

PASSAIC VALLEY WATER COMMISSION MEETING OF

APRIL 19, 2017

(OPEN SESSION)

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

GERALD G. FRIEND, President

JEFFREY LEVINE, Vice President

IDIDA RODRIGUEZ, Treasurer

DAVID BLUMENTHAL, Secretary **(Absent)**RIGO SANCHEZ **(Absent)**

ROBERT L. VANNOY

JOSEPH KOLODZIEJ

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

JOSEPH A. BELLA, Executive Director

GEORGE T. HANLEY, Counsel

YAACOV BRISMAN, Assistant Counsel

JAMES G. DUPREY, Director of Engineering

YITZ WEISS, Comptroller

LOUIS AMODIO, Administrative Secretary

1 MR. AMODIO: On the roll.

2

3 (Roll call was taken, all Commissioners
4 present respond in the affirmative. Commissioners
5 Blumenthal and Sanchez are absent)

6

7 MR. AMODIO: Time is 9:41 a.m.

8 You have a quorum.

9 All of the requirements of the Open Public
10 Meetings Act have been met. Notices have been
11 furnished to all Commissioners; City Clerks of
12 Paterson, Passaic, and Clifton; North Jersey
13 Herald News; The Record - Passaic County edition
14 and the Commission's Executive Staff with a copy
15 posted at the main bulletin board at the Clifton
16 facility.

17 Will you please rise.

18 Commissioner Friend.

19

20 (Pledge of Allegiance)

21

22 MR. AMODIO: We have a member of the
23 public who wishes to be heard.

24 PRESIDENT FRIEND: Okay. First one is Mr.
25 Seligman.

1 MR. SELIGMAN: There should be other
2 Paterson representatives arriving, the historic
3 preservation director and possibly the mayor. I
4 haven't gotten confirmation.

5 PRESIDENT FRIEND: Okay. So does Mr.
6 Seligman want to speak now?

7 MR. SELIGMAN: Nothing right now. I
8 actually arrived before the actual speakers.

9 PRESIDENT FRIEND: Okay. Mr. Soo.

10 MR. SOO: Oh, it's public portion?

11 COMMISSIONER RODRIGUEZ: Nice to see you.

12 COMMISSIONER VANNOY: Public portion.

13 MR. SOO: Nice to see you all as well.

14 I just wanted to talk briefly about the
15 historic review at Levine Reservoir. You know,
16 it's changed a little bit recently. They had some
17 dispute over which Federal agency or State agency
18 would take the lead on the review. I believe now
19 that it's the EPA that's going to take the lead on
20 the review of the proposal.

21 I wanted to convey that these historic
22 reviews, they're not necessarily going to tell you
23 what to do. Like, if you're waiting for them to
24 say: This is bad, you should do something else,
25 you know, or you should redesign it and turn it

1 into this, that, or the other thing. It doesn't
2 really do that.

3 What they're going to do is they're going
4 to look at alternatives to try to find out if
5 there's a way to avoid an adverse affect and they
6 haven't made that determination officially yet,
7 but that's probably where it's going to go. And
8 then there's going to have to be a detailed
9 analysis of what the alternatives would be; how
10 can we avoid the adverse affect; what can we do to
11 change the situation so that you meet the
12 objectives of the project and you still get to not
13 harm the historic area.

14 Now, if there were any other historic
15 area, I don't know how contentious this would be,
16 but we're talking about a landmark historic
17 district, a Federal historic district, and we're
18 talking about a national park. So we're talking
19 about a place that has the prominence of Jamestown
20 or Gettysburg or even the Lincoln Memorial. So I
21 would encourage that we find some kind of proper
22 compromise. That there is a way, you know, they
23 gave a couple of options for LT2. One is the
24 post-treatment water. One is to cover with the
25 drinking of water reservoir. I know there's

1 arguments for both, but I think if we could find a
2 way to work toward a solution that preserves the
3 reservoir because it's part of the period of
4 significance.

5 These national parks and landmark
6 districts, what they do is they take a snapshot of
7 a particular period of significance in history and
8 since the reservoir has been there since the
9 1880s, I believe it's a contributing resource and
10 part of that story and we want to maintain that
11 story for the visitors and maintain integrity of
12 the park.

13 As you saw from the letter from the
14 National Park Service, they're very concerned that
15 the tanks would have an affect, a detrimental
16 affect on the entire national park and the entire
17 landmark.

18 So I think we need to tread lightly. I
19 think we have to have an open mind and I think we
20 have to try and find a good solution which may
21 mean compromising in different directions and I
22 hope that people can work in that way as opposed
23 to just digging your heels in the ground saying
24 this is what we want and this is all we're willing
25 to talk about because it's just going to drag it

1 out. It's going to prolong it. It may not come
2 up with the result that we're looking for and I
3 think the most important objective is to get
4 quality drinking water into the consumer's taps as
5 quickly as possible. I think that's a valuable
6 thing to do weighed against this process and the
7 merits that we're talking about in the district
8 and everything else.

9 So I hope we can have open discussion and
10 that's my statement.

11 PRESIDENT FRIEND: Thank you.

12 Anybody else from the public wish to be
13 heard? If not...

14 MR. BELLA: We may have to come back later
15 on. Paterson wants to talk about something.

16 COMMISSIONER KOLODZIEJ: Motion to close
17 public.

18 PRESIDENT FRIEND: Okay. We'll close the
19 public hearing and if need be, we'll reopen.

20 COMMISSIONER VANNOY: He's just checking
21 to see if they're out there.

22 Second.

23 PRESIDENT FRIEND: Any objection?

24 Okay.

25 COMMISSIONER LEVINE: Can I ask a question

1 regarding this?

2 PRESIDENT FRIEND: Sure.

3 COMMISSIONER LEVINE: Hey, Joe, what's the
4 status of the LT2 right now?

5 MR. BELLA: It's done. The review is all
6 done and the Federal register. Nothing's changed.

7 COMMISSIONER LEVINE: So are they
8 investigating anything?

9 MR. BELLA: LT2?

10 COMMISSIONER LEVINE: No anything else?
11 The LT2 is completely done. They're not relooking
12 at anything right now?

13 MR. BELLA: No.

14 PRESIDENT FRIEND: Okay. I brought the
15 article.

16 COMMISSIONER LEVINE: I read that too.
17 That's what made me think. Didn't they say they
18 were looking into it still? It made it seem that
19 the LT2 was still open.

20 PRESIDENT FRIEND: It said that an
21 official from the U.S. Department from the
22 Interior has cautioned local and state officials
23 to diminish the integrity and it goes on in terms
24 of, you know, apparently there is some either
25 behind the scenes or some investigations taking

1 place.

2 Did you see this article, Joe?

3 MR. BELLA: No, I hadn't.

4 PRESIDENT FRIEND: Okay. Jim, did you see
5 it?

6 MR. DUPREY: No, I did not.

7 PRESIDENT FRIEND: Nobody saw it. Okay.

8 COMMISSIONER RODRIGUEZ: Yeah, I saw that
9 article.

10 PRESIDENT FRIEND: I mean, my concern
11 after reading the article as a member of the
12 Passaic Valley Water Commission is that are we,
13 you know, just because there are issues out there
14 doesn't mean that it won't be approved in the
15 future.

16 COMMISSIONER RODRIGUEZ: Right.

17 PRESIDENT FRIEND: But are we spending
18 hundreds of thousands of dollars in anticipation
19 of it being approved and for some reason or other
20 it doesn't get approved. That's my concern. So I
21 think for the next meeting I think we should get a
22 report from Administration in terms of, you know,
23 where we are, what we're spending or going to be
24 spending, and is there anything that we should be
25 or who we should be contacting so that it doesn't

1 wind up that we spend, I don't know, how much have
2 we spent so far? A half a million? A million
3 dollars on the project, and if it doesn't get
4 approved that money is just water down the drain,
5 as they say.

6 COMMISSIONER RODRIGUEZ: How appropriate,
7 right?

8 PRESIDENT FRIEND: Yeah.

9 So I think that we need some investigation
10 by Administration as in where we are, where we're
11 going, and what we're spending and what if
12 anything we should be doing at this point.

13 Any of the other Commissioners have any
14 thoughts on it?

15 COMMISSIONER VANNOY: I agree.

16 COMMISSIONER LEVINE: I think we need to
17 get a letter too from the EPA or whoever is doing
18 it what their perspective of it right now.

19 PRESIDENT FRIEND: Right.

20 Well, I mean, we were under pressure from
21 the EPA, I guess it was, to proceed, to adopt,
22 otherwise, they were going to start fining us, if
23 I recall correctly.

24 COMMISSIONER LEVINE: Right. Then they
25 reopened or something.

1 PRESIDENT FRIEND: So I think they should
2 be contacted as well and they, you know, if the
3 State and Federal are at odds with each other, we
4 really need to know where we are.

5 COMMISSIONER LEVINE: Right. Something
6 from the State and the Federal to find out where
7 they stand right now on both because of the
8 opposition from the public and everything --

9 MR. BELLA: We have an ACO that tells you
10 exactly where they stand. That's an
11 Administrative Consent Order. That's the document
12 that tells us what to do. There's no in between
13 gray area. That's the document. We have to
14 respond to that document.

15 Then this other review from Interior or
16 wherever it has to be is something that comes as a
17 side effect almost and we will respond to that as
18 appropriate.

19 We got this letter a week or so ago and
20 now we need to respond to that. There's no other
21 way of knowing what they're going to do, but we
22 know that the Administrative Consent Order, and I
23 think our attorneys will tell us it's a binding
24 document and --

25 COMMISSIONER RODRIGUEZ: I think that

1 document, I agree with the Commissioner and I said
2 it since I got here because there's a whole new
3 world we live in, and I'm not dismissing the ACO.
4 I'm not dismissing what has been done in the past,
5 but I think it has to be reviewed, okay, and at
6 the end of the day, whatever this body asks for,
7 it needs to be looked at and it needs to be
8 addressed. No one is dismissing the ACO. Okay.
9 But things have changed drastically and we need a
10 clear map to the direction that we're going in. I
11 know the ACO and that was back then. I know that
12 everything is changing now. I know that
13 regulations are changing now and I just think we
14 need to get on the same page with the new
15 regulations. That's it. I agree with what you're
16 saying.

17 PRESIDENT FRIEND: Well, you know, and I
18 agree the ACO is the ACO and it is in affect,
19 that's what I was talking about before when we
20 were forced to go into certain things.

21 COMMISSIONER RODRIGUEZ: Right.

22 PRESIDENT FRIEND: But whoever we entered
23 into that agreement with, are they aware of what's
24 taking place by other Federal agencies? I mean,
25 there's got to be some -- are they aware of it and

1 is it going to change their position in any way?

2 COMMISSIONER RODRIGUEZ: That's being
3 asked.

4 PRESIDENT FRIEND: I just think we need a
5 report for the next meeting in terms of where we
6 are, contact the appropriate authorities to find
7 out, you know, just to make sure that we're, like
8 I say, I'm not spending hundreds of thousands of
9 dollars of ratepayers' money that, you know, the
10 situation may change because as the Commissioner
11 has said, Washington has changed. An executive
12 order can wipe out anything today.

13 COMMISSIONER RODRIGUEZ: We know what's
14 happening at EPA. We're reading. We're following
15 the news. We're following what's going on with
16 this administration. So I think it's time to just
17 review it again and talk to the proper entities
18 that we need to get this information from. I
19 think that's all you were asking for, right,
20 Commissioner?

21 PRESIDENT FRIEND: Right, right, right.
22 And if they won't come here to Clifton to meet
23 with us then maybe we have to go to Washington.

24 COMMISSIONER RODRIGUEZ: We go to a lot of
25 places all the time, so let's make that happen.

1 PRESIDENT FRIEND: Okay. Move on with the
2 agenda then.

3 MR. AMODIO: George, would you like to
4 take Howard Eichenbaum at this point?

5 MR. HANLEY: Sure.

6 We have our bond counsel here --

7 PRESIDENT FRIEND: Oh, sure.

8 MR. HANLEY: -- To bring you up to date on
9 what is labeled the 2015 NJEIT EDA now HUD
10 financing of our various capital projects.

