

FEBRUARY 02, 2021

Minutes of a meeting of the Secaucus Municipal Utilities Authority held on Tuesday February 2, 2021 at 6:00

The meeting was called to order at 6:00 PM by Chairman Vogel

Pledge of Allegiance/Salute to the Flag

The Open Public Meetings Act was read. Included in this statement was that this meeting was posted on the Authority website, the Authority bulletin board and a copy sent to Town Hall. This meeting is held via teleconference.

Roll Call:	Fred Vogel	Chairman
	Jorge Cardenas	Vice-Chairman
	Raymond Spellmeyer	Secretary
	Tim Stamm	Board Member

Also Present: Brian Bigler, Executive Director; John Napolitano, Counsel; G. Beckmeyer, Engineer.

A motion was made by R. Spellmeyer seconded by J. Cardenas to approve the minutes of January 5, 2021. Approved: 4-0-0.

D. Manderano entered the conference.

At this time, Counsel Napolitano took over the Sine Die portion of the reorganization meeting. Nominated for Chairman F. Vogel on a motion by J. Cardenas, second by R. Spellmeyer: all in favor.

Nominated for Vice-Chairman J. Cardenas on a motion by F. Vogel, second by R. Spellmeyer: all in favor.

Nominated for Secretary R. Spellmeyer on a motion by F. Vogel, second by D. Manderano: all in favor.

Nominated for Treasurer D. Manderano on a motion by R. Spellmeyer, second by J. Cardenas: all in favor.

Nominated for Assistant Secretary: T. Stamm on a motion by R. Spellmeyer, second by J. Cardenas. All in favor.

J. Napolitano asked if there were any other nominations and if the Board was satisfied with the proposed slate. There being none, all nominations are approved for the period until the February 2022 reorganization meeting.

The Consent Agenda was moved on a motion by F. Vogel, second by R. Spellmeyer and is as follows:

**RESOLUTION 2021-02A
REGARDING PROFESSIONAL ORGANIZATIONS**

WHEREAS, the SECAUCUS MUNICIPAL UTILITIES AUTHORITY (hereinafter “Authority”) is a public body, duly formed under the Municipal and County Utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the Authority has previously participated in educational seminars and programs offered under the auspices of such professional organizations as the Association of Environmental Authorities; the New Jersey Water Environmental Association; the Water Environment Federation; the New Jersey Utility Authorities Joint Insurance Fund; etc.; and

WHEREAS, the taxpayers of Secaucus have benefited by the Authority’s participation in such professional programs by way of reduced insurance rates; enhanced safety programs resulting in reductions in lost time accidents; stricter regulatory compliance resulting in reduced permit fees; joint water quality studies reducing the Authority’s cost for the same to a small fraction of what they would otherwise would have been, etc.

NOW, THEREFORE, BE IT RESOLVED, that the Authority is authorized to continue its participation in the Association of Environmental Authorities, the New Jersey Water Environmental Association, the Harbor Discharge Group; the New Jersey Utilities Authorities Joint Insurance Fund; and similar such professional organizations which reduce costs to Secaucus taxpayers by way of various shared services, educational programs and peer review.

BE IT FURTHER RESOLVED, that the Authority hereby authorizes and encourages the participation of its Commissioners, staff and employees in appropriate programs offered by such organizations.

**RESOLUTION 2021-02B
REGARDING OFFICIAL NEWSPAPERS**

WHEREAS, the Secaucus Municipal Utilities Authority (hereinafter “Authority”) is a public body duly formed under the Municipal and County Utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, N.J.S.A. 10:4-8 requires that the Authority designate a newspaper to receive public notices that has the greatest likelihood of informing the public within the Authority’s service area of meetings.

NOW, THEREFORE, BE IT RESOLVED, that the Authority designates the Jersey Journal as its official newspaper to receive public notices and The Star Ledger as secondary.

