

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes of  
Regular Meeting held June 18, 2009**

- Minutes  
Approved the minutes of Regular Meeting held April 16, 2009.  
Approved the minutes of Special Meeting held May 16, 2009.  
Approved the minutes of Regular Meeting held May 21, 2009.
- Communications  
One OPRA Request.
- Treasurers Reports  
The Treasurer Reports for the month of May were received.
- Executive Director  
Sewer Connections and the status of various contracts.
- Consulting Engineer  
Overview of contracts; flow rights and user charge reports.
- Counsel  
Overview of legal matters.
- Committees  
Reports were given by the Engineering, Finance, Insurance, and Personnel Committees.
- Unfinished Business  
None.
- New Business  
Approved the following: Security Purchases; Insurance Broker of Record 2009 and Reserve Flow Allocation for Roselle Park.
- New Business (Cont'd.)  
Approved the following expenditures: Amend Contract #105-C with CCMS in an amount of \$41,595.53; Approve Change Order on Contract #105 to J.H. Reid in an amount of \$72,620.00; Award Contract #0920 to CSL Services for a three year period in an amount of \$559,380.00; and Approve Change Order #1 on Contract #0920 to CSL Services for a decreased amount of \$135,420.00.

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes of (Cont'd.)**  
**Regular Meeting held June 18, 2009**

-	Bills & Claims		
	Operating Fund	9-01	\$954,432.22
	Building & Equip Fund	9-02	\$2,248,251.15
	Construction Fund	9-04	\$7,650.50
			=====
	Total All Funds:		\$3,210,333.87

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Regular Meeting Minutes – June 18, 2009**

The Chairman called the meeting to order at 7:30 p.m.

The Chairman read the statement on “Open Public Meetings Law”.

In accordance with the requirements of the Open Public Meeting Act, State of New Jersey, adequate notice of this meeting has been provided by the inclusion of the date, time and place in a Notice which was forwarded to the Star Ledger, the Home News Tribune and was filed with the Clerk of each of the eleven member municipalities on February 16, 2009.

The Chairman asked if any member of the body believed that this meeting was being held in violation of the provisions of the Open Public Meetings Act; to please state their objection and the reasons for same.

Hearing no objections, the Chairman stated we shall proceed with our regularly scheduled meeting.

The Chairman requested that everyone stand to salute the Flag and observe a moment of silence.

**Roll Call**

The following members were present:

Maria A. Abram	for the Township of Springfield
Allen Chin	for the Town of Westfield
Rene Dierkes	for the Borough of Mountainside
Richard LoForte	for the Borough of Kenilworth
Charles P. Lombardo	for the Borough of Garwood
Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
James J. Murphy	for the Township of Cranford
Joan Papen	for the Township of Scotch Plains
Paul M. Sefranka	for the City of Rahway
Attilio S. Venturo	for the Borough of Roselle Park

The following were also present:

Michael J. Brinker, Jr., PE	Executive Director
Robert J. Materna	Secretary-Treasurer
Joanne Grimes	Office Admin./Board Secretary
James Wancho, P.E.	Paulus, Sokolowski & Sartor
Brian Hak, Esq.	Weiner Lesniak, LLP, General Counsel

The following were also present (Cont'd.):

Robert Valent	RVSA Superintendent
Anthony Gencarelli	RVSA Manager of Research & Regulations
Thomas Watters	RVSA Utility Worker
Wayne Baker	The Westfield Leader

**Approval of Minutes**

Mr. Chin made a motion, seconded by Mr. Sefranka, to approve the minutes of the Regular Meeting held April 16, 2009. The motion was approved by those present with the exception of Mr. Murphy and Mr. Venturo who abstained.

Mr. Chin made a motion, seconded by Mrs. Papen, to approve the minutes of the Special Meeting held May 16, 2009. The motion was approved by those present with the exception of Mr. Murphy, Mr. Venturo, Mr. Mazzarella and Mr. Sefranka who abstained.

Mr. Chin made a motion, seconded by Mr. Sefranka, to approve the minutes of the Regular Meeting held May 21, 2009. The motion was approved by those present with the exception of Mr. Dierkes who abstained.

**Communications**

- An OPRA Request was received from Laura McPhaul regarding the RVSA’s Overflow Chamber located in the City of Rahway and communications with the City of Rahway.

**Report of Treasurer**

The Treasurer’s Reports for the month of May 2009 have been distributed to the Commissioners for review and will be spread on the minutes. So ordered.

**Report of Executive Director**

**Sewer Treatment Endorsements**

The following is a list of Sewer Treatment Endorsements processed between 5/8/09 and 6/15/09. A copy of the log sheet with additional information related to these applications has been distributed for your reference:

<u>Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Municipality</u>
1113-09-SF	05/07/09	Edgemount Development	Springfield
1114-09-WB	05/15/09	Knock on Wood	Woodbridge
1115-09-CL	05/15/09	Rosario Parisi	Clark
1116-09-WB	05/22/09	Woodbridge Place Assoc.	Woodbridge
1117-09-WB	06/12/09	Hunter Roberts Construction Group	Woodbridge

Monthly Reports

The following reports were received, distributed to the Commissioners and discussed at the Engineering Committee Meeting:

- PS&S Monthly Engineering Report
- CCMS - Contract #105 – Cogeneration Facility
- CCMS - Contract #155 – WWTP Upgrade
- Weiner Lesniak – Monthly Update
- RVSA Contractors & Engineers Claims for Payment
- RVSA Purchase Orders in Excess of \$1500.
- IPP Monthly Report

The following updated reports were received and will be discussed this evening.

- PS&S Monthly Report
- Weiner Lesniak – Monthly Update

Contract #105-C Construction Oversight Services - CCMS

Contract Amendments are being processed monthly for work being performed by CCMS and PS&S on Contract #105-C. CCMS's current invoice (Amendment #16) is in the amount of \$41,595.53 total amended contract amount of \$2,533,738.94. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #155-C Construction Oversight Services - CCMS

Invoices are being processed monthly for work being performed by CCMS (PS&S, M&E and CDM) on Contract #155-C. A tabulation of costs, prepared by the Executive Director was forwarded to the Commissioners and discussed at the Engineering Committee Meeting.