11 MR. EICHENBAUM: Good morning, everybody.
12 I'm Howard Eichenbaum, attorney with Gluck
13 Walrath. I'm Commission's bond counsel.

14 For the last several years the Commission
15 has had a project before the NJEIT to construct an
16 emergency generator project. Several years ago
17 the project was ready to proceed but the EIT and
18 the DEP came up with an alternative financing
19 structure that would provide various incentives to
20 the Commission since it came from community
21 development block grant monies that were provided
22 by the Federal Government as a result of
23 Superstorm Sandy, so the Commission agreed to
24 delay it.

25 Originally, the Commission approved a

1 Resolution authorizing bonds at the end of 2014.
2 We've been back several times.

3 I'm going through this history because
4 there are some new Commissioners.

5 Ultimately, the DEP approved the bid specs
6 for the project. The project was bid out. Bids
7 came in last fall.

8 Last fall, last December, the Commission
9 approved an increase of the bond authorization for
10 \$32 million. The DEP and their counsel finally
11 provided loan agreements to the Commission with
12 respect to the project.

13 The normal loan agreements that would
14 apply to an EIT loan are a bit different because
15 of the fact funds here are a different kind of
16 Federal funds. The DEP was the recipient of a
17 Federal grant and, therefore, there has to be a
18 sub-recipient agreement between the DEP and the
19 Commission.

20 So the forms of agreements that were
21 approved two and a half years ago have now been
22 modified to take that into account and it's
23 necessary for the Commission to basically amend
24 that original Resolution to approve those new
25 forms of agreements.

1 So we've provided to your Administrative
2 Secretary, who has with him the Resolution that
3 basically amends the original documents to approve
4 a whole new raft of loan agreements and the
5 sub-recipient agreement and, you know, the
6 Commission is hoping to, you know, close the
7 transaction within the next several weeks.

8 The project has been commenced about a
9 month ago and is proceeding and is likely to be
10 completed by mid 2019.

11 The benefit that the Commission received
12 with this delay and getting these funds was a
13 25 percent forgiveness amount, so a \$32 million
14 project that's worth \$8 million, plus instead of
15 the loan being a normal loan where one quarter of
16 it bears interest and three quarters of it bears
17 zero interest, this entire loan bears zero
18 interest. So the value of that over a 30-year
19 period is also several million dollars at least.
20 So the Commission made out very well by going
21 through this program since it's all free money,
22 zero percent over a 30-year period.

23 If there's any questions, I'll be glad to
24 entertain them.

25 COMMISSIONER RODRIGUEZ: When you say "all

1 free money"?

2 MR. EICHENBAUM: Well, you have to pay it
3 back.

4 COMMISSIONER RODRIGUEZ: Oh, okay. These
5 are terms that we have to be very -- we have to
6 pay it back but it's a noninterest loan plus a
7 25 percent forgiveness.

8 MR. EICHENBAUM: Plus you don't have to
9 pay the DEP fee, the two percent that normally
10 you're charged.

11 COMMISSIONER RODRIGUEZ: Right. Okay.
12 That sounds like a plan.

13 MR. EICHENBAUM: There are added
14 requirements that you'll have to comply with
15 because the DEP funds that would be different if
16 it was just normal DEP and EPA funds, but once
17 again, you know, the savings for the project are
18 huge.

19 PRESIDENT FRIEND: And there are no
20 additional costs to the project when you just said
21 there are requirements that we have to meet.

22 MR. EICHENBAUM: There would be
23 administrative requirements of reporting to the
24 DEP because of the fact that any time the Federal
25 Government provides funds to the State, they

1 impose their own requirements and those
2 requirements can be passed down to the
3 sub-recipient to make sure the funds are being
4 used in an appropriate manner.

5 COMMISSIONER RODRIGUEZ: What's the
6 issuance cost?

7 MR. EICHENBAUM: The issuance cost in the
8 aggregate, probably \$50,000, in that range; 50,
9 75,000. We'll confirm once we're done.

10 COMMISSIONER RODRIGUEZ: Okay. I'd like
11 to see that.

12 MR. EICHENBAUM: Okay.

13 COMMISSIONER RODRIGUEZ: I don't have a
14 problem, but I'd like to see.

15 MR. EICHENBAUM: The benefit with this
16 kind of transaction as well is that there are no
17 EIT bonds that are being issued for this. So
18 there's no issuance costs at their level. The DEP
19 and EIT are basically absorbing all their costs.

20 COMMISSIONER RODRIGUEZ: This is already
21 approved or do we have to go back in front of the
22 --

23 MR. EICHENBAUM: The Local Finance Board
24 no longer has to approve the EIT --

25 COMMISSIONER RODRIGUEZ: Right, right.

1 MR. EICHENBAUM: The original Resolution
2 in 2014 did obtain approval at that --

3 COMMISSIONER RODRIGUEZ: That's why I'm
4 asking because I remember seeing this.

5 MR. EICHENBAUM: You were probably there.

6 COMMISSIONER RODRIGUEZ: Yeah.

7 MR. EICHENBAUM: Did obtain approval with
8 respect to this project. Several years ago the
9 EIT facets changed so anything that sold EIT no
10 longer has to obtain. So the increase in funding
11 for this did not have to go back to them for
12 approval.

13 PRESIDENT FRIEND: Anybody have any
14 questions on the agenda for today? Do you have
15 the Resolution?

16 MR. AMODIO: I have it right here. It was
17 in your packet. It's quite voluminous.

18 MR. EICHENBAUM: I apologize for the
19 lateness of documents arriving but we just got
20 them ourselves over the last day or two from the
21 EIT.

22 COMMISSIONER RODRIGUEZ: This is, overall
23 speaking, it's a well put together deal. I think
24 you can see that these kind of savings, especially
25 an emergency generator --

1 MR. EICHENBAUM: Well, the Commission is
2 the first project of this type, is the first one
3 the EIT is doing. It starts and stops with them
4 figuring out exactly what they want to do and
5 that's part of the reason for the delay.

6 But as I said, for everybody who does EIT
7 projects loves them because of the cost. It's
8 much cheaper than going to the public market for
9 any infrastructure project. This one even more so
10 because of the forgiveness and the zero
11 percentage.

12 PRESIDENT FRIEND: Okay. Thank you.

13 MR. AMODIO: Is there motion to approve?

14 COMMISSIONER KOLODZIEJ: So moved.

15 COMMISSIONER RODRIGUEZ: Second.

16 MR. AMODIO: Motion by Commissioner
17 Kolodziej.

18 Second by Commissioner Rodriguez.

19 On the roll.

20
21 (Roll call was taken, all Commissioners
22 present respond in the affirmative. Commissioners
23 Blumenthal and Sanchez are absent)

24
25 MR. AMODIO: Motion approved.

1 MR. EICHENBAUM: Thank you very much.

2 MR. AMODIO: Moving on, Executive
3 Director's report.

4 MR. BELLA: In terms of operations, this
5 is a quiet time of year. There's not a lot going
6 on. So operations are moving along fine.

7 Doing a lot of repair work at the plant.
8 Getting ready for summertime.

9 Over the last month or so we've been
10 helping out Jersey City because they're doing some
11 work on their plant. Their plant shut down.
12 We'll be soon starting up, getting some of that
13 water back. That's working well.

14 Distribution operations are doing well.
15 We're getting ready to do the lead and copper, to
16 finish up the lead service, our lead services we
17 got that contract going. I believe there's
18 something on the agenda today we'll talk about
19 later on. So that's moving well. That will be
20 really nice to get the last of our lead services
21 out of the system.

22 So other than that...

23 PRESIDENT FRIEND: Okay. Is the overtime
24 report part of your Executive report?

25 MR. AMODIO: No, that's part of the

1 Comptroller's report.

2 PRESIDENT FRIEND: Part of the
3 Comptroller's report. Okay. So when Yitz gives
4 his report, I have some comments. Okay.

5 MR. AMODIO: Does anybody else have any
6 questions for Joe?

7 Moving on, we have an indemnification to
8 hold harmless with the County of Passaic use of
9 the Point View Reservoir. Counsel Brisman has
10 signed off on the hold harmless agreement. We
11 have a certificate of insurance.

12 Any questions?

13 Do I have a motion?

14 COMMISSIONER VANNOY: So move.

15 MR. AMODIO: Motion by Commissioner
16 Vannoy.

17 Do I have a second?

18 COMMISSIONER KOLODZIEJ: Second.

19 MR. AMODIO: Second by Commissioner
20 Kolodziej.

21 On the roll.

22

23 (Roll call was taken, all Commissioners
24 present respond in the affirmative. Commissioners
25 Blumenthal and Sanchez are absent)

1 MR. AMODIO: Now we'll move onto the
2 Comptroller's report.

3 MR. WEISS: Cash on hand is \$20 million.
4 Accounts receivable is 16.1 million.

5 Our 30 days less accounts receivable is at
6 15.3 million which is just below 95 percent.
7 That's excellent compared to last year.

8 And our accounts payable is at
9 2.2 million.

10 Our audit has begun. We have the auditors
11 in actually beginning today and that's all I have.

12 I'm happy to answer questions about the
13 overtime, if I can.

14 PRESIDENT FRIEND: Okay. I took a look at
15 the overtime report as I do every month and I see
16 in certain departments, Accounting being one of
17 them, Commercial Department being another,
18 Personnel, you know, I can understand overtime in
19 Maintenance and things of that nature where
20 emergencies happen and people have to be kept on
21 the job in order to complete a project or
22 something of that nature, but if, you know, in,
23 within the office structure, you know, like, we
24 spent \$25,000 on overtime already in the
25 Accounting Department and Commercial Department

1 14,000 and 15,000 in Personnel.

2 I'm not quite sure, I know in your office
3 there was some issues in terms of setting up new
4 computers and things of that nature that may have
5 lead to some of the overtime, but when I start to
6 look at the other departments and question, you
7 know, the need for overtime in those departments,
8 number one. Number two, if, you know, overtime is
9 paid time and a half or whatever.

10 MR. WEISS: Yes.

11 PRESIDENT FRIEND: We might be better off
12 hiring one or two extra part-time people who don't
13 necessarily get benefits and have them, so to
14 speak, available to fill in in Personnel, fill in
15 in Accounting, fill in wherever they're needed.
16 They can be cross trained to work within the
17 different departments. You'd have somebody 52
18 weeks a year, okay, I think at a lower cost, plus,
19 you'd be training people to, so to speak, if there
20 is a vacancy in that department they'd be trained
21 to perhaps move up into that position.

22 So, you know, I just felt I should open up
23 the discussion on that in terms of how the other
24 Commissioners feel. If we should get a report
25 from Administration, whether or not the overtime

1 is going to continue at the rate or whether or not
2 it's going to be less because of changes that are
3 made, but I just felt in looking at some of the
4 reports that I thought the overtime --

5 COMMISSIONER LEVINE: Can I make a
6 suggestion?

7 PRESIDENT FRIEND: Sure.

8 COMMISSIONER LEVINE: When I used to run
9 finance before you were here, I'm sure, Joe, you
10 still do it, what we used to do, the vouchers we
11 implemented and the reason why the overtime was.
12 So you should look at the vouchers. They would
13 say for every single hour of overtime, Finance
14 should look, for every single hour of overtime,
15 what it was for and the vouchers and then we used
16 to bring in the department heads that had the
17 overtime once a month so Yitz can disclose to you
18 exactly what every, I'm talking about we used to
19 do every hour, you know what I mean? Someone had
20 five hours of overtime, there should be a voucher
21 that states the five hours are for computer
22 maintenance and the reason why. And Yitz and Joe
23 had to signoff on it. And then you also bring the
24 department head besides Joe here to explain to you
25 the clear understanding because this is very

1 vague. You can't -- it says "overtime". Finance
2 needs to look at the vouchers for each overtime
3 and make sure that it's deemed acceptable and also
4 listen to the department heads, why it's there and
5 then make a decision. That's just my
6 recommendation.

