

February 2, 2011

The Executive Director opened the meeting notifying the members that the Resolutions for the Organization Regular Meeting have been prepared and are ready to be voted on at the Regular Meeting. MCW asked for confirmation of the Authority Members for the 2010-2011 year. Chairman Schleifer was nominated by the Board. Vice Chairman will be Walter B. Galacki, Secretary will be Robert E. O'Hare, Assistant Secretary will be John L. O'Brien, with Liaison Mayor John Sheridan.

At this point, Chairman Schleifer thanked the other Members of the Authority. Roll call: Chairman Schleifer, here. Vice Chairman Galacki, here. Member O'Brien, here. Member O'Hare, here. Absent: Member Fariello and Liaison Sheridan.

A motion was made by Chairman Schleifer to appoint Michael C. Wynne as Temporary Chairman. The motion was seconded by Member Galacki and unanimously approved.

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) Temporary Chairman
Michael C. Wynne

The Chairman opened the meeting to the public at 7:30 p.m.

1. Organization meeting – See agenda

Member O'Hare put forth a motion to adopt *Resolution 01-11*, Election of Officers; the motion was seconded by Member O'Brien. Roll call vote was unanimous.

ABSENT: Member Fariello

RESOLUTION NO. 1-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the following slate of officers be and they are hereby elected for the year 2011 and until the Organization Meeting held in February of 2011.

CHAIRMAN ----- Joseph Schleifer
VICE-CHAIRMAN ----- Walter Galacki
SECRETARY ----- Robert E. O'Hare
TREASURER ----- Silvio Esposito
ASSISTANT SECRETARY ----- John L. O'Brien, Jr.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 2-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the

BANK OF NEW YORK
J.P. MORGAN CHASE
WACHOVIA BANK
BANK OF AMERICA
N.J. CASH MANAGEMENT FUND
PNC BANK
CAPITAL ONE
VALLEY NATIONAL BANK
SOVEREIGN BANK
HSBC BANK
TD BANKNORTH
INVESTORS SAVINGS BANK
PROVIDENT BANK

be and they are hereby designated as official depositories of the Hanover Sewerage Authority.

BE IT FURTHER RESOLVED that all withdrawals shall be made by wire transfer, check or withdrawal slip signed by the Chairman or Vice-Chairman and Treasurer of the Authority.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

Absent: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 3-11

WHEREAS, the Open Public Meetings Act, Chapter 231 of the Laws of 1975, requires all bodies covered by said Act at least once each year and within seven (7) days following the Annual Organization or Reorganization meeting of such body to post and maintain posted throughout the year as set forth in the Act, a schedule of the regular meetings of the public body to be held during the succeeding year.

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

1. The Schedule of regular meetings of the Hanover Sewerage Authority as set forth in the schedule annexed hereto be and the same is hereby adopted.
2. The Authority Recording Secretary is hereby authorized and directed to prominently post said schedule in at least one (1) public place reserved for such announcements.
3. Said schedule shall be mailed, telephone, telegraphed, or hand delivered by the Authority Recording Secretary to the following two (2) official newspapers:

HANOVER EAGLE/REGIONAL WEEKLY NEWS
MORRIS COUNTY DAILY RECORD

4. Said schedule shall be placed on file with the Township Clerk of the Township of Hanover.

5. Special meetings may be held as and when necessary, with notice to be given as provided for in the Act and meetings involving urgent matters may be held as provided for in Section 4b of the Act.
6. In the event that the annexed schedule is hereafter revised, the revised schedule shall be posted, mailed and filed by the Authority Recording Secretary in the manner described hereinabove.
7. Any person who requests a copy of the within schedule or any revisions thereto shall be provided with the same upon the payment of the following fees and upon payment of said sums said persons shall be mailed copies of the schedule. The sum of \$100 is hereby designated as the fee for said service, which shall terminate at midnight of January 31st of each year unless requests for renewal are received.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
 COUNTY OF MORRIS
 STATE OF NEW JERSEY

ATTEST:

