

**JERSEY CITY MUNICIPAL UTILITIES AUTHORITY
MINUTES OF THE REGULAR BOARD OF COMMISSIONERS MEETING
APRIL 23, 2020**

CALL TO ORDER – 5:10PM

In compliance with the Sunshine Laws, Chairwoman Hulings ordered and directed that a Notice of a Public Meeting of the Jersey City Municipal Utilities Authority be posted in the main lobby of the Jersey City Municipal Utilities Authority Administration Building and a copy of the notice be sent to The Jersey Journal, The Star Ledger and the City Clerk. Due to the COVID-19 global pandemic, this public meeting of the Board of Commissioners of the Jersey City Municipal Utilities Authority (“JCMUA”) is being conducted telephonically. As such, to enable members of the public to participate in this meeting, the dial-in information for this conference call was posted at the entrance to the JCMUA’s Administrative Offices and was also posted on the JCMUA’s website.

ROLL CALL OF MEMBERS PRESENT:

Chairwoman, Maureen C. Hulings
Vice Chairwoman, Jeannine Zampella
Commissioner, Vincent N. Mastria
Commissioner, Maureen Nally
First Alternate Commissioner, Rahat A. Chatha

ABSENT:

Second Alternate Commissioner, Kathleen Hartye

ALSO PRESENT:

Jose R. Cunha, Executive Director
John D. Folk, C.P.A., Director of Finance
Judy Rybka, Recording Secretary
Richard Haytas, PE, Senior Engineer/Infrastructure Maintenance Supervisor
LeKendrick Shaw, Assistant to Executive Director
Krystyna Pawlowska, Administrative Assistant
Francis J. Borin, Esquire, DeCotiis, FitzPatrick, Cole & Giblin, LLP
Kevin Conti, Esquire, DeCotiis, FitzPatrick, Cole & Giblin, LLP
Katie Mocco, Esquire, DeCotiis, FitzPatrick, Cole & Giblin, LLP
Kevin Wynn, Mott MacDonald
Ed Traina, CME Associates
George Pallas, Esquire, Cohen, Seglias, Pallas, Greenhall & Furman, PC
Edward J. DePascale, Esquire, McElroy, Deutsch, Mulvaney & Carpenter, LLP

FLAG SALUTE

PUBLIC COMMENT– George Pallas, Esq. identified himself as counsel to Montana Construction and said he was available to answer any questions to the extent there were any. Edward DePascale identified himself as counsel to Spiniello Worldwide Infrastructure and said he was available to answer any questions.

Closed Public Comment Session at 5:13 p.m.

Motioned to approve by Commissioner Nally

Seconded by Commissioner Mastria

Roll call vote: Commissioner Mastria	Aye
Commissioner Nally	Aye
Vice Chairwoman Zampella	Aye
Commissioner Chatha	Aye
Chairwoman Hulings	Aye

APPROVAL OF MINUTES

Approval of minutes of the March 26, Commissioners Meeting

Motioned to approve by Vice Chairwoman Nally

Seconded by Vice Chairwoman Zampella

Roll call vote: Commissioner Mastria	Abstention
Commissioner Nally	Aye
Vice Chairwoman Zampella	Aye
Commissioner Chatha	Aye
Chairwoman Hulings	Aye

At 5:15 p.m. prior to Resolutions, Chairwoman Hulings requested a Resolution to go out of agenda order and enter Executive Session to discuss pending contracts, anticipated litigation and matters of attorney-client privilege.

Motioned to approve by Commissioner Mastria

Seconded by Commissioner Nally

Roll call vote: Commissioner Mastria	Aye
Commissioner Nally	Aye
Vice Chairwoman Zampella	Aye
Commissioner Chatha	Aye
Chairwoman Hulings	Aye

ENTERED EXECUTIVE SESSION AT 5:16 P.M.

Motioned to approve by Chairwoman Zampella

Seconded by Commissioner Nally

Roll call vote: Commissioner Mastria	Aye
Commissioner Nally	Aye
Vice Chairwoman Zampella	Aye
Commissioner Chatha	Aye
Chairwoman Hulings	Aye

EXECUTIVE SESSION CLOSED/REGULAR SESSION REOPENED AT 6:26 P.M.

Motioned to approve by Commissioner Mastria

Seconded by Commissioner Nally

Roll call vote: Commissioner Mastria	Aye
Commissioner Nally	Aye
Vice Chairwoman Zampella	Aye
Commissioner Chatha	Aye
Chairwoman Hulings	Aye

RESOLUTIONS – CONSENT AGENDA

Resolution 4/20/1 authorizing transfer of funds for sewer operations

Resolution 4/20/2 authorizing payments of audited claims for sewer operations

Resolution 4/20/3 authorizing transfer of funds and payments of audited claims for water operations

Resolution 4/20/4 authorizing cash disbursements

Resolution 4/20/5 authorizing payments from the capital improvement, project and note funds

Resolution 4/20/6 authorizing the declaration of an emergency to replace the water and sewerlaterals at 90 Seaview Avenue and the award of a contract to Shauger Property Services, Inc.

Resolution 4/20/7 authorizing Jersey City Municipal Utilities Authority to enter into a contract with Pathogend of New Jersey for building disinfection services due to the COVID 10 pandemic through the Education Services Commission of New Jersey Cooperative Purchasing Program

Resolution 4/20/8 authorizing the declaration of an emergency to replace a forty-eight inch combined sewer manhole at the intersection of South Street and Pierce Avenue to J. Fletcher Creamer & Son, Inc.

Resolution 4/20/9 authorizing the award of a Non-Fair and Open On-Call engineering services contract to Bright View Engineering pursuant to the New Jersey Local Unit Pay-to-Play Law (to be delivered prior to meeting)

Resolution 4/20/10 authorizing the submittal of an application to the Local Finance Board in the Department of Community Affairs for proposed financing pursuant to the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1 et seq.

