

PASSAIC VALLEY WATER COMMISSION MEETING OF

FEBRUARY 19, 2020

(OPEN SESSION)

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

JOSEPH KOLODZIEJ, President

JEFFREY LEVINE, Vice President

RONALD VAN RENSALIER, Treasurer

GERALD G. FRIEND, Secretary

RIGO SANCHEZ **(Absent)**

ROBERT L. VANNOY

EDWARD COTTON, JR.

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

JAMES G. DUPREY, Business Administrator

JOSEPH A. BELLA, Executive Director

GEORGE T. HANLEY, Counsel

YAACOV BRISMAN, Assistant Counsel

YITZ WEISS, Comptroller

LOUIS AMODIO, Administrative Secretary

1 MR. AMODIO: Call the meeting to order.

2 On the roll.

3

4 (Roll call was taken, all Commissioners
5 present respond in the affirmative. Commissioner
6 Sanchez is absent)

7

8 MR. AMODIO: Time is 9:43 a.m.

9 You have a quorum.

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

18

19 (Pledge of Allegiance)

20

21 PRESIDENT KOLODZIEJ: Before we proceed
22 with the regular order of business, I just want to
23 note that there was an incident toward the end of
24 our last meeting that does not reflect the values
25 of our organization and was offensive to many of

1 us who were in the room that morning and this
2 morning under Good and Welfare this Board will
3 discuss what appropriate action to take to stand
4 up to intolerance and bigotry in whatever forms it
5 rears its ugly head.

6 I would ask my fellow my Commissioners to
7 refrain from commenting on that incident until we
8 reach that portion of the agenda so that we can
9 handle this in a professional manner.

10 Thank you for your cooperation.

11 Otherwise, we can proceed.

12 MR. AMODIO: Any members of the public
13 wish to be heard?

14 If you please give your name, sir.

15 MR. DUBOIS: Alfred Dubois, 52 Elmwood
16 Drive, Clifton, New Jersey.

17 MR. AMODIO: Yes, Mr. Dubois.

18 MR. DUBOIS: Question about the billing.
19 Would this be the appropriate place to bring this
20 up?

21 I try to pay my bills on time but
22 sometimes I miss and then I go on the phone and I
23 pay with a credit card. Usually, they give me an
24 amount and I pay it and I did that. But then I
25 got a letter last month, last billing time, and it

1 was a special letter. It said "Late Notice".
2 It's the first time I ever got this. I mean, I
3 have missed at times, but I owed \$1.20. When I
4 had went onto the system, I was late maybe a week.
5 They just gave me the amount that was due on my
6 previous bill. They didn't give me the interest
7 charge. So I just paid that on the credit card
8 and that's it.

9 But I got this notice and what scared me
10 about this notice, it's the first time I've ever
11 seen it. Usually, the late fee is just attached
12 to your bill when you pay next month. You know,
13 you talked about if you don't pay immediately they
14 incur a \$40 late fee, another \$40, and then maybe
15 a shutoff of \$115. And, you know, I just
16 really... I'm on a fixed income now so this
17 really scared me.

18 Because I have the time and I'm retired, I
19 figured I'd come here and bring it to your
20 attention. I don't know if it's a new policy but
21 I think it's pretty strong for the first miss,
22 especially, that your system when you do go and
23 pay it, I mean, I did pay it. It wasn't that I
24 was late, you know, a second time or maybe two or
25 three months. The bill was paid. It wasn't just

1 the late fee wasn't paid. It was just \$1.20. So
2 not only did this cost me to mail it out, but,
3 like --

4 COMMISSIONER VANNOY: The \$1.20 was the
5 late fee?

6 MR. DUBOIS: The late fee and that's all
7 they wanted me to pay.

8 PRESIDENT KOLODZIEJ: The \$1.20 is
9 probably the interest that accrued off the late.

10 MR. DUBOIS: Penalty charges.

11 PRESIDENT KOLODZIEJ: Yes, it's interest
12 penalty.

13 COMMISSIONER FRIEND: How long after you
14 paid with the credit card did you get that letter?

15 MR. DUBOIS: Maybe three weeks.

16 COMMISSIONER FRIEND: Three weeks.

17 MR. DUBOIS: So when you go into your
18 system, okay, you're late, it should say the full
19 amount even with the late fee. It didn't, it just
20 gave me the one amount. That's what I paid. I
21 mean, I would've paid --

22 COMMISSIONER LEVINE: Credit card
23 companies do that too. You pay your bill off in
24 full and then the following month you get an
25 interest charge, you know, whatever it was, you

1 owe a thousand bucks, you pay off your thousand
2 dollars and then the next month you get whatever,
3 a \$4 bill. It happens all the time to me.

4 MR. DUBOIS: But you get it with the other
5 bill.

6 COMMISSIONER LEVINE: You get it on the
7 next bill.

8 MR. DUBOIS: Yeah, you always get this on
9 the next bill showing your interest. This came
10 separate and with all these penalties like \$40 if
11 you don't -- any unpaid balance after this date,
12 after January 10th will incur a \$40 final late fee
13 and will be subject to shutoff; \$115 reconnection
14 fee.

15 I mean, you know, things could happen too
16 in your life where you just maybe paid it late and
17 didn't see this or ignored it, didn't read it too
18 closely and then you can get all these penalties.

19 COMMISSIONER VANNOY: Are we charging him
20 at this point?

21 MR. DUBOIS: No, what I did was, I went on
22 line and I paid the \$1.20 immediately. But this
23 is the first time this ever happened. When I have
24 incurred late fees, it would always show up on
25 your next bill and you would pay the full amount.

1 PRESIDENT KOLODZIEJ: Is there anyone here
2 from administration that can address our billing
3 process?

4 MR. WEISS: Normally, what happens is when
5 a bill is 30 days late, on the 31st day that's
6 when the late notices are generated. They're
7 generated regardless of the amount in the late
8 notice. It sounds a little bit silly.

9 MR. DUBOIS: But has this ever happened
10 before. I never got this before and I had been
11 late.

12 MR. WEISS: Yes, that's been our process
13 for many, many years. It's great that you've
14 never been late. It could also be there was just
15 a problem crossed, maybe the update didn't happen.