A letter response was received from CCMS dated May 27, 2009.

PS&S also sent in a letter requesting additional monies under this contract. Further discussion should be held in Executive Session.

Contract #155-C Construction Oversight Services

A Mechanics Lien Claim was received June 15, 2009 from SM Electric in an amount of \$256,609.61 against E.E. Cruz. A copy of the claim was sent to Counsel and E.E. Cruz was put on notice.

Contract #158 – Outfall Line Repairs

Montana Construction Corp. is processing shop drawings on this contract. The Consulting Engineer will report further on the status of this contract.

Contract #159 – CSP - Chemical Handling and Feed Systems

A&A Industrial has begun work on this contract. The Consulting Engineer will report further on the status of this contract.

Contract #161 – Rehabilitation of Sludge Storage Tank Covers, Control Bldg. and Pumping Station

This contract was awarded to Spectraserv at last month’s meeting following a hearing with SMAC Construction. The contract documents were signed by the contractor and the Authority has executed and distributed the documents. Any additional update on this contract will be provided by the Consulting Engineer.

Contract #0920 – Meter Replacement, Maintenance, Calibration, Analysis & Repair Services

A Request For Bids was published in the Star Ledger and posted on the Authority’s website. Seven vendors purchased bid packages for this contract and three bids were received on June 4, 2009 as noted below.

<u>Company</u>	<u>1 Yr.</u>	<u>2 Yr.</u>	<u>3 Yr.</u>	<u>Total</u>
CSL Services	210,460.00	173,960.00	174,960.00	559,380.00
Alt. Bid Pennsauken, NJ	143,020.00	141,320.00	142,320.00	423,960.00
Goel Services Inc. Washington, DC	425,000.00	100,400.00	100,800.00	626,200.00
Flow Assessment Bedford, NH & West Chester, PA	300,325.00	208,600.00	210,000.00	718,925.00

The bids were reviewed by Counsel and Anthony Gencarelli, RVSA Manager of Regulatory Compliance, and the low bid was found to be in order. Both Counsel and Mr. Gencarelli recommend award to the low bidder in the amount of \$559,380.00. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

The low bidder also submitted an alternate bid. Counsel may want to discuss this further.

Insurance Archivist – Contract #0925

We are awaiting the return of the signed contract documents from R. F. Stumpf Associates, Inc. of Bloomingdale, NJ.

Roselle Park Flow Exceedances

Following a recent meeting with the Borough’s Engineers, an email memo was sent to the Commissioners outlining that which was discussed and actions to be taken. An alternate method for determining flow exceedance was also presented. Further discussion is warranted prior to

proceeding any further on this matter.

#### Roselle Park – Mt. Laurel Development

The Authority was advised that property in Roselle Park will be developed for Mt. Laurel housing. The Authority will take action under New Business to approve a “reserved capacity” for this project at such time that a TWA Application is submitted for approval.

#### Contract #105

Mrs. Papen asked if there was an update on the breeching on the #2 Engine.

Mr. Brinker stated that a ten day test was scheduled for last Friday. On Friday, we started up the engine, it came up to speed, came up to load and there was excessive movement on the breeching. The individual that was brought in from the hanger vendor looked at this and suggested very strongly that we not run the 10 day performance test until those joints were restrained further. So as a result of that, we are corresponding and have scheduled a meeting to be attended by PS&S, J. H. Reid and representatives from CAT Foley to bring this to a head.

CAT contended that the breeching would move 4-6” in a horizontal direction thus exerting an axial load on the bellows on top of the engine. This was noted by an individual from CAT, looking down from the mezzanine. When we started it up, we saw it move a couple of inches. Mr. Luban stated it’s not supposed to move. Mr. Brinker said that’s not true either, however, there in lies the debate and we are hoping to resolve the issue at the meeting.

Mr. Mazzarella asked what the normal S.O.P. for these engines is. Mr. Brinker responded that the exhaust usually goes straight up. On these engines, the exhaust is serpentine path, with hangers, and a catalytic converter. Caterpillar provided the vertical bellows off the engine which was not a part of the contract documents, and now they are taking exception to the movement and the potential problem to the bellows at the top of the engine. Mr. Brinker noted that the design was modified even further when we had the explosion and Caterpillar also brought in their own consultant who designed the relief system. The question becomes, should the relief system have addressed the breeching system.

Mr. Venturo stated that since the breeching is accordion, shouldn’t the expansion and contraction be excessive of normal? Mr. Wancho asked if Mr. Venturo meant on the expansion joints. Mr. Venturo said that where thermal applies at all, there will be expansion and contraction and you’re not going to control it. He added in his opinion, because of the accordion type breeching, there is more lineal footage, in a shorter space, that increases the amount of expansion and contraction.

Mr. Venturo stated that the condition is the accumulation of unburned gases. They are being sparked off into to a primary and secondary fire in which the expansion is so rapid and the force is so terrific that there is no controlling it and it will continue to happen until you take care of the problem.

**Report of Consulting Engineer**

The following report to the Authority Board summarizes our activities for the period of May 19, 2009 through June 12, 2009.

**JCO Compliance**

PS&S reviewed a draft JCO modification document prepared by General Counsel.

**Trunk Sewer Rehabilitation - Contract #144**

PS&S continues to dispute the remaining contractor claims related to the contractor's assertion that he was delayed, and discussing same with the Authority and General Counsel. General Counsel sent a letter to the contractor rejecting his claims and instituting liquidated damages. Counsel received a letter from Marvec's attorney transmitting a report from a consultant relative to the claims; PS&S also received a letter from the Contractor with a revised claim summary. PS&S has reviewed the report and letter and has prepared a draft response for review.

