

**December 15, 2010**

The Regular Meeting of the Hanover Sewerage Authority, County of Morris and State of New Jersey, was held on Wednesday, December 15, 2010, at 8:32 in the evening, prevailing time, at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

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

ABSENT: Members Fariello

**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

**1. NJDEP**

- a. 12/07/2010 Letter re: TWA Approval Novartis East Village Expansion

**2. GDS MECHANICAL INC.**

- a. 11/30/2010 Email re: Municipal Mechanic's Lien Claim bond

**3. WAXMAN & SCHAFFER**

- a. 12/09/2010 Transcript re: HSA November 23, 2010 Meeting

Member O'Brien offered the following resolution and moved its adoption.

**RESOLUTION TO DECLINE BOND IN SUBSTITUTION  
FOR FUNDS SUBJECT TO LIEN ON CONTRACT 36**

**WHEREAS**, the Hanover Sewerage Authority (“the Authority”) and GDS Mechanical, Inc. (“GDS”) have entered into a contract for the construction of facilities at the Authority’s treatment plant, known as Contract 36; and

**WHEREAS**, a Municipal Mechanics Lien has been filed by Sparta Steel Corporation, a subcontractor of GDS, on October 13, 2010, in the amount of \$113,131.56, pursuant to N.J.S.A. 2A:44-134; and

**WHEREAS**, GDS has offered to post a bond in the amount of \$226,263.12, dated November 29, 2010, in return for release of the liened funds; and

**WHEREAS**, the Authority has considered the matter and determined in its discretion, according to law, that it shall retain, or if necessary pay into Court, the sums held by it pursuant to the aforesaid Municipal Mechanics Lien rather than accept a bond in place thereof so as to avoid reliance on a bond with the incidental risks associated therewith including but not limited to the possible assertion of defenses by the surety and potential litigation or other costs to recover on a bond;

**NOW, THEREFORE, BE IT RESOLVED** by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on the 15<sup>th</sup> day of December, 2010, as follows:

1. The Executive Director is authorized and directed to notify GDS Mechanical Inc., of its determination to retain the liened funds and return the bond offered by it as security for a release of the said funds.
2. This Resolution shall take effect as provided by law.

DATED:

HANOVER SEWERAGE AUTHORITY  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

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

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

ABSENT: Members Fariello

Chairman Schleifer moved the following reports be accepted and filed as received; Member Galacki seconded; there was unanimous approval.

ABSENT: Members Fariello

**REPORTS**

- Plant Operations Report – dated November 18 – December 15, 2010
- Plant Operations Weekly Meetings – dated November 18 – December 15, 2010
- Hatch Mott MacDonald Report – dated December 10, 2010
- Collection System Status Report – dated November 18 – December 15, 2010
- Treasurers Report – dated November 30, 2010
- Superintendents Report # 689 – dated November, 2010
- IPP Report dated November 12 – December 15, 2010

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

ABSENT: Members Fariello

<b><u>REVENUE FUND 109</u></b>	\$ 0.00
<b><u>REVENUE FUND 110</u></b>	\$ 9,8423.50
<b><u>REVENUE FUND 201</u></b>	\$ 0.00
<b><u>PLANT EXPANSION FUND 301</u></b>	\$246,144.94
<b><u>PLAN REVIEW FUND 401</u></b>	\$ 740.69
<b><u>PAYROLL</u></b>	\$246,813.29
<b><u>OTHER BUSINESS</u></b>	
<b><u>OPEN TO PUBLIC</u></b>	

**ADJOURNMENT**

Respectfully submitted,

Michael C. Wynne, P.E.  
Executive Director