7 I mean, for us to look at this, before I
8 implemented that years ago, this is what I used to
9 get. It's so vague. Anybody can just put a
10 friend on as overtime or somebody they like in the
11 department and work extra hours. And, you know,
12 we tried to eliminate that by the vouchers so it
13 actually told they were over because of a water
14 main break, they were over because of maintenance
15 issues. I think that needs to be reviewed by
16 Finance and then a discussion can come up with us
17 after you guys give us your review of what the
18 vouchers and what the department head said.

19 COMMISSIONER RODRIGUEZ: Commissioner
20 Levine, that's a really good recommendation. At
21 one point we would get the list of even the
22 personnel who was getting the overtime and how
23 many. That's when I originally came here we would
24 get that; whether it was for Personnel, whether it
25 was for Customer Service, whatever department it

1 was, it would say X, Y, Z Rodriguez, the hours
2 they put in on a monthly basis. So getting this,
3 you're right, is as vague as it comes. I mean,
4 there was issues like I know from the transition
5 from private insurance to state insurance, that
6 was a lot of work. Personnel was understaffed. I
7 mean, there are departments like Customer Service
8 that are understaffed and that's why people are
9 stepping in and I believe, Commissioner Vannoy,
10 you're addressing that now.

11 COMMISSIONER VANNOY: I was going to wait
12 until my personnel piece.

13 COMMISSIONER RODRIGUEZ: But at one time
14 we got lists from the departments of who it was
15 actually, who was working all the overtime and we
16 were able to follow it that way.

17 PRESIDENT FRIEND: I agree with you
18 because I had, even a couple of months ago I had
19 mentioned if we need more staff, I'll be the first
20 one to approve to have it. Okay. But, you know.

21 COMMISSIONER RODRIGUEZ: You need
22 justification for it.

23 PRESIDENT FRIEND: I think for the same
24 dollars, we can get more, you know, benefits out
25 of the money that we're spending by having perhaps

1 two part-time employees who can float between
2 Personnel and whatever other department they need
3 them or whatever. And I think part of the
4 overtime is being created because we do have
5 people going from one department to another
6 department and then when they go back to their
7 department, now they're on overtime because they
8 already spent their time in the different
9 department.

10 COMMISSIONER VANNOY: Well, let me just
11 say that. So, like I said, I was going to hold it
12 for the personnel part but we are addressing these
13 issues now because of the insurance switching over
14 there was a lot of overtime for Personnel. But
15 we're going to alleviate that. We're also looking
16 for another person in Legal which is going to
17 eliminate the overtime, a big piece of the
18 overtime, I can definitely say that, you know.

19 PRESIDENT FRIEND: But even in the past,
20 Legal has gone to Personnel to help out Personnel.

21 COMMISSIONER VANNOY: That won't be an
22 issue anymore. We're hiring people to do that.

23 PRESIDENT FRIEND: You know, which perhaps
24 may have led to some of the overtime as well. So
25 I think each department head has to come to us and

1 say -- when are we working on the budget?

2 MR. WEISS: We actually have as part of
3 the 2017 budget, we actually have budgeted for
4 additional personnel. This is something we talked
5 about last time also. So it's in the overall
6 plan. I'm sure you know it's not the type of
7 thing you can just do instantaneously. There's a
8 process we have to go through in order to be able
9 bring people in and weighing, like you said,
10 whether we're better off having somebody on full
11 time where we're not only paying a full-time
12 salary, but we're also paying for all of the
13 benefits which today --

14 PRESIDENT FRIEND: Well, if you hire
15 somebody part time, they don't get benefits.

16 MR. WEISS: Okay. So that's an excellent
17 idea; it's an excellent suggestion. With some of
18 the positions it might be a possibility, but with
19 some of the professional positions, you can't do
20 that. You have to have people that are trained
21 that actually know how to manage --

22 PRESIDENT FRIEND: I realize that. Well,
23 hopefully -- the budget will be presented to us
24 when?

25 MR. WEISS: Usually we start working on

1 the budget in July.

2 COMMISSIONER VANNOY: I think you'll see a
3 drop in the overtime in the next month or two.

4 PRESIDENT FRIEND: Commissioner.

5 COMMISSIONER RODRIGUEZ: That goes to my
6 point where I said last month in terms of
7 Personnel and Human Resources, I think that we
8 really need to look at the whole structure here.
9 We are a close to a hundred million dollar
10 operation. I think cross training is an ideal
11 model, but I think some of the work that's done
12 here is highly specialized and having them float
13 from one department to the other department, I
14 don't know if it works or it doesn't work. I in
15 particular, I am of the mindset that eventually
16 I'm probably going to bring this up to the
17 Personnel, you know, as Treasurer in terms of
18 looking at the whole structure and how to better
19 put it so that we can function and operate at a
20 higher level and address all these issues.

21 PRESIDENT FRIEND: Okay. All right. You
22 know we've raised the issue. We're getting
23 reports back from the appropriate parties and,
24 hopefully, address it by the time the budget is
25 presented to us.

1 COMMISSIONER RODRIGUEZ: Well, I think if
2 you address the issue now and if you want to look
3 at it now, I think it should just be addressed and
4 the response should be given back to us. I don't
5 think we should have to wait for a budget to get
6 the information you're asking for.

7 PRESIDENT FRIEND: Okay.

8 MR. WEISS: I think it's something we can
9 probably delve into a little more in depth in
10 finance.

11 COMMISSIONER RODRIGUEZ: Right, in
12 finance. That's what I'm saying. I'm taking that
13 responsibility myself as the chair of the finance
14 committee.

15 PRESIDENT FRIEND: Okay. Well, the sooner
16 it comes back to us, we'll be prepared when the
17 budget comes.

18 COMMISSIONER RODRIGUEZ: Right, exactly.

19 PRESIDENT FRIEND: Any other questions for
20 Yitz?

21 Okay. We can move on.

22 MR. AMODIO: We will go to committee
23 reports.

24 Commissioner Vannoy.

25 COMMISSIONER VANNOY: Personnel, we have

1 one promotion and a few new hires. Obviously,
2 we'll talk about it in closed. And we'll discuss
3 the fishing program and summer hires.

4 PRESIDENT FRIEND: I apologize, I wasn't
5 at the personnel meeting. I was out of state.
6 Had the individuals gone through -- have they been
7 interviewed and whatever by whoever has to
8 interview them?

9 COMMISSIONER VANNOY: Absolutely,
10 everybody.

11 MR. BELLA: I didn't meet any of them.

12 COMMISSIONER VANNOY: I know, because you
13 weren't here.

14 MR. BELLA: I know. It would be good for
15 me to interview them before we actually hire. I
16 would like to have, you know, some say in who
17 comes and goes where. It would be no problem for
18 me to do things, you can pass it pending me
19 interviewing.

20 COMMISSIONER VANNOY: That's fine.

21 PRESIDENT FRIEND: So motion would be
22 approve subject to Joe having --

23 COMMISSIONER RODRIGUEZ: Contingent upon.

24 PRESIDENT FRIEND: Motion be approved
25 subject to Joe interviewing or making the final

1 approval.

2 MR. AMODIO: Okay. Mayor Torres is here.

3 PRESIDENT FRIEND: Can we perhaps finish
4 the regular portion?

5 MR. AMODIO: We're done except for the
6 finance committee. The finance committee didn't
7 meet, I'm assuming.

8 PRESIDENT FRIEND: Okay.

9 COMMISSIONER RODRIGUEZ: I'm going to say
10 something. As Treasurer, if the Controller is
11 going to be out of town, you need to make it a
12 point to get the Treasurer's report to Louis so
13 that I could see it before we come to a meeting
14 because I haven't looked at that, I haven't signed
15 it, I wasn't aware you were going to be out of
16 town.

17 Secondly, any projects that are going to
18 come on the agenda, I think we need to review it
19 and make certain that there's funding. I think
20 you and I discussed that every month.

21 Same thing with Personnel. You know,
22 anything that's going to be an expense to this
23 organization, to this body, I should be informed
24 of and we should have a finance committee meeting
25 and make sure when we come to vote on this that

1 there are revenues there to approve these
2 contracts.

3 So I haven't seen the report. In the
4 future, I'd like to know, you know, before a
5 meeting if you're not going to be around so I can
6 review it then.

7 PRESIDENT FRIEND: On each Resolution that
8 we adopt, don't you signoff that there is funding
9 available for whatever we're doing?

10 COMMISSIONER RODRIGUEZ: Yes.

11 PRESIDENT FRIEND: But I agree with you.

12 COMMISSIONER RODRIGUEZ: Regardless, we
13 should know. We should have meetings around that.

14 MR. AMODIO: That's it.

15 PRESIDENT FRIEND: That's it. Just closed
16 session that we have to do. Is there anything for
17 closed session?

18 COMMISSIONER RODRIGUEZ: We got to finish
19 the public.

20 MR. AMODIO: We have the mayor here.

21 COMMISSIONER KOLODZIEJ: Motion to reopen
22 public.

23 MR. AMODIO: Motion by Commissioner
24 Kolodziej.

25 COMMISSIONER VANNOY: Second.

1 MR. AMODIO: Second by Commissioner
2 Vannoy.

3 No objections.

4 PRESIDENT FRIEND: Who's going to be
5 speaking for the City of Paterson? Mayor, you?

6 MAYOR TORRES: Yes, I'll start.

7 Good morning, Commissioners. Thank you
8 for adding me onto the agenda. I promise I'll be
9 brief.

10 To the new Commissioners, welcome. I know
11 the last time I was here, you know, it was almost
12 about a year, year and a half ago and the
13 configuration of the Board was not what it is
14 today. So I really want to actually welcome the
15 new Commissioners from respective cities and
16 including our own of Paterson, the return of
17 Commissioner Rodriguez.

18 This morning, basically, I'm coming to
19 speak on two issues. The last time I appeared
20 before the Board, we talked about looking at the
21 possibilities of then I believe Commissioner
22 Sanchez was the Chairman or the President of the
23 Board and we talked about some new developments
24 that we found as it relates to some historical
25 significance regarding the foundation of the

1 pumping station in which it was indicated that a
2 committee as a whole was going to be created so
3 that, and the late Commissioner Gloria was also
4 part of, I think was part of a facility committee,
5 some type of committee, was looking towards going
6 down and doing a site visit to explore something
7 that Gianfranco, our Director of Historic
8 Preservation, will speak on.

9 But before that, as you know, we're moving
10 very expeditiously with the process of the
11 national parks. In part of that there is a minor
12 subdivision that's going to be required by the
13 Commission as it relates to the pumping station so
14 that way a transfer of the titles could be done to
15 the National Park System. I'll have legal counsel
16 actually speak on that.

17 And then I just want to, I know the Board
18 is aware that the National Park Service sent a
19 letter really objecting somewhat or penning their
20 objections to the tanking of the Levine Reservoir.
21 It's kind of interesting, right, to see that you
22 have an entity of the Federal Government taking
23 objections to something that if they air their
24 objections to the committee of the authority who's
25 mandating this to occur, right, which is EPA, then

1 I think that then would really make the issue
2 moot.

3 However, I'm aware that the Board
4 undertook a series of public, I'm not going to say
5 public relations, but we did reach out to public
6 output, input as to the variations of screening
7 and landscaping and redactable use for the
8 reservoir. I think that was very, very helpful.
9 We even weighed in. I even weighed in and the
10 City weighed in as to its opinion or its comments
11 of what we thought and we have to live with, what
12 is the best mix of what could be done.

13 I say that because one of the other things
14 that I wanted Gianfranco to talk about, and I'll
15 take it as a segue, one of the other things I want
16 Gianfranco to talk about is that yesterday we had
17 a very interesting charrette to talk about the
18 historical significance, if not even more
19 significant than the Falls, right, if one can
20 believe that from my historical perspective in
21 what the true vision of Alexander Hamilton was via
22 moving from an agrarian society to an industrial
23 society and really syphoning the water from the
24 Passaic River vis-a-vis the Raceway System that
25 really created energy to power all those mills.