**Air Permitting**

PS&S has continued to track and provide responses to NJDEP questions and comments on the Title V Air Permit Modification Application and supplemental response submittals previously prepared and submitted to NJDEP by PS&S on behalf of the Authority (the Application was for modifying certain permit required monitoring and record-keeping requirements and addressing some potential variability in digester gas characteristics).

At the request of the Authority, PS&S recently completed the preparation and submittal of a major supplement to the current Air Permit Mod Application under review by NJDEP in order to obtain a Shakedown/Burn-in Period exemption from the NJDEP requirement that catalyst controls be operated at all times that the Cogen engines are operating, and to obtain exemptions from numerous other NJDEP monitoring and record-keeping requirements during Shakedown/Burn-in Period; and PS&S has been providing follow up with NJDEP regarding this request. In addition, PS&S will be providing assistance to the Authority regarding the preparation of the required USEPA notification and information submittal for the startup of Cogeneration/Sludge Drying Facility's Thermal Hot Oil Heater; and PS&S will also continue to provide assistance to try to obtain relief from the USEPA requirement to maintain detailed records of every startup & shutdown etc. of the Thermal Hot Oil Heater.

**Contract #105 Cogeneration/Sludge Drying Facility – Engine Investigation**

PS&S continues to assist the Authority and CCMS in follow-up activities related to the engine "backfire" events associated with engines #1 and #3. During the last period PS&S was involved with the following activities associated with all four engines:

Review of correspondence.

Review of work progress.

Inspection and coordination efforts associated with routine exercise of the stand-by generator

sets, damage evaluation of engine #2 exhaust breeching, catalytic converter and heat exchanger and initial repair effort of breeching system.

#### Contract #158 Outfall Repair

PS&S issued the Notice to Proceed, effective Tuesday, May 26th, establishing a project completion date of September 2, 2009. PS&S is currently reviewing shop drawing submittals.

#### Contract #159 Chemical Feed System Improvements

PS&S is currently reviewing Contractor submittals. Coordination efforts associated with Contract #155 regarding the furnishing of the chemical feed equipment is ongoing. In addition work has begun in both the Headwork's and Pump and Blower Buildings; work includes demolition, installation of process piping and electrical conduit and supports.

#### Contract #160 Emergency Outfall

EE Cruz is currently working on the 003 chamber modifications; the chamber structure is complete. PS&S has reviewed the shop drawings for the gate and they were approved; the gate is in fabrication and PS&S continues to coordinate activities with CCMS.

#### Contract #161 Rehabilitation of the Sludge Storage Tank Covers, Sludge Storage Tank Control Building and Sludge Pumping Station

Based on the decision made at the May Board Meeting to award to the second low bidder, Spectraserv, PS&S sent a Notice of Award letter to Spectraserv; a letter was also sent notifying the SMAC Corp of the Spectraserv award and returning their Bid Bond. PS&S has received the signed contracts, bonds and insurance back from Spectraserv. A pre-construction meeting was held on Friday June 12th. PS&S will issue the Notice to Proceed to Spectraserv effective June 22nd.

#### User Charge and Flow Rights Reports

The Authority continues to collect additional data to review the composite sampler data that does not appear to be normal. PS&S will continue to work with the Authority staff to assist with the data evaluation. PS&S recommends that we continue to evaluate the data and hold off on finalizing the reports. PS&S will meet with the Authority to further discuss the situation. PS&S issued the Flow Rights reports for March and April at the May Board Meeting and the May report at the June Engineering Committee.

#### Report of Counsel

The following is a summary of all General Counsel Services that have been provided by this office to the Rahway Valley Sewerage Authority for the time period covering May 19, 2009 through June 15, 2009.

CSP Improvements & related issuesContract #155

We continue to monitor and evaluate potential delay claims being asserted by the contractor/electrical subcontractor with respect to Contract #155. We previously provided the Executive Director with detailed legal memoranda evaluating the merits of same and making recommendations with respect to actions to be taken by the Authority.

This office has received a Notice of Claim from the contractor on behalf of its electrical subcontractor which has been reviewed by the Authority and its consultants. A response has been submitted to the contractor setting forth the Authority's position with respect to same. The subcontractor has also recently filed a municipal mechanic's lien claim pursuant to N.J.S.A. 2A:44-125 et seq. in the amount of \$256,609.61 against monies owed to the general contractor. The general contractor has been notified of the claim.

Contract #105 Cogeneration Facility

The Authority and the contractor have been named as defendants in a lawsuit filed by Caterpillar and Foley Power Systems ("CAT/Foley") seeking to repossess the temporary diesel generators that were installed by CAT/Foley on the Authority's property pursuant to an agreement executed between them and the contractor. The Authority's responsive pleading setting forth its Answer, Counterclaim and Crossclaim, including its claim for liquidated damages against the contractor, was filed on April 9, 2009. On May 11, 2009 the Authority filed its Answer to the contractor's Crossclaim. The case has been referred to mediation by the Court and a preliminary telephone conference call was held with the court appointed mediator on June 5, 2009. At the May 21, 2009 meeting the Board authorized the retention of Hatch Mott MacDonald as an expert witness for purposes of addressing the various engineering issues that are presented in this case. A meeting was held with the expert and the Executive Director on June 4, 2009 in order to discuss the expert's scope of work with respect to the litigation including providing an analysis regarding the most recent engine incident which occurred on May 29, 2009. This matter may be further discussed in Executive Session.

On May 21, 2009 this office met the contractor, its counsel and the Executive Director in order to discuss the purchase of standby diesel generators. A change order for such purchase was authorized by the Board at the May 21, 2009 meeting.

We also continue to monitor the progress of the claim that has been submitted by the contractor to its builder's risk insurance carrier for the payment of the Authority's legal fees associated with the Caterpillar engine explosions.

