

PASSAIC VALLEY WATER COMMISSION MEETING OF

JANUARY 30, 2008

(CLOSED SESSION)

C O M M I S S I O N E R S P R E S E N T:

IDIDA RODRIGUEZ, President

RIGO SANCHEZ, Vice-President

ALAN C. LEVINE, Treasurer

ROBERT L. VANNOY, Secretary

SIMON GRUBIN

THOMAS P. DevITA

GLORIA KOLODZIEJ

A L S O P R E S E N T:

JOSEPH A. BELLA, Executive Director

GEORGE T. HANLEY, Counsel

JAMES G. DUPREY, Director of Engineering

JAMES J. GALLAGHER, Personnel Director

YITZ WEISS, Comptroller

LOUIS AMODIO, Administrative Secretary

(CONFIDENTIAL)

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Abstract

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Number 14, which is Internal and External Communications and Related Services.

MR. HANLEY: Again, these are three. I think 14, 15 and 16 I would defer to the President on that. I think the feeling was that I think there were two things, but you should probably speak to it.

PRESIDENT RODRIGUEZ: First and foremost, I think that the response wasn't what we had expected. Okay. The company that responded, one

of them was from Washington. And I think that based on everything that we're going to need for this entity in terms of the reservoir coverings and the money that we're going to need to complete our projects, I wanted more input from the Commission in terms of being realistic on the kind of consultants that we're going to have to hire or retaining to do this kind of work.

If we're going to be looking for a -- only one government relations firm submitted and that was a firm out of Washington. And basically the same firm responded for all three things.

One, they haven't addressed them in New Jersey, but it's the same person and I'm, of course, skeptical about using the same firm to do the same thing and in opening up the process to all the firms in New Jersey. And then we got to decide is what we need help in New Jersey or at the Federal level.

COMMISSIONER GRUBIN: Well, Mr. President.

PRESIDENT RODRIGUEZ: Miss President.

COMMISSIONER GRUBIN: Ms. President, Madam.

PRESIDENT RODRIGUEZ: But I'm not a mister.

COMMISSIONER GRUBIN: You brought up a point about the situation. If we can start this

discussion, you would have voted everybody in and this person would have been in.

COMMISSIONER LEVINE: No.

COMMISSIONER GRUBIN: There was basically --

COMMISSIONER LEVINE: I would have made a motion. I felt the same way of the Chairman here. I have notes here. I did my homework.

COMMISSIONER GRUBIN: Let me see your notes.

COMMISSIONER LEVINE: You think I'm not telling you the truth. I made notes, "reject and rebid," okay. So it wouldn't just have flown through. I do have notes on it.

PRESIDENT RODRIGUEZ: The reason I'm saying this, these are not drawn down, Simon. These are not -- when we retain consultants to do external communications, when you retain folks like this, these are not draw down contracts. These are people that you retain and you got to pay them.

COMMISSIONER GRUBIN: That's my point.

PRESIDENT RODRIGUEZ: These are not drawn down contracts.

COMMISSIONER GRUBIN: I know you got to pay them.

PRESIDENT RODRIGUEZ: When I saw the respondents, I'm like, this is not good.

COMMISSIONER GRUBIN: This is big money.
This is my point.

PRESIDENT RODRIGUEZ: But contrary to the rest, these are not draw down. When we select a PR firm or lobbying firm, whether they work for us two hours or whether they work for us 200 hours, they're on retainer and that's how we got to pay them.

MR. AMODIO: Excuse me.

COMMISSIONER GRUBIN: Spend, spend, spend.

MR. AMODIO: I also wanted to state on advice or suggestion of our Chief Engineer, they'd like, him and Executive Director, would like to table 26.

MR. HANLEY: Not table, reject.

MR. BELLA: Table.

MR. AMODIO: They would like to carry it.

MR. HANLEY: You don't want a decision on it?

MR. AMODIO: Right.

COMMISSIONER KOLODZIEJ: I'm not comfortable with that kind of procedure. Thank you.

MR. AMODIO: Also, numbers eleven and 12 are just ratification. We already did that at the last meeting.

MR. HANLEY: We're putting it on here to keep it in the cycle.

COMMISSIONER SANCHEZ: I'm confused. I see a lot of consultants but the names is not -- who -- how do we know?

MR. HANLEY: They're in the resolutions.

COMMISSIONER SANCHEZ: Oh.

(Whereupon, a cross table discussion took place)

COMMISSIONER LEVINE: That makes us comply with the law, right?

COMMISSIONER GRUBIN: Those don't have facts, figures, and numbers.

COMMISSIONER LEVINE: Those make us comply with the law.

COMMISSIONER DeVITA: We're complying with the law.

COMMISSIONER LEVINE: That's what I'm saying.

COMMISSIONER SANCHEZ: I need an

explanation like a three year old. I didn't get that one.

COMMISSIONER KOLODZIEJ: Me, too. Me, too.

COMMISSIONER SANCHEZ: All right. Now I get it.

