

RAHWAY VALLEY SEWERAGE AUTHORITY

**Summary of Minutes of
Regular Meeting held March 19, 2009**

- Minutes
Approved the minutes of the February 19, 2009 Regular Meeting.
Approved the minutes of the February 26, 2009 Special Meeting.

- Communications
Four OPRA Requests.

- Treasurers Reports
The Treasurer Reports for the month of January were received.

- Executive Director
Sewer Connections and the status of various contracts.

- Consulting Engineer
Overview of contracts; flow rights and user charge reports.

- Construction Consultant
Overview of contracts.

- Counsel
Overview of legal matters.

- Committees
Reports were given by the Engineering and Finance Committees.

- Unfinished Business
None.

- New Business
Approved the following: Security Purchases; and Treatment Works Application (TWA) for the Township of Clark.

- New Business (Cont'd.)
Approved the following expenditures: Award Contract #0919 Supply of Electricity to Hess Corp. at a cost of \$0.0897/kwh; Award Contract #0924 NJHDG Study to Aquatic Science Cons. in an amount of \$15,045.00; Amend Contract #105C – CCMS in an amount of \$21,348.70; and Amend Contract #155C – CCMS in an amount of \$685,593.12.

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes of (Cont'd.)
Regular Meeting held March 19, 2009

-	Bills & Claims		
	Operating Fund	9-01	\$1,010,049.17
	Building & Equipment Fund	9-02	1,026,119.61
	Construction Fund	9-04	<u>1,099.76</u>
	Total All Funds		\$2,037,268.54

RAHWAY VALLEY SEWERAGE AUTHORITY

Regular Meeting Minutes – March 19, 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
Allen Chin
Richard LoForte
Charles P. Lombardo
Frank G. Mazzarella
James J. Murphy
Joan Papen
Paul M. Sefranka | for the Township of Springfield
for the Town of Westfield
for the Borough of Kenilworth
for the Borough of Garwood
for the Township of Clark
for the Township of Cranford
for the Township of Scotch Plains
for the City of Rahway |
| ** | Attilio S. Venturo | for the Borough of Roselle Park |

* Attended the meeting via Conference Call, and left the meeting at 7:52 p.m.

** Arrived after roll call, at 7:53 p.m.

The following members were absent:

- | | |
|---------------------------------|---|
| Robert G. Luban
Rene Dierkes | for the Township of Woodbridge
for the Borough of Mountainside |
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The following were also present:

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

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

Robert Valent	RVSA Superintendent
Dan Ward	RVSA Maintenance Manager
Lino DeAlmeida	CCMS
John Buonaccore	CCMS

Approval of Minutes

Mr. Chin made a motion, seconded by Mrs. Papen, to approve the minutes of the Regular Meeting held February 19, 2009. The motion was unanimously approved by those present. Mr. Luban, Mr. Dierkes and Mr. Venturo were absent.

Mr. Chin made a motion, seconded by Mrs. Papen, to approve the minutes of the Special Meeting held February 26, 2009. The motion was approved with the exception of Mr. Mazzarella, Mr. Sefranka and Mr. Murphy who abstained. Mr. Luban, Mr. Dierkes and Mr. Venturo were absent.

Communications

- An OPRA Request was received from J.H. Reid General Contractors regarding RVSA monthly minutes.
- An OPRA Request was received from Tina Renna of the Union County Watchdog Organization regarding RVSA monthly minutes.
- An OPRA Request was received from Porzio Bromberg & Newman regarding the Township of Clark's 2008 Industrial Permit Fees.
- An OPRA Request was received from Porzio Bromberg & Newman regarding the HMM Evaluation of the User Charge System Report.

Suspend the Regular Order of Business

The Chairman stated that Mr. Lino DeAlmeida of CCMS is in attendance this evening to discuss Contract #155/#156C and the proposed Amendment to that agreement between the Authority and his firm.

Mr. DeAlmeida stated that his firm submitted a proposal for additional fees for necessary work for a period through the end of June 2009. The Authority asked them to sharpen their pencils, which they did.

Mr. Chin stated that there is a difference in the amount between your proposal and the amount projected by Mr. Brinker of about \$106,000.00. Do you want to comment on this or do you feel

that your firm can complete the job with the amount of \$888,000 as compared to the \$994,000 you requested? Mr. DeAlmeida stated that he did not receive a copy of the resolution until he arrived this evening; however, he asked John Buonocore of his firm if they thought could work within the \$888,000 amount and Mr. Buonocore stated he thought that they could.

