

**MINUTES OF THE REGULAR MEETING OF THE MIDDLESEX COUNTY UTILITIES AUTHORITY – THURSDAY– JULY 28, 2016 – 4:00 P.M.**

A Regular Meeting of the Middlesex County Utilities Authority was held at the Authority Board Room, Main Street Extension, Sayreville, New Jersey on Thursday, July 28, 2016.

Notices of the meeting were mailed to the three counties and the News Media - The Courier News, The Star Ledger and The Home News Tribune in compliance with the Open Public Meetings Law and New Jersey Statutes.

The meeting was called to order by Chairman Ted Light at 4:00 P.M.

Present were: Chairman Ted Light; Vice Chairman John Wiley; Commissioners: Jerome Convery, Wayne Hamilton, Allan Jacobs, Joseph Juliano, Raymond Murray and James Zullo.

Absent were: Commissioners Linda Carter and Antonio Cruz.

Also present were: Freeholder Carol Bellante; Executive Director, Richard L. Fitamant; John Hoffman, Esq., Construction/General Counsel; Dan Tanzi, Wastewater Division Manager and Karen Sissick, Comptroller.

**REGULAR MEETING**

The meeting opened with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Motion for approval of the Minutes of the Regular Meeting of Thursday, June 23, 2016 was made by Commissioner Murray, seconded by Vice Chairman Wiley and carried.

Abstain: Commissioner Hamilton

**PUBLIC PORTION ON RESOLUTIONS**

Chairman Light asked if anyone wished to address the Board on any of the current Resolutions. There were no members that wished to address the Board

**RESOLUTIONS**

**Resolution No. WW-7-16-1-R**

Contract Award – New Jersey Harbor Dischargers Group Technical Advisor Agreement 2016-2017 – Great Lakes Environmental Center, Incorporated – Not to Exceed \$29,716.00

**Resolution No. SW/WW-7-16-2-R**

Amendment No. 1 to Agreement for General and Construction Counsel 2016 – Wilentz, Goldman & Spitzer, PA. – Not to Exceed \$1,350,000.00

Mr. Fitamant reported that the Fair and Open process of the pay to play act was followed and the MCUA received three (3) responses to a Request for Qualifications with staff determining Wilentz, Goldman & Spitzer being the most qualified for the continuing legal services. A large portion of this increase pertains to the Spectraserv Litigation, including payment of multiple expert witnesses, which is now concluded.

**Resolution No. WW-7-16-3-R**

Authorization of Agreement Between Middlesex County Utilities Authority and R3M Engineering, Inc.

Mr. Fitamant reported that this resolution is for authorization of an agreement between MCUA and R3M Engineering. R3M has agreed to provide payment of \$250,000 to the Authority through payments from R3M's future billings.

**Resolution No. WW-7-16-4-R**

Contract Bid Award – Contract 16-2-1(CTP) Aeration Mixer Rehabilitation – Phase 3 – Philadelphia Mixing Solutions, LTD. – Not to Exceed \$1,868,120.00

Mr. Fitamant reported that this resolution is for a contract bid award related the rehabilitation of the aeration mixers at the Central Treatment Plant. This has been an ongoing maintenance item with multiple contracts over several years. This year's contract also includes the repair to concrete deck and issues at concrete joints associated with leaking oxygen from top of the aeration tanks.

**Resolution No. WW-7-16-5-R**

Contract Bid Award – Contract 16-7-2(AC) Supply and Delivery of Hydrated Limed 2017 – Graymont, Inc. – Not to Exceed \$601,000.00

**Resolution No. WW-7-16-6-R**

Contract Bid Award – Contract 16-7-3(AC) Supply and Delivery of Ground Quicklime 2017 – Graymont, Inc. – Not to Exceed \$789,000.00

**Resolution No. WW-7-16-7-R**

Authorization to Extend Contract Term to September 7, 2017 – Contract 15-5-1(SM)(Rebid) Solids Equipment Warranty Service & Parts 2015-2017 – Alfa Laval, Inc. – Not to Exceed \$255,470.00

**Resolution No. WW-7-16-8-R**

Change Order No. 2 to Contract 13-10-2(CTP)/Final Clarifier Equipment Rehabilitation Phase II – Allied Construction Group, Inc.

Mr. Fitamant explained that this is a no cost Change Order for the rehabilitation of the final clarifiers to rebudget contract allowances to cover the cost for coating the concrete launder portion of the tank.