JCO

We are also in the process of preparing an amendment to the JCO in order to reflect the extension of time for the permanent closure of DSN 004 provided for in the Stipulation of Settlement that has been executed with NJDEP with respect to the NJPDES permit appeal.

MiscellaneousTrunk Sewer Conflicts

We have finalized the agreement with respect to the Bank of America property located in Cranford the execution of which the Board authorized at the May 21, 2009 meeting. We have also prepared a similar agreement with the Breathless Go-Go bar in Rahway regarding a similar issue.

Contract #144 Trunk Sewer Rehabilitation

We have had several discussions with the Executive Director and the Consulting Engineer regarding the contractor's potential change orders (claims) as well as the Authority's claims for liquidated damages and credits being asserted against the contract. In addition, we have conducted extensive legal research with respect to the issues surrounding the contractor's two largest claims which was the subject of a detailed legal memorandum previously provided to the Executive Director. On May 15, 2008 we sent a letter to the contractor's counsel denying the contractor's claims and making a demand for liquidated damages and credits against the contract to which the Authority is entitled. The contractor's counsel responded by letter dated June 18, 2008 whereby he requested that if the claims could not be resolved in the near future that the Authority designate its desired alternate dispute resolution (ADR) procedure and that the matter proceed in accordance with such ADR. We responded by letter dated June 23, 2008 requesting certain information from the contractor which, to date, has not been provided. By letter dated September 4, 2008 the Contractor made a formal request for an extension of time from June 11, 2007 to December 11, 2007, a time period of 153 days. We prepared a response to the Contractor's request for an extension of time on behalf of the Executive Director. By letter dated October 24, 2008 the contractor expressed its desire to continue with its delay claims. On April 9, 2009 this office received an expert's report from the contractor's counsel purportedly supporting its three (3) claims. A response to the report has been prepared by the Authority's consultants and will be forwarded to the contractor. This matter may be discussed in Executive Session.

NJDEP v. Occidental Chemical Corp. et al. (Passaic River Litigation)

The RVSA and all of its constituent municipalities have been named as Third Party Defendants by the original defendants to this lawsuit. The original lawsuit was filed in 2005 by NJDEP against several chemical companies that had an interest in a piece of property located in Newark alleging that the companies had polluted the Passaic River with various hazardous chemicals including DDT and TCDD, some of the most hazardous dioxins known to man. The Complaint alleges that as a result of the defendants practices of dumping these chemicals into the river between 1940 and 1971 the entire Newark Bay Complex, defined as the lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and adjacent waters, have become polluted and seeks to have the original defendants pay for the cost of the clean up. The original defendants in their Third Party Complaint allege that approximately 73 public entities such as various municipalities and sewerage authorities, including the RVSA and its constituent municipalities, should share in the liability for the cleanup due to their alleged practices of discharging hazardous chemicals into the Newark Bay Complex.

We are in the process of evaluating the Third Party Complaint for purposes of filing an Answer to same. In addition, on April 15, 2009 this office arranged to have a meeting among counsel and administrators to the Authority's constituent members in order to further discuss the impact of the litigation on the Authority and its member municipalities. It was decided at the meeting that this office would serve as lead/liaison counsel to those constituent municipalities not being represented by a joint insurance fund. On behalf of the Authority we have consented to electronic service of the Third Party Complaint. The Authority's Answer to the Third Party Complaint is due on either September 25, 2009 or October 26, 2009, depending on when certain documentation is received from the Third Party Plaintiffs.

#### Miscellaneous Contracts

We have reviewed the bid documents and made a recommendation for the Authority's consideration with respect to Contract #0920-Wastewater Flow Metering Replacement & System Data Analysis Maintenance, Repair & Calibration. We are also reviewing the draft Request for Bids for the sale of renewable energy certificates that are to be generated by the operation of the cogeneration/sludge drying facility.

#### Roselle Park Mt. Laurel Litigation

The Authority recently was notified that it may be made a party to a lawsuit for purposes of compelling it to accept a small portion (not more than 20,000 gpd) of the expected wastewater from a proposed affordable housing development in Roselle Park. A resolution will be on the agenda for the Board's consideration regarding the acceptance of the proposed development's anticipated wastewater.

Mr. Mazzarella commented that he is more concerned with the fact that Roselle Park has continuously exceeded their allotted flow rights and should be looking to purchase flow rights from another community.

Mr. Sefranka asked if the Mount Laurel Housing is covered under the Fair Housing Act, just in case the property ends up being developed for something other than Mount Laurel. Mr. Hak responded that he put terminology in the Resolution to cover this and that the reserved allocation is only for the Mount Laurel development.

Mr. LoForte asked if we put expiration dates on our resolutions. Mr. Hak stated that if the property is for Mount Laurel, there is no expiration. Mr. Brinker stated that if it's a TWA, the NJDEP allows two years for construction to begin.

Mr. Venturo stated that he didn't understand why there was so much to do over this application with minimal flow. He added that Roselle Park has sold its flow rights to Schering-Plough which provides a huge economical advantage to Union County. He stated that if they need to they can install a pump station in order for Schering's flow to go to the Joint Meeting of Essex and Union Counties.

Mr. Mazzarella stated that it's not the amount of flow from the project; it's the fact that Roselle

Park has continuous exceedances. He noted that other communities have exceeded their flow rights and were required to invest in their infrastructure and or purchase additional flow rights from one of the other communities in the Authority. Mr. Mazzarella stated that Clark purchased flow rights and Rahway and Woodbridge did extensive infrastructure work.

Mr. Venturo asked Mr. Mazzarella if the backflow valves on the storm sewers from the Rahway River in the City of Rahway are still in operation. Mr. Mazzarella stated that he didn't know. Mr. Venturo stated that you don't even know, so how can you say that Rahway has taken care of all of its extraneous flows.

Mr. Chin said in all fairness to Roselle Park we are still evaluating information regarding sewer lines coming into Roselle Park and therefore we do not know if they are in fact exceeding their allocated flow rights.

