

PASSAIC VALLEY WATER COMMISSION SPECIAL MEETING OF

AUGUST 23, 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

RIGO SANCHEZ **(Absent)**

ROBERT L. VANNOY

JOSEPH KOLODZIEJ **(Absent)**

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

JOSEPH A. BELLA, Executive Director

GEORGE T. HANLEY, Counsel

YAACOV BRISMAN, Assistant Counsel **(Absent)**JAMES G. DUPREY, Director of Engineering **(Absent)**YITZ WEISS, Comptroller **(Absent)**

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 Sanchez and Kolodziej are absent)

6

7 MR. AMODIO: The time is 10:13.

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 Would you please rise.

18

19 (Pledge of Allegiance)

20

21 MR. AMODIO: We're here today to discuss
22 consideration of appointment of Special Counsel
23 and Project #17-P-60. If there's reason for
24 discussion in closed, please let me know.

25 PRESIDENT FRIEND: George, anything that

1 we have to go into closed session on?

2 MR. HANLEY: Not that I know of unless any
3 Commissioner wants to. It was thoroughly vetted,
4 as you know and were present for that and I'll
5 follow the direction of the Commission.

6 PRESIDENT FRIEND: I did attend the
7 meeting with Miss Perez and George and Yaacov and
8 it seems that Miss Perez is well qualified to
9 handle the matter for us. We asked her to submit
10 her proposal, which she did. It's basically
11 without a retainer and a billing of 275 per hour.

12 MR. HANLEY: Just to clarify that. I'm
13 not using that retainer because that doesn't fit
14 our process.

15 PRESIDENT FRIEND: Right.

16 MR. HANLEY: I'm using the material terms,
17 but we have our own format.

18 PRESIDENT FRIEND: Right.

19 MR. HANLEY: That's what I'm asking you to
20 adopt.

21 PRESIDENT FRIEND: Well, there will be a
22 retainer agreement, but there's no retainer in
23 terms of monetary terms up front.

24 MR. HANLEY: The only thing I'm following
25 in the retainer agreement is the hourly rate.

1 Everything else is by our standard and our typical
2 form.

3 PRESIDENT FRIEND: Does anybody have any
4 questions with reference to retaining Miss Perez?
5 She seems ready, willing, and able to hop right
6 onto it, which is what we need somebody to do.

7 MR. HANLEY: Commissioner Friend, myself,
8 Joe Bella, and Yaacov interviewed her. She seemed
9 to fit the paradigm that we've been discussing
10 both in special projects committee and regular
11 meeting, so we didn't vary from that.

12 COMMISSIONER RODRIGUEZ: I want to thank
13 you for coming in. I know that was very last
14 minute and for meeting with her on such short
15 notice.

16 PRESIDENT FRIEND: Okay. Any other
17 questions, otherwise, we can entertain a motion to
18 approve it.

19 COMMISSIONER VANNOY: So move.

20 COMMISSIONER BLUMENTHAL: Second.

21 MR. AMODIO: Motion by Commissioner
22 Vannoy.

23 Second by Commissioner Blumenthal.

24 On the roll.

25

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

4
5 MR. AMODIO: Thank you.

6 Motion approved.

7 PRESIDENT FRIEND: All right. The second
8 item on the agenda is the Project #17-P-60.

9 Idida, you had some questions. I don't
10 know if they've been responded to satisfactorily
11 before we discuss this.

12 COMMISSIONER RODRIGUEZ: I have to
13 apologize, Joe, I got that sheet and I misplaced
14 it. I didn't see it. I know the importance of
15 doing whatever the ACO asked. I mean, I received
16 a bunch of bullets awhile ago. Louie was helpful
17 enough to send that to me. I looked through it.
18 I didn't really see anything of substance that I
19 can really say, you know, what is it. Honestly, I
20 am still not satisfied with the questions of what
21 it is because I don't know the scope of service
22 that this entity is providing to PVWC. So that,
23 you know, my stance is still the same. As the
24 treasurer here, I still haven't gotten -- I'm
25 still not satisfied.

1 PRESIDENT FRIEND: Okay. Well, my issue
2 with it, not with the proposal, is that I think
3 two or three meetings back or whatever when we
4 discussed the status of the project we were going
5 to get some reports in terms of where we stood in
6 terms of the fact that the Federal Government or
7 one of their agencies was conducting some type of
8 a review and whether or not we were going to meet
9 with somebody and set up a meeting in terms of how
10 far we should be proceeding at this point even
11 though we have the ACO so that we don't spend
12 money unnecessarily. So I don't know what the
13 status of setting up a meeting with the
14 appropriate officials are and we have the ACO with
15 or -- where does that Federal study stand?

16 MR. BELLA: Well, I explained earlier that
17 is at the EPA level. We've gotten comments back.
18 They've sent their comments and the comments they
19 received they're sending down to the State for the
20 State's review and when they're done, when they
21 got all the comments and everything from the
22 State, it will come back to the EPA. EPA will
23 make a final recommendation of what they think has
24 to be done and at that point that's when we're,
25 you know, we'll know where we stand with the

1 review. Right now we don't know where we stand.
2 We're still waiting and I believe that's going to
3 be in about maybe two or three weeks. So maybe at
4 the next meeting we'll have something for you I
5 hope.

6 COMMISSIONER VANNOY: Do we have the scope
7 of services yet, what they have done? They've
8 been there, what, two or three years?