NOTICE IS HEREBY GIVEN, that the following is the schedule of regular meetings of the Hanover Sewerage Authority for the year 2011/2011 to be held at the listed location at the hours (prevailing time) and the dates specified:

REGULAR MEETINGS

2011			
February 24, 2011	8:30 p.m.	Municipal Building	Regular
March 24, 2011	8:30 p.m.	Municipal Building	Regular
April 28, 2011	8:30 p.m.	Municipal Building	Regular
May 26, 2011	8:30 p.m.	Municipal Building	Regular
June 23, 2011	8:30 p.m.	Municipal Building	Regular
July 21, 2011	8:30 p.m.	Municipal Building	Regular (3 rd Wednesday)
*August 18, 2011	8:30 p.m.	Treatment Plant	Regular (3 rd Wednesday)
September 22, 2011	7:00 p.m.	Municipal Building	Budget Workshop
September 29, 2011	8:30 p.m.	Municipal Building	Regular (5 th Wednesday)
October 27, 2011	8:30 p.m.	Municipal Building	Regular
November 23, 2011	8:30 p.m.	Treatment Plant	Regular (4 th Tuesday)
December 15, 2011	8:30 p.m.	Municipal Building	Regular (3 rd Wednesday)
2011			
January 26, 2011	8:30 p.m.	Municipal Building	Regular
February 2, 2011	7:30 p.m.	Municipal Building	Organization

1. Special meetings may be held as and when necessary, with notice to be given as provided for in the Open Public Meetings Act, Chapter 231 of the Laws of 1975, and meetings involving urgent matters may be provided for in Section 4b of the Act.

Conference meetings of the Hanover Sewerage Authority are held at 7:00 p.m. before the regular meetings, or following the regular meetings. The public may attend such meetings, subject to those areas of consideration from which the public may be excluded pursuant to Sections 7b and 8 of the Act.

* Meeting to begin at 6:00 p.m.

Municipal Building is located at 1000 Route 10, Whippany.
Treatment Plant is located at 40 Troy Road, Whippany.

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 4-11

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 3rd day of February 2011 as follows:

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

Firm

Service

McManimon and Scotland
VM Associates
QC Laboratories
Omni Environmental
Emilcott Associates

Bond Counsel
Auditor
Laboratory
Laboratory / Engineering
Laboratory

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: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 5-11

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 legal counsel, employment counsel and consulting engineers as a non-fair and open contract pursuant to provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year, and;

WHEREAS, the firms listed have submitted proposals indicating they will provide the described services, and;

WHEREAS, each firm has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the end of the contract, 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 3rd day of February 2011 as follows:

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

Firm	Service
Maraziti, Falcon and Healey	Legal Counsel
Hatch Mott MacDonald	Consulting Engineer
Knapp, Trimboli & Prusinowski, LLC	Employment Counsel
Paul Forti	Management Consultant
Dewling Associates	Consulting engineer
Stanford Risk Management	Risk Manager

5. 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.
6. A resolution authorizing the award of non-fair and open contract for the business disclosure entity certification and the determination of value be placed on file with this resolution, and;
7. This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 6-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the following be designated as the official newspapers for the Authority for the year 2009:

1. HANOVER EAGLE/REGIONAL WEEKLY NEWS
2. MORRIS COUNTY DAILY RECORD
3. THE STAR LEDGER

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Chairman Schleifer and adopted by the following roll call vote:
AYES: Members, O'Brien and Galacki

ABSENT: Member Fariello

Member O'Hare offered the following Resolution and moved its adoption:

RESOLUTION NO. 7-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that

VM ASSOCIATES

represented by Vincent M. Montanino, be and they are hereby appointed as Auditors of the Hanover Sewerage Authority for the year 2011.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Absent: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 8-11

BE IT RESOLVED, by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the firm of

MARAZITI, FALCON AND HEALEY

be and they are hereby designated as Attorneys for the Hanover Sewerage Authority for the year 2011.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Chairman Schleifer and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Member Fariello offered the following Resolution and moved its adoption:

RESOLUTION NO. 9-11

BE IT RESOLVED, by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the firm of