RESOLUTION 2021-02C
REGARDING INDEMNIFICATION OF AUTHORITY MEMBERS AND EMPLOYEES

WHEREAS, the Secaucus Municipal Utilities Authority (hereinafter “Authority”) is a public body, duly formed under the Sewerage Authorities Laws, constituting Chapter 138 of the Laws of New Jersey of 1946, as amended (Chapter 14A of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the affairs of the Authority may, from time to time, result in litigation by or against the Authority; and

WHEREAS, parties opposing the Authority in litigation may file claims as part of the litigation against past, present or future members of the Authority and/or employees of the Authority having managerial responsibilities; and

WHEREAS, the potential for such claims may discourage qualified, civic-minded persons from serving as a member of the Authority or from accepting employment from the Authority in any capacity involving managerial responsibility; and

WHEREAS, it is in the best interest of the Authority to encourage qualified, civic-minded persons to accept or continue membership on the Authority and to accept employment from the Authority in capacities involving managerial responsibilities without fear of risk from claims regarding their good-faith performance of the duties of a member of the Authority or their good faith performance as such employees of the Authority; and

NOW, THEREFORE, BE IT RESOLVED by the Authority that the indemnification and defense of its past, present and future members and/or employees having managerial responsibilities shall be provided in accordance with the following terms and provisions:

The Authority shall defend and indemnify any past, present or future member of the Authority and/or past, present or future employees having managerial responsibilities (hereinafter jointly and severally referred to as the “Official”) for claims arising from an act or omission of such Official within the scope of the performance of such individual’s duties as an Authority member or employee. Except as may be hereinafter provided, the defense and indemnification shall be with respect to all civil actions and with respect to all regulatory and administrative proceedings regardless of the nature of the regulatory or administrative proceeding. The defense and indemnification shall not encompass any criminal actions brought by or on behalf of the State of New Jersey or the United States of America. An Official shall not be entitled to a defense or indemnification from the Authority unless:

(a) Promptly and in no event later than fifteen calendar days after the time the Official is served with the summons, complaint, process, notice or pleading, the Official delivers the original or an exact copy to the Authority and requests that the Authority provide the defense, unless counsel for the Authority has already accepted service on behalf of the Official.

(b) The Official cooperates in the preparation and presentation of the defense with the legal counsel approved or selected by the Authority to defend the case. In determining whether to approve counsel, the Authority shall consider such factors as may be relevant, including but not limited to the need for the use of counsel other than the Authority’s general or special counsel, the extent to which counsel may duplicate work of or need to obtain knowledge already possessed by other counsel, and the fees and rates of counsel.

(c) The Official agrees that the Authority and its counsel shall have the exclusive control

over the handling of the action, including but not limited to decisions regarding tactics, strategy, settlement, appeal and the timing thereof. The Official may, however, appeal any adverse determination against him or her with the prosecution of any such appeal and the costs and fees thereof to be borne at that time by such Official unless the Authority agrees at that time to provide for such appeal; provided, however, that the costs and fees of any such appeal if the appeal is successful will be finally borne by the Authority or the official as may be determined by the court at the conclusion of the action if the parties fail to agree among themselves with respect thereto.

The foregoing right of indemnification shall not be exclusive of any other rights to which any such Official may be entitled as a matter of law or which may be lawfully granted to such Official; and the right to indemnification hereby granted by this Authority shall be in addition to and not in restriction or limitation of any other privilege or power which this Authority may lawfully exercise with respect to the indemnification or reimbursement of an Authority member and/or employee; except that in no event shall an Authority member and/or employee receive compensation in excess of the full amount of a claim.

Defense of any Official in an action, suit or proceeding shall be furnished by this Authority through its counsel or such other counsel as approved by the Authority in advance of final determination of such action, suit or proceeding as authorized by the governing body of this Authority in a specific case and shall include the prosecution of appeals upon the terms and provisions set forth herein.