16 But if you want more information, I'm
17 happy to look into it for you.

18 MR. DUBOIS: Well, yeah, my concern is
19 that I paid my bill. So I know I paid, this comes
20 in and I'm looking at it, I'm not paying much
21 attention to it, I throw it off to the side, I can
22 get all these extra charges.

23 MR. WEISS: So we wouldn't shut somebody
24 off for \$1.20. There's a threshold.

25 MR. DUBOIS: What about the \$40 --

1 MR. WEISS: Same thing.

2 MR. DUBOIS: It says here if you don't pay
3 by January 10th you get a \$40 --

4 MR. WEISS: The process hasn't changed.
5 It's been the same for many, many years.

6 MR. DUBOIS: I never received this before.

7 PRESIDENT KOLODZIEJ: That's because you
8 always paid on time.

9 MR. DUBOIS: No, I was late. Maybe the
10 charge was already in there.

11 MR. WEISS: I'm happy to look it.

12 MR. DUBOIS: You still should be a little
13 more compassionate anyhow.

14 Now, the other thing, if I can bring up
15 another issue? The water tanks. I'm just looking
16 at your agenda, I know you're bringing them up.

17 I know Joe's an environmentalist. Jerry
18 Friend was. But it's something you really got, I
19 mean, it's probably all a done deal, so whatever I
20 say is probably... We don't have much of Garret
21 Mountain left. Whatever is left is small and
22 shrinking, so to put tanks and to take away, I
23 personally as an environmentalist don't think it's
24 necessary. I know you said the things about lead,
25 which is, you know, questionable. It's really the

1 lead pipes coming into your home. But something
2 for you to think about environmentally. Maybe
3 there's other alternatives. Maybe you can find
4 something else.

5 But if it's a done deal, it's a done deal.

6 So, if I'm ever late again...

7 COMMISSIONER FRIEND: Nice to see you.

8 PRESIDENT KOLODZIEJ: Thank you, sir.

9 MR. AMODIO: Any other members of the
10 public?

11 Moving on to committee reports.

12 Finance.

13 COMMISSIONER VAN RENSALIER: Good morning.

14 Yesterday we had a finance committee
15 meeting.

16 The disbursements are okay.

17 Overtime is down across the board in just
18 about every department. That speaks to how well
19 department heads are managing better their
20 overtime. The director indicated that he is
21 working with department heads to further control
22 overtime primarily in the pumping and treatment
23 divisions and they are working on a multi-prong
24 plan in consultation with the union. They'll be
25 submitting that plan to the full board for our

1 review at a future meeting.

2 The agency continues to do very well, the
3 Finance Department in building relationships with
4 our banks and kudos to your efforts and the
5 director, we earned nearly 2 million plus dollars
6 in interest last year.

7 Kudos.

8 That's all I have.

9 MR. AMODIO: Thank you.

10 Personnel.

11 PRESIDENT KOLODZIEJ: So the personnel
12 committee also met with the exception of an item
13 or two that was tabled until the next meeting, all
14 the items on this morning's agenda have been
15 reviewed by the committee, vetted for Civil
16 Service compliance, received union buy-ins and,
17 therefore, is recommended by the committee for
18 approval on this morning's agenda.

19 We also had a discussion regarding our
20 standard operating procedure for how we handle
21 personnel members and how board members would be
22 able to have access or to be able to place items
23 on the committee agenda for consideration and
24 discussion before it's presented to the full
25 committee. So we are working on preparing some

1 sort of resolution that we will put forth
2 hopefully by March for the full board's approval
3 that will provide some greater transparency for
4 us. It will maintain employees' rights to the
5 confidentiality and privacy and it will create
6 equal access to all board members, not just the
7 ones that are serving on the committee.

8 I'll roll into special projects next.

9 We discussed at great length a response
10 letter to the draft final MOA that is on this
11 morning's agenda for closed session. Many of the
12 items that appear in the Executive Director's
13 report were also discussed and recommended by the
14 committee. I won't go into those in order to not
15 steal the thunder from our Executive Director.

16 That covers the two committees that I was
17 in attendance.

18 COMMISSIONER LEVINE: Do we do a
19 discussion on Personnel in closed or in open?

20 MR. AMODIO: The only employee that you
21 can discuss in open is Krystle Morales, the rest
22 are in closed.

23 COMMISSIONER LEVINE: Okay.

24 PRESIDENT KOLODZIEJ: We'll handle that in
25 closed.

1 MR. AMODIO: Moving on to the Executive
2 Director's report.

3 MR. BELLA: You can see there's a bunch
4 requests for RFPs. These are parts of our
5 infrastructure rehabilitation program which we've
6 always had but are now mandated to have by
7 regulation of the Water Quality Act.

8 Construction oversight on the lead line is
9 really important. Once we get out there there's
10 going to be a lot going on. We're going to need
11 people to oversee this on a regular basis and make
12 sure that all the work is done properly. One of
13 the biggest problems is you go out there, dig a
14 hole, the contractor doesn't fill it right,
15 whatever it happens to be, we need somebody
16 watching all the time. We got to make sure it's
17 done properly or else you're back out there in six
18 months repairing it.

19 The professional services for the Paterson
20 main replacement. I've been talking about this
21 for a long time. It's a design. It probably will
22 be a \$20 million project. It's a really important
23 part of our project, it's just not for Paterson,
24 parts of it is in the local distribution network
25 in Paterson, but the large transmission line is

1 really important for us. It will be replaced and
2 moved out of the Superfund site. So that's a
3 really... The guys got to go out and repair it.

4 The development energy control procedures,
5 that's a safety issue. It's standard procedures
6 for energy, all forms of energy, whether it's
7 electrical energy, hydraulic energy or air,
8 compressed air, that type of thing. So these are
9 all things that we have to have certain procedures
10 and we want to have some outside help to do that.

11 The other thing, and I'm glad this
12 gentleman brought up the thing about lead. Again,
13 the issue of poo-pooing lead is absolutely
14 nonsense. There's no question in my mind lead is
15 a real issue. If you're in Paterson,
16 particularly, it's a real issue.