1 That was very significant moving us into one of
2 first plan industrial cities in the nation.

3 And so with that said, yesterday we
4 undertook a wonderful charrette study with a
5 roomful of think tanks from EPA. I think the
6 Commission had its engineer and as well, one of
7 the members, principals, from the public relations
8 firm that undertook that survey. So I'm saying
9 that to get to this point:

10 We do know that there is some credence to
11 what was thrown out there as a crazy idea by
12 myself a couple of years ago of actually utilizing
13 the remaining water that would normally be
14 actually pooled or stay stagnant at the reservoir
15 after the 20 percent gets tanked out, what is
16 going to occur with that water. And our studies
17 indicate, as dated almost ten years ago, that if
18 we just almost, I'm going to say rehabilitate the
19 Raceway, we could almost envision circulating the
20 remaining 80 percent of the water which is I think
21 I read something that is almost like 20 million
22 gallons of water, you guys can weigh in on that,
23 circulate that through the Raceway and back and
24 forth and that way we will then have water flowing
25 as a historical interpretation through the Raceway

1 and that possibly that could yield the
2 Commission's position meeting a Section 106
3 requirement that is required in order to go
4 forward with the process of the signoff with the
5 tank.

6 So I put that out there because we had
7 commissioned hydraulic studies. We are moving
8 towards exploring that. So I just wanted to give
9 the Commissioners an overview of where we are with
10 that, in addition, to talk about these other two
11 items which is the transferring of the title to
12 the National Park System, keeping in mind the
13 preservations of the water rights, which is very
14 important to the City of Paterson, and also to
15 talk about this new interesting interpretation and
16 what we view as one of the premier viewing areas
17 to take in the significance of the Falls in
18 utilizing the foundation in an old pipe that was
19 there as an interpretation of the pump house.

20 So with that I'm going to move to Ben
21 first to get the legal jargon out of the way so we
22 can move that forward and then to Gianfranco.

23 Before I do that, I would just ask to pass
24 these out to the Commissioners and I think we have
25 enough copies. That will be for Gianfranco's

1 discussion.

2 I thank you once again for having me.

3 MR. SELIGMAN: I'm Ben Seligman, one of
4 the lawyers for the City of the Paterson. A
5 lawyer that's done a lot of work on various legal
6 rights around the national park area and worked on
7 the national park agreement as of 2011. I'll just
8 try to give an overview. You have your own
9 counsel, but just to start the ball rolling get
10 ideas what are some of the legal issues trying to
11 get things going around the Falls.

12 I mean, I guess to start with the national
13 agreement, circa 2011, the park service wants to
14 become the legal owner, I won't say all, but
15 almost all the land around the Falls including the
16 lot owned by Passaic Valley Water Commission.
17 Now, since the park service obviously does not
18 want to become the owner of pump houses nor do you
19 want to give them away, the equivalent matter on
20 the other side of the Falls is the National Park
21 Service does not want to become the owner of the
22 hydroelectric plant, neither does Paterson want to
23 give away the hydroelectric plant. There would be
24 a subdivision to carve out the areas that have a
25 function other than park and separate them from

1 the park.

2 The subdivision process was initiated
3 roughly two years ago by the park service and I
4 was not privy to discussions. I believe there
5 were some discussions between this Board and the
6 park service. I was told, this is by second or
7 thirdhand, that there was some questions at the
8 time over the various things running over the
9 Falls; the footbridges, the pipes, all that and
10 somehow things got on hold and we'd like to resume
11 discussions among the three parties regarding
12 subdivision. Three parties being: This entity,
13 the Passaic Valley Water Commission; City of
14 Paterson; and the parks service. Once that
15 subdivision is done, various other good things can
16 happen, such as donating the park land that
17 they're looking for without transferring various
18 equipment that you need to keep very obviously.

19 There's also something called a deed
20 notice. The City of Paterson, which I'm fairly
21 sure you know, did lots of good remediation work
22 in the area of Mary Ellen Kramer Park. The park
23 looks a whole lot better than it used to. It's
24 much better than it used to be, it's a better
25 park.

1 Now, to get our full funding from the
2 State of New Jersey for all that good work, we
3 need to record deed notices which is something
4 that's done almost like a deed to property. It's
5 not a deed to property, it's rather like a
6 condition on the deed. It's done with a separate
7 document. The City of Paterson has already
8 recorded a deed notice to the area where we hold
9 title. I don't know if lot numbers mean anything
10 to you, but I'll spit them out in a moment. Mary
11 Ellen Kramer Park occupies three lots: Number 3,
12 number 4, number 5. Three is owned by the Water
13 Commission. We know that despite the fact that
14 various city records from years ago had the
15 numbers mixed and showed us having yours and you
16 having ours, but, no, it is 3 where the pump
17 houses are that the Water Commission owns, so Mary
18 Ellen Kramer Park restoration was done on 3, which
19 you own and 4 and 5 where we own.

20 We have recently, just last week actually,
21 submitted our deed notice to Passaic County to
22 restrict use of 4 and 5. This does not affect you
23 in any way. This is the land that we own. What
24 we would like is one way or another to reach a
25 point where the Water Commission record a deed

1 notice for lot 3 as well as the lot the Water
2 Commission owns.

3 Your attorney, Mr. McPherson, has raised
4 some questions that should that be done perhaps
5 after the subdivision, not before and that's for
6 his expertise. But as long as we head towards
7 that goal, that two legal events, three legal
8 events happen, not necessarily in this order, the
9 three legal events that we're going to keep our
10 eyes on would be deed notices, these restrictions
11 to make sure that the land can't be dug up and
12 undo all the good environmental that the City of
13 Paterson's done.

14 Besides deed notices, there's also
15 subdivision, of course, to make sure that land can
16 potentially be transferred without giving away
17 what the parks doesn't even want. I'm sure the
18 park service has no desire to own the pump houses
19 or hydroelectric plants.

20 And, finally, what the national park
21 agreement envisioned, that the park service would
22 eventually become the title owner of most or all
23 of the area around the falls.

24 That's just a general overview. As far as
25 filling in some realistic details about what more

1 concretely is happening around the Falls, we have
2 a nice power point presentation that we put
3 together on paper and we'll go through that in a
4 moment.

5 Thank you for your time.

6 MAYOR TORRES: Thank you, Ben.

7 Gianfranco.

8 Gianfranco, just talk about our recent
9 partnership with Eagle Creek, operators of the
10 hydroelectric plant, and our grant application
11 with the State which is in part of Federal funding
12 to actually create our own micro grid which,
13 Commissioners, at the end of the day we look at
14 this as actually creating a blackout free zone for
15 the entire area of the MUA, two schools that are
16 utilized as emergency shelters, our police
17 department, our hospital, the County Jail, two
18 high schools, the County Jail, the firehouse, our
19 police department, county government and city
20 government so that that way we create a blackout
21 free zone and also create a micro grid that will
22 allow us to then be able to create a new tariff
23 via hydro energy, which is some really cool stuff.

24 And going back to the historical
25 interpretation of what Alexander Hamilton

1 envisioned, our vision in Paterson is that it
2 would be a wonderful interpretation to have this
3 wonderful Board have a hydro plant where students
4 from all across the State of New Jersey will come
5 and see the lighting grid within the entire
6 boundary of the national park, including the
7 energy utilized at the pumping station and being
8 produced right from the hydroelectric plant, in
9 addition to getting the benefit that it will
10 become a blackout free zone in the event that we
11 lose power that area will still be powered up.

12 So, Gianfranco.

13 MR. ARCHIMEDE: Thank you.

14 So, ladies and gentlemen, thanks for
15 having us here again. Last time that I was here
16 before you I was talking about this concept of the
17 Great Falls Tunnel Vault and I was prepared to
18 show a slide show but I see the room isn't set up
19 for that. So this time we've come back -- oh, I
20 didn't realize -- next time. So I prepared the
21 handouts instead to go ahead and walk you through
22 on an individual basis. But I'm going to need to
23 have one of those to go through. Is there an
24 extra one around?

25 I mentioned at the time that funded by the

1 MUA some years ago back in around 2008, Russell
2 Freeze (Phonetic), an historian who wrote the
3 National Register Nomination for the Great Falls
4 District was hired to put together a brief history
5 of Passaic Valley Water Company. Its founding by
6 John Reilly in 1850. He established the first
7 public water supply for Paterson and sort of going
8 into the very, very detailed look at the different
9 features around the Falls that actually started
10 the whole ball rolling.

11 I'd like to provide a copy of that for
12 your records. I believe I also sent it over via
13 e-mail as a PDF previously. So that's something
14 that you can have and put on your shelf and have a
15 look at it in your time.

16 Basically, I'd like to go through this
17 visually to kind of point out and see if I can
18 orient everyone on this rather special and unique
19 feature that I would like to point out.

20 The first page, on page 1 on the
21 right-hand side is an early photograph showing the
22 waterfall in its natural, let's call it the
23 natural state. The crevasse went pretty far back
24 to where the two buildings that you see in the
25 photo exists.

1 Now, the first building is also seen on
2 the left-hand photo and it represents the
3 enclosure for the first pump that was installed by
4 the company. This pump actually is the only
5 apparatus that was cleverly installed to take
6 advantage of the water actually falling into the
7 crevasse and pushing machinery to create power,
8 water power in order to operate a pump.

9 So the Raceway System operated on a
10 different concept by taking water out of the river
11 and running it through the Raceway and it wasn't
12 done directly by the waterfall, so this was a
13 rather unique application.

14 Now, the left photo shows no water in the
15 crevasse. And I'd like to point out you can see
16 that the crevasse just barely goes all the way
17 back to where you see the foundation of that first
18 building and that becomes important in the
19 discussion --

20 COMMISSIONER LEVINE: How old are these
21 pictures in difference?

22 MR. ARCHIMEDE: The difference in the
23 pictures are the first is 1850, the first on the
24 left is 1850 and then 1860 on the right.

25 COMMISSIONER LEVINE: So these are only

1 ten years apart, these two pictures here?

2 MR. ARCHIMEDE: Yes, yes.

3 The addition of the large frame building
4 where you see the steam kind of coming out, that's
5 the difference in those 10 years. Okay.

6 Move to the next page, on page 2.

7 On the top photo on page 2 you'll see a
8 rather large illustration of a pumping plant, a
9 coal fire pumping plant installed by the water
10 company in 1870. This is when the water company,
11 after decades of battling over water rights with
12 the Society For Establishing Useful Manufacturers
13 was able to gain some of the water coming over the
14 S.U.M. dam that's just upstream. What they did
15 then was to create another dam and holding area to
16 create a pond for being able to subdue and hold
17 and then draw out water for drinking and placing
18 it into reservoirs. So you can see on the top
19 photo the outline of the dam along the lip of the
20 waterfall itself. So this dam goes onto sort of
21 define historic understanding or view shed of the
22 waterfall. The presence of the dam, the way the
23 water sort of falls over the crevasse has
24 drastically changed because of this manmade
25 feature being installed.

1 You can see the bottom photo shows the
2 same view, just about the same view, without the
3 water falling over. So you can really get a look
4 at this dam.

5 Along with the dam the portion of the
6 formation of the rock basically behind the dam was
7 most likely blasted. It was blasted to deepen it
8 and it was blasted to create more holding
9 capacity.

10 If you ever go over to the Falls now when
11 it's turned off and dry, you'll see there's a
12 significant amount of water sitting behind the lip
13 of the waterfall due to this plastic. This is the
14 same process that the water company employed in
15 1884 to create the Levine Reservoir. The other
16 three previous reservoirs were built along the top
17 of the crevasse on the north side of the river so
18 that it was easy to pump the water from this
19 location and move it into those three reservoirs
20 and they were built in terms of timelines
21 successfully over time.

22 The last one, the farthest away, was
23 called the Totowa Reservoir.

24 MAYOR TORRES: Can you, just for purpose
25 of landmark, can you just tell them basically

1 where those other ones were? The Vista site and
2 even partial by where the stadium is, if you can
3 just.

4 MR. ARCHIMEDE: The first reservoir was a
5 natural crevasse right where the stadium is today.
6 I've been able to find only one photo of it that
7 still exists which is really cool and it shows a
8 wooden fence around it and people are already
9 starting to recreate around it.