Outside the scope of coverage of this Indemnification provision is conduct resulting in the payment by the Authority of punitive damages or exemplary damages or damages arising from the commission of a criminal offense by such an individual, as well as when the act or omission which caused the damages was the result of actual fraud, actual malice, willful misconduct or an intention wrong of such individual, or in the event of a claim against such an individual by the Authority. In the event that the claim asserted against the Official is one which is for or may relate to any conduct which may fall outside the scope of coverage under this Indemnification provision, the defense of the Official shall be furnished only upon receipt of a written agreement by or on behalf of such Official, as approved by legal counsel to the Authority, to repay such amount in the event of an ultimate determination that the conduct of the Official was such as to fall outside the scope of coverage under this Indemnification provision. The Authority may, in its sole discretion, require the Official to furnish suitable security for the agreement of the Official to repay such amount. The initial decision as to whether the conduct in question may fall outside the scope of coverage of this Indemnification provision shall be made by the Authority in consultation with its legal counsel. The final decision as to whether the conduct in question falls within the scope of coverage of this Indemnification provision shall be made by judicial determination only after the final conclusion of all actions, proceedings and appeals and only if the Authority and the affected Official fail to agree with respect thereto.

In the event of a conflict of interest between the Authority and the Official to be defended which precludes the defense of the Official by the counsel representing the Authority as determined by the Authority in consultation with its counsel, the counsel representing the Authority shall not represent the Official and separate counsel approved by the Authority shall be retained for the Official.

RESOLUTION 2021-02D
SECAUCUS MUNICIPAL UTILITIES AUTHORITY
Hudson County, New Jersey

**Resolution Authorizing the Authority to Continue as a Member of the North Jersey
Wastewater Cooperative Pricing System**

WHEREAS, the Secaucus Municipal Utilities Authority (hereinafter “Authority”) is a public body, duly formed under the Municipal and County Utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the Authority desires to become a member of the North Jersey Wastewater Cooperative Pricing System (“NJWCPS”), effective for the period of February 2, 2021 through to the February 2022 reorganization meeting and, each renewal, thereafter of the system, unless Authority elects to formally withdraw from the system.

NOW THEREFORE BE IT RESOLVED by the members of the board of the Secaucus Municipal Utilities Authority that the Executive Director is hereby authorized and empowered to take whatever action is necessary and execute any documents that may be required, on behalf of the Authority, after consultation with legal counsel, to effectuate the purposes of this Resolution.

Date: February 2, 2021

RESOLUTION 2021-02E

DESIGNATING BRIAN BIGLER AUTHORIZED REPRESENTATIVE OF THE AUTHORITY

WHEREAS, the SECAUCUS MUNICIPAL UTILITIES AUTHORITY (hereinafter “Authority”) is a public body, duly formed under the Municipal and County Utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the Authority recognizes the need to designate an authorized representative of the Authority to approve and certify various documents which pertain to the execution of ordinary Authority business, such as the approval of permits and applications to the NJDEP, the transfer of Authority funds and the execution of contractors approved by the resolution of the Board, and the direction of work performed by the various firms doing business with the Authority.

NOW, THEREFORE BE IT RESOLVED that BRIAN BIGLER, Executive Director, is designated as the authorized representative of the Authority for the purposes herein stated.

RESOLUTION 2021-02F REGARDING NJUA-JIF FUND COMMISSIONER

WHEREAS, the Secaucus Municipal Utilities Authority is a member of the New Jersey Utility Authorities Joint Insurance Fund (“The Fund”); and

WHEREAS, by virtue of the conditions of membership contained in the by-laws of The Fund, the Secaucus Municipal Utilities Authority must appoint a Fund Commissioner.

NOW, THEREFORE, BE IT RESOLVED by the Secaucus Municipal Utilities Authority as follows:

- 1) That Brian Bigler is hereby appointed as Fund Commissioner, for the period of February 2, 2021 through to the February 2022 reorganization meeting.

RESOLUTION 2021-02G
REGARDING APPOINTMENT OF PACO OFFICER

WHEREAS, the Commissioners of the Secaucus Municipal Utilities Authority wants to appoint a Public Agency Compliance Officer as required by the Department of Treasury, Affirmative Action Office.

NOW, THEREFORE, BE IT RESOLVED, that Laurie Purcell is hereby appointed the Public Agency Compliance Officer for the SMUA with regard to Affirmative Action matters to begin February 2, 2021 until the next reorganization meeting in February 2022.