Mr. Venturo noted that Roselle Park has not built anything in that area of Roselle Park in years and years and years, and now, all of a sudden our flow changes. Mr. Lombardo responded that is what we are looking into.

### **Committee Reports**

The Chairman then asked if there were reports from any of the following Committees:

#### Engineering Committee (Allen Chin, Chairman)

Mr. Chin stated that an Engineering Committee Meeting was held June 11, 2009, at which time several items were discussed. Items that require action are on the agenda under New Business.

A meeting with the Consultants for Contract #155-156C was also held earlier this evening. This matter should be discussed further in closed session, if necessary.

#### Finance Committee (Joan Papen, Chairman)

Mrs. Papen stated that a Finance Committee Meeting was held earlier this evening at which time the Bills and Claims were reviewed. Action is on the agenda under Bills and Claims.

#### Insurance Review Committee (J. Murphy, Chairman)

Mr. Murphy stated that the Authority had approved two resolutions for Broker of Record at the May meeting. Another resolution is on the agenda this evening to appoint AGA as the Broker for XL Environmental for pollution insurance coverage that they are working on. Action is on the agenda under New Business.

#### Legal Committee (Frank Mazzarella, Chairman)

No report.

Personnel Committee (Robert Luban, Chairman)

Mr. Luban stated that a Personnel Committee Meeting was held on June 11, 2009.

Public Relations Committee (Paul Sefranka, Chairman)

No report.

Security Committee (Frank Mazzarella, Chairman)

Mr. Mazzarella stated he is waiting for the CSP to be completed to schedule a Committee Meeting.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

**Unfinished Business**

None.

**New Business**

The following Resolution #09-47 was offered by Mrs. Papen, on motion of Mrs. Papen, and seconded by Mr. Murphy. The resolution was approved by those present with the exception of Mr. Chin who abstained.

RESOLUTION #09-47

BE IT RESOLVED that the officers of the Rahway Valley Sewerage Authority be and are hereby authorized to invest the following for the Operating Reserve Fund, to mature on September 15, 2009:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$2,035,733.19	1.23%	Town Bank, Westfield, NJ

The following Resolution #09-48 was offered by Mr. Murphy, on motion of Mr. Murphy, and seconded by Mr. Chin. The resolution was unanimously approved.

RESOLUTION #09-48

WHEREAS, the Rahway Valley Sewerage Authority has a need to obtain proposals for its insurance coverages; and

WHEREAS, in order for an agency to obtain proposals from insurance companies, said agency needs to provide the companies with proof that it is the “Broker of Record” for the Authority; and

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority hereby appoints Amalgamated General Agency of Westfield, NJ, as its Broker of Record for the following Insurance Company:

XL Environmental, Inc.

BE IT FURTHER RESOLVED that this appointment of Broker of Record shall be for the placement of the Authority's year 2009 insurance policy placement.

The following Resolution #09-49 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present with the exception of Mr. Mazzarella and Mrs. Papen who abstained.

RESOLUTION #09-49

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #03-89, #07-16, #07-23 and #09-23, #09-31, #09-32 , #09-44, #09-46, #09-51, #09-62, #08-80, #09-08, #09-17, #09-23, #09-32, #09-41 and related Agreements for Contract #105-C, for the purpose of engaging Consolidated Construction Management Services (CCMS), for Professional Services specifically to serve as the Construction Manager on Contract #105-Cogeneration/Sludge Drying Facility; and

WHEREAS, the Authority has determined that there is a need to amend this agreement; and

WHEREAS, CCMS engaged the firm Paulus, Sokolowski & Sartor (PS&S) as a subcontractor ("Subcontractor") to assist them on this contract; and

WHEREAS, CCMS submitted documentation reflecting the need for a contract extension and additional monies related to their work on Contract #105-C; and

WHEREAS, the additional amount to be authorized for this Contract is \$41,595.53; and

WHEREAS, the Secretary-Treasurer of the Authority, who is the Chief Financial Officer, hereby certifies that the necessary funds for said contract are available in the 2009 Annual Budget.

WHEREAS Professional Services have been determined to be exempt from public bidding under Title 40A.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with CCMS in an amount of \$2,492,143.41 be and are hereby amended to provide for the increased contract amount of \$41,595.53 resulting in an amended contract amount not to exceed \$2,533,738.94; and

BE IT FURTHER RESOLVED that CCMS shall be required to provide the Authority

with monthly invoices which shall include supporting documentation for its services and the services of its Subcontractor; and

BE IT FURTHER RESOLVED, that the Authority will make payment to CCMS and its Subcontractor based upon the Authority's analysis of the monthly submissions; and

BE IT FURTHER RESOLVED that the Chairman and Secretary are authorized to execute an amendment to the Professional Service Contract previously entered into; and

BE IT FURTHER RESOLVED that a "Notice of Award" be published in accordance with law.

Mr. Chin made a motion, seconded by Mr. Murphy, to approve Change Order #12 on Contract #105 Cogeneration/Sludge Dewatering Facility to J.H. Reid General Contractors for work performed under five PCO's (Sandblast and recoat exhaust silencers, Dedusting Oil System modifications, switchgear programming changes, explosion proof refrigerant monitoring and digester gas volume and alarm programming), in an amount of \$72,620.00, as recommended by CCMS and discussed at the Engineering Committee Meeting. The motion was unanimously approved.

The following Resolution #09-50 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present with the exception of Mrs. Papen and Mr. Sefranka who voted no and Mr. Luban and Mr. Mazzarella who abstained.