Mr. Chin noted that the resolution also states that the Authority is going to pay the sub-consultants directly, as submitted in your monthly invoices, as the Authority has been advised by the sub-consultants that they haven't been getting paid by you. Mr. DeAlmeida stated that was fine, however, did not wish to comment on the amount his firm was withholding from the sub-consultants.

After further discussion, Mr. DeAlmeida thanked the Commissioners for their time and he left the meeting.

Regular Order of Business

Report of Treasurer

The Treasurer's Reports for the month of January 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 1/30/09 and 3/16/09. 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>
1094-09-WB	01/30/09	SL Construction Group	Woodbridge
1095-09-WB	02/18/09	St. John Vianney Church	Woodbridge
1096-09-WB	02/18/09	S&A General Construction	Woodbridge
1097-09-KW	02/18/09	L. Costa Construction	Kenilworth
1098-09-WB	03/19/09	Bank of Tokyo	Woodbridge
1099-09-WB	03/16/09	AJV Eng./Albert Jasani Days Inn	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
- Monthly Operations Report

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

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

Personnel

Union Negotiations remain unchanged. The Board may want to discuss this further in Executive Session.

Contract #105-C Construction Oversight Services - CCMS

Contract Amendments are being processed monthly for work being performed by CCMS on Contract #105-C. CCMS's current invoice (Amendment #13) is in the amount of \$21,348.70 total amended contract amount of \$2,426,629.06.

Contract #105-D Cogeneration Engine Expert

Careba-Mott-MacDonald started their work on this contract; and completed a three day site visit. They met with various individuals and are continuing their work. Upon conclusion of their review, they will prepare a formal report for the Board by the April 16th Board Meeting.

Contract #155 & #156-C CSP Construction Oversight Services - CCMS

As discussed at the last three meetings, it was reported that CCMS submitted a proposal for additional services on this contract. Since the original submission their contract has been amended once for work performed beyond the December 31 contract expiration date. Based on my recommendations to the Board, a resolution has been prepared and is on the agenda under New Business.

Contract #158 – Outfall Line Repairs

PS&S prepared the plans and specifications for the Outfall Line Repairs. A Notice to Bidders was advertised in the Star Ledger and is on our website. Bids will be received on April 8, 2009 at 11:00 a.m.

Contract #159 – CSP - Chemical Handling and Feed Systems

The Notice to Proceed was finally issued this month to the contractor, A&A Mechanical. The Consulting Engineer will report further on the status of this contract.

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

PS&S is proceeding with the preparation of the plans and specifications for this contract.

Contract #0919 – Electricity Supply

The Authority is a member of the NJSMUAESA Group which engaged Gable Associates to serve as the Energy Agent for same. Gable Associates solicited bids for three different products; 1) All-In Fixed Price; 2) LMP Plus indexed energy price; and 3) Block and Index. Proposals were received from two companies, Hess and Pepco. Based on the proposals received, Gable is recommending that the contract be awarded to Hess for a one year period at a cost of \$0.08970/LPLP which would be applicable for RVSA. A copy of Gable's Bid Evaluation and Recommendation was provided to the Commissioners for review. This was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0924 – NJHDG / Aquatic Science Consulting (ASC)

The Authority is a member of the New Jersey Harbor Dischargers Group (NJHDG) and as a part of this group engages various consultants to perform work for the Group. A proposal was received from ASC for Phase V tasks of a study they are presently working on. The total amount proposed is \$188,300.00 of which Rahway Valley's share is 7.99% or \$15,045.00. A copy of the memorandum from Linden Roselle S.A., the lead agency for this work, was distributed to the Commissioners for review. This was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

TWA – Clark

A Treatment Works Sewer Connection Application was submitted by the Township of Clark on behalf of Tomarc Company and Clark Target Shopping Center for property located on Central Avenue in the Township of Clark. The application is for the reconfiguration of an existing building and an addition to same, with a proposed increase in flow of 2,760 gpd. Mr. Brinker reviewed the application, found it to be in order and recommends approval. This was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Excess Flow Hearings

Excess Flow Hearings were held February 26th for the Borough of Roselle Park, and Townships of Springfield and Woodbridge. Items that were discussed with each of the municipalities are being further reviewed at this time.