**Resolution No. WW-7-16-9-R**

Change Order No. 1 to Contract 13-10-1(LM)/Collection System Siphon Cleaning – Phase I – Pipe and Plant Solutions – (\$84,711.75) CREDIT

Mr. Fitamant reported that this resolution is the contract final quantities change order with a net credit of \$84,711.75 based on unused portions of contract bid items upon the completion of work.

**Resolution No. WW-7-16-10-R**

Change Order No. 9 to Contract 11-6-2(AC)/Stand-By Contract – Force Mains and Gravity Sewers – Cruz Contractors, Inc. – (\$6,079,566.26) CREDIT

Mr. Fitamant reported that this resolution is for Change Order No. 9 for the stand by contract for force mains and gravity sewers repairs with Cruz Construction Company. This contract was in place when hurricane sandy damaged the Sayreville Pump Station and the services of Cruz Construction were used for Hurricane Sandy restoration. The original base contact was \$9,798,415 and the Hurricane Sandy change orders were \$9,598,625.75 for a total authorized amount of \$19,397,040.75. Following the completion of work the final cost was \$13,317,474.49. As a result, for the final quantities change order, the authorized contract amount is being reduced by \$6,079,566.26.

**Resolution No. WW-7-16-11-R**

Authorization to Increase the Authorized Funding of Wastewater Purchase Orders Under New Jersey State Contract M-0483 Mini-Computers, Microcomputers & Work Stations

**Resolution No. SW-7-16-12-R**

Reclaimed Soil Supply Agreements Between Soil Service Companies and Middlesex County Utilities Authority – Contract Extension (Year Three)

Mr. Fitamant reported that this resolution is for authorizing the third year of a three year contract for vendors to provide a minimum of 30,000 tons of mildly contaminated soil annually to the landfill for use as cover material. The MCUA is paid for material accepted and could provide annual revenue of up to \$3 million if estimated delivery quantities are reached.

**Resolution No. SW-7-16-13-R**

Change Order No. 2 (Final Quantities) Contract No. 15-10SW – Landfill Exit Improvements and Construction of a Wheel Wash at the Middlesex County Landfill – Vollers Excavating and Construction, Inc. - \$37,606.91(CREDIT)

**Resolution No. SW-7-16-14-R**

Authorization to Execute Tier One Agreements for Solid Waste Disposal Services with County Government and Municipalities

The above resolutions were presented and moved for adoption by Vice Chairman Wiley. The motion was seconded by Commissioner Hamilton and the following members voted Aye:

Chairman Light; Vice Chairman Wiley; Commissioners: Convery, Hamilton, Jacobs, Juliano, Murray and Zullo.

Nays: None

A copy of the Wastewater Division and Solid Waste Division Bill Lists were distributed to the Commissioners.

**COMMITTEE REPORTS**

Mr. Fitamant reported that a Personnel Committee Meeting took place today at 3:15. Discussed at the meeting was the process for the selection of Division Manager and the hiring of James Major as an Administrative Coordinator being assigned to the Wastewater Division.

**OTHER BUSINESS**

Mr. Fitamant reported that a Notice of Violation for the landfill gas collection system at the landfill was issued in October of last year and explained the reasons for the fine. The MCUA will pay the fine and is looking to set up a meeting with the NJDEP to see if the air permit could be modified to allow more flexibility with the handling of equipment malfunctions.

**PUBLIC**

There were no members of the Public that wished to address the board.

Chairman Light reported that the next board meeting will be held on August 25, 2016 at 4:00 p.m.


**EXECUTIVE SESSION**

A motion was made by Vice Chairman Wiley to enter into Executive Session, seconded by Commissioner Murray and carried. The purpose of the Executive Session was to discuss a legal matter with the New Jersey Department of Community Affairs (NJDCA).

Upon completion of the Executive Session, Mr. Hoffman, Esq. reported that during Executive Session, a discussion of legal issues relating to the Contractor Responsibility Certification which addresses the concerns raised by New Jersey Department of Community Affairs. The NJDCA has questioned the inclusion of the Certification in construction contracts by the MCUA and the MCUA has prepared a response to the NJDCA. No action will be taken at today's meeting.

There being no further business, Chairman Light called for a motion to adjourn. Motion was made by Vice Chairman Wiley at 4:50 p.m., seconded by Commissioner Murray and carried.

**I hereby certify that these minutes are a true and accurate summary of that which transpired at the MCUA board meeting of July 28, 2016 at which I was present.**

  
\_\_\_\_\_  
Judith A. McCabe