17 Yes, removing all the lead services is
18 very important and an important part of the
19 project of what we need to do. Getting those
20 reservoirs covered and putting phosphates in the
21 system will help corrosion control. Again I'll
22 say this and I've said it a hundred times, is
23 probably "the" most important piece.

24 If you look at all our data, it's all hard
25 data, all vetted, all done by outside

1 laboratories. It will show that leads in an
2 untreated area are between, I'll say between two
3 and five times higher depending on the season,
4 depending on the conditions. But it's always much
5 higher and you need to add those phosphates.

6 PRESIDENT KOLODZIEJ: Any questions for
7 Mr. Bella?

8 MR. AMODIO: Moving on.

9 We have the request that Joe talked about
10 for, request to advertise RFPs and we also have
11 annual use of the reservoirs City of Paterson and
12 Passaic County Police Academy hold harmless that
13 went through Counsel Brisman. So if there's any
14 questions on that?

15 Hearing none, do I have a motion?

16 COMMISSIONER VANNOY: So move.

17 MR. AMODIO: Motion by Commissioner
18 Vannoy.

19 Do I have a second?

20 COMMISSIONER FRIEND: Second.

21 MR. AMODIO: Second by Commissioner
22 Friend.

23 On the roll.

24
25 (Roll call was taken, all Commissioners

1 present respond in the affirmative. Commissioner
2 Sanchez is absent)

3
4 MR. AMODIO: Thank you.

5 Moving on to the Controller's Report.

6 MR. WEISS: Cash on hand is 18.9 million.

7 Our accounts receivable's at 16.6 million.

8 Our accounts payable is at 3.7 million.

9 Again, it might seem like we have a lot of
10 cash on hand, it's not. The reason why it seems
11 that way is because we budgeted to do a lot of our
12 capital projects out of cash. That money has been
13 earmarked for, most of it or a lot of it anyway,
14 has been earmarked for capital.

15 We're gearing up for our audit. We're
16 expecting our auditors to be here next month to
17 start the annual audit.

18 And just to echo the sentiments of
19 Commissioner Van Rensalier, overtime is down
20 across the board, which is very good and it does
21 show positively towards all the managers who are
22 doing a good job managing the overtime.

23 I appreciate the kudos about the
24 investments. We did very, very well. You have a
25 chart in front of you showing how it's been

1 ramping up over the years. It's very much a team
2 effort. I might be leading the charge, but
3 without my backup staff, there's no way we can
4 manage, so kudos to them.

5 PRESIDENT KOLODZIEJ: Thank you, sir.

6 Any questions for our CFO?

7 MR. AMODIO: Hearing none, do I have a
8 motion for closed?

9 COMMISSIONER VANNOY: So move.

10 MR. AMODIO: By Commissioner Vannoy.

11 Do I have second?

12 COMMISSIONER VAN RENSALIER: Second.

13 MR. AMODIO: Commissioner Vannoy offers
14 the following Resolution for adoption:

15 Whereas, Section 8 of the Open Public
16 Meetings Act permits the exclusion of the public
17 from a meeting in certain circumstances; and

18 Whereas, the public body is of the opinion
19 that such circumstances presently exist;

20 Now, therefore, be it resolved by the
21 Commissioners of Passaic Valley Water Commission:

22 1. The public shall be excluded from
23 discussion of the hereinafter specified subject
24 matters; the general nature of the subject matters
25 being: Financial, Insurance, Personnel,

1 Contracts, Negotiations, Security, Law, and other
2 matters as may be discussed in camera.

3 2. It is anticipated at this time that
4 the above-stated subject matters will be ratified
5 during public meeting following or as soon
6 thereafter as the reason for discussion no longer
7 exists.

8 3. This resolution shall take effect
9 immediately.

10 Second by Commissioner Van Rensalier.

11 On the roll.

12
13 (Roll call was taken, all Commissioners
14 present respond in the affirmative. Commissioner
15 Sanchez is absent)

16
17 ***

18
19 MR. AMODIO: On the roll.

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

24
25 MR. AMODIO: The time is 11:51.

1 You have a quorum.

2 We'll move onto the Consent Agenda.

3 We have minutes of Passaic Valley Water
4 Commission in camera session and regular public
5 meetings held on January 15, 2020.

6 PRESIDENT KOLODZIEJ: Gentlemen, we have
7 one meeting here.

8 We are on to approving minutes.

9 MR. AMODIO: Is there a motion?

10 PRESIDENT KOLODZIEJ: Before you do...
11 Well, I suppose it's a motion and a second and
12 then discussion, correct?

13 MR. AMODIO: Motion.

14 COMMISSIONER VAN RENSALIER: Second.

15 MR. AMODIO: Who did the motion?

16 PRESIDENT KOLODZIEJ: This is on the
17 minutes.

18 MR. AMODIO: I need a motion.

19 COMMISSIONER VANNOY: Oh, so move.

20 COMMISSIONER VAN RENSALIER: Second.

21 PRESIDENT KOLODZIEJ: So for discussion on
22 the regular session open minutes, the second set
23 that we had received on page 34 line 16 what we
24 record reflects the words and actions of
25 individuals, but how we record it or memorialize

1 it reflects upon our organization and I would
2 prefer to see that the offensive word that is
3 included in the minutes be somehow changed or
4 amended so that there's a letter and a couple of
5 dashes or a letter and couple asterisks as opposed
6 to having an offensive word that's going to be
7 living in perpetuity in our minutes.

8 COMMISSIONER LEVINE: Are we allowed to
9 change the minutes?

10 PRESIDENT KOLODZIEJ: Yes, you are
11 certainly allowed to change and amend minutes,
12 make corrections to minutes. So I would prefer to
13 see that happen. As the Chair, I'm not able to
14 make that motion to make that happen. I would
15 appreciate it, otherwise, I would be voting
16 against these minutes based on the fact that I
17 don't disagree that we should be recording what
18 happened, but I disagree with how we recorded it
19 happened.

