

**FEBRUARY 27, 2013**

The Regular Meeting of the Hanover Sewerage Authority, County of Morris and State of New Jersey, was held on Wednesday, February 27, 2013, at 8:36 in the evening, prevailing time, at the Municipal Building, 1000 Route 10, Whippany, New Jersey.

PRESENT: Chairman Schleifer, Members Dittrick, Galacki and O'Hare; John Ferramosca, Liaison, Silvio Esposito, Treasurer; Michael C. Wynne, P.E., Executive Director; Diane Alexander, Esq.

ABSENT: Member O'Brien

**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

Chairman Schleifer opened the meeting to the public at 8:36 pm. A public hearing was held on the adoption of Resolution No. 26-13, Tiffany & Co Industrial Permit Renewal. There were no comments made by the public after the Resolutions were public noticed. The Executive Director closed the public comment period. The Executive Director read the Resolutions onto the record. The Executive Director added that Tiffany & Co. emailed language changes and other comments on the permit and that we would accommodate any that we could. Regulations prohibit some requests. The Executive Director asked for a motion to approve Resolution No 26-13. Motion was made by Member Galacki, Chairman Schleifer seconded. Roll call vote as follows: Chairman Schleifer, Members Dittrick, Galacki and O'Hare, AYE. Member O'Brien, Absent. This concluded the Public Hearing at 8:38 p.m..

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION NO. 26-13**

**WHEREAS, the Hanover Sewerage Authority (hereinafter “the Authority”) is authorized to issue new industrial permits, renewed industrial permits or substantial modifications to existing industrial permits under the terms of N.J.A.C. 7:14A-1.1 et. seq. and the Regulations, Specifications and Rate Schedule of the Authority; and**

WHEREAS, the industry listed below has submitted an application for a renewal of an Industrial Sewer Discharge Permit:

<u>APPLICANT</u>	<u>LOCATION</u>	<u>EFFECTIVE DATE</u>
Tiffany & Co.	Block 8901 Lots 3 & 11	April 1, 2013

WHEREAS, the Authority has considered the application and other available data and has complied with the public notice requirements of N.J.A.C. 7:14A-15.10; and

WHEREAS, the Authority has determined that the applicant has met the requirements of the aforesaid discharge permit regulations.

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

- 1) The Executive Director is hereby authorized and directed to respond to comments and issue the requested permit.
- 2) The permit issued pursuant to the foregoing paragraph shall have duration of five (5) years beginning on the date shown above subject to the requirement that it be validated annually.
- 3) This Resolution shall take effect as provided by law.

DATE: February 27, 2013

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 Dittrick, Galacki, O’Hare and Fariello

ABSENT: Member O’Brien

The Executive director asked for a motion to approve Minutes to date.

### **APPROVAL OF MINUTES**

Regular Meetings: December 12, 2012, January 23, 2013. Bid Meeting: January 29, 2013.

Member O'Hare made the motion; Member Galacki seconded. There was roll call approval.

Absent: Member O'Brien.

### **COMMUNICATIONS**

#### **1. HATCH MOTT MACDONALD**

- a. January 30, 2013 Letter re: Proposal for Engineering Services for Contract 38
- b. 02/11/2013 Letter re: Contract 24 Payment no. 10
- c. 02/14/13 Bid Report re: Contract 28
- d. 02/13/2013 Letter re: Contract 38 Legal Opinion
- e. 02/21/2013 Letter re: Contract 24 Response to Revised Schedule
- f. 02/21/2013 Letter re: Contract 24 Response to Bonding company Letter

#### **2. NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST**

- a. 02/15/2013 Letter re: NJEIFP Loan Application – Project Bypass
- b. Email re: Confirmation of Loan Carry Over Application

#### **3. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

- a. 02/14/2013 Letter re: Conditional Waiver of Permitting Requirements (Erosion protection Whippany River)
- b. 02/21/2013 Letter re: Authorization to Award Contract 38

#### **4. DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT**

- a. 02/11/2013 Letter re: Citation of Merit (OSHA)

#### **5. DEPARTMNET COMMUNITY AFFAIRS**

- a. Approval of 2013 Budget

**6. PROOF OF PUBLICATION**

- a. 12/21/2012 Daily Record – NTB Contract 38
- b. 12/26/2012 Star Ledger – NTB Contract 38
- c. 01/31/2013 Hanover Eagle – Bond Resolution Exhibit C

**RESOLUTIONS**

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION NO. 27-13**

**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**

ISBI HANOVER HOTEL, LLC

1002 / 13

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

DATED: February 27, 2013

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 Dittrick, Galacki, O’Hare and Fariello

