

NEWARK WATERSHED CONSERVATION AND DEVELOPMENT CORPORATION
 40 CLINTON STREET, 4TH FLOOR
 NEWARK, NEW JERSEY 07102

BOARD OF TRUSTEE REGULAR MEETING
 MAY 21, 2012

MINUTES OF BOARD MEETING

OPENING OF MEETING

Called to order: 12:36 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
Oscar James, II	X – Departs at 1:32 p.m.	
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 12:36 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 April 16, 2012, regular meeting contained therein. Board Member William Merritt states that page 2 of the minutes shall be amended to reflect that Resolution 12-002, contract with Joseph F. Beckmeyer Consultants, is for an amount “not to exceed \$175,000.” Board Vice Chair Johnson requests said minutes be moved, as amended, for approval.

ADMINISTRATIVE MATTERS

Motion to approve meeting minutes of April 16, 2012, as amended.

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

Motion to approve minutes:

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	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

Plant Manager, Andrew Pappachen, Report on Pequannock Water Treatment Plant

Executive Director Linda Brashear introduces Andrew Pappachen, Plant Manager at the Pequannock Water Treatment Plant, to give a status update on the Plant. Mr. Pappachen initially stated that he received the Water Quality Report, provided by the New Jersey Department of Environmental Protection. Mr. Pappachen said that despite all the ongoing issues, operations are efficient. The Plant employs eleven (11) operators with licenses between T-4 and T-1, five (5) operators with licenses between W-4 and W-1. Mr. Pappachen indicated that this is a major achievement, and the Plant continues to have employees receiving their licenses. He explained that the maintenance is not only a matter of managing one facility – the employees have twenty six (26) facilities with concerns and issues. He also stated that there are more than five hundred (500) acres of land to maintain. As an example of one task recently

undertaken by his staff, Mr. Pappachen described the one hundred thousand dollars (\$100,000) sludge pumping project at the Newark Lagoon.

Mr. Pappachen continued to explain that the staff at the Pequannock Water Treatment Plant has maintained very good water quality. In addition, he indicated that they have implemented a SCADA system, including, but not limited to, the reservoirs' total elevation, storage, daily output, monthly output and historical data, as well as the aqueducts' flows, pressure and quality. At this time, Mr. Pappachen presented the supervisory control and data acquisition ("SCADA") system, as well as a Geographic Information System ("GIS") and Global Positioning System ("GPS") program data to the Board of Trustees. Elnarado J. Webster, II, General Counsel, inquired whether the data was being presented in real time. Mr. Pappachen responded in the affirmative, explaining that there is a meeting scheduled next month with Homeland Security to discuss this SCADA system and security measures. Mr. Webster asked how much of the City proper had been included in the SCADA system and Mr. Pappachen indicated approximately sixty percent (60%), including the Montclair Station real time turbidity, pre-chlorination station flow and Cedar Grove elevation. Mr. Pappachen further explained that it is difficult to read pressure and turbidity throughout City proper's distribution system due to lack of internet connections. Mr. Webster recommended purchasing internet connections without City funding in order to complete this important project. In reference to the digital map, Board Vice Chair Johnson inquired into the various pipes. In response, Mr. Pappachen gave a tutorial to the Board Members on the several pipes and water mains throughout the water infrastructure.

Mr. Webster then inquired into the status of the Virginia Street Pump Station. Mr. Pappachen explained that the North Jersey Water District Supply Commission ("NJDWSC") desires to take over the station at no cost. He indicated that the City has the option to sell the station or request funding from NJDWSC to rehabilitate it and commence operations. He said that the station is necessary in case of drought conditions. Board Vice Chair Johnson inquired what the cost of rehabilitation is and Mr. Pappachen responded one million five hundred thousand dollars (\$1,500,000) approximately.