20 COMMISSIONER COTTON: I am with the
21 motion.

22 COMMISSIONER VANNOY: So are you saying
23 take it out or putting the little pieces?

24 PRESIDENT KOLODZIEJ: "F" dash, dash. "F"
25 asterisk, asterisk.

1 COMMISSIONER VANNOY: Right, right.

2 PRESIDENT KOLODZIEJ: Comic books do it
3 and all kinds of crazy characters, but I'm not
4 comfortable with seeing that word, like I said,
5 memorialized and kept in perpetuity. So a hundred
6 years from now someone's going to read these
7 minutes and see our organization was okay with
8 writing a word like that down on a piece of paper.

9 COMMISSIONER VANNOY: Are we allowed to do
10 that?

11 MR. HANLEY: You do not have to record
12 minutes word for word.

13 COMMISSIONER VAN RENSALIER: They're going
14 to guess what the word is by having a couple of
15 asterisks.

16 COMMISSIONER LEVINE: What did he say?

17 COMMISSIONER VANNOY: You do not have to
18 record minutes that are word for word, or
19 something like that.

20 COMMISSIONER LEVINE: We can an amend it.
21 Yaacov, we can amend it? How do we do it?

22 MR. BRISMAN: Mr. Hanley just responded.

23 COMMISSIONER LEVINE: I didn't hear a word
24 he said.

25 COMMISSIONER LEVINE: He whispered.

1 MR. HANLEY: I said that local government
2 units do not have to record minutes word for word.
3 They do have to make sure that the material
4 actions are accurately recorded.

5 COMMISSIONER LEVINE: What about after
6 they're already recorded amending? How do you do
7 that? They're already recorded from the last
8 minutes. Here's the minutes.

9 MR. HANLEY: You can have someone make a
10 summary of that, all the critical stuff like
11 voting on these things, so forth.

12 COMMISSIONER VANNOY: I think we're fine
13 with what you said.

14 COMMISSIONER LEVINE: Whatever you guys
15 want.

16 COMMISSIONER VANNOY: Putting the dashes
17 so that the word itself is not there and I'm fine
18 with that.

19 I'll second.

20 COMMISSIONER LEVINE: I'll support that.

21 COMMISSIONER FRIEND: Just as a matter of
22 course, questioning how we do record our minutes,
23 at our legal committee meeting, I don't think the
24 transcript of the meeting should be the minutes of
25 the meeting. Like Mr. Hanley just said, we can do

1 a separate document of the minutes of what took
2 place at the meeting.

3 PRESIDENT KOLODZIEJ: That's becoming a
4 very busy agenda for the legal committee.

5 MR. BRISMAN: I've done research and I'll
6 be prepared to address Commissioner Friend's
7 concerns.

8 COMMISSIONER FRIEND: Okay. Good.

9 MR. AMODIO: Okay.

10 PRESIDENT KOLODZIEJ: So you would need a
11 roll call first on the motion to amend. A motion
12 and second to amend.

13 COMMISSIONER LEVINE: I'll second.

14 COMMISSIONER VANNOY: I seconded already.

15 MR. AMODIO: Motion by Commissioner Van
16 Rensalier.

17 Second by Commissioner Vannoy.

18 On the roll.

19 COMMISSIONER VAN RENSALIER: Well, my
20 issue with amending and including dashes or
21 asterisks doesn't really take away what the word
22 is. I mean, because anybody can figure out what
23 the word is. So I would rather take the
24 attorney's recommendation that if we're going to
25 amend it, we amend it out totally instead of

1 leaving an "F" and dashes or asterisks. If we
2 don't have to use the minutes verbatim, then why
3 are we going to leave in the "F" and a couple of
4 dashes which you think you're alleviating a word
5 or getting rid of the word, but you're not because
6 anybody with any common sense can really figure
7 out what was being said. So if we really want to
8 amend the minutes to reflect that, to take that
9 out completely, then we need to not have --

10 MR. HANLEY: I think, I'm just making a
11 recommendation, maybe the better way to proceed is
12 to leave the initial judgment to whoever is making
13 that summary set of minutes and get it in draft
14 ahead of time which gives every member of this
15 Commission an opportunity to - quote - correct the
16 minutes, and if the majority agree with you, it
17 will be corrected in some particular fashion.

18 PRESIDENT KOLODZIEJ: All right. So from
19 the Robert's Rules of Order perspective, and I
20 apologize, I, from a vision perspective, did not
21 see Mr. Van Rensalier have his hand up to continue
22 discussion. Would the mover and second of the
23 motion please withdraw it because we're not
24 supposed to have a discussion or debate once roll
25 call is set.

1 COMMISSIONER VANNOY: I withdraw.

2 COMMISSIONER VAN RENSALIER: I withdraw.

3 PRESIDENT KOLODZIEJ: Thank you very much.
4 Continue our discussion, please.

5 COMMISSIONER VANNOY: Okay. So
6 Commissioner just said, I'm under the opinion that
7 people already know about this and us taking it
8 out totally is like if we're trying to hide
9 something. I would more rather stay with what
10 Commissioner said, this is just my opinion, and
11 having the dashes, because it just looks bad on
12 our part, oh, we know that was said, but it's
13 nowhere to be seen now. It's taken out. It makes
14 us look bad, I think.

15 COMMISSIONER FRIEND: Everything we're
16 discussing now is being taken down. Somebody who
17 reads the minutes this month is going to...

18 PRESIDENT KOLODZIEJ: Yeah, right.

19 COMMISSIONER VANNOY: And these minutes
20 are... Anybody can read them. Once we approve
21 the minutes, anybody can read them.

22 PRESIDENT KOLODZIEJ: From my perspective
23 and the reason I requested that change is I think
24 it is important that it doesn't get swept under
25 the carpet because it's something that did happen

1 and I agree with you, but by the same token, I am
2 not comfortable saying yes to putting down words
3 of hate on a piece of paper. So if there's some
4 sort of compromise that we can come to that still
5 recognizes that something happened and we as a
6 whole are not trying to get rid of that.