ABSENT: Member O’Brien

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION 28-13**

WHEREAS, The Hanover Sewerage Authority (“the Authority”) publicly advertised for the receipt of bids, in accordance with N.J.S.A. 40A:11-1 et seq., for Contract No. 38 entitled “Rehabilitation of Primary Digester No.2 and Miscellaneous Improvements”; and

WHEREAS, sealed bids were received and publicly opened in accordance with the duly published Notice to Bidders on January 29, 2013; and

WHEREAS, at the time of bid opening, the following bids and the amounts thereof were announced as the total base bid (items SC1.00 through items SC5.00, inclusive):

1. Spectraserv, Inc. (Kearny, NJ) \$6,582,000;
2. Stone Hill Contracting Co., Inc. (Doylestown, PA) \$6,924,595;
3. MBE Mark III Electric, Inc. (Madison, NJ) \$7,200,000;
4. Coppola Services, Inc. (Ringwood, NJ) \$7,288,000; and
5. BR Welding, Inc. (Howell, NJ) \$7,493,791

WHEREAS, MBE Mark III Electric, Inc. and Stone Hill Contracting challenged the bid submitted by Spectraserv, Inc. and questioned the fact that Spectraserv, Inc. did not identify a plumbing subcontractor on page B-19 of its bid submission; and

WHEREAS, letters of clarification from Spectraserv, Inc. dated February 8, 2013 and February 13, 2013 state that a plumbing subcontractor was not identified because Spectraserv, Inc. is not subcontracting that work; and

WHEREAS, the letter from Spectraserv, Inc., dated February 13, 2013 states that at the time of bid and as of the date of the letter: "Spectraserv has a licensed plumber on staff that will perform all requisite plumbing work under the subject contract in accordance with proper plumbing practice."; and

WHEREAS, in light of the fact that Spectraserv, Inc. is not subcontracting the plumbing work for Contract No. 38, there is not a material defect with respect to the listing of subcontractors that Spectraserv, Inc. submitted at the time of bid;

WHEREAS, Spectraserv, Inc. is the lowest responsible bidder in accordance with the Local Public Contractors Law, N.J.S.A. 40A:11-1 et seq.; and

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and the State of New Jersey on this 27th day of February, 2013 as follows:

1. The Authority exercises its discretion to waive all immaterial defects, if any, with respect to the bid of Spectraserv, Inc. for Contract No. 38 "Rehabilitation of Primary Digester No. 2 and Miscellaneous Improvements" received at the bid opening on January 29, 2013.
2. The Authority awards Contract No. 38 "Rehabilitation of Primary Digester No. 2 and Miscellaneous Improvements" to Spectraserv, Inc., having a business address of 75 Jacobus Avenue, South Kearny, New Jersey 07032 as the lowest responsible bidder, in the amount not to exceed the base bid amounts set forth in the bid and which total \$6,582,000.00 (items SC1.00 through SC5.00, inclusive) and the Chairman is authorized to execute said contract.
3. The Executive Director is authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
4. With the exception of the bid security for the three lowest bidders, the Executive Director is authorized to release the bid securities submitted by all other bidders for Contract No. 38 "Rehabilitation of Primary Digester No. 2 and Miscellaneous Improvements." Within three days, Sundays and

holidays excepted, after the awarding and full execution of Contract No. 38 and the approval of the performance bond for Spectraserv, Inc., the bid security of the remaining unsuccessful bidders shall be returned to them.

5. A copy of this Resolution shall be kept on file at the offices of the Authority.
6. This Resolution shall take effect immediately.

DATED: February 27, 2013

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 Dittrick, Galacki, O'Hare and Fariello

ABSENT: Member O'Brien

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION 29-13 AUTHORIZING HANOVER SEWERAGE AUTHORITY  
TO EXECUTE AN AMENDMENT TO THE ENVIRONMENTAL COMPLIANCE  
AGREEMENT BETWEEN HANOVER SEWERAGE AUTHORITY AND  
WOODMONT REALTY GROUP, CEDAR KNOLLS, L.L.C AND TO EXECUTE  
A CORRECTIVE EASEMENT AGREEMENT**

**WHEREAS**, Woodmont Realty Group, Cedar Knolls, L.L.C. ("Woodmont") owns property commonly known and designated as Block 2302, Lot 2 on the Township of Hanover Tax Map, County of Morris, State of New Jersey (hereinafter "Property"), upon which Woodmont is constructing a project known as Cedar Knolls Mews ("Project"); and

**WHEREAS**, the Property is the site of a former industrial facility, which former operations contaminated the Property and adjacent parcels, including Block 2302, Lots 3 and 4, both of which are owned by the Township of Hanover; and