BE IT FURTHER RESOLVED, that a copy of this resolution designating the appointee be sent to the Affirmative Action Office of the Department of Treasury.

RESOLUTION 2021-02H
REGARDING NJUA-JIF SAFETY DELEGATE

WHEREAS, the Secaucus Municipal Utilities Authority is a member of the New Jersey Utility Authorities Joint Insurance Fund (“The Fund”); and

WHEREAS, by virtue of the conditions of membership contained in the by-laws of The Fund, the Secaucus Municipal Utilities Authority must appoint a Safety Delegate to work with the Fund’s Safety Services.

NOW, THEREFORE, BE IT RESOLVED by the Secaucus Municipal Utilities Authority as follows:

- 1) That Joseph Marchese is hereby appointed as the Authority’s Safety Delegate, for the period of February 2, 2021 through to the February 2022 reorganization meeting.
- 2) That Brian Bigler is hereby appointed as Alternate.

RESOLUTION 2021-02I
REGARDING OFFICIAL DEPOSITORIES

WHEREAS, the Secaucus Municipal Utilities Authority (hereinafter “Authority”) is a public body duly formed under the Municipal and County Utilities Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the Authority is required by law to designate those New Jersey institutions which will be depositories of its funds for the ensuing year.

NOW, THEREFORE, BE IT RESOLVED, that the Authority designate US Bank and TD Bank of New Jersey as its official depositories, and Executive Director, Brian Bigler to act as agent for the Authority;

BE IT FURTHER RESOLVED, that the Authority designates the following signatories with respect to accounts of such depositories:

- 1: US Bank:
2. TD Bank

The Consent Agenda was approved via Roll Call Vote. T. Stamm, Aye; D. Manderano, Aye; R. Spellmeyer, Aye; J. Cardenas, Aye; F. Vogel, Aye. Approved 5-0-0.

The Voucher list was moved on a motion by R. Spellmeyer; seconded by D. Manderano. Voucher list approved on a roll call vote: T. Stamm, Aye; D. Manderano, Aye; R. Spellmeyer, Aye; J. Cardenas, Aye; F. Vogel, Aye. 5-0-0. Total \$134,230.84.

Old Business: None

New Business: None

Legal: No Report

**Report of the Executive Director for January 2021
February 2021 {submitted January 28, 2021}**

Due to the COVID-19 virus crisis, staff is performing basic maintenance, lab & operations. We have taken numerous steps to help curtail the spread of this virus.

- We continue to monitor the sewers in low lying areas for cleaning & inspection. There were several CCTV jobs performed for the DPW regarding storm sewers. While staff will perform any assistance, these tasks are cutting into our routine maintenance plan for the sanitary collection system.
- SCADA: Keystone due to the current pandemic, work has progressed slowly with programming the system. Keystone was on site to work on the programming.
- Toscana Cheese: Due to impending legal matters, I have ceased to communicate with Mr. Paparazzo. There have been no discharges of cheese waste to the SMUA collection system.
- Forwarded invoice to the Town (last week) for a collapsing street repair on 5th & Centre. DPW had asked us if our contractor could look at an issue in the street. We excavated a 9' x 9' opening since there was a void under the asphalt that could have caused a major collapse.
- Received an application for a proposed hotel at 655 Plaza Drive. This is currently under review. Nothing further to report.
- Received the Approved Adopted 2021 Budget from DCA.
- Met with representatives from PS&S (Environmental Engineers) and continued investigating the use of PAA. This compound might be used instead of sodium hypochlorite and sodium bisulfite for coliform destruction and neutralization. This is a much easier chemical to handle, but we'll need to perform some modeling and get approval from NJDEP for application.
- Received an application from the former Daffy's site. The building is in North Bergen, but as there are no sewers under Route 3, the SMUA treats the wastewater generated at this site via a pumping station owned & operated by this property. Note: this has been done since the late 1990's and the property is charged for the treatment of this waste. Authority Engineer has been in contact with them to assess the application.
- The force main from PS2 to Windsor Drive has been cleaned. The pumping capacity of this station has increased.
- Trying to obtain quotes for the repair of the flashing on two of the trickling filter towers. This damage was caused by the wind and several firms have been out to investigate but determined that the repair was beyond their capabilities. The 1st time this happened was during Sandy and the firm that did those repairs is no longer in business. I have contacted two more firms for quotes. This has been reported to insurance.

