

NEWARK WATERSHED CONSERVATION AND DEVELOPMENT CORPORATION
 40 CLINTON STREET, FOURTH FLOOR
 NEWARK, NJ 07102

BOARD OF TRUSTEE REGULAR MEETING
 MAY 16, 2011

MINUTES OF BOARD MEETING

OPENING OF MEETING

Called to order: 12:25 p.m.

INTRODUCTIONS/ROLL CALL

Name	Present/Y	Absent/N
The Hon. Cory A. Booker, Mayor, City of Newark		X
The Hon. Donald M. Payne, Councilman at Large	X Arrives at 12:39 p.m.	
Oscar James, II	X	
William T. Merritt	X via Conference Call	
Rodney Johnson	X	
Vaughn L. McKoy, Esq.	X	
Linda Watkins-Brashear . Executive Director	X	
Elnardo J. Webster, II, Esq. . General Counsel	X	
Jodi M. Luciani, Esq.	X	

Were any members of the public present?		X
---	--	---

Review of the call for the meeting: This is a public meeting of the Board of Trustees of the Newark Watershed Conservation and Development Corporation. At the public meeting action will be taken on a variety of motions. In accordance with the requirements of the Sunshine Law this meeting was announced by advertisement in the Star Ledger.

Board Chair McKoy calls the meeting to order at approximately 12:25 pm.

Board Chair McKoy asked if all Board Members present received their packages and had an opportunity to review same, and the minutes from the April 18, 2011 regular meeting contained

therein. Board Chair McKoy states the minutes accurately reflect the meeting and contain no material deficiencies or omissions. Board Chair McKoy requests said minutes be moved for approval.

ADMINISTRATIVE MATTERS

Motion to approve meeting minutes of April 18, 2011.

Board Chair McKoy requests a motion to approve the minutes.

Motion to approve minutes:

Moved by R. Johnson Second by O. James

Vote:	<u>Yes</u>	<u>No</u>	<u>Absent/ Not Present</u>
The Hon. Cory A. Booker, Mayor			X
The Hon. Donald M. Payne, Councilman at Large			X
Vaughn L. McKoy	X		
Oscar James, II	X		
Rodney Johnson	X		
William T. Merritt	X		

Action taken Motion Passed

Executive Summary

Consultant Contract

Executive Director Linda Watkins-Brashear explained to the Board Members that the contract between the Newark Watershed and Joseph Beckmeyer expired in April. As such, she stated that a new contract is being proposed for approval by Resolution of the Board of Trustees. She indicated that Mr. Beckmeyer will have the same duties and responsibilities as he had under the expired contract, with a proposed compensation of one hundred and seventy five thousand dollars (\$175,000). Ms. Brashear stated that Mr. Beckmeyer continues to do an excellent job in the City's Water and Sewer Department. Board Member Johnson believed that Mr. Beckmeyer's performance has been both valuable and professional. He suggested a month to month evaluation process under the new contract, however, to monitor progress. Board Chair McKoy agreed that the Newark Watershed should keep a record of Mr. Beckmeyer's performance for any future consideration of a renewal contract. Elnardo J. Webster, II, General Counsel, explained that although Mr. Beckmeyer presents to the Board on a near monthly basis, he agrees that a year end summary is necessary moving forward. Ms. Brashear indicated that she will implement such an evaluation process.

RESOLUTION

AA-44. Resolution awarding a contract to Joseph F. Beckmeyer Consultants for Professional Services

Moved by R. Johnson Second by O. James

Vote:	<u>Yes</u>	<u>No</u>	<u>Absent/ Not Present</u>
The Hon. Cory A. Booker, Mayor, City of Newark			X
The Hon. Donald M. Payne, Councilman at Large			X
Vaugh L. McKoy	X		
Oscar James, II	X		
Rodney Johnson	X		
William T. Merritt	X		