With respect to the SCADA system, GIS and GPS systems, Mr. Pappachen explained that it is ninety five percent (95%) complete and anticipated completion in the following month. Mr. Webster continued the discussion regarding NJDWSC and United Water, stating that he is not concerned with drought conditions, as the NJDEP will control. He explained that it is not good economics for the City of Newark to give NJDWSC a connection at Virginia Street Pump Station prior to compelling United Water to take and pay for the City's current excess capacity. Mr. Webster indicated that United Water can begin by paying a welding fee from the City to take from Central Jersey, but stated that the State would need to pressure them to pay for the water, as opposed to their requests. At this time, approximately 12:57 p.m., Andrew Pappachen and his colleague, Jesse, conclude the presentation and depart from the Board of Trustees meeting.

RESOLUTIONS

Executive Director Linda Brashear presented the Board of Trustees with Resolution 12-005, as well as a draft Employment Agreement ("Agreement") between the Newark Watershed and the Executive Director. Mr. Webster explained that the current agreement expires in December of 2012, and that the Agreement circulated among the Board of Trustees reflects a 2% salary

increase for the following two (2) years. Ms. Brashear’s salary has remained flat at one hundred and forty five thousand dollars (\$145,000) for the past three (3) years. In addition, Mr. Webster explained that the Agreement provides for six (6) months of COBRA coverage, if terminated. Board Vice Chair Johnson inquired whether the existing cap on sick time remains the same, and Ms. Brashear responded in the affirmative, indicating that this provision models the Newark Watershed policies and procedures.

Board Member James stated that, as a Board, we have a duty to make sure the system still operates, that they have the resources to maintain it. He further stated that he does not feel comfortable that the Executive Director is constantly in limbo when there is a system to maintain for the betterment of the City. Board Member James believes that even if the City forms and MUA, there is no one currently employed that knows how to operate or manage the system. He felt the City needs a succession plan. He indicated that one of reasons he is in favor of approving the extension of the Executive Director’s Agreement is that the residents need continuity with their system. Board member Merritt concurred with Board Member James, adding that the Board also has a responsibility to the corporation – if the MUA is formed the City will need the whole operation and the Executive Director has been an integral part of the successful operation.

Mr. Webster stated that the Board sits here today with the Agreement before them because of politics and political endeavors. He felt the Agreement is necessary because if the City forms and MUA, the Executive Director will have opportunity under contract. Mr. Webster explained to the Board that the criticism Ms. Brashear currently catches has nothing to do with her job performance. Board Vice Chair Johnson stated, that since becoming a Board Member, Ms. Brashear has demonstrated great leadership and endless hard work to the corporation. He, therefore, was enthusiastically in support of approving the Agreement.

12-005– Resolution approving and authorizing an Amended and Restated Employment Agreement for the Executive Director

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, cont'd

Investigations by City of Newark and Office of the State Comptroller

Mr. Webster explained that the Office of the State Comptroller submitted a request for documentation to the Newark Watershed at the end of April 2012. He stated that the Newark Watershed worked diligently to respond to any and all requests in a timely manner. With respect to one of the requests concerning documentation related to the proposed formation of an MUA, Mr. Webster stated that there was an excessive amount of information, and, therefore, the State Comptroller's office was in the process of inspecting the documents.

Jodi Luciani, General Counsel, gave a status update on the investigation by the City of Newark, Inspector General's office, indicating that the Inspector General requested any and all documents regarding security contracts between the Newark Watershed and various firms from 2007 through the present. Ms. Brashear elaborated on the history of this investigation, explaining that, during a visit to the Pequannock Treatment Plant, some of the City employees criticized the security measures being undertaken by the Newark Watershed consultants, as these employees had been asked to work when they had, for some time, failed to perform their job responsibilities. Ms. Luciani stated that all requested documentation had been provided by hand delivery to the Inspector General's office, and the Newark Watershed is awaiting a response, if any.