RESOLUTION #09-50

WHEREAS, the Borough of Roselle Park (the "Borough") is a member municipality of the Rahway Valley Sewerage Authority (the "Authority"); and

WHEREAS, the Borough is currently involved in litigation pending in the Superior Court of New Jersey, Union County entitled Roselle Park VP, LLC v. Borough of Roselle Park et als. and docketed under UNN-L-338-07, the subject matter of which concerns the Borough's fulfillment of its obligations under the New Jersey Constitution and the Fair Housing Act, N.J.S.A. 52:27D-301; and

WHEREAS, an issue has risen in the litigation regarding the ability of the Authority to treat the wastewater generated by the inclusionary development proposed for construction on Block 213, Lot 1; and

WHEREAS, the Authority has determined that there is sufficient capacity in its system to accept such wastewater from the inclusionary development; and

WHEREAS, The Authority recognizes that the inclusionary development at the Property is an integral component to bring the Borough into compliance with its affordable housing obligations under the New Jersey Constitution and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, the Authority desires to avoid being brought in as a party in the aforementioned litigation; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Rahway Valley Sewerage Authority, Rahway, New Jersey as follows:

The Authority hereby reserves 20,000 gpd of wastewater capacity to be used exclusively and only in connection with an inclusionary development to be constructed in the Borough of Roselle Park, more specifically, Block 213, Lot 1 (the "Property"), such reservation shall not expire and if requested, by the owner or developer of the Property the Authority will acknowledge and confirm this reservation of capacity.

The Authority shall take any and all actions necessary to accept the wastewater into the Authority's sewerage system including but not limited to promptly endorsing and processing an application for a Treatment Works Approval.

BE IT FURTHER RESOLVED that all appropriate Authority officials, professionals and personnel are authorized to prepare those documents and perform those tasks that will affect the purposes of this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and/or as required by law.

Mr. Chin made a motion, seconded by Mr. Murphy, to award Contract #0920 Wastewater Flow Metering Replacement & System Data Analysis Maintenance, Repair And Calibration Services to the low and responsible bidder, CSL Services of Pennsauken, NJ, for a three year period, in an amount of \$559,380.00, as recommended by Anthony Gencarelli and discussed at the Engineering Committee meeting. The motion was unanimously approved.

Mr. Chin made a motion, seconded by Mr. Murphy, to approve Change Order #1 on Contract #0920 Wastewater Flow Metering Replacement & System Data Analysis Maintenance, Repair And Calibration Service for CSL Services of Pennsauken, NJ, in a decreased amount of \$135,420.00 total revised contract amount of \$423,960.00, as stated in their Alternate Bid #0920, whereby CSL will utilize existing equipment previously supplied to the Authority by CSL Services under Contract #0624, as recommended by Anthony Gencarelli in concurrence with Counsel. The motion was unanimously approved.

### **Bills and Claims**

Mr. Murphy made a motion, seconded by Mr. Chin, that the following bills and claims previously audited by the Finance Committee be ordered paid. The motion was unanimously approved.

**BUILDING & EQUIPMENT FUND**

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
2407	06/03/09	STAPLES CREDIT PLAN	140.7	120.96
2408	06/18/09	A&A INDUSTRIAL PIPING, INC.	140.7	17,287.20
2409	06/18/09	ARGENT ASSOCIATES LLC	140.7	545.00
2410	06/18/09	CAMP, DRESSER & MCKEE, INC.	140.7	16,193.36
2411	06/18/09	CDW GOVERNMENT, INC.	140.7	1,270.32
2412	06/18/09	CONSOLIDATED CONSTR. MGT.	140.2/7	72,989.36
2413	06/18/09	EATON CORPORATION	140.7	20,048.00
2414	06/18/09	EE CRUZ COMPANY INC.	140.7	1,880,109.78
2415	06/18/09	J.H. REID, GENERAL CONTRACTOR	140.2	80,477.60
2416	06/18/09	MECHANICAL SERVICE CORP.	140.7	472.00
2417	06/18/09	METCALF & EDDY, INC.	140.7	17,602.50
2418	06/18/09	PAULUS, SOKOLOWSKI & SARTOR	140.2/7/9	105,394.84
2419	06/18/09	RAHWAY VALLEY SEWERAGE AUTH.	140.9	20,418.13
2420	06/18/09	WEINER LESNIAK LLP	140.9	15,322.10

**Total Building & Equipment Fund Checks: 14**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$2,248,251.15**

**CONSTRUCTION FUND**

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
1188	06/16/09	PAULUS, SOKOLOWSKI & SARTOR	140.4	7,650.50

**Total Checks: 1**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$7,650.50**

**OPERATING FUND-MANUAL**

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
180	06/08/09	NEW JERSEY STATE HEALTH BENEFITS	03/04	69,752.37

**Total Operating Fund Manual Checks: 1**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$69,752.37**

**OPERATING FUND**

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
36284	05/28/09	A TOUCH OF ITALY	48	126.79
36285	05/28/09	CANON FINANCIAL SERVICES, INC.	16	1,646.20
36286	05/28/09	RAHWAY-UNITED WATER RESOURCES	33	6,601.02
36287	05/28/09	COGENT COMMUNICATIONS, INC.	27	674.00
36288	05/28/09	EDIBLE ARRANGEMENTS-WOODBRIDGE	18	81.00
36289	05/28/09	ELIZABETHTOWN GAS	22	633.08
36290	05/28/09	MIDDLESEX WATER COMPANY	33	842.24
36291	05/28/09	POLAND SPRING	46	99.37
36292	05/28/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	165,724.67
36293	05/28/09	VERIZON	11/30	965.18
36294	05/28/09	WEARGUARD/ARAMARK	32	164.47
36295	05/28/09	WOODRUFF ENERGY	22	379.83

