

APRIL 28, 2010

The Regular Meeting of the Hanover Sewerage Authority, County of Morris and State of New Jersey, was held on Wednesday, April 28, 2010, at 8:46 in the evening, prevailing time, at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

PRESENT: Chairman Schleifer, Members O'Hare, Fariello and O'Brien; Michael C. Wynne, P.E., Executive Director; Silvio Esposito, Treasurer and Christopher Falcon, Esq.

ABSENT: Members Fariello and Sheridan

STATEMENT OF PRESIDING OFFICER

Adequate notice of this meeting has been provided in accordance with the Open Public Meeting Act by posting written notice and agenda of the meeting on the Bulletin Board in the Municipal Building, 1000 Route 10, in the Township of Hanover, and by informing the following newspapers:

HANOVER EAGLE/REGIONAL WEEKLY NEWS
MORRIS COUNTY DAILY RECORD

And by filing same with the Township Clerk.

(Signed) Joseph Schleifer,
Chairman

The Executive Director, Michael Wynne, noted that the following correspondence was received:

1. MARAZITI FALCON HEALEY

- a. 03/31/2010 Memo re: Pensions and Benefits – Legislation Update

2. HATCH MOTT MACDONALD

- a. 04/12/2010 Letter re: 299 Whippany Road, LLC. The Executive Director asked for a motion to approve the revised plans. Motion was carried by Chairman Schleifer and seconded by Member O'Brien. Roll call vote was unanimous. ABSENT: Members Fariello and Sheridan
- b. 04/21/2010 Letter re: Contract 37 – Digester Improvements.
- c. 04/26/2010 Letter re: Renaissance Parc. The Executive Director asked for a motion to approve the plans. Motion was carried by Member Galacki and seconded by Member O'Brien. Roll call vote was unanimous. ABSENT: Members Fariello and Sheridan.

4. INSTRUMENTATION, CONTROL & ENERGY ENGINEERING, LLC

- a. 04/25/2010 SCADA/Process Control Master Plan Proposal

5. CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, LLC

- a. 04/05/2010 Letter re: Dr. Molinare

6. STATE OF NEW JERSEY

- a. 04/14/2010 Letter re: Dr. Molinare
b. 04/20/2010 Letter re: Collection System Rehabilitation Project

MOTION

- a. JIF Employee Manual Changes. The Executive Director asked for a motion to approve the changes. Motion was carried by Member O'Brien and seconded by Member O'Hare. Roll call vote was unanimous. ABSENT: Members Fariello and Sheridan

RESOLUTIONS

Member Galacki offered the following resolution and moved its adoption.

RESOLUTION NO. 25-10

BE IT RESOLVED by the Hanover Sewerage Authority in the Township of Hanover, County of Morris and State of New Jersey as follows:

1. The Chairman is authorized and directed to sign new or revised Service Agreements in the form approved by the Authority with the following as shown on the Tax Map of the Township of Hanover.

OWNER

BLOCK/LOT

15-17 Saddle Road, LLC
290 CKR, LLC

701 / 18
2501 / 17

2. **This Resolution shall take effect as provided by law.**

DATED: April 28, 2010

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Member O'Hare seconded; there was unanimous roll call approval.

AYES: Chairman Schleifer, Members O'Brien, Galacki and O'Hare

ABSENT: Members Fariello and Sheridan

Member Galacki offered the following resolution and moved its adoption.

RESOLUTION NO. 26-10

WHEREAS, N.J.S.A. 40A:5A-15 requires members of each local Authority to cause an Annual Audit of its accounts to be made, and

WHEREAS, the Annual Audit Report for the fiscal year ended November 30, 2009 has been completed and filed with the Hanover Sewerage Authority pursuant to N.J.S.A. 40A:5A-15; and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the Annual Audit, certify the Resolution to the Local Finance Board that each member thereof has personally reviewed the Annual Audit Report, and specifically the sections of the Audit Report entitled "General Comments" and "Recommendations" and has evidenced same by group affidavit in the form prescribed by the Local Finance Board; and

WHEREAS, the members of the Hanover Sewerage Authority have received the Annual Audit and have personally reviewed the Annual Audit and have specifically reviewed the sections of the Annual Audit Report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17.

NOW, THEREFORE, BE IT RESOLVED that the members of the Hanover Sewerage Authority hereby certify to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the Annual Audit Report for the fiscal year ended November 30, 2009 and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED, that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this Resolution.

DATED: April 28, 2010

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS

STATE OF NEW JERSEY

ATTEST:

HANOVER SEWERAGE AUTHORITY

GROUP AFFIDAVIT FORM

THE NEW JERSEY LOCAL FINANCE BOARD

AUDIT REVIEW CERTIFICATE

We, the members of the Hanover Sewerage Authority, being of full age and being duly sworn according to law, upon oath depose and say:

1) We are duly appointed members of the Hanover Sewerage Authority.