Action taken Motion Passed

Executive Summary Continued

New York – New Jersey Trail Conference

Ms. Brashear explained that she has invited the New York . New Jersey Trail Conference to speak during the summer at the Pequannock Watershed. At this time, Board Member Merritt exits the Board meeting. Ms. Brashear went on to explain that the trail conference is a group of individuals incorporated as an entity that have volunteered their time over the past twenty years to the watershed property. The Newark Watershed allows them access to the watershed properties to work on, among other things, signage, parking and hiking maps throughout the property. Ms. Brashear indicated that the trail conference provide annual reports to the Newark Watershed regarding the status of the trails, and further, that because of their efforts there is a slight increase in hikers. Mr. Webster inquired how a trail is marked. Ms Brashear responded that they clear areas and mark with tree signage. She stated that the trail conference performs a lot of beneficial work for the Newark Watershed and she looks forward to the opportunity to hear them speak during the July Board meeting.

Beaver Control

With respect to the man-made dams, Ms. Brashear stated that this year there has been an inordinate amount of trouble with beavers. She indicated that the Newark Watershed has two dams at the Pequannock River. Ms. Brashear explained that trapping beavers out of season is not permitted, but due to the excess amount of beavers and issues with the dams, the Newark Watershed sought permission of the New Jersey Department of Environmental Protection (NJDEP) to trap in season. She said that it might be necessary to rent equipment to remove the beavers and will keep the Board Members apprised of the progress.

Bearfort Mountain – Radio Control Tower

Ms. Brashear stated that she has been approached by the State regarding the installation of a new radio control tower at Bearfort Mountain. She explained that an emergency tower currently

exists at the site, but the State has requested upgrades, as well as the construction of a roadway to the tower. Ms. Brashear informed that State that it must seek approval from the Watershed Review Board. Mr. Webster asked whether the State would compensate the City and Ms. Brashear responded that the State has only indicated it will maintain and securitize the property. Board Chair McKoy inquired what branch of the State is making this request. Ms. Brashear stated it was the State Police. Board Chair McKoy explained that the Newark Watershed's concerns will be liability and maintenance. Ms. Brashear responded that the Newark Watershed would enter into a formal lease agreement with the State, subject to the acceptance and approval of the City's Municipal Council.

Request from Hardyston Township – Emergency Services Helistop Rehabilitation Plan

With respect to the Township of Hardyston's rehabilitation plan, Ms. Brashear explained that in the past, the Township has used an old baseball field informally for helicopter transport. The Township has requested that the Newark Watershed maintain the site and in addition, install lighting so that the site may be utilized at night. Ms. Brashear indicated that the Township, and the Newark Watershed have been in contact with the Office of Emergency Management regarding this rehabilitation project. Board Chair McKoy stated that, when negotiating this project, the Newark Watershed should focus on maintenance and liability, as well as compensation. Mr. Webster recommended that research be done regarding the potential tax exempt status of the site due to the nature of its public use. Ms. Brashear will inform the Board Members of any developments with the project.

Forestry Grant – Audobon Society 2011

Ms. Brashear explained that the Audobon Society is awaiting approval of a five hundred thousand dollar (\$500,000) grant that will be used for the benefit of the City and Newark Watershed. She further explained that, years ago, the Newark Watershed had a forestry program. Currently, the Audobon Society would like to perform a three year plan to work at the site. Ms. Brashear asked how the Board can get people involved in the program. The Board held a brief discussion on how to involve the students and schools in this program in order to facilitate future career paths.

Old Business

Office of the State Comptroller

Board Chair McKoy inquired whether the Newark Watershed received any feedback from the Office of the State Comptroller after its attendance at the previous Board meeting. Ms. Brashear responded that there has been none at this time.

OPRA Request

Ms. Brashear explained that, recently, the Newark Watershed received an Open Public Records Act (OPRA) request from the Newark Water Group for various documentation and information. She stated that representatives of the Water Group conducted a review of the requested information at the Newark Watershed offices last week in accordance with OPRA. Board Chair McKoy inquired what information had been requested and Ms. Brashear responded that, among other things, the Water Group asked to review legal bills, contracts, professional service contracts, contract invoices, defined benefit pension plan, minutes and agendas.