**ENGINEER'S REPORT
MONTH OF JANUARY 2021**

The following is a list of the main activities as provided by this office to the Authority for the above-mentioned month:

- SCADA. (abridged) The project has been awarded to Keystone Engineering Group. Keystone is completing their panel fabrication and performing their shop testing. Work is continuing on a limited basis due to the shut down and lack of available workers for the contractor. Construction has been on hold due to the COVID-19 situations. Work at the Pump Stations is mostly complete. Once this is complete, the Pump Stations will be tied into the main system at the Treatment Plant. Keystone completed all installations, waiting on start-up.

- Received and started a review on a pump station flow meter report for the Exchange Place Pump Station (abridged). This report is supposed to analyze the existing flows of the pump station and the amount of unused capacity with regards to the remaining build out of the project. Analyzing data. Submitted new pump data and force main drawings to engineer to re-analyze flow and pump data. We calculated flows for all additional housing units compared to the amount of flow as reported on the NJDEP TWA. Additional questions on the housing unit quantities are being confirmed. It now appears the NJSEA has received a zoning application for a 24-story residential structure. Spoke with Secaucus Plumbing Official concerning the addition of a 25-story housing unit. It appears major revisions will be required within the SMUA Sanitary Sewer System. The SMUA received a zoning approval for this project. Information was submitted to the SMUA concerning existing and proposed units. Exchange Engineer submitted letter on Pump Station capacity and new proposed units.

- Received and started a review raw pump station flow meter data for a report for the Turnpike Pump Station. (abridged) This report is supposed to analyze the existing flows of the pump station and the amount of capacity with regards existing pumps and the areas where the flow has increased drastically. The SMUA has partially video'd the force main. The video shows material build-up on the pipe walls and deformation of the pipe. The SMUA has requested a proposal from Persistent to install a 2-way cleanout on the force main to access the force main in two- directions for improved videos and maintenance. A test pit is schedule for January 2, 2020 to find exact location of force main with comparison to PSEG and Suez buried utilities. A cleanout was installed on the

force main. Heavy built-up Milk Coatings narrowed the force main to about half the original diameter. A cleanout has been installed approximately in the middle of the force main. Another cleanout will be installed soon at the beginning of the force main. New Cleanout work is scheduled for April 9 and April 10 due to the anticipated low flows at the Pump Station. All work has been postponed on the Cleanout due to the shut down and lack of available workers for the contractor. The work on the vault and cleanout have been completed, the only item yet to be delivered and installed is the metal hatch access. The hatch was delivered and installed. The contractor is working on the elimination of a small ground water leak into the vault wall. Scheduling the jetting and cleaning of the remainder of the force main. Entire force main has been jetted and cleaned using a specialty head. Initial results are very good. Prior to cleaning, pumps were around 35 gpm. After cleaning, pumps were at 80 gpm.

- Exchange Place Pump Station reviewing drainage issues and shooting elevations for the design for the Proposed Stormwater Inlet. Received elevations and laying out proposed drainage structures. A preliminary design was completed for SMUA comments, will finish construction plan. Requested a pre-construction meeting with Persistent to review options. Persistent submitted shop drawings on the trench drain system for review. This project has been completed. Will inspect during next rain event for operation. Future re-paving of the pump station area should include re-grading in some areas to direct the storm runoff better to the new trenches as well as a built-up curb along the fence line to decrease storm runoff from the sidewalk areas into the pump station area. Quotes for repaving are being received. This item will be removed from next months report.
- Plans and a connection application has been submitted for a new building at the old Daffy's site in North Bergen. Even though this site is in North Bergen, the Sanitary Sewer is service within the SMUA system. A thorough review will be required since this flow is connected to the SMUA system through the Turnpike Pump Station. The Pump Station and Force Main will need to be analyzed for Capacity. Requesting and reviewing submitted materials from project engineer.
- Trickling Filter metal flashing has been damaged by the latest two wind events. Researching a contractor who can repair this type of work. Met with one contractor on site and supplied information to another contractor
- Contacting Rapid Pump to see the availability of the torque and limit switches for the remaining secondary clarifier tanks. Material expected arrival date 2/8/2021.
- Inspected a manhole on Fischer Court where a blockage was reported. This is a terminal manhole from the original sanitary sewer system installed within the Town. It is of brick construction and does not have a bottom or flow channel in