10 The second is in the kind of bowl, that's
11 today between Hinchliffe Stadium and what we call
12 the Vistas.

13 The third or what is essentially the
14 Totowa Reservoir was on the high point is a place
15 historically known as Soldier's Monument in
16 Paterson. That reservoir was built as a masonry
17 structure like kind of sticking up because of the,
18 it wasn't in the ground or any natural formation,
19 it was actually built with masonry walls. So
20 those three.

21 And the fourth and last one was the Levine
22 and hence, the pipe that goes across the crevasse
23 of the bridge.

24 So I wanted to point out the two dashed
25 lines on the bottom of the photo to focus your

1 attention now what's going on. In addition to
2 creating the holding area, the dam, they also
3 created a vault, a brick vault over the crevasse
4 at the rear in order to develop this holding
5 capacity and the crevasse stretches all the way
6 down to the basin that you see at the bottom of
7 the photo from the top of the formation.

8 So now to page 3. Page 3 you get a
9 contemporary view of this vault and the crevasse.
10 You can see dead center in the photo, on the top
11 photo is the brick arch and then a steel
12 reinforcing beam across it and then the remains of
13 a masonry dam above it.

14 Now, behind this, looking more behind this
15 you'll see what's in the bottom photo, you'll see
16 the foundation of the first building and from page
17 1, the sandstone foundation that you see to the
18 right is that that's seen in the first photo on
19 the left side. Okay. The vault is really right
20 underneath the water that you see leading to that
21 foundation. So it's between the archways you see
22 on the top photo and the foundation you see on the
23 bottom photo. So the vault is what's holding that
24 water up basically.

25 Now to the next page, page 4. Page 4

1 brings you a little closer, gives you a closer
2 photograph, contemporary photograph, showing the
3 actual archway of the vault and the steel
4 reinforcing beam that was placed there. It seems,
5 in my opinion, placed there to maintain a base for
6 which the bricks to rest, the arch to actually
7 rest on. That's what creates the stability of
8 that brick arch.

9 The bottom photo is me on the beam poking
10 my head into the archway taking a photograph
11 looking up.

12 So you see that kind of rounded barrel
13 that's covered with moss, that's actually all
14 brickwork and that's the vault looking all the way
15 toward that foundation building. There's all
16 kinds of junk and sand in there but you also see a
17 large pipe to the left, something like a 12 or
18 14-inch pipe, probably some, you know, some
19 drainage pipe, but you can see clearly the vault
20 is in rather new condition and goes all the way to
21 the rear.

22 Page 5 is a large photo showing the
23 overall sort of top to bottom view vertically of
24 the vault at the top and the crevasse that's
25 actually covered. You can see at the bottom this

1 was something, I'm not sure if I was able to point
2 out last time, but it's really great fun to see
3 what collects in this vault over all these years.
4 It's a bunch of rubber balls. So all the lighter
5 material that goes over the waterfall gets bounced
6 back into the vault and kind of can't get out
7 again. There's hundreds or maybe thousands of all
8 different sorts of rubber balls on the bottom of
9 this crevasse. So the rest is different debris
10 and stuff, probably slashed back up in there by
11 similar water events and this has gotten lodged
12 and still remains. So that's what you get looking
13 inside the vault.

14 Now the last photo, again, is just to give
15 you some more perspective of the relationships,
16 the spacial relationships that I'm trying to
17 demonstrate with the photos.

18 The top photo is a contemporary photo when
19 the water was dry, way down at the basin where the
20 water actually hits looking back toward the
21 crevasse. And I think you can barely see the beam
22 and the brick vault and the length of the slot
23 where the crevasse, all the way down, similar to
24 the slot that's next to it.

25 Now, Mayor Torres pointed out last time

1 that during the state park planning there was an
2 idea about putting a walk, a stairway to get folks
3 down from Mary Ellen Kramer Park level with the
4 waterfall and that slot or crevasse is the one
5 that's to the right in the photo. That would have
6 to be enlarged clearly in order to accommodate a
7 stairway. I just wanted to illustrate that that's
8 the slot that Mayor Torres often refers to. The
9 one we're talking about is to the left.

10 Now, the other photo on the bottom is from
11 Google Earth and it demonstrates, again, how this
12 vault goes all the way back to the foundation. So
13 it's still there. It's still in relatively fine
14 shape for its age, however, there are certain
15 concerns about its possible collapse in time which
16 would really change our view of the waterfall.
17 The loss of the dam, of the actual fabric of the
18 dam, as you can see from the Google photo, has
19 actually also altered the waterfall.

20 The times of low flow, everyone knows that
21 the water is falling to the rear. That's really
22 the lowest point. You can see the blasting or the
23 holding capacity that I was demonstrating by all
24 the water that's actually remaining here but no
25 water is going over the front lip of the

1 waterfall. If the dam were here again, the water
2 would build up to that level and start to spill
3 over the dam in a consistent way similar to the
4 historic photo on page 2.

5 So this is something that we've already
6 been talking about for years with the National
7 Park Service. This phenomenon and the dam itself
8 is something that is in the general management
9 plan appears there as well.

10 So the idea is as a visitors amenity,
11 going back to the full page photo on page 5,
12 Darren Boch, the superintendent of the national
13 park, and Mayor Torres were talking about this
14 opportunity to actually install a viewing platform
15 or a walkway that's pinned into the crevasse and
16 get visitors into that walkway. Of course, it
17 will all have to be cleaned and preserved and so
18 forth and made safe, but getting people into this
19 crevasse from the pumping station side from that
20 foundation basically we saw in the other photos,
21 finding the opportunity to enter folks and then
22 walk them out onto the walkway to face the water,
23 you know, as far as safe to where that brick vault
24 is.

25 So that's the concept that I wanted to

1 demonstrate with these photos and that was one of
2 the ideas. Also, the information about the dam
3 and its importance. And this is all the features
4 that still remain that are part of the historic
5 legacy of this organization.

6 So I hope everyone gets a chance to read
7 the few pages. It's very interesting, intriguing
8 writing in this report done by Russell Freeze.

9 MAYOR TORRES: Before he goes onto the
10 next topic, so, again, as I did over year and a
11 half ago, I encouraged this Board to possibly do a
12 site visit together with myself, engineers, and
13 the superintendent of the national park. One
14 thing is seeing these photos and they're not in
15 color, and the other thing is actually being there
16 because it seems like it's impossible, but,
17 basically, that's what was there. Actually, a
18 manhole would have been the foundation of this
19 pipe actually gets us right to where we want to
20 be. The platform that has to be built, I'm
21 assuming even then some kind of Plexiglass over
22 the front of the archway so that not only you're
23 shielding folks from the water but as a safety
24 precaution to have not somebody throw more garbage
25 over it or actually attempt to jump over it and

1 commit suicide.

2 So exciting stuff. At the walk then we
3 will encourage you, then we will also show you
4 what was Plan B to this, which is actually putting
5 a fire escape within the crevasse which creates a
6 national stairwell and drop it down and tear it
7 down so that you're actually going down to the
8 lowest point of the chasm and actually feel the
9 roar and the mist of the water similarly to what
10 you would experience in Niagra Falls.

11 Last month it was published over 177,000
12 visitors, documented visitors, by the national
13 park visited the Great Falls with very little
14 other than just the Falls here. So we think by
15 partnering up, not only we could preserve the
16 mutual historical history from the role that the
17 Water Commission played as it relates to the
18 reservoir and the drinking water and the pumping
19 station, but also the role that it played
20 hydraulically as moving us, again, utilizing that
21 water to actually create, you know, steam energy
22 and then utilizing the Raceway to power the mills.

23 So with that then, Gianfranco's going into
24 the second one and then we'll be open to any
25 questions.

1 MR. ARCHIMEDE: Just one further point.

2 On the first page, the vault structure is
3 paramount with regard to the way we see the
4 waterfall today and if it fails how that will
5 change how people experience the waterfall if that
6 Fall were to fail. It would go back to a
7 condition like this on page 1 and in the photo on
8 page 1 on the right-hand side where the water is
9 naturally kind of rushing to the rear, the lowest
10 point, and it would no longer be clearly in the
11 view shed from the overlook park position which is
12 the primary and viewing point for the waterfall.

13 So the vault is just a very, very
14 important feature. It's a manmade feature and
15 there's little known about it in terms of its
16 importance to the historic view that we have of
17 the waterfall these hundreds of years. So its
18 preservation is both as the feature for visitor
19 experience or just a general historic feature
20 makes that very kind of high on the list regarding
21 preservation of the various fundamental features
22 that we have in the park.

23 Moving to the next topic, another
24 fundamental resource in the national park is, of
25 course, the historic S.U.M. Raceway. For years

1 now everyone is familiar with Mayor Torres's idea
2 that he was just mentioning again and we were
3 talking about commissioning an engineering study
4 that would have several purposes and one of them
5 was to explore the notion of the reuse of the
6 footprint of the Levine Reservoir should the tanks
7 be installed, there would be an additional
8 footprint available to store water and then share
9 in the cooperative fashion with the Raceway in
10 order to re-water the Raceway.

11 The charge of the study included several
12 different topics to explore which are all on the
13 table now for Paterson regarding its relationship
14 with water moving forward and that is compliance
15 with ACSO or Combined Sewer Outflow Permitting
16 Process which is a very long and expensive process
17 at the end which focuses on eventually separating
18 the sanitary from the storm water systems.

19 MAYOR TORRES: But also, Commissioners,
20 keeping in mind it's also a Federal mandate. So
21 it's a Federal mandate via the State, the State is
22 imposing on the City. Up to date we have probably
23 spent since 1990 I would say very well over a
24 hundred million dollars and moving forward with
25 the rest of the permitting, we're in the

1 permitting cycle right now, it is anticipated to
2 fully comply, it would probably end up hovering
3 somewhere about a billion dollars.

4 MR. ARCHIMEDE: The opportunity to use the
5 Raceway as a storm water collector and lower the
6 City's storm water footprint would really play
7 into the ultimate investment with regard to the
8 infrastructure that needs to be changed out and
9 replaced. So the goal right now in the process is
10 to get as much storm water out of the sanitary
11 system and back to the river. And the Raceway can
12 certainly function as an asset with regard to the
13 acreage that surrounds it and the properties that
14 are actually putting storm water could possibly
15 put more storm water into the Raceway.

16 Another part of the study was to look at
17 the feasibility of the Raceway as a nuisance flood
18 control asset. We had a major flood event during
19 Irene that really ravished the historic district
20 and the Raceway functioned both as an asset as
21 well as a liability regarding getting water, you
22 know, the flood waters out of the district and
23 back to the river and also there were areas where
24 it was overcome and the flooding caused a lot of
25 damage to adjacent properties, specifically,

1 putting some tenants in the historic mills out of
2 their mills for close to nine months, nine months
3 to a year, while all of their apartments were
4 rehabilitated.

5 The other feasibility, of course, we
6 looked at was the sharing of water with Levine
7 Reservoir. So we had the charrette and it
8 included to share through the preliminary findings
9 that the engineering team had to share, and they
10 explored each of these different features or
11 subjects with regard to the study and with regard
12 to the Levine Reservoir. It was clear that there
13 needed to be more intensive studies done regarding
14 the capacities.

15 So what I'm getting at as mathematics.
16 What would be left regarding the capacity of
17 storage after tanking and they've explored the
18 capacity of the Raceway, what water it would need
19 to be watered and they're also looking at what
20 would need to be pumped in and then shared. But
21 those numbers really haven't been firmly
22 established and that was a great take away from
23 the meeting yesterday, so there's more work to be
24 done and more information to come on that,
25 however, that's definitely a great start.

1 One of the major concerns that came up
2 with the subject was the ability to get approval
3 for a water storage permit to draw water out of
4 Passaic to store it there. Because of
5 competition, of course, with primarily, the
6 hydroelectric plant was one of the closest users,
7 but, of course, everyone here understands about
8 water rights and sharing and that was one of the
9 topics that needs to be further quantified, kind
10 of the level of the difficulty that it might take
11 to get approving for that kind of a permit.
12 Whether the water is coming in from the Raceway or
13 coming from its own pipe in the river is sort of
14 irrelevant to that. It's a permit for being able
15 to take water out and store a certain amount of
16 it.

