

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

BOARD OF TRUSTEE REGULAR MEETING
 FEBRUARY 19, 2013

MINUTES OF BOARD MEETING

OPENING OF MEETING

Called to order: 10:45 a.m.

INTRODUCTIONS/ROLL CALL

Name	Present/Y	Absent/N
The Hon. Cory A. Booker, Mayor, City of Newark		X
The Hon. Donald M. Payne		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 10:45 am. 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 January 22, 2013, regular meeting contained therein. Board Member Merritt indicates a typographical error on page 2 of the February minutes and Board Vice Chair Johnson states that the vote reflected in the minutes for adjournment is not accurate. The minutes will be revised to reflect these changes. Board Vice Chair Johnson requests said minutes be moved for approval, as amended.

ADMINISTRATIVE MATTERS

Motion to approve meeting minutes of January 22, 2013, 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>
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The Hon. Cory A. Booker, Mayor

X

The Hon. Donald M. Payne

X

Oscar James, II
Rodney Johnson
William T. Merritt

X

X

X

Action taken Motion Passed

Executive Summary

Forestry Plan

Executive Director Linda Watkins-Brashear discusses the aftermath of Hurricane Sandy, as it specifically relates to the forestry plan. She states that there is a meeting scheduled with Highlands Council and Passaic County in March in order to discuss how to handle the grant funds for relief efforts. Ms. Brashear states that, most likely, the grant funds will be handled by Passaic County and earmarked to the Newark Watershed for forestry clean-up. She explains that the Newark Watershed is following up, as well, on the FEMA funds. Ms. Brashear further states that the Newark Watershed anticipates publishing timber bids shortly.

Professional Service Contracts

Ms. Brashear reminds the Board of the ongoing State investigation of the operations of the Newark Watershed. She additionally states that there is a lot of conversations regarding the latitude with which the Newark Watershed contracts and operate as a 501(c)(3), which she expresses is well within its rights to do so. With the age of transparency, more government involvement and the criticism that has been received, Ms. Brashear indicates that the Newark Watershed has volunteered to mirror the Local Public Contracts Law and begin advertising all contracts, including professional services. She explains that the Newark Watershed will issue a Request for Qualifications and contracts will be awarded for a one year period. A brief discussion ensues among the Board Members regarding the upcoming bidding process and the bids currently advertised by the Newark Watershed.

Grant Opportunities

With respect to various grant opportunities, Ms. Brashear indicates that the Newark Watershed is constantly looking for grant monies to fund certain projects. Currently, Ms. Brashear states that the Newark Watershed is hopeful that it will receive some grant money for the forestry project and revitalization efforts. She believes that the timber bid will peak some interest in receiving grant funds for the tree removal. Ms. Brashear further indicates that the Newark Watershed continues to look at other grant opportunities, such as funding for Camp Watershed.

With regard to Camp Watershed, Ms. Brashear explains that the Camp Director has suffered some medical issues. However, Ms. Brashear states that they have managed to operate and set up with the Assistant Director. A discussion is held regarding accreditation for running a camp, as well as liability and best practices. Elnardo J. Webster, II, General Counsel, recommends reviewing the policies and practices in order to determine how to proceed if the Director is unable to return to the camp. Ms. Brashear indicates that she will look into it, however, advises that the City of Newark is responsible for Camp Watershed other than the fifteen employees hired by the Newark Watershed to work at the camp. A further discussion ensues regarding liability for a potential issue at the camp. General Counsel agrees to review this issue.

General Counsel Status Memo

General Counsel presents the status of the State Comptroller investigation of the Newark Watershed.

Board Vice Chair Johnson requests a motion for Executive Session.

Motion to go into Executive Session:

Moved by O. James Second by W. Merritt

Vote:	<u>Yes</u>	<u>No</u>	<u>Absent/ Not Present</u>
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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

Motion to come out of Executive Session:

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		
The Hon. Donald M. Payne, Councilman at Large	X		
Oscar James, II	X		
Rodney Johnson	X		
William T. Merritt	X		

Action taken Motion Passed

The Board of Trustees came out of Executive Session at 11:23 a.m. During Executive Session, the Board of Trustees discussed the State Comptroller investigation, and the pending litigation regarding the matter In Re Initiative Petition regarding a proposed Save Our Water Ordinance.

Executive Summary, cont'd.

Plant Manager Report

Ms. Brashear introduces Andrew Pappachen, the System Operator and Plant Manager, to report to the Board of Trustees on various ongoing matters concerning the Pequannock Water Treatment Plant and surrounding property. Mr. Pappachen presents his report to the Board and discusses the following areas:

- Employee training;
- Hurricane Sandy Damage Claims;
- Pequannock Treatment Plant Upgrade;
- Sludge Lagoon;
- SCADA/GIS installations; and
- Regulatory Compliance.