it. Persistent const will be installing a concrete bottom with an integral flow channel and coat the inside bricks the first week of February.

- I will be meeting with the Facility manager for 600 Meadowlands Parkway (Harmony) on Friday 1/2/2021 to review the Suez water meters and to follow a domestic water supply line that does not follow the new water meter installed by the facility's management. The SMUA also requested additional Suez water bills for the facility
- Zoning Certificate Notices for required SMUA Sewer Connection Application:

Address	Zoning Certificate	Request Dates		SMUA App.	SMUA Fee	Engineers Report
		1 st	2 nd			
Lincoln Gateway	#17-239					
101 Plaza Center Unit 101 New Construction	#20-109	N/A	N/A	No	No	
50 Fairview Ave	-	N/A	N/A	No	No	Emailed Architect for updated plans.
20 Meadowlands Pkwy	#20-387	N/A	N/A	Yes	No	

Beckmeyer Engineering, P.C.

Glenn M. Beckmeyer, P.E.,P.P.,CME,CFM

Authority Engineer January 28, 2021

**OPERATIONS REPORT – January 2021
Submitted January 28, 2021**

KOELLE BOULEVARD FACILITY

- 1) The estimated average daily flow for the month was 2.7141 MGD. The estimated total flow for the month was 74 MG.
- 2) Routine maintenance and grounds keeping were performed.
- 3) One pump for PS#3 installed 1/28/21. Awaiting completion of repairs on the other unit.

- 4) Still trying to get proposals to repair the flashing that suffered wind damage to the domes of two of the trickling filters. We have contacted two additional firms to try and get this work performed.
- 5) The damaged fence has been replaced. The SMUA only had to pay the \$1,000.00 deductible and insurance covered the rest.
- 6) Authorized additional repairs to the collectors on three Secondary Clarifier.

PUMP STATION # 1 Village Place

- 1) The estimated average daily flow was 1.12 MGD.
- 2) All pumps cleaned and maintained on a regular basis.
- 3) Routine maintenance and grounds keeping were performed.

PUMP STATION # 2 Paterson Plank Road and Turnpike Exit

- 1) The estimated average daily flow was 38,929 gallons per day.
- 2) Routine maintenance and grounds keeping were performed.
- 3) Completed new clean-out vault to facilitate jetting this force main.
- 4) The force main was cleaned by National Water Main.

PUMP STATION # 3 Henry Street

- 1) The estimated average daily flow was 41,258 gallons per day.
- 2) Routine maintenance and grounds keeping were performed.

PUMP STATION # 4 New County Road and Seaview Drive

- 1) Routine maintenance was performed.
- 2) Station checked daily.

PUMP STATION # 5 Wilroy – Secaucus Road

- 1) This station is not in service.

PUMP STATION # 6 Castle Road

- 1) Routine Maintenance and grounds keeping were performed.
- 2) Average daily flow: 32,060gpd.

PUMP STATION #7 - Exchange Junction

- 1) Routine maintenance was performed.

COLLECTION SYSTEM: The Authority jetted and cleaned approximately 2,500+ feet of sanitary sewer. Assisted DPW cleaning catch basins for a total of 52 man-hours.

Respectfully Submitted,

Brian Bigler, Executive Director, Licensed Operator

Citizen's Comments: None

A motion was made at 6:30 p.m. by R. Spellmeyer, second by F. Vogel to adjourn the meeting. All in favor. 5-0-0.