**WHEREAS**, by Resolution No. 57-11, dated September 28, 2011, Woodmont and the Hanover Sewerage Authority (“HSA”) entered into an Environmental Compliance Agreement dated September 28, 2011 with regard to remediation obligations of Woodmont on certain pre-existing and new easements held or to be held by HSA on and adjacent to the Property (the “Agreement”); and

**WHEREAS**, on or about August 27, 2012, HSA recorded an Easement Agreement between Woodmont and HSA, also dated September 28, 2011, which attached a map thereto as Schedule A setting forth a new easement; and

**WHEREAS**, Woodmont and HSA wish to enter into an Amendment to the Environmental Compliance Agreement clarifying and confirming the obligations of Woodmont as set forth in the Agreement and confirming the rights of HSA pursuant to a Pollution Legal Liability insurance policy secured by Woodmont which names HSA as an Additional Named Insured; and

**WHEREAS**, HSA desires to execute and record a Corrective Easement Agreement between Woodmont and HSA, attaching thereto as Schedule “A” new metes and bounds property descriptions for the easement areas reflected therein.

**NOW, THEREFORE, BE IT RESOLVED** by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this \_\_\_ day \_\_\_\_\_, 2013 as follows:

- 1) The Chairman is authorized and directed to sign the Amendment to the Environmental Compliance Agreement, in the form attached hereto, on

- behalf of the HSA, subject to the execution and delivery of the Amendment by the other party thereto; and
- 2) The Chairman is authorized and directed to sign the Corrective Easement Agreement, in the form attached hereto, on behalf of the HSA, subject to the execution and delivery of the Corrective Easement Agreement by the other party thereto; and
  - 3) This Resolution shall take effect as provided by law.

DATED: February 27, 2013

HANOVER SEWERAGE AUTHORITY  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

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Joseph Schleifer, Chairman

ATTEST:

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

AYES: Chairman Schleifer, Members Dittrick, Galacki, O'Hare and Fariello

ABSENT: Member O'Brien

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION NO. 30-13**

WHEREAS, the Hanover Sewerage Authority (hereinafter the "Authority") has entered into Contract 2012-4, Sanitary Sewer Repairs, with Jo-Med Contracting; and

WHEREAS, the initial contract amount was \$238,300.00; and

WHEREAS, the Authority has reviewed the Request for Change Order filed with the Authority by the Executive Director in support of Change Order No. 1 on Contract 2012-4; and

WHEREAS, the Authority is satisfied that the proposed Change Order is justified and meets the requirements of N.J.A.C. 5:30-11.8 et seq; and

WHEREAS, the Treasurer has certified that funds are available,

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this 27<sup>th</sup> day of February, 2013 as follows:

1. The Chairman is authorized to execute an amendment to the Contract in the amount of \$6,000 (Change Order No. 1) for the work described in the aforesaid Request for Change Order in the form submitted to the Authority.
2. The time for completion of the contract shall remain unchanged.
3. The adjusted contract amount shall be \$244,300.00.
4. This Resolution shall take effect as provided by law.

DATED: February 27, 2013

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 Dittrick, Galacki, O'Hare and Fariello

ABSENT: Member O'Brien

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION NO. 31-13**

WHEREAS, the Hanover Sewerage Authority (hereinafter the "Authority") has entered into Contract 2012-4, Sanitary Sewer Repairs, with Jo-Med Contracting; and

WHEREAS, the initial contract amount was \$238,300.00; and

WHEREAS, the Authority has reviewed the Request for Change Order filed with the Authority by the Executive Director in support of Change Order No. 2 on Contract 2012-4; and

WHEREAS, the Authority is satisfied that the proposed Change Order is justified and meets the requirements of N.J.A.C. 5:30-11.8 et seq; and

WHEREAS, the Treasurer has certified that funds are available,

NOW, THEREFORE, BE IT RESOLVED by the Hanover Sewerage Authority in the County of Morris and State of New Jersey on this 27<sup>th</sup> day of February, 2013 as follows:

1. The Chairman is authorized to execute an amendment to the Contract in the amount of \$41,500.00 (Change Order No. 2) for the work described in the aforesaid Request for Change Order in the form submitted to the Authority.

2. The time for completion of the contract shall remain unchanged.
3. The total amount of Change Orders 1 and 2 is \$47,500.00 (19.9% of original contract amount)
4. The adjusted contract amount shall be \$285,800.00.
5. This Resolution shall take effect as provided by law.