17 The other thing was clear in the charrette
18 that so far there was not enough engineering or,
19 again, numbers on the sort of ongoing sharing, the
20 kind of coming in, temporary storage and then
21 going out and this kind of fluctuating and back
22 and forth of that system that needs to also be
23 further explored.

24 So that's kind of a brief overview. And I
25 just wanted to also mention that we were very

1 pleased to have Kevin Byrne from the Commission
2 attend the charrette. He stayed with us and was
3 engaged all day. We had representative teams from
4 the National Park Service, New Jersey DEP, also
5 from Brownfields' reuse and storm water management
6 offices, Historic Preservation Office, we had the
7 New Jersey Historic Trust - Passaic County, of
8 course, our contingents from the City, all in all
9 about 30 people from all the various agencies that
10 are interested and would be participating in
11 reviews about the Raceway's preservation and
12 reuse. So there was a very lively discussion and
13 we're very pleased to have come this far. We're
14 hoping that in the next 60 days -- 30 days for a
15 draft and we'd like to share that draft with the
16 Commission.

17 MAYOR TORRES: If I could respectfully
18 request that any data that the Board has regarding
19 the remaining balance of the water that is to be
20 remaining at the reservoir after the 20 percent
21 that's going to be obtained in volume so that we
22 get a better understanding and we can share with
23 the expert as to what type of capacity we're
24 talking about and then, I guess, for myself and
25 them, you know, how does the water company take in

1 the water that's at the reservoir now because the
2 permitting process, as Gianfranco was talking
3 about, the original was actually syphoned off of
4 the Passaic River and then that's what powered the
5 Raceway.

6 So it would be interesting to know how do
7 we get the millions of gallons at the reservoir
8 now. Is it strictly from Mother Nature rainfall?
9 The storage there? I don't know. I know that it
10 gets cleaned and then brought back to the
11 reservoir and then comes back for use, but I just
12 don't know.

13 So if you're going to share that
14 information as to how the collection process of
15 the millions of gallons that are at the Levine
16 Reservoir, how they get there, that would be
17 helpful for the team as well.

18 So with that, if members of the Board have
19 any questions, I'll be more than glad to answer.
20 If not, I want to thank each and every one of you.

21 I would hope to probably get some
22 communication back to that visit or either way, if
23 the Board is not interested, I'm seeing this and
24 I'm putting it out there as another opportunity of
25 the Commission meeting its Section 106 requirement

1 as we move into the permitting process to the
2 Secretary of Interior. I gave you the hydraulics.
3 I'm giving you this piece. It could be something
4 that I think could actually fly because there's
5 interest by the National Park Service and these
6 things. So I'm just throwing that out.

7 But if there's no interest, by all means,
8 I don't want to waste time but I would then move
9 onto then presenting Plan B that I really want to
10 do also, which was a plan that was originally
11 created with the State Master Plan as a viewing
12 point. It's really, you know, to use Gianfranco's
13 words, it's a really cool amenity. To me it's the
14 easiest of both of it all because the footage is
15 there; the view stations are there. It's just
16 refabbing the steel cage and just, you know,
17 dropping it down via crane and then fasten it to
18 both sides of the wall. And that pumping station,
19 you know, for viewing purposes and putting a
20 turnstile similar to a subway and a token at the
21 Visitors' Center could then go head and generate a
22 token which will generate some activity and it's
23 right in front of the stadium. And as you know,
24 the stadium is moving towards phase one of it's
25 restoration. The old fieldhouse has been

1 identified as a possible source for a possible
2 home for the New Jersey Hall Fame or the Negro
3 League Museum or the Investors Museum or a
4 combination, a hybrid of all three of them. So
5 having this amenity for visitors and talk about
6 the great contribution that Passaic Valley Water
7 Commission has made, not only to Paterson but to
8 the greater Passaic County area is really a great
9 story to be told, particularly, since that side of
10 the site not only houses the pumping station and
11 the foundation of it and the pipe still feeds that
12 line, but also the fact that it at one time housed
13 two of the reservoirs that overall supported this
14 authority.

15 So with that, any questions?

16 COMMISSIONER RODRIGUEZ: I have a question
17 because this is all new to me.

18 Who funds this? I mean, it sounds
19 phenomenal and I can see visitors and all that,
20 but where does the funding for this come? Before
21 that, I'm sorry, Mayor, have you gotten an
22 estimate, you know, of what this would cost and if
23 so, how much is that and who funds this?

24 MAYOR TORRES: First, with all due
25 respect, Commissioner, are we talking about the

1 crevasse and the tunnel?

2 COMMISSIONER RODRIGUEZ: Crevasse. I'm
3 talking about the crevasse, the scenic, the view.

4 MAYOR TORRES: Quite honestly, we will
5 look at that as we look at all funding sources
6 regarding the national park and the boundaries
7 within the national park. It's a combination
8 between Open Space, Green Acres, combination
9 between its commitment between the national park,
10 which is the Federal Government, the City of
11 Paterson. And because this falls within territory
12 and this part doesn't get deeded to the national
13 park or this is the part that doesn't get deeded?

14 COMMISSIONER RODRIGUEZ: This is separate
15 and apart.

16 MAYOR TORRES: So since it's property of
17 the Water Commission now as we stand, for
18 beginning the study, the feasibility study, would
19 be funded either jointly between the City of
20 Paterson and the Water Commission. Right now
21 we're on the verge of finalizing the funding and
22 the putting out to bid two major projects. The
23 total amount is \$8 million. It's been done with
24 join funding between the City of Paterson, Green
25 Acres, the Federal Government, and the county. So

1 four funding source, \$8 million.

2 The last leg was on discussion and has
3 been moved towards next Tuesday hopefully. The
4 last part is just the City funding an
5 environmental cleanup that has to get down. But
6 the \$8 million came with multiple funding source
7 and I think the national park put the largest
8 amount into that.

9 MR. ARCHIMEDE: By legislation, they match
10 dollar for dollar. So \$2 million in one case, \$2
11 million from the State of New Jersey matched by
12 1.8 on the Federal.

13 MAYOR TORRES: So we will be looking at
14 those funding.

15 Interesting to note, that will put an
16 Amphitheater in front of the Falls. It creates
17 activity to open the park from the Amphitheater to
18 the footbridge, hopefully soon.

19 If anyone wants to chime in and report on
20 when we're going to temporarily open up the
21 footbridge again, I'll be more than willing to
22 hear that. But takes us right to the footbridge
23 to Mary Ellen Kramer Park and then also the ADP
24 site and the lawn and the river walk is all part
25 of this \$8 million that we're hoping to get the

1 shovel in the ground.

2 COMMISSIONER RODRIGUEZ: One last
3 question. We got to get back to our meeting. One
4 last question.

5 You were talking about Article 1
6 something?

7 MR. ARCHIMEDE: Section 106.

8 COMMISSIONER RODRIGUEZ: I don't want you
9 to elaborate. I'd like to see a copy of that.

10 MR. ARCHIMEDE: It's a Federal law. It's
11 substantial.

12 COMMISSIONER RODRIGUEZ: You don't have a
13 summary of it?

14 MR. ARCHIMEDE: The summary is that when
15 there's Federal funds used on a federally
16 designated site or place, like the Great Falls,
17 then there becomes a public review of how those
18 funds are going to be used and how they impact
19 historic properties. So that's all Section 106
20 and it's a rather large review process and it
21 opens the door to an outcome. Outcomes, whether
22 they're positive or negative, if they're negative
23 outcomes, you start looking into what is
24 mitigation, how to mitigate.

25 COMMISSIONER RODRIGUEZ: All right.

1 MAYOR TORRES: Through the Chair to the
2 Director. Joe, perhaps you could debrief the
3 Commissioners on how 106 is a driving force and
4 that's how come I mentioned it twice as a
5 mitigating force as alternatives vis-a-vis the
6 recirculating of the Raceway, be it the Levine or
7 in this case, because that's under currently, the
8 plans for tanking the reservoir is currently
9 subjected to 106 Review and if it doesn't meet
10 those standards, then there's problems. It's
11 mediation and these alternatives that I put out
12 today are possible mediation.

13 PRESIDENT FRIEND: Thank you, Mayor.

14 MAYOR TORRES: Thank you.

15 COMMISSIONER RODRIGUEZ: Very interesting
16 information.

17 COMMISSIONER KOLODZIEJ: I'm sorry, I have
18 a few questions.

19 PRESIDENT FRIEND: I'm sorry, Joe.

20 COMMISSIONER KOLODZIEJ: And I appreciate
21 the vision that you have for this historic site.
22 It's certainly very exciting, like Commissioner
23 Rodriguez said.

24 Did I understand correctly that you're
25 planning on constructing an operational

1 hydroelectric facility here?

2 MAYOR TORRES: We've been operating a
3 hydroelectric facility there for well over 30
4 years. What brought it up to today was that every
5 30 years, five years prior to the expiration of
6 the licensing agreement, which is subject to FER,
7 the Federal Energy Regulatory Commission in
8 Washington, we have to apply. This year, the City
9 of Paterson took -- a year ago we took a very
10 different approach. Instead of just signing off
11 on a private operator to be the licensee and then
12 we just lease them the operational rights of the
13 MUA, we then opted, we made our application and we
14 wanted to be co-licensee. By us being
15 co-licensees then allow us to become this new
16 energy aggregator, basically, a partner with the
17 operators in order to go ahead and not only
18 continue to operate the hydroelectric, but also
19 create this micro grid, they call it a
20 resilient... Basically becoming an energy
21 aggregator. But we're doing it jointly with the
22 current operators now because now we co-license.
23 But, yes, we've been doing it for -- we're
24 one of the few, that's how come it's so exciting,
25 we're one of the few facilities in the State of

1 New Jersey, if not in the country, that still
2 creates hydroelectric from a water resource. Took
3 out about 600 --

4 COMMISSIONER KOLODZIEJ: That's been
5 ongoing for about 30 years?

6 MAYOR TORRES: At least 30 years.

7 MR. BELLA: They've been there longer.

8 MAYOR TORRES: Yeah, but what happened was
9 about 30 years ago, originally, it was still
10 operated by the Society for Establishing of Useful
11 Manufacturers to some corporations, which was
12 originally the first corporation that was
13 established vis-a-vis Hamilton's vision, but then
14 as they, you know, as a decline and, you know,
15 energy became, not hydro energy, but electrical
16 energy became more prominent, then they sold the
17 rights to the City of Paterson and then what we
18 did over 30 years ago, we just jobbed it out to a
19 provider. Back then it was the original provider,
20 a company called AquaDye and then since then they
21 sold it to Eagle Creek, maybe one of out of three
22 hydroelectric operators in the country. And so
23 they're now the operators because five years prior
24 to the expiration, we have to put the Federal
25 Government on notice, then we opted to jointly and

1 then after the storm Sandy, the Federal Government
2 allocated somewhere like around a hundred million
3 dollars to the State of New Jersey.

4 Unfortunately, they didn't put that money out
5 until just I think January to an RFP. We were
6 urged by DPU because of our status to apply. We
7 did apply, which ultimately we think we're going
8 to be successful because we had a very good
9 feasibility study that when we will get awarded
10 for the actual construction tapping into those
11 Federal funds.

12 COMMISSIONER KOLODZIEJ: But Alexander
13 Hamilton wasn't attempting to produce electricity.

14 MAYOR TORRES: No, he didn't, but he
15 attempted to power the Raceway creating --

16 COMMISSIONER KOLODZIEJ: That I
17 understand.

18 MAYOR TORRES: Through the Raceway, he
19 syphoned it and through the water wheels was
20 created the energy for the mills.

21 COMMISSIONER KOLODZIEJ: I think what I
22 find conflicting for me is that we have a Federal
23 agency that says putting tanks in the area is
24 offensive to the historic nature of the area, but
25 having a hydroelectric plant in the same area

1 actually even closer to the Falls is somehow not
2 offensive, so somehow that seems incongruent to
3 me. But that's neither here nor there, I suppose.