7 COMMISSIONER VANNOY: I think yours is the
8 compromise.

9 PRESIDENT KOLODZIEJ: But by the same
10 token, we're also not perpetuating hatred by
11 saying, yep, keep that in for perpetuity for
12 everyone to see. It's just my personal
13 preference. Whatever the group decides, I'll vote
14 my conscience.

15 But I don't know, it seems like, Ron, you
16 have a suggestion as to a compromise. It sounds
17 to me like Bob's saying don't take it all the way
18 out and it sounds to me like you're saying, well,
19 if you're not going leave it all the way in, then
20 take it all the way out. And I don't know if
21 there's a middle ground that we can find.

22 COMMISSIONER VANNOY: I think yours is the
23 middle ground.

24 COMMISSIONER VAN RENSALIER: I really
25 don't see what we're accomplishing if we're going

1 to just include a couple of dashes or a couple of
2 asterisks. I really don't see how that's going to
3 help the situation because, like someone just
4 said, it's already out on the street. Everybody
5 knows what was there. What's different by adding
6 a couple of dashes?

7 COMMISSIONER LEVINE: For future people.

8 COMMISSIONER VAN RENSALIER: What's
9 different from doing that as opposed to removing
10 it completely? It's still there. It was still
11 there. The fact that you added a couple of dashes
12 and a couple of asterisks, you can also argue that
13 okay, you're trying to cover it up a little bit,
14 not as much as you would remove it totally, but
15 you're still trying to cover it up and it doesn't
16 take away.

17 COMMISSIONER LEVINE: We're trying to make
18 it look appropriate.

19 COMMISSIONER VAN RENSALIER: It doesn't
20 take away the fact it was said. It was in the
21 minutes. People know about it. It was a written
22 document that people have seen and heard about and
23 just adding a couple of dashes or putting a couple
24 of asterisks doesn't I think suffice as to what we
25 should be doing or considering.

1 PRESIDENT KOLODZIEJ: Mr. Friend, you
2 wanted to add to this conversation?

3 COMMISSIONER FRIEND: Whatever we're doing
4 with the minutes from last meeting to this
5 meeting, I would make a motion that we table the
6 approval of the minutes from the last meeting and
7 we kind of defer to the Legal Department maybe as
8 well as the minutes of this meeting in terms of
9 how the minutes should be prepared and what they
10 should reflect.

11 PRESIDENT KOLODZIEJ: There's a motion on
12 the floor to table the minutes pending review by
13 the Legal Department.

14 Is there a second?

15 COMMISSIONER VANNOY: Well, before you say
16 that, Legal Department, is this something that you
17 could actually look into and give us the proper or
18 what you recommend the best advice for us?

19 MR. HANLEY: On that specific issue?

20 COMMISSIONER VANNOY: Yes.

21 MR. HANLEY: I'm sorry, I'm not going to
22 bail you out on that. I told you what the general
23 rules are. It's up to the body as a whole to...

24 COMMISSIONER VANNOY: So tabling it --

25 MR. HANLEY: You can have -- you know,

1 every meeting when you begin the meeting you're
2 supposed to vote on the minutes and that's the
3 instrument by which you're going to resolve this.
4 It's a factual question and then a judgment as to
5 what is material and needs to be in there.

6 COMMISSIONER FRIEND: My motion will be to
7 revise and that for the minutes to be presented in
8 a form similar to what other organizations do
9 which would reflect, you know, what took place at
10 the meetings, the votes that were taken, and
11 things of that nature and that those are the
12 minutes that we would vote on at the next meeting.

13 COMMISSIONER LEVINE: We'll vote next
14 meeting. We'll revise.

15 COMMISSIONER VANNOY: We still haven't
16 done anything --

17 COMMISSIONER FRIEND: The minutes would be
18 similar to what North Jersey Water Supply sends us
19 every month. We get minutes of what took place at
20 the meeting, but not every word.

21 COMMISSIONER VAN RENSALIER: So that's
22 basically what I said. Revise the minutes to
23 remove the word completely. It wouldn't be
24 verbatim.

25 COMMISSIONER VANNOY: You're just

1 suggesting remove that single word?

2 PRESIDENT KOLODZIEJ: No, it sounds to me
3 like the suggestion --

4 COMMISSIONER LEVINE: I think we should
5 work with Counsel.

6 PRESIDENT KOLODZIEJ: -- would be to
7 remove the verbatim portion of that and to
8 summarize it as a homophobic slur, something of
9 that nature, so that we're not losing the flavor
10 of what happened but we're also not specifically
11 perpetuating to change it. Is that sort of where
12 we were going?

13 COMMISSIONER VAN RENSALIER: Yes.

14 COMMISSIONER VANNOY: He just said no, I'm
15 not bailing you out. I don't have nothing. He
16 gave his thing. There's no reason to table it.
17 He doesn't have an opinion.

18 PRESIDENT KOLODZIEJ: So, Mr. Friend, if
19 you can repeat your motion. I think at this point
20 we're not clear as to what we're trying to achieve
21 and if you don't have one, I think Mr. Van
22 Rensalier does have one.

23 MR. AMODIO: Well, Commissioner Friend,
24 you had a motion. Do you want to...

25 COMMISSIONER VANNOY: Please repeat the

1 motion.

2 COMMISSIONER FRIEND: My motion was to
3 table.

4 COMMISSIONER VAN RENSALIER: I think we
5 were all on the same page. Repeat what you just
6 said.

7 PRESIDENT KOLODZIEJ: All right. Looks
8 like, Ron, you get to take lead and Mr. Friend's
9 ready to second you, so please make your motion.

10 COMMISSIONER VAN RENSALIER: No, no, I'm
11 going to second him.

12 MR. AMODIO: Jerry has a motion on the
13 floor.

14 PRESIDENT KOLODZIEJ: Jerry wants to table
15 and have the minutes revised and presented to us
16 at the next meeting.

17 COMMISSIONER VAN RENSALIER: Right,
18 exactly.

19 COMMISSIONER FRIEND: In a different
20 format, not the transcript to be the minutes.

21 COMMISSIONER VAN RENSALIER: In a
22 different format.

23 PRESIDENT KOLODZIEJ: All right. So we
24 have a motion and second to table these minutes
25 and to have them revised so that they are a

1 summary as opposed to verbatim.