PRESIDENT RODRIGUEZ: Here it doesn't say --

COMMISSIONER KOLODZIEJ: I'm concerned. We set a budget --

COMMISSIONER GRUBIN: There's no budget.

COMMISSIONER KOLODZIEJ: -- Where is the money coming from?

PRESIDENT RODRIGUEZ: Where? The consultant --

COMMISSIONER GRUBIN: It's on this. I read it. I was looking for the amount.

PRESIDENT RODRIGUEZ: It's not. That's what I'm telling you, the names are not there.

COMMISSIONER SANCHEZ: That's what I'm saying. We don't know who -- the names are not on the resolution.

MR. HANLEY: Yes, they are.

COMMISSIONER DEVITA: Second page.

COMMISSIONER GRUBIN: Second page. The first part is whereas, whereas, and then so and so

is being chosen.

MR. HANLEY: You don't have to agree but the names are all in the resolution.

COMMISSIONER GRUBIN: I checked that.

PRESIDENT RODRIGUEZ: So Commissioner Sanchez basically --

MR. HANLEY: You have to go through the resolutions, each one of, them and deal with them.

COMMISSIONER SANCHEZ: Now I get it. But honestly, I'm not that smart, so.

(Whereupon, a cross table discussion took place)

COMMISSIONER SANCHEZ: Do you notice that I was looking at the front page. I was looking for the name, that was my concern.

MR. HANLEY: By the way, that is the format that we've been using for several years.

COMMISSIONER SANCHEZ: My only concern is by reading one of the resolutions there's an attorney I might have a conflict of interest.

COMMISSIONER GRUBIN: I know a lot of people looking to sue you.

MR. HANLEY: Excuse me, excuse me,

Commissioner Sanchez, it's not one resolution.

There are about --

COMMISSIONER SANCHEZ: Exactly.

PRESIDENT RODRIGUEZ: Why weren't they on separate paper?

COMMISSIONER SANCHEZ: This won't work. People that do work --

COMMISSIONER GRUBIN: Madam President --

MR. HANLEY: It's not one name.

COMMISSIONER SANCHEZ: I know, but what I'm saying to you counsel on this, I saw one name --

MR. HANLEY: That's the firm being recommended.

COMMISSIONER DeVITA: Can I make a comment? I've read the resolutions and I see and, you know, unfortunately, I just saw some of this stuff on Monday for the first time and I've listened to George's explanation and I found it very interesting because I had some questions on some which were answered. But I have a lot more questions and I for one would like a little more time to look at -- I mean, I look at the resolutions. I looked at who's submitted. I'd like to look at some of the proposals, which I have not done. I'd like to be able to ask

questions to George, just like he explained today. I think Commissioner Sanchez might feel the same way. There's some people you may have a little problem with, as I might. And I'd like to just --

COMMISSIONER SANCHEZ: I think I got to look at the names.

COMMISSIONER DeVITA: Yes.

COMMISSIONER SANCHEZ: Madam Chairman, I haven't considered -- I might have a conflict of interest. I think we're trying to get business done. I want to be professional and respectable. So this particular name that I saw that I may have a conflict of interest, so I want to take a moment to go over the list and make sure that I don't have a conflict of interest.

COMMISSIONER DeVITA: Can we put this off? I mean, can we have a special meeting about it just in case anybody has a question, we can look?

COMMISSIONER SANCHEZ: I'd like to hold this for the next meeting.

COMMISSIONER KOLODZIEJ: Is there anyone on here that is of an emergency nature? If they are, pull them out separately.

MR. HANLEY: They would have to speak for themselves. The way I view this is that the ones

we're currently using are holdovers until you make a decision. So there shouldn't be.

PRESIDENT RODRIGUEZ: Okay, okay.

MR. AMODIO: Counsel, we're advised to do the ratification today or hold them also.

MR. HANLEY: No, they already voted on that. They can ratify.

PRESIDENT RODRIGUEZ: Right. And then excuse me, let me just ask. The three or four that we rejected because --

MR. HANLEY: Well, again, it's up the Commission. If you want to vote on those today, you can.

PRESIDENT RODRIGUEZ: But I was just talking to Commissioner Levine. The ones that we are rejecting, I mean, we should vote on that today. Whatever we're going to need clarification on we should, you know, table and then move to the next meeting the ones that we're rejecting. We need to, especially, I'm talking specifically about the government relations and the fund development piece, because we cannot really hold off much longer. We need to go out again and do a massive, and I'll work with Louis or whoever to do a massive blast, to let people know that these,

you know, these are out. RFQs are out there again. So I'm looking for clarification.

COMMISSIONER SANCHEZ: I think it's a great idea to reject.

PRESIDENT RODRIGUEZ: So we can go out.

COMMISSIONER SANCHEZ: Not only that, it will take some names off the list. If we can reject the ones we're going to reject and carry those.

PRESIDENT RODRIGUEZ: Carry the rest.

