

**MINUTES
HARDYSTON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
March 3, 2014**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, March 3, 2014, at the Municipal Building located at 149 Wheatsworth Road. Members present were Mr. Cicerale, Mr. Kula, Mr. Albanese, Mr. Roof, Mr. Kaminski, and Mr. O'Grady. Absent Mr. Marples. Also present were Mark Hontz, Mike Vreeland, and Marianne Smith.

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

Minutes: A MOTION was made by Kula seconded by Albanese, to approve the minutes of the January 6, 2013 meeting. In favor; Cicerale, Kula, and Albanese. Abstain, Roof, Kaminski, O'Grady.

The meeting of February 3, 2014 was cancelled due to inclement weather.

REORGANIZATION:

A MOTION was made by Kula seconded by Albanese WHEREAS, the HTMUA held its annual reorganization meeting on March 3, 2014, 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 March 3, 2014 through the next annual reorganization meeting in February 2015:

- a. Frank Cicerale is elected Chairman of the HTMUA.
- b. Stanley Kula is elected Vice Chairman of the HTMUA.
- c. Ellis Marples is elected Secretary of the HTMUA.
- d. Jeffrey Albanese is elected Treasurer of the HTMUA.
- e. Marianne Smith is appointed Administrator of the HTMUA.
- f. Gail Hensal is appointed Recording Secretary of the HTMUA.
- g. Gail Hensal is appointed Accounting Clerk of the HTMUA.
- h. Grant Rome is appointed CFO/Purchasing Agent of the HTMUA.
- i. Sussex Bank and New Jersey Cash Management Fund are designated as official depositories of the HTMUA.
- j. The New Jersey Herald and The New Jersey Sunday Herald as the official newspapers for publication.
- k. Appointment of Professional: Attorney, Engineer and Accountant (as per below motions)

- l. Adoption of meeting dates (1st Monday of each month with the exception of September 8th). Meeting time 7:00 p.m.
- m. Motion to direct Recording Secretary to advertise public contract awards and Meeting dates.

In favor: Cicerale, Kula, Albanese, Roof, Kaminski, and O'Grady.

A MOTION was made by Marples seconded by Kula 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	\$115.00 per hour
Engineer (Staff)	\$75.00 per hour
AutoCAD Technician	\$70.00 per hour
Field Survey Party	\$150.00 per hour
Inspector	\$60.00 per our
Licensed Surveyor	\$90.00 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, Wielkotz, Cerullo & Cuva, 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	\$115.00 per hour
Manager	105.00 per hour
Senior Accountant	95.00 per hour
Staff Accountant	80.00 per hour
Secretarial	65.00 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, Wielkocz, and 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, Wielkocz, 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: Cicerale, Kula, Albanese, Roof, Kaminski, and O’Grady.

OLD BUSINESS:

Indian Field:

Phase II As-Built Plans – Mike stated nothing new at this time.

Phase III Conveyance –Mike stated Beazer Homes is running into some issues regarding the ability of the Homeowners Association to convey required easements.

Waterspheroid – Mike stated there was communication between MBA and the vendor with regards to the items which need to be completed. Once the weather breaks we should be updated on a start time.

Crystal Springs:

By Pass Upgrade/SCMUA – Mike stated an informational package was sent to Tom Varro at SCMUA, as indicated in the correspondence package. Mr. Varro requested a short narrative of the pump history and present situation. Mike will forward the information including a copy of the agreement. Further discussion was held regarding the specific pumps involved.

Hamburg By-Pass – Marianne stated a meeting set up remains in progress. The history of the project was further explained to the new members.

Developer Agreement – Mark stated the developer agreement with Crystal Springs was completed. Crystal Springs has requested HTMUA approval for assignment its interest in the agreement to Crystal Springs Site Developments, Inc., its successors and assigns. There is no objection.

A MOTION was made by Kula seconded by Albanese to accept the assignment of the developer's agreement between Crystal Springs and the HTMUA to the Crystal Springs Site Developments, Inc. and the HTMUA. In favor: Cicerale, Kula, Albanese, Roof, Kaminski, and O'Grady.

High Ridge Properties:

Payment Status – Gail stated there are 22 full and 1 partial quarter behind with interest calculated through February 28, 2014 for a total of \$636,142.12.

Marianne explained the history and understanding of the amount as indicated.

Sussex Borough Agreement – Mark explained the history and agreement which was drawn between Sussex Borough, Hardyston Township and the HTMUA in regards to any and all liens on the property and how funds would be dispersed based on priorities and allocations if the property is acquired through foreclosure.

A MOTION was made by Kula seconded by Albanese to convene to Executive Session to discuss possible litigation.