2 COMMISSIONER VAN RENSALIER: Yes.

3 PRESIDENT KOLODZIEJ: That is the motion
4 on the floor. It has been seconded. Is there any
5 discussion on that motion?

6 Mr. Amodio, can we get a roll call,
7 please?

8
9 (Roll call was taken, all Commissioners
10 present respond in the affirmative. Commissioner
11 Sanchez is absent)

12
13 COMMISSIONER COTTON: Before I vote,
14 because the statement came from me, I need to tell
15 you that this was a statement that was given to me
16 by the homeowner and I just relayed it. Maybe I
17 used poor judgment in the way that I brought it
18 out, but this was his statement that he said to me
19 and his wife, which caught me off guard even,
20 because when he said it, I was, like, oh, okay.

21 And just to let you know, I have given
22 over 50 years of public service starting from 1968
23 when I got drafted to the military, four years,
24 two of them on foreign soil, everything that I've
25 been involved with since that time has been a

1 public service, so this statement I used poor
2 judgment. That's it.

3 So I vote yes.

4 MR. AMODIO: Moving forward, does the
5 Chair accept, receive, and file miscellaneous
6 purchase orders placed for the period from January
7 9, 2020, to February 11, 2020?

8 PRESIDENT KOLODZIEJ: Yes.

9 MR. AMODIO: Thank you.

10 We'll move onto Resolutions.

11 We have a number of resolutions here. Any
12 questions on the resolutions presented?

13 COMMISSIONER FRIEND: Yes, the first one.

14 Why is that a six-month contract rather
15 than a contract?

16 MR. DUPREY: Because it only takes six
17 months to complete the work.

18 COMMISSIONER FRIEND: What if they don't
19 complete it in six months?

20 MR. DUPREY: Then you can grant a
21 non-compensable or compensable time expansion for
22 extenuating circumstances.

23 COMMISSIONER FRIEND: When you say
24 non-compensable or compensable, if somebody bids
25 on a job and they complete it in six months, why

1 would we have to discuss -- is there a penalty
2 clause in this contract?

3 MR. DUPREY: I'm not sure. No, I think
4 there is in that it does not specifically relate
5 to damages. It says if they fail to leave the
6 completion date of the contract, they're subject
7 to whatever legal remedies PVWC would --

8 COMMISSIONER FRIEND: I don't ever recall
9 seeing, I can't say it never came before me, but I
10 don't ever recall seeing a construction contract
11 saying, you know, six months. I can see that
12 there's a clause in the contract that is not
13 included within six months the contract is subject
14 to penalty, but I mean, suppose it snows the whole
15 month of March and he doesn't complete it in six
16 months?

17 MR. DUPREY: That's when you have the
18 options of extending the contract for extenuating
19 circumstances or unforeseen conditions or things
20 like that and that's how you administer the
21 contract, you use judgment from, you know, 30
22 years of construction administration experience to
23 decide whether the contractor was valid in having
24 an expansion, and they could always finish
25 earlier.

1 COMMISSIONER FRIEND: Number D, that's
2 Change in Scope, any of the other contracts for
3 construction that we enter into, do they
4 specifically state six months or a year or?

5 MR. DUPREY: Each contract, Commissioner,
6 we set the duration of the contract. We
7 specifically list it in there so that they don't
8 go forever. And what we do is, or if they do,
9 they have penalties that they would have to pay
10 or, you know, they're subject to litigation or
11 whatever. You always have to give an end date of
12 the contract. We always said that based on our
13 professional experience and they vary from
14 contract to contract depending on the
15 circumstances.

16 MR. AMODIO: Any further questions?
17 Can I have a motion?

18 COMMISSIONER VANNOY: So move.

19 MR. AMODIO: Motion by Commissioner
20 Vannoy.

21 Second.

22 COMMISSIONER COTTON: Second.

23 MR. AMODIO: On the roll.

24

25 (Roll call was taken, all Commissioners

1 present respond in the affirmative. Commissioner
2 Sanchez is absent)

3
4 PRESIDENT KOLODZIEJ: Yes to the group.

5
6 (Whereupon, the following Resolutions were
7 approved:

8 a) Contract No. 19-B-30 "Riverside Terrace
9 Development Transmission Main Replacement,
10 Paterson, New Jersey" Recommendation to award a
11 six (6) month contract to Kupeksa Land Improvement
12 Corp. of Rockaway, NJ in the amount of
13 \$597,500.00.

14 b) Resolution Authorizing a Shared
15 Services Agreement with Brick Township Municipal
16 Authority for Analytical Laboratory Services for
17 two (2) years in the amount of \$240,330.00.

18 c) Resolution of Passaic Valley Water
19 Commission Memorializing and Approving Alamo
20 Insurance Group, Inc. Invoice in the amount of
21 \$13,824.08 extending "Builder's Risk Insurance"
22 for Contract 15-B-25 "Water Storage Improvements
23 Phase 1-Standby Emergency Generators" Contractor,
24 Stone Hill Contracting, Inc.

25 d) Resolution of PVWC Change in Scope of

1 Contract 19-B-22 "Architectural Rehabilitation of
2 PVWC's Main Pump Station, Superintendent's
3 Building and Jackson Avenue Pump Station, Totowa
4 and Wayne, New Jersey" Change Order No. 1 in the
5 amount of \$378,856.00 with current contractor
6 Phelps Construction Group, LLC of Boonton, NJ.

7 e) Contract 20-B-1 "Sulfuric Acid"
8 Recommendation to award a two (2) year contract to
9 Univar Solutions USA, Inc. of Morrisville, PA in
10 the amount of \$1,055,700.00.

11 f) Contract 20-B-3 "Water Meter Reading
12 and Related Services" Recommendation to award a
13 three (3) year contract to Inframark LLC of
14 Horsham, PA in the amount of \$1,708,300.00.

15 g) Contract 20-B-5 "Liquid Oxygen"
16 Recommendation to Reject and Re-Bid.

