

**NEWARK WATERSHED CONSERVATION AND DEVELOPMENT CORPORATION**  
 40 CLINTON STREET, 4<sup>TH</sup> FLOOR  
 NEWARK, NEW JERSEY 07102

**BOARD OF TRUSTEE REGULAR MEETING**  
 APRIL 16, 2012

**MINUTES OF BOARD MEETING**

**OPENING OF MEETING**

Called to order: 12:12p.m.

**INTRODUCTIONS/ROLL CALL**

<b>Name</b>	<b>Present/Y</b>	<b>Absent/N</b>
The Hon. Cory A. Booker, Mayor, City of Newark		X
The Hon. Donald M. Payne, Councilman at Large		X
Oscar James, II	X	
William T. Merritt	X	
Rodney Johnson	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
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**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.

Board Vice Chair Johnson calls the meeting to order at approximately 12:12 pm. Board Vice Chair Johnson asked if all Board Members present received their packages and had an opportunity to review same, and the minutes from the March 19, 2012, regular meeting contained therein. Board Vice Chair Johnson states that the minutes accurately reflect the meeting and contain no material deficiencies or omissions. Board Vice Chair Johnson requests said minutes be moved for approval.

**ADMINISTRATIVE MATTERS**

*Motion to approve meeting minutes of March 19, 2012.*

Board Vice Chair Johnson requests a motion to approve the minutes.

Motion to approve minutes:

Moved by W. Merritt Second by O. James

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

## **RESOLUTIONS**

Executive Director Linda Brashear presented Resolution 12-002, a resolution awarding a contract to Joseph F. Beckmeyer Consultants for professional services, as well as a draft contract for services, to the Board of Trustees. Ms. Brashear indicated that the contract with Mr. Beckmeyer's firm will mirror the previous contract for engineering and consultant services. In addition, she explained that the contract will be retroactive, beginning April 1, 2012 and ending on March 31, 2012 for an amount to exceed \$175,000, the same as the prior year's contract. Board Vice Chair Johnson inquired whether all benchmarks had been fulfilled by Mr. Beckmeyer in the 2011-2012 contract for services, and Ms. Brashear responded affirmatively, stating that he exceeded the anticipated benchmarks. She indicated that he assisted in saving the City money with respect to the Cedar Grove project, and continues to essentially run the Water and Sewer Department, as the City has not yet fulfilled the position of Director. Board Vice Chair Johnson asked Ms. Brashear to indicate some of the goals for the upcoming contract term. Ms. Brashear stated that Mr. Beckmeyer will assist with collections, which are still down but have improved, will help bring the Cedar Grove project to fruition, will continue to work hand in hand with Andrew Pappachen, Plant Manager, and will take a leadership role in working on the Water and Sewer Department's budget. Board Vice Chair Johnson inquired whether there is a plan in place to incorporate residents with Mr. Beckmeyer's work, by employing more Newark residents. Ms. Brashear responded, that although an ideal notion, such an endeavor had been contemplated during the Municipal Utilities Authority ("MUA") discussions and the reality is that a transition is difficult due to civil service status. Elnardo J. Webster, II, General Counsel, asked the Board to review the history – particularly the vision for Water and Sewer. He stated that the Newark Watershed attempted to follow the Municipal Council's direction to build up capacity in the City and repair the dynamics of the Water and Sewer Department. He believes the Administration is currently spending a lot of time putting an MUA together, trying to present it early next month. A discussion was then held regarding the politics surrounding the Municipal Council and the Administration regarding the future of Water and Sewer and the future of the Newark Watershed. Walter Frye, CPA, enters the Board of Trustees meeting at 12:21pm. Mr. Webster stated that he presumes the MUA will not be approved, the Municipal Council will not agree to lay-offs and the State will need to intervene. He concluded that the Newark Watershed will likely continue to contract under an emergency contract until such time the City determines the future of Water and Sewer.