36296	06/01/09	HESS CORPORATION	19	81,934.80
36297	06/01/09	PSE&G COMPANY	19	76,393.94
36298	06/03/09	PURCHASE POWER	48	1,218.99
36299	06/03/09	STAPLES CREDIT PLAN	27	98.91
36300	06/03/09	UNITED PARCEL SERVICE	48	94.78
36301	06/03/09	BJ'S WHOLESALE CLUB	52	48.15
36302	06/08/09	DELTA DENTAL PLAN OF NJ	03	5,869.05
36303	06/08/09	HOME DEPOT CREDIT SERVICES	32	331.74
36304	06/08/09	STANDARD INSURANCE COMPANY	03	2,200.83
36305	06/08/09	VISION SERVICE PLAN	03	1,234.87
36306	06/11/09	UNION COUNTY CLERK	18	220.00
36307	06/18/09	A TOUCH OF ITALY	48	258.94
36308	06/18/09	MARIA VASSALLO ABRAM	49	413.85
36309	06/18/09	ADP, INC.	03	170.28
36310	06/18/09	ADP, INC.	16	1,873.44
36311	06/18/09	ADVANCED SPECIALTY SALES, INC.	32	1,190.55
36312	06/18/09	AERC RECYCLING SOLUTIONS	31	379.00
36313	06/18/09	AIRLINE HYDRAULICS CORPORATION	32	769.31
36314	06/18/09	ALL AMERICAN SEWER SERVICE INC.	21	4,490.32
36315	06/18/09	AMERICAN INDUSTRIAL SUPPLY	32	87.75
36316	06/18/09	AMERICAN WEAR	32	1,371.50
36317	06/18/09	APPLIED ANALYTICS, INC.	32	2,969.40
36318	06/18/09	ARCHTECH ELECTRONICS CORP.	27	649.26
36319	06/18/09	ASSOCIATED AUTO PARTS	32/35	770.90
36320	06/18/09	APPLIED SOLUTIONS	32	5,880.00
36321	06/18/09	B & B DISPOSAL	32	700.00
36322	06/18/09	BOWCO LABORATORIES, INC.	32	63.00
36323	06/18/09	HECTOR L. CARTAGENA	04	289.20
36324	06/18/09	CCH GROUP	13	10.15
36325	06/18/09	CDW GOVERNMENT, INC.	13/27	6,750.62
36326	06/18/09	CENTRISYS CORPORATION	32	6,645.41
36327	06/18/09	ALLEN CHIN	49	346.50
36328	06/18/09	CHROMATE INDUSTRIAL CORP.	32	207.55
36329	06/18/09	RAHWAY-UNITED WATER RESOURCES	33	3,264.18
36330	06/18/09	COOPER ELECTRIC SUPPLY CO.	32	2,707.39
36331	06/18/09	CORRECT TEMP, INC.	32	577.50
36332	06/18/09	CSL SERVICES, INC.	30/41	17,688.88
36333	06/18/09	D2L ASSOCIATES, INC.	42	2,480.00
36334	06/18/09	DEAN LLOYD ENTERPRISES, INC.	31	4,494.67
36335	06/18/09	DESIGN PLASTIC SYSTEMS, INC.	32	428.50
36336	06/18/09	RENE DIERKES	49	300.00
36337	06/18/09	DUNFORD REFRIGERATION HEATING	43	395.00
36338	06/18/09	LOUIS DUPLESSIS	04	289.20
36339	06/18/09	EDIBLE ARRANGEMENTS-WOODBRIDGE	18	81.00
36340	06/18/09	ELIZABETHTOWN GAS	22	1,369.34
36341	06/18/09	ENVIRONMENTAL RESOURCE ASSOC.	40	951.90
36342	06/18/09	ELIZABETHTOWN GAS	22	11,104.10
36343	06/18/09	FEDEX	48	25.93
36344	06/18/09	KIDDE FENWAL, INC.	32	1,755.00
36345	06/18/09	FISHER SCIENTIFIC	40	1,868.22
36346	06/18/09	ANTHONY GENCARELLI	15	485.30
36347	06/18/09	W.W. GRAINGER, INC.	32	27.75
36348	06/18/09	GARY W. GRAY TRUCKING, INC.	25	93,207.89
36349	06/18/09	GREENBAUM, ROWE, SMITH & DAVIS	08	3,135.47
36350	06/18/09	JOANNE GRIMES	49	57.72
36351	06/18/09	HACH COMPANY	40	669.19
36352	06/18/09	HATCH MOTT MACDONALD	06	438.25