The Executive session minutes will be released at a later time.

A MOTION was made by Albanese seconded by Kula to return to regular session.

A MOTION was made by Kula seconded by Albanese to have the law firm of Dorsey and Semrau, counsel for Hardyston Township to represent the HTMUA in the foreclosure litigation of Sasse Muni 6 LLC vs. Beaver Run Shopping Center Docket # F53614 pending in the Superior Court. In favor: Cicerale, Kula, Marples, Albanese, Roof, Kaminski, O'Grady.

Ridgefield Commons Emergency Interconnection –

Mike stated nothing new at this time. The developer is building in Walden Village. He is aware that he still owns the emergency interconnection but no work has been completed on it. Discussion was held regarding Ron Schneider's time and scheduled performing regular inspections and maintenance. Mike will follow up with Ron and verify the labor hours so billing can be established.

North Church Technical Center:

Mike stated a site visit was done with EI Associates. Further tank inspection reports were provided to help them determine the proper sizing necessary for generator back up for the new fire pump in addition to the necessity of a heater or the pump. Mike hopes to hear from EI shortly.

New Business

Nothing at this time.

PAYMENT OF BILLS:

A MOTION was made by Kula and seconded by Albanese to pay the bills as per the bill list. In favor: Cicerale, Kula, Albanese, Roof, Kaminski, and O'Grady.

CORRESPONDENCE:

Cicerale questioned the reduced copper and lead monitoring correspondence. Since the test only requires testing once every 3 years will Ron remember to perform these tests? Mike stated that there is monitoring reminders provided by the State web-site.

The invoices for the YMCA and WVHS have no renewal and replacement items. Mike stated the HTMUA does not own any equipment it is just the pass-through.

A MOTION was made by Kula seconded by Albanese to approve the correspondence as presented. In favor: Cicerale, Kula, Albanese, Rood, Kaminski, and O'Grady.

OFFICER'S REPORTS:

Nothing at this time.

2014 SHARED SERVICE AGREEMENTS:

Marianne stated the administrator agreement will remain the same, the water and sewer operations and billing secretarial has a modest increase which relates to health insurance costs. From the Township perspective it remains to be efficient and effective for both agencies.

A motion was made by Kula seconded by Roof to accept the shared services agreements for the 2014 year between the HTMUA and Hardyston Township for the services of Administrator, Water & Sewer Operations, and Billing/Secretarial as presented. In favor: Cicerale, Kula, Albanese, roof, Kaminski, and O'Grady.

AT&T CELL TOWER:

Mark stated the agent for AT&T presented a reasonable offer which increased our rent based on the increased space. The increased rent will be beneficial to our rate payers as it covers more than what our taxes shall be. The terms and context of the agreement remain the same with the exception of the increase of rent. All the requested changes have been made and are awaiting final copy for our signature.

A motion was made by Roof, seconded by Albanese to approve the amended atAT&T lease agreement as presented and approved by the HTMUA attorney. In favor: Cicerale, Kula, Albanese, roof, Kaminski, and O'Grady.

PROFESSIONAL'S REPORTS:

Administrator – Marianne stated as a benefit for the newest members a review of the current rate structure, budget, and customer base. Mike presented and explained a map of our system, history, on-going projects, and budgetary planning to maintain the system.

Operator – Not present. Mike stated that during Ron's attempt to turn off accounts for non-payment but could not because of the depth of the snow he discovered a fire hydrant to be non-functional/ damaged at 13 Eagles Nest Lane. It is suggested that the developer be notified for immediate repair as the HTMUA does not own this section of the development.

A MOTION was made by Kula seconded by Albanese for the Secretary to send a notice from the HTMUA regarding a non-functional/damaged fire-hydrant as located at 13 Eagles Nest Lane in Crystal Springs. In favor: Cicerale, Kula, Albanese's, Roof, Kaminski, and O'Grady.

Mike further stated the generator in the Tannery section was not able to generate both pumps. Service was dispatched and repairs made. It resolved the issue but an indicator light on the control panel would initiate for the transfer switch to be activated. There was an electrical issue along with stray currents. The control board was repaired. Ron would like to elevate and re-wire this and a few other generators within the plant in the near future.

Billing Clerk – Gail stated that the on-line payment is in the works. There has been a delay in the representative processing the correct agreement.

CFO – Not present.

Accountant –Not present.

Attorney – Nothing further

Engineer – Nothing further

OPEN PUBLIC PORTION:

The meeting was opened to the public. No members of the public were present.

The meeting was closed to the public.

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

Respectfully submitted,

Gail Hensal
Recording Secretary