DSN-003

We have received word from the State of New Jersey that they accept PS&S's report on the feasibility of using Outfall DSN-003, and are awaiting the formal okay. In the interim, we have asked E.E. Cruz for a price to complete the necessary work. They provided an estimate of \$375,456.00 which was based on field visits and more elaborate structure. Since we received

that price, we have provided them more defined drawings and they are preparing a cost estimate. Once we receive formal approval from the State, a Special meeting will need to be held in order to take action promptly.

* Mrs. Abram left the meeting at this time, 7:52 p.m.

Report of Consulting Engineer

The following report to the Authority Board summarizes our activities for the period of February 14, 2009 through March 13, 2009.

* Mr. Venturo arrived at this time, 7:53 p.m.

JCO Compliance

No activity. The first quarter report for 2009 is due at the end of April.

Administrative Appeals Re: NJPDES/TWA Permits

PS&S continues to coordinate activities with General Counsel and Special Counsel, Hall & Associates and the Greenbaum law firm related to the NJPDES and TWA permit appeals. The two remaining open issues are the temporary suspension of the maximum weekly mass loading limits for CBOD and TSS during high flow events and the allowance of an emergency outfall line.

A Settlement Conference, with representatives of the DAG's office, NJDEP and Authority representatives was held on January 23rd to discuss previously submitted documentation in support of the temporary suspension of the maximum weekly mass loading limits, the details related to the emergency outfall and comments to the Stipulation of Settlement. Based on the discussions at the meeting there appeared to be a basis for settlement.

One item requested, pursuant to the Conference discussions and Stipulation of Settlement, was the submittal of a report to NJDEP on the feasibility of an emergency outfall. This report was submitted to NJDEP and we have received response indicating use of the 003 overflow chamber is acceptable.

The DAG/NJDEP issued a revised Stipulation of Settlement based on the discussions at the meeting and review comments were provided by General Counsel. Specific activities are typically reported 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. No response to the letter has been received from the Contractor. No recent activity.

Air Permitting

PS&S has been tracking the progress of the NJDEP review of the Title V Modification Application previously prepared and submitted to NJDEP by PS&S on the Authority's behalf (the Application was for modifying certain permit required monitoring and record-keeping requirements and addressing some potential variability in digester gas characteristics).

PS&S recently prepared and submitted a response to the NJDEP requested additional information regarding the scrubber (spray tower condenser) on the outlet of the Sludge Dryer; and PS&S is currently providing follow-up with NJDEP regarding additional NJDEP questions and comments on the response submittal and overall draft air permit modification. In addition, PS&S is providing assistance to RVSA to try to obtain relief from the USEPA requirement to maintain detailed records of every startup & shutdown etc. of the Cogen Thermal Hot Oil Heater; and PS&S will also be preparing the RVSA requested supplemental submittal to NJDEP to mod the RVSA Cogen Permit to obtain an exemption (i.e., during startup/shakedown/burn-in periods) from the requirement that "the catalyst shall be operated at all times that the ...engine (i.e., Cogen engine) is operating".

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 structural revisions to breeching supports damaged from engine backfire events and routine exercise of the stand-by generator sets.

Contract #158 Outfall Repair

PS&S finalized the design of the outfall repair plans and specifications. Project has been advertised and a bid opening date of April 8th has been set. PS&S again notified Middlesex County regarding the project status and invited them to the Pre-Bid Meeting. The Pre-Bid Meeting is scheduled for Friday March 20th.

Contract #159 Chemical Feed System Improvements

PS&S has issued a Notice to Proceed to A&A Mechanical. A Pre-Construction Meeting was held at the Authority on March 9, 2009. PS&S is currently reviewing Contractor submittals and several RFI's.

Contract #160 Emergency Outfall Feasibility Study

Based on PS&S's evaluation it appears feasible to install a flow control gate in the existing 003 overflow chamber. A summary report has been drafted for submittal to the NJDEP.

Due to timing issues related to the EE Cruz contract (#155), PS&S prepared design drawings of the proposed improvements/modifications to the 003 chamber. CCMS obtained pricing from EE Cruz and some follow up discussions are on going with EE Cruz. Any modification to the 003 chamber will impact the ability of EE Cruz to complete the work in this area, including final alignment and paving of the plant road.