DATED: February 27, 2013

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 Dittrick, Galacki, O'Hare and Fariello

ABSENT: Member O'Brien

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION NO. 32-13**

**WHEREAS**, the Hanover Sewerage Authority (hereinafter the "Authority") has entered into Contract 2012-4, Sanitary Sewer Repairs, with Jo-Med Contracting; and

**WHEREAS**, the initial contract amount was \$238,300.00, and;

**WHEREAS**, the Authority previously authorized Change Order Nos. 1 and 2 in a total amount of \$47,500; and

**WHEREAS**, the Executive Director recommended that this work be performed and that the work was either necessary to complete the original contract work and was found during the performance of the original contract or was integral to work being performed; and

**WHEREAS**, N.J.A.C. 5:30-11.9 of the New Jersey Administrative Code governing change orders and open-end contracts under the Local Public Contracts Law, require that authorities comply with certain regulatory procedures if the total amount of change orders executed for a particular contract exceed the originally awarded contract price by more than 20%; and

**WHEREAS**, the Executive Director has determined that Change Order No. 3 increases the originally awarded contract by \$31,500.00 or a 13% increase; and

**WHEREAS**, in accordance with N.J.A.C. 5:30-11.9, the Executive Director has submitted memoranda certifying and explaining the circumstances and reasons why the change order request is justified and should be approved; and

**WHEREAS**, as a result of this change order, as well as Change Order Nos. 1 and 2, the adjusted contract price is established at \$317,300 or a 33% increase over the original dollar amount of the contract; and

**WHEREAS**, the Treasurer has certified that funds are available; and

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

1. The Authority approves the recommendation of the Executive Director that Change Order No. 3 in the amount of \$31,500.00 be accepted, and that the adjusted dollar contract amount be fixed at \$317,300.00. The written certification of the Executive Director in justifying the supplemental and extra work is incorporated herein and made a part of this resolution as if set forth in full.

2. In accordance with N.J.A.C. 5:30-11-9(c)6., the Executive Director is hereby directed to publish a brief notice in the Hanover Eagle and Regional Weekly News concerning the approval of this Change Order which establishes the final adjusted contract amount in excess of 20%. In addition, pursuant to N.J.A.C. 5:30-11.9(d), the Executive Director shall report the change order which exceeds the 20% limitation to the Director of the Division of Local Government Services on the form prescribed by the Division and report the change order as part of the 2013 audit.

3. That a certified copy of this resolution shall be transmitted to the Treasurer, the Division of Local Government Services and the Authority's Auditor.

4. The time for the completion of the Contract shall remain unchanged.

5. This Resolution shall take effect as provided by law.

DATED: February 27, 2013

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 Dittrick, Galacki, O'Hare and Fariello

ABSENT: Member O'Brien

Chairman Schleifer offered the following resolution and moved its adoption.

**RESOLUTION NO. 33-13**

WHEREAS, the Hanover Sewerage Authority (hereinafter "the Authority") is authorized by the Sewerage Authorities Law (N.J.S.A. 40A:14-7 (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 and 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 dated January 1, 2004; and

WHEREAS, the Authority has reviewed the current Regulations and desires to implement changes to Article IV and Appendix H:

- 1) Article IV is amended in its entirety per the attached Article IV Revised 2/27/13.
- 2) Appendix H is amended by the addition of Paragraph 9, Testing per the attached Appendix H Revised 2/27/13
- 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 validity 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.

DATED: February 27, 2013

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 Dittrick, Galacki, O'Hare and Fariello

ABSENT: Member O'Brien

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

**REPORTS**

- Plant Operations Report – dated January 17 - February 20, 2013
- Hatch Mott MacDonald Report – dated February 22, 2013
- Collection System Status Report – dated January 17 – February 20, 2013
- Treasurers Report – dated January, 2013
- Superintendents Report # 715, dated January, 2013
- IPP Report - dated January 15 – February 15, 2013

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

Absent: Member O'Brien

**JANUARY**

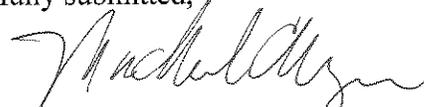
<b><u>REVENUE FUND 112</u></b>	\$59,824.51
<b><u>REVENUE FUND 113</u></b>	\$589,960.97
<b><u>REVENUE FUND 201</u></b>	\$ 74,896.11
<b><u>PLANT EXPANSION FUND 301</u></b>	\$261,440.17
<b><u>PLAN REVIEW FUND 401</u></b>	\$ 645.31
<b><u>PAYROLL</u></b>	\$182,060.92

**OTHER BUSINESS** – Chairman Schleifer offered congratulations to the plant staff on their DOL award.

**OPEN TO PUBLIC**

**ADJOURNMENT** The Chairman accepted a motion by Member Hare to adjourn the meeting at 8:45 pm. This motion was seconded by Member Galacki; there was unanimous roll call approval.

Respectfully submitted,



Michael C. Wynne, P.E.