Board of Trustee Candidates

Board Chair McKoy requested an update on whether the City or the Municipal Council has held any further discussions regarding the appointment of new Board Members. The Board Members held a brief conversation with respect to potential candidates. Board Member Payne indicated that these discussions are ongoing.

Hatch Mott McDonald Ten Year Master Plan

Mr. Webster inquired as to the status of the ten (10) year master plan presented by Hatch Mott McDonald to the Municipal Council. Board Chair Payne responded that he, in his capacity as Council President, has not been approached regarding the plan. Mr. Webster explained that the plan was presented to the Municipal Council due to the ongoing and looming regulatory compliance and legal issues faced by the Water and Sewer Department. He further inquired about the status of the proposed Water Task Force. Mr. Webster explained that Councilman Rice, in an effort to restore the current state of the Water System, proposed a commission of approximately twenty (20) people to make recommendations to the City regarding the Water System. Mr. Webster indicated that such efforts have been made in the past, but there is currently no money to support such a commission. He suggested the City utilize its resources and educate the public through the City's website, and use the legislative process to make decisions regarding the Water System. Mr. Webster concluded that, regardless of who leads the initiative, 95% of the recommendations provided in Hatch Mott McDonald's ten (10) year master plan must be completed. At this time, Board Member Merritt joined the Board meeting.

Board Member Payne explained that the public believes it is losing ownership of the water, which is not the case. He further stated that it is imperative to explain investments must be done in order to improve water quality. Board Member Johnson agreed and added that the City must not wait to communicate the issues to the public. Mr. Webster reiterated that the point is the issues with the Water and Sewer Systems must be dealt with, as there aren't conflicting opinions regarding the state of disrepair of the asset. He explained that the issues concerning a Municipal Utilities Authority were taken into consideration, and thereafter, a plan was presented to the City regarding the required capital investments, however there continues to be little or no progress. The Board Members agreed that the concerns must be communicated again in order to move forward. A discussion is held regarding the current concerns as well as additional revenue that may be recognized by implementing mere upgrades to the Water and Sewer Systems. Potential rate increases were discussed; Board Member James stated that he does not support any rate increases. Board Chair McKoy concluded the discussion stating that the ten (10) year master plan must be presented in a public forum, and Board Member Payne indicated he would start holding discussions with the Administration.

New Business

Policies and Procedures Manual

Ms. Brashear informed the Board Members that each Board Member has received a blue-lined copy of the proposed updated Policies and Procedures Manual of the Newark Watershed for review. She explained that the Manual has been revised to include both the Pequannock Water Treatment Plant and the Newark Watershed, as well as updated to incorporate newly amended laws. Ms. Brashear stated that the updated Manual does away with the previous severance policy, as such a policy would have resulted in an approximate payout of one million dollars. She indicated that the new Manual sets forth a one year severance policy. In addition, Ms.

Brashear explained that, among other revisions, sick time has been capped at fifteen thousand dollars. Board Chair McKoy inquired whether the Manual will be distributed to all employees upon adoption. Ms. Brashear responded in the affirmative, further stating that a signature will be required of each employee upon receipt.

Watershed Property Tax Appeals

Ms. Brashear stated that she received correspondence from the tax appeal attorney, informing that West Milford has indicated a possible adjustment to its tax rate. She said she will keep the Board Members apprised of any progress.

NEXT MEETING:

Date / Time: June 20, 2011

MEETING ADJOURNED

Motion to adjourn the meeting.

Moved by O. James Second by R. Johnson

Vote:	<u>Yes</u>	<u>No/</u>	<u>Absent/ Not Present</u>
The Hon. Cory A. Booker, Mayor			X
The Hon. Donald M. Payne, Councilman at Large	X		
Oscar James, II	X		
William T. Merritt	X		
Rodney Johnson	X		
Vaughn L. McKoy, Esq.	X		

Action taken Meeting adjourned

Adjourned at approximately 1:35 p.m.