9 COMMISSIONER RODRIGUEZ: Two years.

10 COMMISSIONER VANNOY: Do we have that?
11 Like, what they have done and how it's spent?

12 MR. BELLA: The scope of services in the
13 original offering, the RFP, but I can get that for
14 you.

15 PRESIDENT FRIEND: Well, because I see in
16 the RFP --

17 COMMISSIONER RODRIGUEZ: Your point, by
18 the way, Commissioner -- sorry for interrupting --
19 your point is very important because it seems that
20 even though we do have an ACO, we have to honor it
21 until such time that, you know, we're told
22 differently, right. I mean, and, you know, if
23 it's from EPA, EPA is pretty much at an influx
24 under the new administration. We don't know. I'm
25 hoping that they keep this because, you know,

1 drinking water, safe drinking water is important
2 to everybody. But I don't know. So I feel
3 even -- thank you for your explanation. I feel
4 like we're on a holding pattern right now until we
5 get the information that we need from the Feds who
6 are sending it to DEP.

7 PRESIDENT FRIEND: That was what I was
8 going to followup.

9 COMMISSIONER RODRIGUEZ: We had brought
10 that up a few months ago.

11 PRESIDENT FRIEND: In other words, the
12 work that's going to be performed by this firm,
13 how important is it or is there a time period that
14 it has to be performed in.

15 MR. BELLA: Well, once it actually -- once
16 we hear back from them one way or another, that's
17 when we have to -- like, if we have to go, if they
18 say we have to do, I don't know, maybe hold a day
19 meeting explanation with different interested
20 groups.

21 COMMISSIONER RODRIGUEZ: Stakeholders,
22 you're right.

23 MR. BELLA: That's when we have to bring
24 them in.

25 PRESIDENT FRIEND: In other words, even if

1 we approve this Resolution, they're not going to
2 perform any work until we get that designation
3 back from the EPA.

4 MR. BELLA: That's pretty much --

5 COMMISSIONER BLUMENTHAL: Why don't we
6 table this until we know. We're not going to know
7 anything until the next meeting anyway. We're
8 talking two, three weeks so why don't we wait
9 until then until we have a general idea what we're
10 looking for.

11 COMMISSIONER RODRIGUEZ: And scope of
12 service.

13 PRESIDENT FRIEND: Okay. And just one
14 other thing. If we're going to hold this for the
15 next meeting is I see the hourly rates are 165 and
16 130 depending on who's working on it, but if I
17 recall correctly, the Resolution was not-to-exceed
18 140,000, which is like close to a thousand hours.
19 You know, how was the 140 determined not-to-exceed
20 rather than 100 or whatever? You know, what was
21 that estimation made of?

22 MR. BELLA: Over the evolution of this as
23 we had to bring them on, we brought them on,
24 that's just sort of the hours and that all sort of
25 fit together. It wasn't, you know, like a

1 scientific. It's what we said this is what you
2 shall do for this amount. We proposed that to
3 them.

4 PRESIDENT FRIEND: Okay. The previous
5 contract then was for how much?

6 MR. BELLA: I think it was for a hundred.
7 I can't remember exactly.

8 COMMISSIONER RODRIGUEZ: Over the last two
9 years, they've expended close to \$275,000, so...

10 COMMISSIONER VANNOY: Are these one year
11 contracts?

12 COMMISSIONER RODRIGUEZ: No, no, it was
13 2015 to '16 and then 2016 to '17.

14 COMMISSIONER LEVINE: Are we still in
15 contract with them now?

16 MR. BELLA: No.

17 COMMISSIONER LEVINE: We have to go out to
18 RFP?

19 MR. BELLA: We did.

20 COMMISSIONER RODRIGUEZ: We did.

21 COMMISSIONER LEVINE: They were the only
22 ones that submitted, right?

23 COMMISSIONER RODRIGUEZ: Yeah, but then we
24 went out again.

25 COMMISSIONER LEVINE: And after that you

1 don't go out a third time if they're the only
2 ones.

3 COMMISSIONER RODRIGUEZ: What we're doing
4 today is tabling it.

5 PRESIDENT FRIEND: Why don't we table it
6 until the next meeting. In the meantime, why
7 don't we get that information, how much they
8 received under the former contract and what really
9 the anticipation is because I think the 140, based
10 upon what they did on the previous two years where
11 they're really involved and I would believe that
12 most of the work has been done that maybe that
13 number should be lowered not-to-exceed a certain
14 amount to get a better handle on that.

15 MR. BELLA: Okay. We'll work on that.

16 PRESIDENT FRIEND: Anything else?

17 Motion to table.

18 COMMISSIONER VANNOY: So move.

19 COMMISSIONER BLUMENTHAL: I made the
20 motion.

21 COMMISSIONER VANNOY: I second it.

22 PRESIDENT FRIEND: Anything else?

23 COMMISSIONER RODRIGUEZ: Enjoy the rest of
24 the summer.

25 PRESIDENT FRIEND: Okay. Enjoy the rest

1 of the summer.

2 COMMISSIONER VANNOY: The meeting is on a
3 Thursday.

4 MR. AMODIO: It is Thursday at 9:30 a.m.
5 I sent it to you, Commissioner Vannoy, you did not
6 respond.

7 COMMISSIONER VANNOY: Yeah, but you put it
8 in my calendar, right.

9 PRESIDENT FRIEND: Motion to adjourn.

10 COMMISSIONER BLUMENTHAL: Motion to
11 adjourn.

12 MR. AMODIO: Meeting adjourned.

13 Thank you. Have a great weekend.

14 10:24 is the time.

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16 (Proceedings concluded)

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C E R T I F I C A T E

I, LYNANN DRAGONE, License No. XI01388, 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 date hereinbefore set forth.

I further certify that I am neither attorney nor Counsel for, nor employed by any of the parties to the action in which this hearing was taken.

I further certify that I am not an employee of anyone employed in this case, nor am I financially interested in this action.

LYNANN DRAGONE, CCR
Certified Court Reporter