With respect to the State Comptroller's investigation, Mr. Webster explained that the State had addressed concerns with the City, after the City presented a notice to contract with the Newark Watershed, for an amount of approximately sixteen million dollars (\$16,000,000). Mr. Webster indicated that this amount reflected the aggregate spending over a three (3) year period, roughly \$5,000,000 annually. Mr. Webster believed that, after a review of all documents, the State Comptroller's Office would criticize and make recommendations on the following four (4) areas:

- The current contract with the City of Newark, currently procured as an Extraordinary Unspecifiable Service, could be procured under another provision of the Local Public Contracts Law;

- The Newark Watershed does not currently have a full complement of Board Members;

- As a policy argument, the Newark Watershed uses the Local Public Contracts Law as a model, but to the extent the corporation uses public funds, it should follow the Local Public Contracts Law;

- With respect to the proposed formation of the MUA, though there is a great deal of supportive evidence that the City assigned this task to the Newark Watershed, there is no enabling document.

At this time, the Board of Trustees engaged in a discussion regarding the current proposal to form and MUA, the City's position on the current proposal and potential Municipal Council approval or disapproval of the proposed MUA. Ms. Brashear indicated that she had recently met with Councilman Sharif to walk him through all of the documents for approximately eight hours.

Pequannock Water Treatment Plant Contract and Watershed Contract for Services

With respect to the contracts for services between the Newark Watershed and the City of Newark, Ms. Brashear stated that the Pequannock Water Treatment Plant Memorandum of Understanding ("PWTP MOU") is under emergency contract, expiring in June, while the Watershed Contract for Services ("Watershed Contract") expires on June 30, 2012. At this time, Board Member James departed from the Board of Trustees meeting. Mr. Webster explained that a letter was being submitted to the Administration regarding the need to renew these contracts, considering the City has not implemented any other alternative for operations and management. He further indicated that he spoke to the State Comptroller regarding same.

Anti-Bullying Program and Camp Watershed

At this time, Ms. Brashear introduces Malik Burnett, assistant to the Executive Director and program coordinator for the Newark Watershed's anti-bullying program, to present to the Board of Trustees. With respect to Camp Watershed, Mr. Burnett explained that Newark Watershed has been working to meet funding needs, and has succeeded, for this summer's Camp Watershed, which begins in July 2012. Mr. Burnett then stated that the Newark Watershed began the anti-bullying program last year at one school - this year, the corporation will have reached out to seven hundred (700) students Citywide. He indicated that the Newark Watershed provides a charter bus for forty-five (45) students and five (5) chaperones, lunch is provided. Mr. Burnett explained that they open the presentation with either a lesson in water quality or in African American history. He stated that there is trivia, the students are asked to take notes, they are given cash prizes and there is a motivational speaker, Kevin Bennett, that speaks to the students about anger through art. Board Vice Chair Johnson inquires how the students are selected and Mr. Burnett responded that, for the most part, students with issues are selected to participate in this program. He explained that, after the motivational speaker, the students are asked to join in a "Let your own light shine" talent section, wherein students share what makes them special. Ms. Brashear stated that Mr. Burnett has been working with Wells Fargo to obtain a small grant for the anti-bullying program. Mr. Webster inquired whether the Newark Watershed has contemplated partnering with other municipalities for this program and Mr. Burnett responded that East Orange was a possibility, given the originating location of the grant funds. Mr. Webster then inquired about Camp Watershed and Ms. Brashear explained that, if the Newark Watershed partnered with additional municipalities, it would have to run separate programs. Ms. Brashear explained that the Newark Watershed had been approached by the City Department of Recreation to employ certain individuals at the Camp Watershed program, and the Newark Watershed agreed to hire said individuals. Board Vice Chair Johnson recommended that, with respect to the anti-bullying program, Mr. Burnett follow up with the school guidance counselors in order to determine any impact the presentation has on the students. Mr. Webster, additionally, recommended that the Newark Watershed seek involvement from college institutions, as well. At this time, the Board of Trustees meeting adjourns.

New Business

None.

Old Business

None.

NEXT MEETING:

Date / Time: June 18, 2012

MEETING ADJOURNED

Motion to adjourn the meeting, of which Board Member James participates by conference call.

Moved by O. James Second by W. Merritt

Vote:

Yes No/
Absent/

Not Present

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 1:46 p.m.

FILENAME \p