COMMISSIONER DeVITA: Can we get a list? I have some now and some --

MR. AMODIO: Yes. Would you like me to recite them?

COMMISSIONER DeVITA: No.

MR. AMODIO: Number nine, 14, 15, 16.

COMMISSIONER DeVITA: And not vote 26.

MR. AMODIO: We'll go through them.

COMMISSIONER DeVITA: Nine, 14, 15, 16?

MR. AMODIO: Correct.

COMMISSIONER DeVITA: The suggestion is we reject those and go out for more bids.

MR. HANLEY: Right. And we'll work with the Commissioners. I know Commissioner Rodriguez, but anybody else, obviously, again, please let us

know your input. Do you want other firms.
Redefine some of the criteria. We'll be happy to
do it.

COMMISSIONER GRUBIN: If you have one
bidder, isn't it normal practice to get one or
two?

PRESIDENT RODRIGUEZ: For the most part.

MR. HANLEY: Depending.

COMMISSIONER GRUBIN: We have a, based on
the testimony about Samuel Klein, some
deficiencies. I'd like to get more bids.

COMMISSIONER DeVITA: You advertised it.

MR. HANLEY: You have to have a reason.

COMMISSIONER DeVITA: You advertised.

MR. HANLEY: There's two submissions. I
gave you a reason to reject.

PRESIDENT RODRIGUEZ: The one's rejected
because of retainer. That's different.

COMMISSIONER GRUBIN: One more thing, Madam
Chairman, with this compilation of new data, can
we have Controller, Mr. Weiss, give us a basic
budgetary number that we've paid for these people
last year or if we have any records to that affect
so we understand how much money we're going to be
spending in the coming year, if there's millions

of dollars involved?

COMMISSIONER DeVITA: From last year?

PRESIDENT RODRIGUEZ: We already approved the budget for this year. We can always make amendments and what have you. I think it would be fair for him if he could provide us with what we spent last year.

COMMISSIONER GRUBIN: That's what I'm asking.

MR. HANLEY: If I may ask for clarification?

PRESIDENT RODRIGUEZ: If I may, I want to just -- that varies from years, you know. One of the things about consultants, and I've learned this from sitting on other boards, you have to, I imagine, you know, in the capacity and we should raise our hat as councilperson consulting fees are something that vary from year to year. Our legal fees are up the sky because we had a situation. I'm not going to get into it. You have things that happen you cannot determine. You can say you're going to spend \$10,000, hypothetically speaking, on legal fees, but all of a sudden you have an accident and you're being sued, whatever. Workers' comp, whatever. And all of a sudden that

10,000 becomes 100,000, you don't know. They're variable costs.

COMMISSIONER GRUBIN: I'm asking just so we have a point of reference so later on when we're into the process, we have to understand that we're laying out this kind of money so nobody is surprised why end of year, mid year, we're in the hole. We have to go out and raise rates and borrow money. That's our fiduciary responsibility. We don't spend money without everybody understanding.

PRESIDENT RODRIGUEZ: Point well taken.

COMMISSIONER DeVITA: Suggestion. If we're going to vote to reject and put the rest off for the next meeting, my suggestion is so we don't spend another two hours at this next meeting, let's make the proposals available for the Commissioners, which I know they are, and if someone has a question, let's not wait till next meeting to ask it. If there's a question of George or Administration or Yitz or anybody, let's ask that question before the next meeting so when we come in next time your questions are answered.

COMMISSIONER LEVINE: And there's resolutions with people's names.

COMMISSIONER DEVITA: Correct, on the
second --

COMMISSIONER LEVINE: On the page.

COMMISSIONER LEVINE: On the agenda.

MR. HANLEY: That's not normal.

PRESIDENT RODRIGUEZ: It doesn't have to be
on the agenda. I think we would have been given a
list, Project One, Two, didn't have to go on the
agenda but I think that's what some of the
confusion came in. I'm going to leave that.

MR. HANLEY: We'll add that to the agenda.
Remind me, Lou, we'll make sure our
recommendations are listed on the agenda and they
should be listed as staff's recommendation.

PRESIDENT RODRIGUEZ: Okay.

COMMISSIONER GRUBIN: I want you guys
accountable.

MR. HANLEY: We are accountable.

COMMISSIONER GRUBIN: I want letters from
Mr. Weiss.

PRESIDENT RODRIGUEZ: Point well taken.
This was a long discussion, but needed.

MR. HANLEY: I want to, Mr. Weiss, when you
constructed the budget, did you take into account
last year's experience with respect to legal fees,

engineering fees?

MR. WEISS: Absolutely.

MR. HANLEY: You did base that budget on
experience and history?

MR. WEISS: Yes.

MR. HANLEY: Thank you.

COMMISSIONER KOLODZIEJ: That doesn't
include for any new?

MR. WEISS: It does. It does.

COMMISSIONER KOLODZIEJ: Then I want to
know what part of the budget so I see what number.

MR. AMODIO: Move the rejections to the
regular session?

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