2) We certify, pursuant to N.J.S.A. 40A:5A-17, that we each reviewed the annual audit report for the fiscal year ended November 30, 2009 and specifically the sections of the audit report entitled "General Comments" and Recommendations".

Joseph Schleifer _____

John L. O'Brien, Jr. _____

Robert E. O'Hare _____

Walter B. Galacki _____

Leonardo A. Fariello _____

Sworn to and subscribed before me

this 28th day of April 2010.

Member O'Hare seconded; there was unanimous roll call approval.

AYES: Chairman Schleifer, Members O'Brien, Galacki and O'Hare

ABSENT: Members Fariello and Sheridan

Member Galacki offered the following resolution and moved its adoption.

RESOLUTION NO. 27-10

WHEREAS, the Hanover Sewerage Authority (hereinafter “the Authority”) is authorized by the Sewerage Authorities Law (N.J.S.A. 40A-7 (11)) to make and enforce rules and regulations for the management and regulation of its business and affairs and or the use, maintenance and operation of the sewerage system and any other of its properties, and to amend the same; and

WHEREAS, the Authority adopted the “Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority” (hereinafter “the Regulations”) on November 30, 1960 and amended the same from time to time including a comprehensive revision on January 1, 2004; and

WHEREAS, the Authority’s Pretreatment Program and local limitations were approved by the Department on January 9, 1985; and

WHEREAS, the Authority was required by the NJDEP via e-mail dated January 14, 2009 to update its Regulations to reflect changes in the both the Federal Pretreatment Regulations that became effective January 11, 2006 and are commonly referred to as the Pretreatment Streamlining Regulation and to reflect changes in the NJPDES Regulations adopted January 5, 2009; and

WHEREAS, the Authority submitted the proposed changes via e-mail and by letter dated July 2, 2009; and

WHEREAS, the Authority received comments from the Department on the draft submissions by letter dated September 4, 2009.

WHEREAS, the Authority submitted supplemental information on October 16, 2009, December 15, 2009, January 5, 2010, January 15, 2010, February 18, 2010; and

WHEREAS, the Department approved the revised regulations by letter dated February 22, 2010; and

WHEREAS, the Authority was not required to provide public notice as the Federal Streamlining Regulations and the NJPDES Regulations had been previously public noticed and the changes made to the Hanover Sewerage Authority Regulations, Specification and Rate Schedule reflect only those changes; and

WHEREAS, the Authority desires to adopt and implement the revised regulations approved.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority as follows:

1. The Regulations, Specifications and Rate Schedule of the Hanover Sewerage Authority (the “Regulations”) are amended as follows:
 - a. Table of Contents

b. Article II

Best Management Practice definition can be found on page 1

Corporate Officer definition can be found on page 3

Non-Significant Categorical User definition can be found on page 14

Significant Non-Compliance definition can be found on page 15

c. Article III as per the attached NJDEP legal check list

d. Appendix C-4 Enforcement Response Plan

e. Administrative changes to the Grace Period table found at Appendix C-5

2. The balance of the Regulations shall remain unchanged.
3. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of the Resolution and to this end the provisions of this Resolution are declared to be severable.
4. This Resolution shall take effect as provided by law.

DATE: April 28, 2010

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS

ATTEST:

Member O'Hare seconded; there was unanimous roll call approval.

AYES: Chairman Schleifer, Members O'Brien, Galacki and O'Hare

ABSENT: Members Fariello and Sheridan

Member Galacki offered the following resolution and moved its adoption.

RESOLUTION NO. 28-10

WHEREAS, the Sewerage Authorities Law (N.J.S.A. 40:13A-1 et seq) authorizes every authority to appoint and employ such professional and technical advisors and experts as it may require; and

WHEREAS, the Hanover Sewerage Authority desires to retain the services of auditors, bond counsel, consulting engineers, and management consultants; and

WHEREAS, the Treasurer has stated that certified funds are available for these services; and

WHEREAS, the Authority is authorized to enter into contracts for professional services without public advertising for bids pursuant to N.J.S.A. 40A:11-5, provided notice of the award is published; and

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey on this 28th day of April 2010 as follows:

1. The Chairman and Executive Director are hereby authorized and directed to execute agreements for Professional Services with

Firm	Service
Instrumentation, Control & Energy Engineering, LLC	Engineering

2. A brief notice shall be published in the Hanover Eagle/Regional Weekly News stating the nature, duration, service and amount of the contracts and that this Resolution and contracts are on file for public inspection at the office of the Hanover Sewerage Authority, 1000 Route 10, Whippany, New Jersey.
3. This Resolution shall take effect as provided by law.

DATED: April 28, 2010

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

TREASURER'S CERTIFICATION

I, Silvio Esposito, hereby certify that sufficient funds have been appropriated and are available through the Operating Fund and Plant Expansion Fund for the services provided in Resolution No. 28-10.