17 h) Contract 20-B-6 "Liquid Ferric Sulfate"
18 Recommendation to award a one (1) year contract to
19 Kemira Water Solutions, Inc. of Lawrence, KA in
20 the amount of \$2,270,400.00.

21 i) Contract 20-P-8 "Professional Services
22 for Public Auditor" Recommendation to award to
23 Wielkocz & Company, LLC of Pompton Lakes, NJ in
24 the amount of \$43,000.00.

25 j) Contract 20-B-8 "Furnish and Deliver

1 'No Lead' Type Brass Water Service Line Fittings"
2 Recommendation to award a two (2) year contract to
3 Water Works Supply Company, Inc. of Pompton
4 Plains, NJ in the amount of \$281,382.70.

5 k) Contract 20-P-60 "Professional Services
6 for Public Outreach and Participation for the
7 Water Storage Improvement Projects" Recommendation
8 to award to JGSC Group, LLC of Merchantville, NJ
9 in the amount of \$139,912.00)

10
11 MR. AMODIO: Under New Business, you have
12 disbursements and payrolls through February 19,
13 2020, in the amount of \$11,194,234.84.

14 Treasurer like to make a motion?

15 COMMISSIONER VAN RENSALIER: Move it.

16 MR. AMODIO: Do I have a second?

17 COMMISSIONER VANNOY: Yes.

18
19 (Roll call was taken, all Commissioners
20 present respond in the affirmative. Commissioner
21 Sanchez is absent)

22
23 COMMISSIONER VANNOY: Yes, abstain on
24 American Jose and Kyocera.

25 MR. AMODIO: We'll move onto

1 recommendations from closed session.

2 We have the Personnel agenda. There is
3 item i, I believe it is, Promotions, Christine
4 Vozzella. There is to be two increments awarded
5 and a retro of I believe is \$1,313.79. Correct?

6 COMMISSIONER VANNOY: I don't know if
7 that's. Is that from 10/18?

8 MR. AMODIO: Yes, that's the difference.

9 COMMISSIONER VANNOY: Okay.

10 MR. AMODIO: Any questions, Personnel?

11 COMMISSIONER LEVINE: We're voting on
12 Personnel?

13 MR. AMODIO: Yes.

14 COMMISSIONER VANNOY: Is this the whole
15 Personnel group?

16 MR. AMODIO: Whole Personnel group.

17 COMMISSIONER VANNOY: I just would like to
18 make one comment on Personnel in regards to
19 Esther. If we have made provisions for other
20 people to do this and if she's making up her time,
21 then those other people should be making up their
22 time so that it's fair across the board.

23 COMMISSIONER LEVINE: Also, I want to do
24 the New Hires separate.

25 COMMISSIONER VANNOY: If anybody else is

1 getting that opportunity, they should make up
2 their time as well.

3 MR. WEISS: They do.

4 COMMISSIONER VANNOY: Okay.

5 MR. AMODIO: At the request of
6 Commissioner Levine, we will do New Hires
7 separately.

8 Do I have a motion on --

9 COMMISSIONER VANNOY: So move.

10 COMMISSIONER VAN RENSALIER: Second.

11 MR. AMODIO: Second by Commissioner Van
12 Rensalier.

13 On the roll.

14

15 (Roll call was taken, all Commissioners
16 present respond in the affirmative. Commissioner
17 Sanchez is absent)

18

19 PRESIDENT KOLODZIEJ: As amended to the
20 group, yes.

21 (Whereupon, the following items from
22 Personnel were approved:

23 **I. Promotions:**

24 a. Esther Gluck as Provisional Assistant
25 Comptroller.

1 Current Title: Senior Accountant.

2 Current Salary: \$103,333.35.

3 Proposed Salary: \$123,340.00.

4 b. Krystle Morales as Provisional

5 Assistant Supervisor of Billing and Collection.

6 Current Title: Keyboarding Clerk 2.

7 Current Salary: \$64,615.31.

8 Proposed Salary: \$69,610.00.

9 c. Joseph Wright, Jr. as Provisional

10 Supervising Water Treatment Plant Repairer.

11 Current Title: Senior Water Treatment

12 Repairer.

13 Current Salary: \$70,913.14.

14 Proposed Salary: \$76,201.73 (1 increment).

15 d. Thomas Nowak as Provisional Senior

16 Electrician.

17 Current Title: Electrician.

18 Current Salary: \$79,939.28.

19 Proposed Salary: \$81,583.14 (1 increment).

20 e. Nathaniel Jones as Provisional Senior

21 Water Treatment Plant Repairer.

22 Current Title: Water Treatment Plant

23 Repairer.

24 Current Salary: \$65,843.45.

25 Proposed Salary: \$66,688.40 (1 increment).

1 f. Stanley McDowell, Jr. as Provisional
2 Senior Water Treatment Plant Repairer.

3 Current Title: Water Treatment Plant
4 Repairer.

5 Current Salary: \$65,843.45.

6 Proposed Salary: \$66,688.40 (1 increment).

7 g. Michael Zwerin as Apprentic
8 Electrician.

9 Current Title: Senior Maintenance
10 Repairer.

11 Current Salary: \$70,208.33.

12 Proposed Salary: \$71,131.25 (1 increment).

13 h. Jose A. Lopez as Apprentice
14 Electrician.

15 Current Title: Laborer 1.

16 Current Salary: \$63,978.71.

17 Proposed Salary: \$65,632.26 (1 increment).

18 i. Christine Vozzella as Provisional
19 Administrative Analyst.

20 Current Title: Assistant Administrative
21 Analyst.

22 Current Salary: \$72,416.65.

23 Proposed Salary: \$73,730.44 (1 increment).

24 **II. Lateral Title Change:**

25 a. Emilio Cesario as Maintenance Repairer.

1 Current Title: Water Repairer 1.

2 Current Salary: \$65,911.26.

3 Proposed Salary: No change.

4 b. Samuel Rivera as Maintenance Repairer.