4 MR. SELIGMAN: I have something that may
5 assist this. Even though the hydroelectric was
6 back into operation only about 30 years ago --

7 MR. ARCHIMEDE: It was constructed in
8 1914.

9 MR. SELIGMAN: So it's not a brand new
10 thing, it's a hundred year old structure.

11 COMMISSIONER KOLODZIEJ: That was my
12 original question. I heard only 30 years. I
13 appreciate you clarifying.

14 MAYOR TORRES: I don't go back a hundred
15 years, I do go back 30.

16 MR. ARCHIMEDE: Well, in 1945, the City
17 acquired the S.U.M. assets and then went bankrupt
18 at that point. They've been in operation for 150
19 years as New Jersey's first established
20 corporation. What happened after that was that
21 PSE&G took on the agreement with the City to
22 continue to use the plant, but by 1960 they
23 decided they didn't want to continue, so the plant
24 sat for about a decade and then the City upstarted
25 the Municipal Utilities Authority and decided to

1 try to generate the energy itself and after a
2 short run of that, decided that it was better to
3 bring in a professional hydro client and do it as
4 a lease basically. So the plant is the facility's
5 lease. And at that point with the new operator in
6 was about 30 years ago. That's where the 30 years
7 comes from.

8 COMMISSIONER LEVINE: But this has been
9 running. I guess his question is, since 1914 he
10 wants to know when it was created, not who owned
11 it throughout.

12 MR. ARCHIMEDE: Since 1914, so it's an
13 historic asset.

14 COMMISSIONER KOLODZIEJ: One of the other
15 things I think I heard was that you're considering
16 somehow combing your treated water with our
17 treated water at the Levine Reservoir.

18 MR. ARCHIMEDE: No, we don't have any
19 treated water. We're talking about a dam, a
20 formal earth and dam that separates the structures
21 from the holding area of river water, basically,
22 untreated river water.

23 COMMISSIONER KOLODZIEJ: So you want to
24 bring untreated river water onto the site where we
25 have treated water. Do I understand that

1 correctly?

2 MAYOR TORRES: No.

3 MR. ARCHIMEDE: Well, I mean, for intents
4 and purposes, you have treated water in tanks on
5 one end, earth and dam between them, and then
6 untreated water on the other end in an open
7 reservoir.

8 COMMISSIONER KOLODZIEJ: My apologies, I'm
9 new to this. My understanding was your
10 organization in the City was opposed to the tanks.
11 It sounds to me like you're not anymore.

12 MR. ARCHIMEDE: No, that's not the case.

13 MAYOR TORRES: We were opposed and
14 actually I went out and got I think over 30 or 40
15 other municipalities to oppose it. I even was
16 able to get State legislators to oppose it.

17 At that point then there was a meeting of
18 the minds and then there was a discussion of
19 alternatives.

20 Then the Board then went ahead and then
21 hired this -- the public -- it came out that the
22 public didn't know about it. The Board went and
23 hired, for lack of a better word, a public
24 relations firm and went out and did a survey to
25 gauge what the public wildly wanted to see there.

1 From there then came some options; some
2 screening, lowering the tank, et cetera.

3 At that point that's when I came up with
4 the idea of possibly recirculating the remaining
5 water that's not going to be tank because the
6 question is what is the Commission going to do if
7 we do nothing with it, it's going to become a
8 swamp. Stale water becomes a swamp. I came up
9 with the idea of possibly the Board entertaining
10 recirculating it vis-a-vis the Raceway so that
11 that way then we then hibernate the water, it
12 keeps on flowing in a continuing cycle almost like
13 a fountain, and it could be a mitigating factor,
14 vis-a-vis Section 106 that the national parks and
15 the Feds will say: Yeah, we are against the tanks
16 but as a mitigating factor, we will accept you
17 investing towards this project and, therefore,
18 then we could live with the tanks.

19 COMMISSIONER KOLODZIEJ: So then you no
20 longer oppose the tanks?

21 MAYOR TORRES: Yes, yes.

22 COMMISSIONER RODRIGUEZ: You're no longer
23 opposed?

24 MAYOR TORRES: In addition to the other
25 comments that I talked about.

1 COMMISSIONER KOLODZIEJ: Oh, exactly, that
2 we all work together. Like you said, your goals
3 achieve our goals and --

4 MAYOR TORRES: I think in my letter it
5 talked about actually lowering it a bit so it's
6 not so obtrusive. There was more screening.
7 Creating the area around it, some type of park
8 area. I mean, those are different scenarios that
9 the public relation firm --

10 COMMISSIONER LEVINE: Can I ask you a
11 question, Mayor? I mean, the old plans, none of
12 that stuff's been, like, the old way the tanks
13 were supposed to be constructed, the original, are
14 you opposed to those?

15 MAYOR TORRES: The original, yes, after
16 the Board went with its --

17 COMMISSIONER LEVINE: We haven't made any
18 changes except for the original.

19 MAYOR TORRES: After the public was gauged
20 on a survey that was sent out and different
21 perspectives were given A, B, C, and D and there
22 were dollar amounts placed A, B, C, and D, we came
23 up with a hybrid recommendation, we the City, and
24 I sent a letter and I even submitted my comments
25 and I responded.

1 COMMISSIONER LEVINE: Say if the Board
2 chooses not to go with any of those
3 recommendations, are you opposed to the old way
4 the tanks were --

5 MAYOR TORRES: Oh, absolutely. I was
6 opposed from day one.

7 COMMISSIONER LEVINE: Right. That's what
8 I guess Commissioner Kolodziej is trying to,
9 because right now we don't have any changes or
10 accommodations.

11 MAYOR TORRES: Commissioner, I think
12 you're wrong and please weigh in.

13 MR. BELLA: You're right.

14 MAYOR TORRES: I'm of the opinion that
15 once the public survey was taken that the public
16 was gauged because what was said was that that
17 before the decision was made here behind closed
18 doors and the public wasn't engaged, what was
19 going to be. So there was hundreds of thousands
20 of dollars spent by this Board on hiring a public
21 relations, for lack of a better word, to go ahead
22 and do a survey. They gauged the survey. The
23 public was given some guidelines. They were given
24 some guidelines and they presented different
25 scenarios.

1 COMMISSIONER LEVINE: That's true, that's
2 true.

3 MAYOR TORRES: So based on those
4 scenarios, I weighed in on those --

5 COMMISSIONER LEVINE: On those scenarios,
6 you supported it.

7 Joe, have those scenarios been locked into
8 our project yet? That's my question.

9 MR. BELLA: No, they're not locked in.

10 COMMISSIONER LEVINE: Right, that's
11 what --

12 MR. BELLA: Let me finish.

13 They've been under consideration and
14 they're part of the 106 Review.

15 COMMISSIONER LEVINE: That's okay. What
16 I'm saying, if it doesn't go through --

17 COMMISSIONER RODRIGUEZ: We have to move
18 this meeting.

19 MAYOR TORRES: And that's why I'm saying
20 that those other scenarios is part of the 106
21 Review. If it doesn't, then guess what, we're
22 still to square one. The Board is going to have
23 to do something --

24 COMMISSIONER LEVINE: Right. That's my
25 question.

1 MAYOR TORRES: -- For mitigation in order
2 to get the Federal Government to signoff.

3 COMMISSIONER LEVINE: Okay. That's my
4 question. If it doesn't somehow go through are we
5 still opposed to it? Yeah, we are. Okay. Okay.

6 Thank you.

7 Thank you, Mayor.

8 MR. SOO: Can I make some comment?

9 COMMISSIONER LEVINE: Quick.

10 MR. SOO: As quick as I can.

11 Mr. Mayor, it's my understanding that the
12 permit for the hydroelectric plant also includes
13 the inlet over by Libby's to feed water into the
14 Raceway. So my understanding is there's already a
15 permit in place to put water into the Raceway and
16 that the reason why the Raceway has been dry is
17 because one of the neighboring property owners
18 complained that when the Raceway was flowing the
19 water intruded into their property and elevated --

20 MAYOR TORRES: That was by other damage
21 after the storm. You're right. But I'm not so
22 sure whether the first permit that we put in --

23 MR. SOO: I would check that. It's still
24 there.

25 MAYOR TORRES: I know you read this stuff.

1 I'll go back and --

2 MR. SOO: There's --

3 MAYOR TORRES: Gianfranco, the application
4 for the --

5 COMMISSIONER RODRIGUEZ: Can this be taken
6 up with the City?

7 Mayor, thank you for the presentation.
8 It's all interesting.

9 MAYOR TORRES: It has to do with us, not
10 with the Board.

11 COMMISSIONER LEVINE: Motion to close?

12 COMMISSIONER VANNOY: Motion to close.

13 MR. AMODIO: By Commissioner Vannoy.

14 COMMISSIONER KOLODZIEJ: Second.

15 MR. AMODIO: Second by Commissioner
16 Kolodziej.

17 Hearing no opposition, close 11:19 a.m.

18 We have minutes of Passaic Valley Water
19 Commission in camera and public meeting held March
20 15, 2017 and PVWC special meeting held on
21 March 30th, 2017.

22 Do I have a motion?

23 COMMISSIONER KOLODZIEJ: So moved.

24 COMMISSIONER VANNOY: Second.

25

1 (Roll call was taken, all Commissioners
2 present respond in the affirmative. President
3 Friend and Commissioners Blumenthal and Sanchez
4 are absent)

5
6 MR. AMODIO: Does the Chair accept,
7 receive, and file miscellaneous purchase orders
8 placed by Purchasing Director, Gregg Lucianin, for
9 the period of March 6, 2017, to March 2nd?

10 COMMISSIONER LEVINE: Yes.

11 MR. AMODIO: We'll move onto Resolutions.

12 COMMISSIONER LEVINE: Do them all at once.

13 MR. AMODIO: Do them all at once. Okay.

14 COMMISSIONER LEVINE: Unless someone has a
15 problem with the Resolutions, then we'll do them
16 separate.

17 MR. AMODIO: We have a Resolution
18 authorizing a Shared Services Agreement with USDA
19 for Canada Goose Damage Management Project in the
20 amount of \$11,347.00.

21 Second item, Contract 17-B-3 "Bituminous
22 Materials" recommendations to award a two-year
23 contract to Tilcon New York, Inc. of Parsippany,
24 New Jersey in the amount of \$138,200.00.

25 Contract 17-B-7 "Electronic Payment System

1 (Including Credit/Debit Cards and E-Commerce) for
2 the Commission's Billing and Collection System"
3 recommendation to reject and rebid.

4 Contract 17-B-19 "Water Main Cleaning and
5 Lining - Clifton and Passaic" recommendation to
6 award a two-year contract to J. Fletcher Creamer
7 and Son, Inc. of Hackensack, New Jersey in the
8 amount of \$5,567,400.00.

9 Do I have a motion?

10 COMMISSIONER KOLODZIEJ: Move the group.

11 COMMISSIONER VANNOY: Second.

12 COMMISSIONER LEVINE: I have a question.

13 How come we're rebidding 6(c)?

14 MR. AMODIO: Counsel, 6(c) is the credit
15 cards.

16 COMMISSIONER RODRIGUEZ: We have to. We
17 only got one response and we're going to go back
18 out.

19 COMMISSIONER LEVINE: We only got one
20 response on that?

21 MR. HANLEY: You're talking about the?

22 COMMISSIONER LEVINE: The credit card,
23 George.

24 COMMISSIONER RODRIGUEZ: Yes.

25 MR. HANLEY: 17-B-7?

1 COMMISSIONER LEVINE: Yeah, yeah.

2 MR. HANLEY: We only got two bids. One of
3 them was defective. We routinely reject that kind
4 of bid unless there's some great urgency.