MC MANIMON AND SCOTLAND

be and they are hereby designated as Bond Counsel to the Hanover Sewerage Authority for the year 2011.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 10-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the firm of

KNAPP, TRIMBOLI & PRUSINOWSKI, LLC

be and they are hereby appointed as Employment Counsel for the Hanover Sewerage Authority for the year 2011.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 11-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the firm of

HATCH MOTT MACDONALD

be and they are hereby appointed as Consulting Engineers for the Hanover Sewerage Authority for the year 2011.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 12-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that

MICHAEL C. WYNNE, P.E.

be and he is hereby appointed as Executive Director and Recording Secretary of the Hanover Sewerage Authority for the year 2009.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 13-11

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that the fiscal year of the Hanover Sewerage Authority shall commence on December 1, 2009 and end on November 30, 2011.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 14-11

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 rate of interest on delinquent sewer accounts shall be eighteen (18%) percent per annum in accordance with the N.J.S.A. 40:14A-21.
2. Sewer charge payments received in the Authority's office within thirty (30) days of the due date shall not be liable for the aforesaid interest charge. Payments not received within this period shall accrue interest from the original due date.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 15-11

RESOLUTION TO AUTHORIZE THE DEFENSE AND INDEMNIFICATION OF THE MEMBER AND EMPLOYEES OF THE HANOVER SEWERAGE AUTHORITY

WHEREAS, there exists a need to protect the members and employees of the Hanover Sewerage Authority (“the Authority”) from the monetary costs of fines, penalties, damages, settlements, costs and legal fees associated with the defense of any civil or criminal actions which may be brought from this day forward against the Authority, or any such members or employees, as the result of any action(s) or omission(s) relating to the duties of such member or employee of the Authority; and

WHEREAS, the Authority desires to provide protection for its members and employees from the financial consequences of any such civil and/or criminal action to the extent permitted by law and, therefore, provided that the actions of the members and/or employees concerned do not constitute actual fraud, actual malice, willful misconduct or any intentional act or omission in the judgment of the Authority:

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority, in the County of Morris and State of New Jersey, on this 3rd day of February 2011 as follows:

1. The Authority shall, to the extent permitted by law, pay or otherwise reimburse the members and employees of the Authority for all fines, penalties, damages, costs and legal fees associated with the defense of any civil or criminal action brought after the adoption of this Resolution against such member or employee based upon an act or omission of that member or employee arising out of and directly relating to the lawful exercise of his or her official duties or under color of his or her authority.
2. In any case where the Authority provides a defense to a member or employee, it is authorized to make direct payments to counsel or reimburse the member or employee for the costs associated with his or her defense upon the approval by the Authority of proper vouchers submitted therefore, but in no case shall the Authority be authorized to pay or reimburse for legal fees and expenses exceeding those customarily charged for legal services in the defense of such actions.
3. In any case where the Authority elects to reimburse for costs rather than to pay the same directly as the costs are incurred, then it shall do so on at least a quarterly basis during the pendency of any action.
4. Notwithstanding the foregoing, the Authority may refuse to provide for the defense and/or to indemnify any member or employee of the Authority in any action referred to above or recover any amounts paid on behalf of such member or employee for such defense if in its sole direction it has reason to conclude that the act or omission was:

a. Not within the scope of such member or employee duties or was carried out in an individual capacity (outside the scope of employment);

b. The subject matter of any action brought by the Authority against the member or employee;

c. A violation of the Local Government Ethics Law (P.L. 1991 c. 29); or

d. Due to actual fraud, actual malice, willful misconduct or an intentional wrong.

5. In any action in which the Authority intends to provide a defense or indemnify a member or employee the Authority shall pay the deductible under any appropriate insurance policy that requires the insurer to defend and indemnify.

6. In any action where the provision of such a defense and/or indemnification is sought by a member or employee, and the Authority agrees to provide such a defense or provide indemnification, subject to paragraph 4, and to the extent that the Authority's insurance carrier does not select counsel, it is within the sole discretion of the Authority to:

a. Provide a defense by an attorney chosen by the Authority; or

b. Provide a defense by an attorney or the member or employee's choosing.