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

PS&S has proceeded with the preparation of plans and specifications detailing the rehabilitation work.

User Charge and Flow Rights Reports

PS&S is currently reviewing grab and composite sampling data that impact finalization of the February reports. PS&S will finalize the February reports, covering January 2009, and March reports, covering February 2009, when the data review is completed.

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 February 17, 2009 through March 16, 2009.

CSP Improvements & related issues

Contract #155

We continue to monitor and evaluate potential delay claims being asserted by the contractor/electrical subcontractor with respect to Contract No. 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.

Administrative Appeals Re: Treatment Works Approval

With respect to the Treatment Works Approval, the final issue on appeal has been consolidated with the appeal that was filed regarding the Authority's NJPDES permit. (See discussion of NJPDES Permit Appeal- item #1 under "Miscellaneous").

Cogeneration Facility

We have conducted extensive legal research with respect to potential change orders that have been submitted by the contractor, including its recent request for additional overhead, and have provided the Executive Director with a detailed legal memorandum evaluating the merits of same and making recommendations with respect to actions to be taken by the Authority. We have also evaluated the Authority's claims for liquidated damages against the contractor. We

have conferred with the Executive Director and the construction oversight engineer relative to the issue of liquidated damages versus the amount of monies left in the contract. On March 5, 2009 we attended a meeting with the contractor in order to discuss this issue as well as other outstanding issues relative to the contract. Further details regarding this item may be discussed in Executive Session.

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.

Finally, 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. On March 12, 2009 we met with counsel for the contractor and CAT/Foley in an effort to resolve the matter. This lawsuit may be discussed in further detail in Executive Session.

Miscellaneous

NJPDES Permit Appeal

On October 26, 2007 a settlement conference was held at the Office of Administrative Law at which time a resolution of the remaining two (2) issues in the case (an emergency bypass and the required loading limits) was discussed with NJDEP. The parties at that time had reached an agreement in principle; however, NJDEP has since failed to finalize the proposed settlement. By letter dated June 4, 2008 we requested that the Administrative Law Judge re-list our motion for sanctions that we previously filed on behalf of the Authority. After several follow-up telephone calls to the Judge and still not having received any response to our June 4, 2008 letter, we sent a follow-up letter to the Judge dated June 23, 2008 which also has gone unanswered.

As discussed in Executive Session on August 21, 2008, on September 5, 2008 this office filed a Notice of Appeal with the Appellate Division of the Superior Court of New Jersey based upon the agency inaction of the NJDEP and the Office of Administrative Law ("OAL"). Simultaneously, we also filed a Motion to join the OAL as a party Respondent as well as a Motion to accelerate the appellate schedule. On October 3, 2008 NJDEP responded by filing a Motion to Dismiss to which we submitted response papers.

By Order dated October 29, 2008 the Appellate Division granted both of our motions to join the OAL and to accelerate the appeal. The appeal was scheduled to be heard on January 13, 2009; however, the appellate schedule has been adjourned until February 12, 2009 in order to allow for further settlement negotiations between the parties to take place. A settlement conference was held among the parties at the Authority site on January 23, 2009.

Trunk Sewer Conflicts

We have prepared an agreement with the owner of a property located in Cranford on which the Bank of America proposes to build a branch for purposes of establishing the property owner's

responsibilities with respect to an encroachment on the Authority's trunk sewer line. A meeting was held on March 11, 2009 with the property owner and his counsel in order to discuss the proposed easement agreement. This item may be discussed in Executive Session. We have also prepared a similar agreement with the Breathless Go-Go bar in Rahway regarding a similar issue. Finally, the Easement Agreement with respect to the Leonardis property in Clark has been executed by the property owner and sent to the Union County Clerk's office for recording.

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. After a subsequent telephone conversation with counsel for the contractor, no further communications have been received.

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 clean up 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, NJDEP has invited the Authority as well as some of the other public

entities listed in the Third Party Complaint to a meeting to be held on March 19, 2009 at the Springfield Township Municipal Building for purposes of discussing the claims against them. It is NJDEP's position "that many of the Third Parties have nominal, if any, liability for contamination in the Passaic River."

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 March 12, 2009, at which time several items were discussed. Items that require action are on the agenda under New Business.

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.

Legal Committee (Frank Mazarella, Chairman)

No report.

Personnel Committee (Robert Luban, Chairman)

No report.