Resolution 4/20/11 authorizing a contract extension to American Wear, Inc. pursuant to and in accordance with the Local Public Contracts Law for rental, cleaning and maintenance of employee uniforms; JCMUA contract number EUS-2018-12

Resolution 4/20/12 authorizing the extension of a contract with Sander Power Equipment Co. in accordance with the Local Public Contracts Law for provision of emergency and non-emergency rental, delivery, setup and return of various sized trailer-mounted, self-priming discharge pumps, trailer-mounted diesel generators, submersible pumps and associated equipment; JCMUA contract number RTMSP-2018-17

Resolution 4/20/13 authorizing the extension of emergency contact with Spectraserv, Inc. for the disposal of grit and screenings generated by the Authority's sewerage operations

Resolution 4/20/14 authorizing the award of a contract for professional engineering permitting and design services to T & M Associates for the canal crossing redevelopment area Phase 2

Resolution 4/20/15 authorizing MMREF expenditure for the emergency installation of insertion valves by Underground Utilities and Advanced Valve Technologies and to replace twenty inch valve at Bergen Avenue and Belmont Avenue

Resolution 4/20/16 authorizing MMREF expenditure for the emergency replacement by Joseph M. Sanzari, Inc. of connections of twenty inch water main on Garfield Avenue at Winfield Avenue and Pearsall Avenue

Resolution 4/20/17 authorizing MMREF expenditure for the emergency relocation of hydrants by Joseph M. Sanzari, Inc. at the intersections of Sip Avenue and Summit Avenue, and Danforth Avenue and NJ Route 440

Resolution 4/20/18 authorizing application for loan from the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Van Winkle combined sewer outfall; JCMUA project number S340928-41

Resolution 4/20/19 authorizing license and right of entry agreement with Thomas Donofrio in connection with environmental restoration work on Jersey City watershed property in Denville, New Jersey

Resolution 4/20/21 certifying review and approving of the amended corrective action plan for the annual audit report for the fiscal year ended December 31, 2018

Resolution 4/20/22 authorizing contract amendment with Automatic Data Processing, LLC to perform additional payroll services and provide time clock in accordance with New Jersey Local Unit Pay-to-Play Law

Resolution 4/20/23 authorizing license and right of entry agreement with PPG Industries, Inc. in connection with Carteret Avenue sewer rehabilitation project

Motioned to approve by Commissioner Nally

Seconded by Commissioner Mastria

Roll call vote: Chairwoman Hulings	Aye
Commissioner Mastria	Aye
Commissioner Nally	Aye
Vice Chairwoman Zampella	Aye
Commissioner Chatha	Aye

OTHER RESOLUTION(S) CONSIDERED INDIVIDUALLY

Resolution 4/20/20 authorizing acceptance of bid and awarding of contract for Phase 1-2 infrastructure rehabilitation to Spinello Companies; JCMUA contract number CSSI-2-2014-09-C

Motioned to approve by Commissioner Mastria

Seconded by Commissioner Nally

Roll call vote: Chairwoman Hulings	Aye
Commissioner Mastria	Aye
Commissioner Nally	Aye
Vice Chairwoman Zampella	Nay
Commissioner Chatha	Aye

EXECUTIVE DIRECTOR REPORT – Mr. Cunha reported on the following:

Moody's Rating – JCMUA received a new rating today (Aa3 low credit risk/stable revenue). No major impact is expected as a result of this rating which is very important to securing financing outside of New Jersey Environmental Infrastructure Trust (NJEIT). There will be additional reporting on this matter in future meetings.

COVID 19 – JCMUA continues to distribute masks and deliver essential services to City residents. To protect its employees and Jersey City residents, JCMUA disinfects and deep cleans its facilities bi-weekly, and employees are working on a rotating schedule.

Construction continues on a number of projects, and it is hoped new projects will begin. (JCMUA is exempt from the Governor's order concerning no construction.)

COMMITTEE REPORTS—No Committee Reports

GENERAL COUNSEL REPORT —No additional report.

ITEMS OF UNFINISHED BUSINESS — No Unfinished Business

ITEMS OF NEW BUSINESS— No New Business

Prior to Adjournment, Chairwoman Hulings advised the next Board of Commissioners meeting is scheduled for Thursday, May 28, 2020 at 5:00 p.m.

ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Motioned to approve by Commissioner Nally

Seconded by Commissioner Mastria

Unanimously approved by all Commissioners present.

Respectfully submitted,

Judy Rybka

Judy Rybka
Recording Secretary

EXECUTIVE SESSION MINUTES

APRIL 23, 2020

A Resolution of the Board was adopted to enter Executive Session to discuss pending contracts, anticipated litigation and matters of attorney-client privilege.

Mr. Wynn and Mr. Conti led a discussion in connection with Resolution 4/20/20 concerning a large infrastructure rehabilitation and replacement project (combined sewer and water main). Requests for Bids were sent out, and three bids were received on March 17, 2020. It was noted that during the bid stage of this project, an addendum was added calling for additional green infrastructure work, and that the bid specifications were "very explicit." Upon review of the bids received, it was determined that the lowest bid received was defective for various reasons including the fact that it was a materially unbalanced and front-loaded bid. A further independent engineering review/estimate indicated the low bid will actually increase substantially, and the bid will be "much higher." (The method used for this review, performed by engineers, is commonly used in the industry.)

The Executive Director discussed options available for awarding this contract and the risks to JCMUA associated with each option such as a possible loss of funding, increases in cost, receipt of fewer competitive bids, further delays resulting in Consent Decree issues, loss of good weather conditions/spring-summer season and several others.