7. In the event that a civil action results in compensatory and/or punitive damages against a member or employee of the Authority, the Authority shall indemnify such member(s) and/or employee(s), provided that the Authority does not refuse to provide for such indemnification for the reasons set forth in paragraph 4.

8. In the event that a civil action results in a settlement, the Authority shall indemnify such member(s) and/or employee(s) against whom such settled claims have been made, provided that the Authority does not refuse to provide for such indemnification for the reasons set forth in paragraph 4.

9. Although the Authority will provide for the defense of a member or employee in a criminal action subject to the term of this Resolution, in no event will the Authority indemnify a member or employee for criminal penalties.

10. Any person seeking payment or reimbursement under the policy enunciated in this Resolution shall give prompt notice to the Authority of the pendency of any action against them, at which time the Authority shall have the duty to implement the provisions of this Resolution.

11. The payment and reimbursement policy set forth herein shall remain in effect and shall not expire unless discontinued by the adoption of a Resolution at the annual organization meeting of the Authority except that it shall not be revoked as to any action then pending and for which the Authority is or will make payments pursuant to this policy.

12. It is the intention of this Resolution to set forth the policy with respect to the indemnification of persons associated with the Authority in the management of its affairs and business to the maximum extent permitted by law, and if any provision hereof or the application hereof to any person or circumstance is held invalid by a court of competent jurisdiction such invalidity shall not affect other provisions of this Resolution and to this end the provisions hereof are declared to be severable.

This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello.

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 16-11

WHEREAS, there exists a need for the designation of an officer or employee to serve as a Public Agency Compliance Officer ("P.A.C.O") pursuant to N.J.A.C. 17.27 for the Hanover Sewerage Authority ("Authority"); and

WHEREAS, the P.A.C.O. is the liaison official for matters concerning Affirmative Action as set forth in P.L. 1975, c.127 (N.J.A.C. 17.27); and

WHEREAS, THE Authority desires to comply with the Affirmative Action requirements and wishes to make appropriate corrections (as necessary) to the Hanover Sewerage Authority's contracting procedures:

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on the 3rd day of February 2011 as follows:

1. The Authority does hereby appoint the Executive Director as the Public Agency Compliance Officer (P.A.C.O.) for the Hanover Sewerage Authority.
2. The P.A.C.O. shall act as the liaison between the Authority and the New Jersey Department of the Treasury, Affirmative Action Officer and shall make appropriate corrections (as necessary) to the Agency's contracting procedures to comply with the Affirmative Action regulations cited in N.J.A.C. 17.27.

3. The Executive Director is authorized and directed to complete the appropriate notification form designating the P.A.C.O and to forward the same to the Department of the Treasury.
4. This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 17-11

WHEREAS, the Hanover Sewerage Authority is required from time to time to endorse applications to the New Jersey Department of Environmental Protection in connection with extensions of the sewer system of the Authority by developers in the Township of Hanover as well as areas outside of the said Township served by the Authority, in connection with other treatment works approvals and in connection with NJPDES Permit applications; and

WHEREAS, the said NJDEP provides for such endorsements to be accomplished by means of its Treatment Works Approval Application ("TWA") and other forms.

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

1. From the date hereof and unless and until revoked, the Authority authorizes and directs the Executive Director of the Authority to execute or endorse a TWA Application on its behalf in connection with any project which has been reviewed and approved by it at any regular or special public meeting of the Authority.
2. This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 18-11

WHEREAS, Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) provides for the designation of a Contracting Agent and Purchasing Agent; and

WHEREAS, the Authority desires to designate the Michael C. Wynne, Executive Director of the Authority, as both Contracting Agent and Purchasing Agent; and

WHEREAS, Mr. Wynne is a Qualified Purchasing Agent,

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this 3rd day of February 2011 as follows:

1. Michael C. Wynne is hereby designated as the Contracting Agent and Purchasing Agent for the Authority.
2. Mr. Wynne is authorized and directed to perform all functions of the Contracting Agent and Purchasing Agent pursuant to N.J.S.A. 40A:11-1 et. seq.
3. Mr. Wynne is authorized to award contracts up to the bid threshold (\$29,000).
4. Contracts of values greater than the bid threshold shall be awarded by Resolution.
5. This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 19-11

WHEREAS, Local Public Contracts Law (N.J.S.A. 40:11-1 et. seq.) provides for the award of contracts; and

WHEREAS, N.J.S.A. 40A:11-6.1c provides for awarding of contracts in amounts less than fifteen (15%) percent of the bid threshold without obtaining two (2) or more quotations, if authorized by the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this 4th day of February 2008 as follows:

- 1) In accordance with the provisions of N.J.S.A. 40A:11-6.1c the Authority authorizes award of contracts less than fifteen (15%) percent of the bid threshold (\$4,350) without competitive quotations.
- 2) Contracts greater than fifteen (15%) percent of the bid threshold (\$4,350) but less than the bid threshold (\$29,000) shall be awarded based upon competitive quotations.
- 3) This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

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Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 20-11

WHEREAS, in accordance with the Local Fiscal Affairs Law, N.J.S.A. 40:5-1 et seq., and in particular N.J.S.A. 40A:5-13, each local unit shall adopt a Cash Management Plan and shall deposit its funds in accordance with that Plan; and

WHEREAS, it is a requirement of the Regulations that such a Cash Management Plan be memorialized in writing and formally adopted by Resolution of the governing body; and

WHEREAS, it is the desire of the Authority Members to approve and adopt the Cash Management Plan for the Hanover Sewerage Authority as prepared by the Authority's Treasurer.

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

- 1) The Cash Management Plan for the Hanover Sewerage Authority as prepared by the Authority's Treasurer, in accordance with the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq., as attached hereto, is hereby adopted and approved by the Authority Members.
- 2) That a certified copy of this Resolution shall be transmitted to the Authority's Executive Director and Treasurer for their reference and information.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 21-11

RESOLUTION OF THE HANOVER SEWERAGE AUTHORITY DESIGNATING A CUSTODIAN OF GOVERNMENT RECORDS PURSUANT TO THE OPEN PUBLIC RECORDS ACT, N.J.S.A. 47:1A-1 ET SEQ.

WHEREAS, the recent amendments to public records laws in New Jersey commonly known as the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. (the "Act") requires public agencies to make government records readily accessible for inspection, copying or examination by the citizens of this State, with certain exceptions; and

WHEREAS, pursuant to the Act, a public agency must officially designate a custodian of government records by formal action of its governing body; and

WHEREAS, the Authority desires to designate Michael C. Wynne, Executive Director, as the Custodian of the Authority's Government Records, as that term is defined in the Act

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this 3rd day of February, 2011 as follows:

1. That Michael C. Wynne be and hereby is appointed Custodian of the records of the Hanover Sewerage Authority.

2. That said Custodian shall respond to all requests for access to or copies of Government Records as that term is defined in the Act, within the time period provided by the Act.
3. This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 22 - 10

BE IT RESOLVED by the Hanover Sewerage Authority, County of Morris and State of New Jersey, that officers and employees using a personal vehicle on travel for Authority purposes, shall be reimbursed at the rate of fifty five (\$.50) cents per mile.

BE IT FURTHER RESOLVED that evidence of such mileage shall be submitted in the form of odometer readings or mileage driven and purpose for such usage.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

RESOLUTION NO. 23-11

WHEREAS, the Local Public Contracts Law gives local contracting units the ability to increase their bid threshold up to \$29,000; and

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Michael C. Wynne possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

WHEREAS, Hanover Sewerage Authority desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this 3rd day of February 2011 as follows:

- 4) The bid threshold is increased to \$29,000.00;
- 5) Michael C. Wynne is appointed as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility and accountability of the purchasing activity of the contracting unit;
- 6) In accordance with N.J.A.C. 5:34-5.2 the Executive Director is hereby authorized and directed to forward a certified copy of this resolution and a copy of Michael C. Wynne's certification to the Director of the Division of Local Government Services.
- 7) This Resolution shall take effect as provided by law.