5 Current Title: Water Repairer 1.

6 Current Salary: \$65,911.26.

7 Proposed Salary: No change.

8 c. Robert Grootenboer as Maintenance

9 Repairer.

10 Current Title: Water Repairer 1.

11 Current Salary: \$65,911.26.

12 Proposed Salary: No change.

13 d. Bartolo Donzella as

14 Laborer/Maintenance.

15 Current Title: Pump Station Attendant/Pump

16 Station.

17 Current Salary: \$51,095.20.

18 Proposed Salary: No change.

19 e. Tyree Frazier as Laborer Pump Station

20 to Distribution.

21 Current Title: Pump Station Attendant/Pump

22 Station.

23 Current Salary: \$51,095.20.

24 Proposed Salary: No change)

25

1 MR. AMODIO: We'll move on.

2 Do I have a motion for New Hires?

3 COMMISSIONER VANNOY: So move.

4 MR. AMODIO: By Commissioner Vannoy.

5 Do I have a second?

6 COMMISSIONER VAN RENSALIER: Second.

7 COMMISSIONER COTTON: Second.

8 PRESIDENT KOLODZIEJ: You guys did it at
9 the same time.

10 MR. AMODIO: I saw his lips move.

11 COMMISSIONER COTTON: All right.

12 MR. AMODIO: On the roll.

13

14 (Roll call was taken, all Commissioners
15 present respond in the affirmative. Commissioner
16 Levine responds in the negative. Commissioner
17 Sanchez is absent)

18

19 COMMISSIONER LEVINE: No, because in my 11
20 years here, we changed the process in which we did
21 the personnel this time, none of the personnel
22 committee was noted of it and I was under the
23 misunderstanding that we were going to wait until
24 next meeting so we can get some information. I
25 really don't have any of the information that I

1 was looking for on these two new hires and I'm
2 hoping that if the staff makes any changes again,
3 decides to change the way that we've handled
4 things, it comes before us first so we know and
5 we're not just hit with it at the personnel
6 meeting, especially, with the change of leadership
7 in this group.

8 So my vote is no on this one.

9 MR. AMODIO: Thank you.

10 PRESIDENT KOLODZIEJ: For the record, it
11 was discussed at committee level. Names were not
12 provided, but the information was.

13 I vote yes.

14
15 (Whereupon, the following New Hires were
16 approved:

17 **III. New Hires:**

18 a. Priscilla Elliot.

19 Proposed Title: Keyboarding Clerk 1.

20 Proposed Salary: \$38,000.00.

21 Proposed Range: \$38,000.00 - \$60,270.00.

22 b. Elizabeth Navas.

23 Proposed Title: Water Treatment Plant
24 Operator.

25 Proposed Salary: \$60,000.

1 Proposed Range: \$17,804.80 - \$70,185.60)

2

3 MR. AMODIO: I now have a resolution here
4 authorizing to apply for an extension of the
5 Sub-Recipient Agreement between NJDEP and the
6 Passaic Valley Water Commission implementing the
7 CDBG-DR Program.

8 COMMISSIONER FRIEND: So move.

9 MR. AMODIO: By Commissioner Friend.

10 Do I have a second?

11 COMMISSIONER VANNOY: Yep, second.

12 MR. AMODIO: By Commissioner Vannoy.

13 On the roll.

14

15 (Roll call was taken, all Commissioners
16 present respond in the affirmative. Commissioner
17 Sanchez is absent)

18

19 MR. AMODIO: Good and welfare.

20 PRESIDENT KOLODZIEJ: I believe Mr. Vannoy
21 had requested first up on Good and Welfare
22 regarding last meeting.

23 We were going to have a discussion about
24 the lengthy discussion that we had about how to
25 record it in the minutes, but I believe I was

1 contacted or perhaps it was Mr. Van Rensalier that
2 wanted to discuss this and possible action that
3 this board should take.

4 COMMISSIONER VANNOY: Oh, in regards to...

5 PRESIDENT KOLODZIEJ: Yes, sir.

6 COMMISSIONER VANNOY: I mean, I'm open to
7 suggestions. I know we needed to discuss it. I
8 didn't really talk about what the specifics were,
9 but obviously it had to be addressed.

10 PRESIDENT KOLODZIEJ: Anyone else that
11 wishes to add to the discussion?

12 The only thing that I would add to the
13 discussion is that it certainly was not
14 professional. I think that everyone around this
15 table would agree that there is no room or place
16 in our organizational values for anything that is
17 going to perpetuate hatred. I'm hoping that it's
18 a lesson learned. I heard an explanation as
19 opposed to it's not a personal philosophy but it
20 was a relay of verbatim from someone else and,
21 yes, I would agree, discretion would probably have
22 been better served at that point in time. With
23 that being said, I think that it is important that
24 the minutes reflect that this body certainly does
25 not condone that type of behavior and/or that type

1 of philosophy. I certainly don't speak for the
2 whole board, but coming from just this one
3 Commissioner it's something that I hope to never
4 see happen again at a Passaic Valley Water
5 Commission meeting.

6 COMMISSIONER VANNOY: And I will just
7 agree with everything Commissioner Kolodziej said.

8 COMMISSIONER COTTON: And, once again, I
9 apologize to anybody who I offended or any
10 particular group of people I offended and I'm
11 sorry my comments were in bad taste and it will
12 never happen again and I appreciate it.

13 PRESIDENT KOLODZIEJ: Is there anyone else
14 that wishes to go on the record to make a
15 statement regarding what happened at the last
16 meeting?

17 Seeing none, that concludes that topic.

18 Is there any other Good and Welfare that
19 needs to be discussed today?

20 Seeing none, a motion to adjourn is in
21 order.

22 COMMISSIONER VANNOY: So move.

23 MR. AMODIO: By Commissioner Vannoy.

24 Do I have a second?

25 COMMISSIONER COTTON: Second.

1 MR. AMODIO: By Commissioner Cotton.

2 On the roll.

3

4 (Roll call was taken, all Commissioners
5 present respond in the affirmative. Commissioner
6 Sanchez is absent)

7

8 PRESIDENT KOLODZIEJ: Commissioners,
9 recognize that we have a very short workweek
10 because we're switching to the second Wednesday of
11 the month, so get those committee meetings in.

12

13 (Whereupon, the proceedings concluded at
14 12:18 p.m.)

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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