Silvio Esposito
Treasurer

DATED: April 28, 2010

Member O'Hare seconded; there was unanimous roll call approval.

AYES: Chairman Schleifer, Members O'Brien, Galacki and O'Hare

ABSENT: Members Fariello and Sheridan

Member Galacki offered the following resolution and moved its adoption.

RESOLUTION NO. 29-10

WHEREAS, the Hanover Sewerage Authority is engaged in litigation, discovery and settlement efforts in the matter currently pending in the Superior Court of New Jersey, Appellate Division and the Office of Administrative Law, entitled "In the Matter of Adoption of Amendments to the Northeast, Upper Raritan, Sussex County And Upper Delaware Water Quality Management Plans to Establish Total Maximum Daily Loads in the Non-Tidal Passaic River Basin and Pompton Lake/Ramapo River Addressing Phosphorus Impairments and to Establish Watershed Criteria," OAL Docket Nos. A-5266-07T3, A-5271-07T3, A-5990-07T3, and A-5993-07T3, (hereinafter "Litigation") in common with Pequannock, Lincoln Park and Fairfield Sewerage Authority and the Madison-Chatham Joint Meeting; and

WHEREAS, the Litigation arises out of certain related factual circumstances and gives rise to certain common factual and legal issues, and the Parties share a common legal interest in relation to the Litigation; and

WHEREAS, given such common legal and factual issues and such common legal interests, the Parties desire to retain the services of one reservoir management expert for the purposes of the preparation of expert testimony and believe that a collaborative effort will best accomplish the goals for their respective entities in connection with the Litigation; and

WHEREAS, Les K. Lampe, P.E., of Black and Veatch, has been identified as possessing the requisite knowledge and skill necessary to present the expert testimony required by the Parties for these purposes; and

WHEREAS, Black and Veatch is currently employed as a consulting engineer for the Pequannock, Lincoln Park & Fairfield Sewerage Authority and provides engineering services under contract, which contract has been amended to include expert testimony services in an amount not to exceed \$80,000 without further authorization, and Madison-Chatham Joint Meeting and Hanover Sewerage Authority desire to utilize the services of the reservoir management expert under the existing contract of the Pequannock, Lincoln Park & Fairfield Sewerage Authority and agree to contribute to the cost of the same in an amount not to exceed \$27,000 unless specific authorization is received in advance; and

WHEREAS, Black and Veatch is amenable to invoicing each entity separately for its proportionate share of Black & Veatch services; and

WHEREAS, the Hanover Sewerage Authority deems it to be in its best interests to enter into a Shared Services Agreement for the provision of such expert testimony services and have agreed that the citizens of its community can be better served, at a reduced expenditure of scarce tax dollars, by arranging for the joint provision of these services as permitted by N.J.S.A. 40:8A-1, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey as follows:

1. The Chairman is authorized and directed to sign the aforesaid Agreement on behalf of the Authority subject to the execution and delivery of the Agreement by the other parties thereto; and

2. A copy of the executed agreement shall be filed with the Division of Local Government Services.
3. This Resolution shall take effect as provided by law.

DATED:

HANOVER SEWERAGE AUTHORITY
 COUNTY OF MORRIS
 STATE OF NEW JERSEY

ATTEST:

Member O'Hare seconded; there was unanimous roll call approval.

AYES: Chairman Schleifer, Members O'Brien, Galacki and O'Hare

ABSENT: Members Fariello and Sheridan

Member Galacki moved the following reports be accepted and filed as received; Member O'Hare seconded; there was unanimous approval.

ABSENT: Members Fariello and Sheridan

REPORTS

- Plant Operations Report – dated March 18 – April 21, 2010
- Plant Operations Weekly Meetings – dated March 19 – April 21, 2010
- Hatch Mott MacDonald Report – dated April 23, 2010
- Collection System Status Report – dated March 18 – April 21, 2010
- Superintendents Report #681 – dated March 2010
- Treasurers Report – dated March 31, 2010
- IPP Report – dated February 19 – March 15 & March 15 – April 16, 2010
- High Flow Report – dated March 30, 2010

Member O'Brien moved the payment of bills be confirmed and authorized as listed; Member Galacki seconded; there was unanimous approval.

ABSENT: Members Fariello and Sheridan

REVENUE FUND 109

\$ 14,899.00

REVENUE FUND 110

\$352,127.17

<u>REVENUE FUND 201</u>	\$
<u>PLANT EXPANSION FUND 301</u>	\$230,606.68
<u>PLAN REVIEW FUND 401</u>	\$ 7,312.70
<u>PAYROLL</u>	\$172,715.35
<u>OTHER BUSINESS</u>	

OPEN TO PUBLIC

ADJOURNMENT The meeting adjourned at 8:39 pm

Respectfully submitted,

Michael C. Wynne, P.E.
Executive Director