DATED: February 2, 2011

HANOVER SEWERAGE AUTHORITY
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

Chairman Schleifer offered the following Resolution and moved its adoption:

**JOINT PURCHASING AGREEMENT BETWEEN
THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AND THE PARTICIPANT
FOR MERCURY SAMPLING SERVICES**

This Agreement is dated and entered into as of the 1st day of January, 2011 by The Mount Holly Municipal Utilities Authority, with principal offices at 37 Washington Street, Mount Holly, New Jersey 08060 (hereinafter, the “Authority”) and _____, with principal offices at _____ (hereinafter, the “Participant”).

WHEREAS, in order to reduce mercury levels in ground and surface waters, the Department of Environmental Protection (the “Department”) has adopted the “Amalgam Rule” (N.J.A.C. 7:14A-21.12) (the “Rule”) which establishes best management practices and regulatory requirements for owners of dental facilities that generate amalgam waste through the removal or placement of amalgam fillings, and which requires said facilities to install amalgam separators; and

WHEREAS, the Department has requested that NJPDES permit holders conduct certain effluent sampling, analysis and reporting for mercury during the first round of testing before implementation of the Rule and the second round of testing after implementation of the Rule in order that the Department may assess the impact of the Rule; and

WHEREAS, the Department has specified that the laboratory analysis for mercury be conducted in accordance with USEPA approved Method 1631E, with a Method Detection Level of 0.02 ng/L and Recommended Quantification Level of 1.0 ng/L; and

WHEREAS, the first round of testing took place in 2008; and

WHEREAS, the Department has requested that three samples be taken during the second round of testing during the period from February 1, 2011 to July 31, 2011, and that the results of the laboratory analysis be reported to the Department within thirty days after the completion of each round of sampling; and

WHEREAS, the Authority and the Participant have determined that it is in their best interests to perform the three requested mercury sampling, analysis and data reporting events for the second round of testing as part of a single unified program (“Program”), which will provide consistent results in a cost-effective manner; and

WHEREAS, there are other municipal utilities authorities, sewerage authorities and municipal corporations that have similar interests to those of the Authority and the Participant that have also been requested by the Department to conduct effluent sampling, analysis and reporting for mercury, and will also be involved in the Program (the additional municipal utilities authorities, sewerage authorities and municipal corporations, along with the Authority and Participant, hereinafter collectively referred to as the “Participants”); and

WHEREAS, the Authority has agreed to act as lead agent for the Program; and

WHEREAS, the Participants desire to engage consulting services as may be reasonably necessary to perform mercury sampling, analysis and data reporting, as requested by the Department; and

WHEREAS, the Participants are authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., to enter into contracts for the purchase of any work, materials and supplies for use by their respective jurisdictions; and

WHEREAS, the Participants are authorized by N.J.S.A. 40A:11-10 to enter into this agreement for the purchase of extraordinary unspecifiable services for the benefit of their respective jurisdictions.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and for other good and valuable consideration in hand received, it is hereby agreed as follows:

1. The Authority shall act as lead agent for the procurement by the Participants of such extraordinary unspecifiable services as may be reasonably necessary to perform mercury sampling, analysis and data reporting, in the manner requested by the Department.
2. The Authority shall retain the services of Omni Environmental, LLC (“Omni”) pursuant to an extraordinary unspecifiable services resolution and agreement, which agreement shall be awarded under a process that does not permit certain political contributions to be made. An overview of Omni’s services is attached hereto as Exhibit A. Omni shall have the overall responsibility for compliance with the sample collection, analysis and data reporting requirements for mercury. Omni shall engage an out-of-state laboratory, “New Jersey Certified” for Method 1631E, as a subcontractor, to provide sample analysis and related services.
3. The final cost to each Participant shall be based on the level of effort necessary to satisfy the sample collection, analysis and reporting requirements for that Participant. The base cost to each Participant shall be a total of \$3,350.00 for the three events to be performed during the second round of testing. The Participants acknowledge that final costs may be subject to change if additional sampling is requested. If a Participant requests that samples be taken at additional locations within the plant, (e.g., influent), the additional charge shall be a total of \$700.00 per location for the three events. If a Participant requests that samples be taken at additional locations outside the plant (e.g., pump stations, etc.), the additional charge shall be \$800.00 per event per location. Prices assume that hand-grab samples can be obtained with a maximum of a six-foot pole. If special equipment or pumps are required, additional charges will apply.