5 COMMISSIONER LEVINE: Okay. That's fine.
6 Good enough.

7 MR. HANLEY: There was not in this case
8 because, you know, if there's a great urgency --

9 COMMISSIONER LEVINE: That's fine, George.
10 That's one bid and that's what we do.

11 MR. HANLEY: We want to know we have good
12 bids and a minimum of three if at all possible.

13 COMMISSIONER LEVINE: That's good, George.

14 MR. AMODIO: Any other questions?

15 COMMISSIONER LEVINE: No.

16 MR. HANLEY: It would be rebid.

17 MR. AMODIO: On the roll.

18

19 (Roll call was taken, all Commissioners
20 present respond in the affirmative. President
21 Friend and Commissioners Blumenthal and Sanchez
22 are absent)

23

24 MR. AMODIO: Group moved.

25 Next we'll move onto Summary of

1 Disbursements and Payrolls. Treasurer Rodriguez
2 has not reviewed it.

3 Summary of Disbursements and Payrolls
4 through April 19th, 2017, in the amount of
5 \$8,836,253.45.

6 Would the Treasurer like to make a motion?

7 COMMISSIONER RODRIGUEZ: No. As I stated
8 earlier, if the Controller is going to be out of
9 town, please, you know, make arrangements to have
10 it through the Secretary for me to look at them.
11 I haven't looked at that so I don't know what to
12 tell you. It is what it is.

13 MR. AMODIO: Would somebody else like to
14 make a motion?

15 COMMISSIONER VANNOY: I'll make a motion.

16 COMMISSIONER KOLODZIEJ: I'll second the
17 motion. I respect the finance chair. She's
18 absolutely right.

19 MR. AMODIO: On the roll.

20

21 (Roll call was taken, all Commissioners
22 present respond in the affirmative. Commissioner
23 Rodriguez responds in the negative. President
24 Friend and Commissioners Blumenthal and Sanchez
25 are absent)

1 COMMISSIONER RODRIGUEZ: No.

2 COMMISSIONER VANNOY: Abstain on American
3 Hose Hydraulics and Darren Del Sardo.

4 MR. AMODIO: Thank you.

5 Are you leaving now?

6 COMMISSIONER LEVINE: No, he has to do
7 Personnel.

8 MR. AMODIO: We have to do Personnel.

9 COMMISSIONER KOLODZIEJ: I have no issues
10 with the Personnel with the conditions we set
11 based on what Joe said they needed.

12 COMMISSIONER LEVINE: I got to do the
13 Resolution also for the summer help and the
14 fishing.

15 MR. AMODIO: All right. We have a
16 promotion: Geraldine Sperling to Chemist 2
17 (Result of Civil Service Desk Audit).

18 Proposed salary being \$83,609.

19 Range of \$25,789.00 to \$95,804.00.

20 Request to Hire:

21 Yaxira Lopez - Assistant Personnel
22 Technician.

23 Proposed Salary: \$53,000.

24 Range of \$30,000.00 to 68,340.00.

25 Paola Quezada - Keyboarding Clerk and

1 Yovanny G. Veras Santana - Keyboarding Clerk.

2 Proposed Salary: \$35,000.00.

3 Proposed Range: \$15,015.00 to \$53,981.00.

4 We have a Resolution for summer help. Did
5 everybody get a chance to read that Resolution?

6 COMMISSIONER LEVINE: Is it the same as
7 last year?

8 MR. AMODIO: Except the only thing I'm
9 reading here is nothing in Customer Service. Is
10 there a reason why that is?

11 COMMISSIONER VANNOY: There's no seats.

12 COMMISSIONER LEVINE: What about the
13 fishing program? What's the Resolution for that?

14 MR. AMODIO: Jim Gallagher, I sent it to
15 him, I never --

16 COMMISSIONER RODRIGUEZ: What was that?

17 COMMISSIONER LEVINE: The Resolution for
18 the summer hires and the Resolution for the
19 fishing program.

20 MR. AMODIO: Summer hires you have.
21 Fishing program we don't have. I sent it to Jim.

22 COMMISSIONER LEVINE: Let me ask you, can
23 we do it subject being that we're going to be open
24 so we know -- is it the same as last year?

25 MR. AMODIO: If you do the same as last

1 year, it was two Sundays in July and two Sundays
2 in August. So you even have time. You can do it
3 at the next meeting.

4 COMMISSIONER RODRIGUEZ: I think we have
5 time.

6 COMMISSIONER VANNOY: We can do it at the
7 next.

8 MR. AMODIO: Can I have a vote?

9 COMMISSIONER RODRIGUEZ: So move.

10 COMMISSIONER VANNOY: Second.

11 MR. AMODIO: Motion by Commissioner
12 Rodriguez.

13 Second by Commissioner Vannoy.

14 On the roll.

15
16 (Roll call was taken, all Commissioners
17 present respond in the affirmative. President
18 Friend and Commissioners Blumenthal and Sanchez
19 are absent)

20
21 COMMISSIONER LEVINE: That was for the
22 summer hires and new hires?

23 COMMISSIONER VANNOY: Everything except
24 for fishing.

25 MR. AMODIO: There's only one request. As

1 you know, we sent out all of the information to
2 you pertaining to the professional services for
3 this year. Please send in any requests that you
4 would like to have someone on that list.

5 COMMISSIONER VANNOY: What was that for?
6 I'm sorry.

7 MR. AMODIO: The professional services;
8 the attorneys, engineers.

9 Also, with that, we're receiving the bids
10 on the 4th of May, Commissioners, and we're
11 scheduled to meet on Wednesday, May 17th. That's
12 our next scheduled meeting, that's our next
13 scheduled meeting the 17th, however, if you'd like
14 to do May 24th instead of doing a special meeting
15 for the professional services, we can move
16 everything to the 24th, which is also a Wednesday.

17 COMMISSIONER VANNOY: I'm away on the
18 17th.

19 MR. AMODIO: Okay. So the 24th would be
20 better for you.

21 Everyone else? I will reach out to the
22 other Commissioners.

23 COMMISSIONER LEVINE: Let me ask you
24 another question. Just speaking with Commissioner
25 Kolodziej, my fellow Commissioners looking to do

1 fishing on June too? We were looking to do June.
2 Why don't we add that now and so we can start
3 getting the tickets made and start getting them
4 out to the City. Do one Sunday or two Sundays in
5 June also so we do the three summer months.

6 COMMISSIONER VANNOY: I have no problem
7 with that.

8 COMMISSIONER RODRIGUEZ: I have no
9 problem.

10 COMMISSIONER LEVINE: What about you,
11 Commissioner Kolodziej?

12 COMMISSIONER KOLODZIEJ: That's fine.

13 COMMISSIONER LEVINE: So we'll amend last
14 year's but we're also going to add June.

15 MR. AMODIO: We can put that on the --

16 COMMISSIONER LEVINE: We got to start
17 getting the cards so we can get them out.

18 MR. AMODIO: The cards are fine. We can
19 get the cards.

20 COMMISSIONER LEVINE: We got to pick the
21 dates for June so we know the dates. What is it?

22 MR. AMODIO: Usually, the second and
23 fourth Sunday. That's what we were doing.

24 COMMISSIONER LEVINE: No Saturdays, just
25 Sundays we're looking for?

1 COMMISSIONER RODRIGUEZ: Sundays, yeah.

2 COMMISSIONER LEVINE: Okay. So we'll do
3 June, July, and August.

4 MR. AMODIO: So now the question is
5 everyone is good with the 24th of May? Both
6 meetings at one time?

7 COMMISSIONER KOLODZIEJ: Yes.

8 COMMISSIONER LEVINE: Is that a Wednesday?

9 MR. AMODIO: That's a Wednesday, at 9:30?
10 Everybody's good?

11 COMMISSIONER RODRIGUEZ: The 24th.

12 MR. AMODIO: The 24th. I will reach out
13 to the other Commissioners to make sure everyone
14 is okay with that. Bobby is not here on the 17th
15 anyway.

16 COMMISSIONER VANNOY: I'm not here. I'm
17 away.

18 COMMISSIONER LEVINE: Am I allowed to talk
19 without --

20 COMMISSIONER KOLODZIEJ: You can't take
21 any action.

22 COMMISSIONER RODRIGUEZ: You can certainly
23 talk, that's right.

24 COMMISSIONER LEVINE: I got one thing.
25 Can we get Yaacov? It's the last thing.

1 Alan Genitempo owes me answers from two
2 months ago. George, Alan Genitempo, I mean, Joe
3 wasn't there. Yaacov was in the meeting for the
4 health insurance and Alan Genitempo and them owe
5 me answers which they couldn't answer on the
6 health insurance and Alan even said it may work
7 what I was talking about because they owe us
8 COBRA, the Commissioners, and we don't qualify for
9 COBRA within the Water Commission but State
10 mandates that we get COBRA and he was supposed to
11 look into it, so maybe the health insurance can be
12 paid for for 18 months like COBRA. He was
13 supposed to get me answers two months ago.

14 I heard nothing from him or nothing from
15 anybody and during the meeting they both
16 acknowledged, even Yaacov just said it to me, I'm
17 correct in everything I was stating during that
18 meeting and no one can give me answers and they
19 had to investigate it and look into it. It's been
20 two months and that's plenty of time for Alan to
21 get back to me and I don't know why he hasn't.

22 MR. HANLEY: I'll followup.

23 COMMISSIONER LEVINE: It's costing the
24 Commissioners time and money every time. Yaacov
25 said he was going to get back. He tried calling

1 Alan for an answer.

2 MR. HANLEY: He just said --

3 COMMISSIONER LEVINE: I spoke to him two
4 seconds ago. That's why I wish Yaacov was in
5 here.

6 MR. HANLEY: He's going to followup.

7 COMMISSIONER LEVINE: I don't know. Can
8 you grab him and find out where he is with this?

9 MR. HANLEY: I'll find out if you want me
10 to.

11 COMMISSIONER LEVINE: Grab him now, if you
12 could.

13 MR. HANLEY: No, he's not here.

14 COMMISSIONER LEVINE: Oh, he left already?

15 MR. HANLEY: He had to leave.

16 COMMISSIONER LEVINE: I need to followup
17 where we're at with that.

18 MR. HANLEY: The issue is can you get
19 reimbursed for COBRA.

20 COMMISSIONER RODRIGUEZ: I don't think he
21 asked to state that.

22 COMMISSIONER LEVINE: No, we didn't. It
23 has nothing to do with -- we're entitled to COBRA,
24 George. Alan knows all about this. Under the
25 State healthcare benefits we're not eligible for

1 COBRA but the State says as an employee we need
2 that, we should.

3 MR. HANLEY: Because you don't meet --

4 COMMISSIONER LEVINE: But we meet certain
5 thresholds, so he was supposed to look into that
6 and some other.

7 MR. HANLEY: What's the question?

8 COMMISSIONER LEVINE: Alan knows it,
9 George. I don't want to get into it. It was a
10 long thing, I'm explaining it. Just have Alan.
11 He took long notes.

12 MR. HANLEY: I'll call Alan and tell him
13 to call you.

14 COMMISSIONER LEVINE: He knows. He
15 doesn't need to call me. We went through this
16 already.

17 COMMISSIONER RODRIGUEZ: No, no, he
18 should. He doesn't know, Jeff.

19 COMMISSIONER LEVINE: Yaacov knows.
20 Yaacov was at the meeting.

21 COMMISSIONER RODRIGUEZ: You know what...
22 This place, I'm telling you.

23 COMMISSIONER LEVINE: Idida, I don't
24 remember every point I brought up.

25 COMMISSIONER RODRIGUEZ: Yeah, but don't

1 wait two months for a meeting -- I'm sorry, Lyn,
2 I'm really sorry. I understand. I think it's
3 going to be addressed and you are absolutely
4 right.

5 George, if I may, Alan does take his sweet
6 time getting back to us on a lot of things. But
7 you're on the legal committee. You guys got
8 decisions to make about who you're going to use.
9 I have nothing to do with that.

10 COMMISSIONER LEVINE: I agree. Okay.

11 Anything under Good and Welfare?

12 MR. AMODIO: The time officially is 11:31.

13 Good job, Vice President Levine.

14

15 (Proceedings concluded)

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C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XIO1388, a
Certified Court Reporter and Notary Public of the State
of New Jersey, certify that the foregoing is a true and
accurate transcript of the hearing at the time and the
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I further certify that I am neither attorney
nor Counsel for, nor related to any of the parties to the
action in which this hearing was taken.

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