.

Respectfully submitted,

Gail Hensal  
Recording Secretary

**Executive Session  
HARDYSTON TOWNSHIP  
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Mark Hontz updated the commissioners on the High Ridge Properties LLC vs. Borough of Sussex et al.