With respect to Mr. Beckmeyer, Mr. Webster explained that Mr. Beckmeyer, does a very good job, attends all meetings and remains involved in all aspects of Water and Sewer. He informed the Board that there is progress being made in collections. He stated the Water and Sewer Department self-liquidated on December 31, 2011, but they were \$3,000,000 short as a result of the \$5,000,000 the Department gives to the City annually. To clarify, he explained that the Department does not close its books until they make up that shortfall in its budget and, thus, it messes up the following year, each year. Board Vice Chair inquired whether the Council will have an opportunity to make a decision to revise the budget, should the State force their hand when they come up short. A brief conversation took place regarding Municipal Council budget hearings.

12-002– Resolution awarding a contract to Joseph F. Beckmeyer Consultants for professional services

Moved by W. Merritt 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
Oscar James, II	X		
Rodney Johnson	X		
William T. Merritt	X		

Action taken Motion Passed

Executive Director Brashear presented Resolutions 12-003 and 12-004 to the Board of Trustees, indicating that they are similar in that both contracts will provide the Newark Watershed and the City with security services regarding Homeland Security issues. She explained that Check-M-Out Security and Investigation, LLC, will provide reporting, and Protected & Secured Services will provide on-site ground work. She stated that she and the firms met with Andrew Pappachen and Kevin Greer, agreeing that the two firms will facilitate securitization of the watershed properties. Board Member James inquired who the principal of Check-M-Out is, and Ms. Brashear responded Jim O'Connor. Board Member James stated that in the past, Mr. O'Connor has performed well, has secured the Newark Watershed grant monies to fund resources for security, and has formed very good relationships with the surrounding towns. Board Vice Chair Johnson agreed.

12-003– Resolution awarding a contract to Protected & Secured Services, LLC for professional services

Moved by O. James Second by W. Merritt

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
Oscar James, II	X		
Rodney Johnson	X		
William T. Merritt	X		

Action taken           Motion Passed          

12-004– Resolution awarding a contract Check-M-Out Security and Investigation, LLC for professional services

Moved by           O. James           Second by           W. Merritt          

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
Oscar James, II	X		
Rodney Johnson	X		
William T. Merritt	X		

Action taken           Motion Passed          

Executive Summary

*Investigative Committee and Order to Show Cause*

Ms. Brashear presented a status update on the City Investigative Committee. She indicated that the Investigative Committee re-established itself by passing an Amended Resolution on March 21, 2012. Thereafter, the Committee sent a subpoena to Ms. Brashear to appear before it within forty-eight hours. Ms. Brashear explained that the Newark Watershed requested a two-week extension due to a scheduling conflict. In response, she stated that Councilman Amador verbally announced a disbandment of the Committee, stating that the Newark Watershed has not been cooperative. She explained that, as such, the Newark Watershed drafted a record of the past five months, specifying all instances in which the Newark watershed attempted to cooperate with the investigation. Mr. Webster added that the Newark Watershed requested information from the City in January and the City has still failed to respond. Ms. Brashear explained that, during Councilman Amador’s announcement, he indicated that he will provide all findings to the Attorney General, the FBI and the Governor. Again, Ms. Brashear explained that the Newark Watershed responded by letter, documenting the history of this matter and the Newark Watershed’s cooperation.

*Cedar Grove Project*

Ms. Brashear stated that Joseph Beckmeyer, Engineering Consultant to the Newark Watershed, finalized the letter to Karen Fell, at the State, regarding the proposed alternative to the Cedar Grove Reservoir compliance issue. Should the State accept the Newark Watershed’s proposal, it will result in an estimated one million dollar savings to the City.

**New Business**

Ms. Brashear stated that the Newark Watershed had a review of the By-Laws and the Certificate of Incorporation, which have not been updated since the 1990s. She stated that it is her intention to circulate them to the Board of Trustees in the following two weeks. Board Vice Chair Johnson inquired who performed the work and Ms. Brashear responded Scarinci& Hollenbeck.

**Old Business**

None.

**NEXT MEETING:**

Date / Time: May 21, 2012

**MEETING ADJOURNED**

*Motion to adjourn the meeting.*

Moved by W. Merritt Second by R. Johnson

Vote:	<u>Yes</u>	<u>No/</u>	<u>Absent/</u>	<u>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	

Action taken Meeting adjourned

***Adjourned at approximately 12:59p.m.***