4. The Program, and this Agreement, shall apply to the second round of mercury testing only.
5. The Authority shall act as the lead agent for the Participants for contractual and billing purposes under the Program. Omni shall provide an invoice to the Authority, indicating each Participant's cost for participation in the Program. A copy of the invoice shall be distributed by the Authority to each Participant. Each Participant shall pay its share of the invoice within thirty (30) days of presentation, by check made payable to "The Mount Holly MUA". The Authority shall deposit all funds collected into a separate account to be used for the payment of the invoices.
6. Under no circumstances shall the Authority be responsible for any Participant's share of the cost of participation in the Program, nor shall the Authority be obligated to pay any invoice on behalf of any Participant, if funds have not been received from that Participant.

IN WITNESS WHEREOF, the parties hereto have set their respective hands as of the date and year first written above.

THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY

By: _____
William G. Dunn, Executive Director

PARTICIPANT:

By: _____



Mercury Sampling Group (MSG) Overview

-- January 3, 2011 --

Purpose: Assist Participants in satisfying NJDEP mercury effluent monitoring requirements to determine effectiveness of dental amalgam separators.

Requirement: Establish effluent concentrations of mercury from Participants by providing 3 test results to NJDEP from sampling conducted between February 1, 2011 and July 31, 2011 (with at least 30 days required between each sampling event).

Methods: *Laboratory analysis* – EPA Method 1631E (Quantification Level = 1.0 ng/l).
Sampling method – EPA Method 1669 (“Sampling Ambient Water For Trace Metals at EPA Water Quality Criteria Levels”). “Clean Hands-Dirty Hands” technique required to ensure sample integrity and “cleanest” results.

Proposal: Obtain required samples on behalf of Participants, complete laboratory analysis, evaluate data, and report results to NJDEP.

- Select certified lab based on qualifications and experience
- Coordinate sampling and analysis with Participants and selected lab
- Obtain sterilized sample bottles and certified DI water from certified lab
- Obtain required grab samples of effluent (1 sample per event; 3 events)
- Obtain required field blank samples (1 field blank per event; 3 events)
- Transport/ship samples to lab
- Receive lab results
- Complete QA/QC on lab results
- Review results with Participants
- Submit data to NJDEP within 30 days of obtaining each sample

Price: **Cost per Participant: \$3,350** (total for all 3 events).*

Cost of additional sampling locations within the plant (e.g., influent): \$700 per location (total for all 3 events).* Please note on signature page if additional locations are requested.

*All prices assume hand-grab samples can be obtained with maximum of 6-foot pole. If other special equipment (e.g., pump) is required, additional charge will apply. If additional equipment is needed, an additional field blank will be collected at each location during each event.

Contracts: Joint Purchasing Agreement between MHMUA and Participant, unless existing Omni clients prefer to contract directly with Omni.
MHMUA will contract with Omni Environmental LLC for sampling, coordination, and laboratory services.
Omni will sub-contract with NJDEP-certified laboratory for sample analysis.

EXHIBIT "A"

The Resolution was seconded by Member O'Hare and adopted by the following roll call vote:

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

ABSENT: Member Fariello

OTHER BUSINESS:

OPEN TO THE PUBLIC

ADJOURNMENT - A motion to adjourn was made by Member O'Hare; seconded by Member O'Brien and roll call vote was unanimous. The meeting adjourned at 7:33 p.m.

Respectfully submitted,

Michael C. Wynne, P.E.
Executive Director