Employee Training

Mr. Pappachen indicates that the Newark Watershed continues to offer employee training to its staff to be able to operate the watershed, water treatment plant, transmission aqueducts, distribution reservoirs, pumping stations and water quality monitoring. Twelve employees now have various levels of licenses in water treatment and system operation. In addition, Mr. Pappachen states that he teaches a course the advanced operations course at Essex County College, which is attended by five employees.

Hurricane Sandy Damage Claims

Mr. Pappachen explains that the Newark Watershed submitted through the City Administration \$319,728.50, which includes Emergency manpower, emergency diesel purchase, emergency supplies, repair of damaged sun roof and fallen tree removal. Mr. Pappachen estimates \$250,000 spent on tree removal. Mr. Webster inquired whether that money has been spent and Mr. Pappachen responds in the negative, stating that FEMA assessed the property but no reimbursement has been approved yet.

Treatment Plant Upgrade – Plate Settlers Installation

After sixteen years, Mr. Pappachen states that the Water and Sewer Department has awarded a contract to install plate settlers to replace the settlers that fell down in 1997. The contract is expected to be complete in September.

Sludge Lagoon

Mr. Pappachen informs the Board that the Sludge Lagoon is full and further, that the City's contract to dredge the sludge is still not advertised, nor does it seem it will be awarded this year. Mr. Pappachen reiterated that the Municipal Council has failed to pass a rate increase, resulting in the State's decision not to approve any further bonding for that Department. As such, Mr. Pappachen states that the Newark Watershed advertised for bids to pump out 2,000,000 gallons of sludge for an estimated cost of \$200,000. Mr. Pappachen explains that the Newark Watershed will need to bid this contract every year that the City fails to contract to dredge the sludge, in order to continue to make space in the Lagoon. Mr. Webster inquires how the

Newark Watershed pays for such a contract and Mr. Pappachen responds that it utilizes funds itemized in the maintenance budget.

SCADA/GIS

With respect to the ongoing SCADA upgrades and GIS installation, Mr. Pappachen states that the Newark Watershed has completed Phase I of the SCADA project and can now monitor water storage, water flow from the treatment plant to Belleville, pump station flows, pressure, pH levels, chlorine residual and turbidity at various locations, as well as the Montclair plant operation, on a laptop, Ipad or cell phone. He explains that the Newark Watershed saved thousands of dollars by developing and implementing these projects in house, rather than contracting with an outside consultant or company. Mr. Pappachen indicates that Phase II of the SCADA project involves creating daily and monthly output data and expanding to additional monitoring stations. Finally, Mr. Pappachen states that the Newark Watershed developed GIS for the aqueduct pipeline and is currently plotting for air valves and vaults, among other areas.

Regulatory Compliance

Mr. Pappachen updates the Board of Trustees in the following areas of regulatory compliance:

- Cedar Grove Reservoir: the NJDEP is still in the process of evaluating the options for 100 million gallon concrete tanks verses UV treatment at the Reservoir.
- Water Quality: the Newark Watershed is meeting all water quality regulations.
- Water Main Extension Application Renewal for 2013: the NJDEP has attached certain conditions for City compliance to the water main extension project and Mr. Pappachen is working closely with the NJDEP to resolve those issues.
- Federal OSHA: the treatment plant was extensively audited by Federal OSHA during October, November and December. They have issued several recommendations for violations, most of which have already been corrected. In addition, the treatment plant has been inspected by both the local fire department and the NJDEP TCPA compliance officers, which have approved the plant as clean. However, Mr. Pappachen states that OSHA is seeking additional work to be done.

Mr. Pappachen concludes his presentation by indicating that a meeting will be held with OSHA tomorrow at their offices. He will advise the Board of Trustees of all developments.

New Business

Mr. Webster indicates that the City of Newark has received its follow up letter to the Section 308 documentation provided to the EPA. The City will either begin discussions on compliance with the violations or face a federal cause of action.

Old Business

None.

NEXT MEETING:

March 18, 2013 at 10:30 a.m.

MEETING ADJOURNED

Motion to adjourn the meeting.

Moved by W. Merritt Second by O. James

Vote:

Yes No/
Absent/

Not Present

The Hon. Cory A. Booker, Mayor
The Hon. Donald M. Payne

X

Oscar James, II
William T. Merritt
Rodney Johnson

X
X
X
X

Action taken Meeting adjourned

Adjourned at approximately 11:39 a.m.