Public Relations Committee (Paul Sefranka, Chairman)

No report.

Retreat Committee (Allen Chin, Chairman)

No report.

Security Committee (Frank Mazarella, Chairman)

No report.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

Unfinished Business

The Chairman stated that a Retreat will be held this spring and asked that everyone check their

calendars. He noted for those new to the Board that the Retreats held in the past were informal meetings. Typically Allen Chin serves as the facilitator, many topics are discussed, in an open forum; it's a way to come up with new ideas, work out any issues, etc. The Chairman added that he would like everyone to attend and noted that Mrs. Grimes will be working to schedule the date and location.

The Chairman also noted that at the recent Association of Environmental Authorities Conference, our Consulting Engineer, Jim Wancho made a presentation on alternative energy. The Chairman noted that the presentation was very informative and added that Mr. Wancho's presentation was very positive for his firm as well as the Authority.

New Business

Mr. Chin made a motion, seconded by Mr. Murphy, to award Contract #0919 – for the Supply of Electricity to the Authority for a one year period to the Hess Corporation of Woodbridge, NJ, at a cost of \$0.08970 LPLP/kwh as recommended by Gabel Associates who is the Energy Agent to the NJSMUAESA Group. The motion was unanimously approved by those present. Mr. Luban, Mr. Dierkes and Mrs. Abram were absent.

The following Resolution #09-22 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was unanimously approved by those present. Mr. Luban, Mr. Dierkes and Mrs. Abram were absent.

RESOLUTION #09-22

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Linden Roselle Sewerage Authority (LRSA), on behalf of the New Jersey Harbor Dischargers Group (NJHDG) from Aquatic Sciences Consulting 15751 Bushy Park Road, Woodbine, MD 21797, for Extraordinary Unspecifiable Services, specifically for continued services including Phase V of the ongoing PCB Trackdown Study, RVSA Contract #0924; and

WHEREAS, the NJHDG of which the Authority is a member, has a need to engage a consultant to perform this Study; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without bidding, however, a proposal was received for the award of this contract through a non-fair and open process in accordance with N.J.S.A. 19:44A-20, et. seq.

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that funds for said contract have been budgeted for in the 2009 Annual Budget; and

WHEREAS, the Executive Director or his designee, pursuant to statute has executed the required certification for the aforementioned services, which Certification is attached hereto and made a part thereof.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Aquatic Sciences Consulting to perform the services described herein at a total cost of \$188,300.00 of which the Authority's share is 7.99% or \$15,045.00; and

BE IT FURTHER RESOLVED that a Contract for the services described herein be entered into between the NJHDG and Aquatic Sciences Consulting; and

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

The following Resolution #09-23 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was unanimously approved by those present. Mr. Luban, Mr. Dierkes and Mrs. Abram were absent.

RESOLUTION #09-23

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 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 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 \$21,348.70; 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 \$2,405,280.36 be and are hereby amended to provide for the increased contract amount of \$21,348.70 resulting in an amended contract amount not to exceed \$2,426,629.06; 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.

The following Resolution #09-24 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved with the exception of Mr. Mazzarella and Mr. Sefranka who voted against. Mr. Luban, Mr. Dierkes and Mrs. Abram were absent.

RESOLUTION #09-24

WHEREAS, the Rahway Valley Sewerage Authority (“Authority”) previously approved Resolutions #05-14, #09-09, #09-18 and related Agreements for Contract #155-#156C, for the purpose of engaging Consolidated Construction Management Services (“CCMS”), for Professional Services specifically to serve as the Construction Manager on Contracts #155-CSP Plant Upgrade and Contract #156-Gravity Relief Sewer, known as Contract #155-#156C; and

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

WHEREAS, CCMS engaged the firms of AECOM [formerly Metcalf & Eddy or M&E], Camp Dresser & McKee (CDM), Paulus, Sokolowski & Sartor (PS&S) and Hatch Mott MacDonald (HMM) as subcontractors (“Subcontractors”) 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 #155-#156C for the period January 2009 through June 30, 2009; and

WHEREAS, said documentation reflects a total amount of \$994,305.65 for the six-month period ending June 30, 2009, of which one interim amendment has been approved and paid in the amount of \$202,421.26 and a second amount which is pending in the amount of \$183,007.62 leaving a balance of \$608,876.77; and