36353	06/18/09	HAYES PUMP INC.	32	974.00
36354	06/18/09	HOME NEWS TRIBUNE	12	1,094.04
36355	06/18/09	HEWLETT-PACKARD PUBLIC SECTOR	13	2,800.00
36356	06/18/09	IMAC SYSTEMS INC.	32	228.78
36357	06/18/09	JHL SUPPLY	41	66.90
36358	06/18/09	RICHARD LoFORTE	49	399.00
36359	06/18/09	CHARLES P. LOMBARDO	49	598.97
36360	06/18/09	ROBERT G. LUBAN	49	437.85
36361	06/18/09	MAX L. BROWN HARDWARE CO.	32	200.00
36362	06/18/09	FRANK G. MAZZARELLA	49	428.85
36363	06/18/09	MCMASTER-CARR SUPPLY CO.	32	2,110.76
36364	06/18/09	METALS USA	32	910.00
36365	06/18/09	MIDDLESEX WATER COMPANY	33	958.32
36366	06/18/09	MILLER MECHANICAL CORP.	32	200.00
36367	06/18/09	MOTION INDUSTRIES, INC.	32	51.37
36368	06/18/09	ROBERT MRASZ	04	289.20
36369	06/18/09	MSC INDUSTRIAL SUPPLY CO.	32	224.68
36370	06/18/09	JAMES J. MURPHY	49	467.85
36371	06/18/09	NJ MANUFACTURERS INSURANCE	17	18,085.00
36372	06/18/09	NORTHERN SAFETY CO., INC.	31	269.64
36373	06/18/09	O'JOHNNIES, INC.	13	626.71
36374	06/18/09	ONE CALL SYSTEMS, INC.	32	35.00
36375	06/18/09	JOAN PAPAN	49	440.01
36376	06/18/09	PAULUS, SOKOLOWSKI & SARTOR	05/06	10,742.75
36377	06/18/09	EDMUND PETROSKY	04	289.20
36378	06/18/09	POLYDYNE INC.	23	16,560.00
36379	06/18/09	PSE&G COMPANY	19/42	448.11
36380	06/18/09	QC LABORATORIES	41	2,218.00
36381	06/18/09	RAHWAY ELECTRIC SUPPLY CO.	32	109.06
36382	06/18/09	RARITAN SUPPLY COMPANY	32	148.48
36383	06/18/09	RICHARD LUCAS CHEVROLET	32	746.49
36384	06/18/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	173,424.79
36385	06/18/09	RVSA PETTY CASH	14	80.89
36386	06/18/09	SAFETY-KLEEN CORP.	32	265.02
36387	06/18/09	COLONEL SATTERWHITE	04	289.20
36388	06/18/09	DARREN SCHIPPE	31	199.50
36389	06/18/09	PAUL SEFRANKA	49	390.99
36390	06/18/09	WILLIAM SEIBOTH	04	578.40
36391	06/18/09	SEMCOR EQUIPMENT & MFG. CORP.	32	460.08
36392	06/18/09	SPECTRASERV INC.	26	2,772.06
36393	06/18/09	STORR TRACTOR COMPANY	32	3,664.21
36394	06/18/09	DONALD STUART	04	578.40
36395	06/18/09	SUPLEE, CLOONEY & COMPANY	10	22,500.00
36396	06/18/09	SUPERIOR SIGNAL COMPANY	32	84.00
36397	06/18/09	GEORGE SZOTAK	04	578.40
36398	06/18/09	TAYLOR OIL COMPANY	32	307.43
36399	06/18/09	THE SPI GROUP, LLC	27/46	3,052.50
36400	06/18/09	TURTLE & HUGHES INC	32/38	4,785.70
36401	06/18/09	UNITED PARCEL SERVICE	48	18.00
36402	06/18/09	UNITED FILTER SIEMENS WATER TECH.	40	1,190.00
36403	06/18/09	USA BLUEBOOK	32/41	2,110.38
36404	06/18/09	VAN HOUTEN-AVENEL PLUMBING	32	5.70
36405	06/18/09	ATTILIO S. VENTURO	49	389.97
36406	06/18/09	VERIZON	11/30	1,255.34
36407	06/18/09	VARIABLE FREQUENCY DRIVES	32	369.89
36408	06/18/09	WEINER LESNIAK LLP	07	33,468.09
36409	06/18/09	921-GTS-WELCO	32	333.14

36410	06/18/09	WOODRUFF ENERGY	22	34,411.33
36411	06/18/09	ARTHUR M. WRIGHT, JR.	04	289.20
36412	06/18/09	YOUR TOPS, INC.	32	1,995.00

**Total Operating Fund Checks: 129**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$884,679.85**

**Total All Checks: 145**  
**Total Void Checks: 0**  
**Total Amount Void: 0.00**  
**Total Amount Paid: \$3,210,333.87**

OPERATING FUND	9-01	\$954,432.22
BUILDING & EQUIP. FUND	9-02	\$2,248,251.15
CONSTRUCTION FUND	9-04	\$7,650.50
<b>Total All Funds:</b>		<b>\$3,210,333.87</b>

**Open the Floor to the Public**

Mr. Anthony Gencarelli, 22 Whitehall Road, Edison, NJ, RVSA Manager of Regulatory Compliance addressed the Board.

Mr. Gencarelli stated that he was reviewing the February 2009 Reorganization Meeting Minutes, when it came to his attention that “Chairman Lombardo suggested several items and one was that he wanted to investigate the possibility of hiring a staff engineer to assist the Chief Engineer on his duties and responsibilities. Mr. Gencarelli noted his “immediate reaction to that was wow that is a position that I would really be interested in and would hope to be able to get. During the past few weeks, I’ve been rethinking that and I changed my thinking - in that we need to start doing more with less. So I came up with a few options that I want to present to the Board for its consideration. I don’t know how much additional work is being looked at here and how much assistance the Chief Engineer needs, but in the event that I would be able to incorporate it into my existing work week, there would be no cost impact to the Authority, which makes it an ideal situation. I would be willing to work additional hours if that was required, if it were such that I couldn’t accommodate it my existing work week, but would hope to negotiate a reasonable adjustment for the additional time, which obviously would be substantially less than hiring another Engineer; and the third option would be some internal personnel shuffling that could be done and in the best case, not to have to hire another person or worst case, hire another person in a lower position that would not require the salary of an engineer.

I personally think three engineers for an Authority this size is a little excessive. For the Board Members that are not familiar with me, my qualifications and experience, I am a licensed Professional Engineer in New York and New Jersey, I am a Certified Municipal Engineer in New Jersey and I have over 30 years experience, 20 of which are with an environmental consulting firm and have always worked in sanitary engineering. Some experience is in design, some with reports, a lot of it in construction management. So I do feel that I have the qualifications, and I have a Masters Degree. If the Board would like, I can provide them with an updated resume.”

Mr. Gencarelli added that he wanted to provide the Board with this information for consideration, if they are in fact going to pursue additional support for the Chief Engineer. He thanked the Board for their time.

### **Closed Session**

Mr. Luban made a motion to go into closed session at this time, 8:10 p.m., to discuss personnel and legal matters, based on Attorney Client privilege. The motion was seconded by Mr. Chin and unanimously approved.

Mr. Luban made a motion to return to the regular order of business at this time, 8:49 p.m. The motion was seconded by Mr. Murphy and unanimously approved.

### **Return to Regular Order of Business**

The Chairman asked if there was action based on what was discussed in Closed Session? There was none.

### **Adjournment**

As there was no further business, on motion of Mr. Mazzarella, seconded by Mr. Murphy, the meeting adjourned at 8:50 p.m. The motion was unanimously approved.

*Robert J. Materna*

Robert J. Materna, Secretary-Treasurer

JG/jg  
Attachments