WHEREAS, the Authority has reviewed the proposal and related correspondence from CCMS and its Subcontractors for the six-month extension and has determined that there is a need to amend this agreement and authorizes a total amount of \$888,014.38 for the six-month period ending June 30, 2009 for such amendments; and

WHEREAS, the Authority had approved an amendment and paid CCMS \$202,421.26 of the \$888,014.38, leaving a balance to be paid for services through June 30, 2009 in an amount of \$685,593.12; and

WHEREAS, the Authority has also determined that all such work must be completed by June 30, 2009; and

WHEREAS, based on information received from CCMS’s Subcontractors, the Authority finds that CCMS has not provided adequate reimbursement to its Subcontractors in

accordance with their respective monthly invoices, and in order to provide for the continued support of the Subcontractors to the project during the remaining period of this contract, the Authority, in continuing the services of CCMS, shall pay the subcontractors directly; 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.

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 \$10,862,407.33 for work through December 31, 2008, be and are hereby amended to provide for the increased contract amount of \$888,014.38 resulting in an amended contract amount not to exceed \$11,750,421.71; 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 Subcontractors; and

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

BE IT FURTHER RESOLVED that all work by CCMS, and its Subcontractors shall be completed and submitted to the Authority by June 30, 2009 unless a mutual extension is previously agreed upon; 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.

The following Resolution #09-25 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, and seconded by Mr. Chin. The resolution was unanimously approved. Mr. Luban, Mr. Dierkes and Mrs. Abram were absent.

RESOLUTION #09-25

WHEREAS, the Township of Clark submitted a Treatment Works Sewer Connection Endorsement Application on behalf of Tomarc Company/Clark Target Shopping Center for property located on Central Avenue in the Township of Clark, State of New Jersey; and

WHEREAS, the application is for a 95 seat restaurant and retail space which will replace existing office space and a bank and will result in a net increase in flow of 2,760 gpd; and

WHEREAS, the flow from the foregoing connection will not cause the Authority to

exceed its permitted flow of 40 mgd; and

WHEREAS, the application has been reviewed by Michael J. Brinker, Jr., P.E., Executive Director/Chief Engineer, and found to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that it does hereby accept and approve the aforesaid application.

The following Resolution #09-26 was offered by Mr. Papen, on motion of Mr. Papen, and seconded by Mr. Murphy. The resolution was approved by those present with the exception of Mr. Chin who abstained. Mr. Luban, Mr. Dierkes and Mrs. Abram were absent.

RESOLUTION #09-26

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 June 18, 2009:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$2,029,486.12	1.23%	The Town Bank, Westfield, NJ

Bills and Claims

Mrs. Papen made a motion, seconded by Mr. Murphy, that the following bills and claims previously audited by the Finance Committee be ordered paid. The motion was unanimously approved by those present. Mr. Luban, Mr. Dierkes and Mrs. Abram were absent.

BUILDING & EQUIPMENT FUND

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
2372	02/23/09	CONSOLIDATED CONSTRUCTION MGT.	140.2	202,421.26
2373	03/19/09	ARGENT ASSOCIATES LLC	140.7	597.50
2374	03/19/09	CONSOLIDATED CONSTRUCTION MGT.	140.2	46,253.61
2375	03/19/09	EE CRUZ COMPANY INC.	140.7	649,919.97
2376	03/19/09	J.H. REID, GENERAL CONTRACTOR	140.2	100,235.77
2377	03/19/09	PAULUS, SOKOLOWSKI & SARTOR	140.2/7/9	21,826.00
2378	03/19/09	WEINER LESNIAK LLP	140.9	4,865.50

Total Building & Equipment Fund Checks: 7
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$1,026,119.61

CONSTRUCTION FUND

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
1186	03/19/09	PAULUS, SOKOLOWSKI & SARTOR	140.4	1,099.76

Total Construction Fund Checks: 1
Total Void Check: 0

Total Amount Void: \$0.00
 Total Amount Paid: \$1,099.76

OPERATING FUND - MANUAL

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
172	02/23/09	NJ HEALTH BENEFITS - FEB 2009	03/04	70,719.19
173	03/10/09	NJ HEALTH BENEFITS - MARCH 2009	03/04	68,349.15

Total Operating Fund Manual Checks: 2
 Total Void Checks: 0
 Total Amount Void: \$0.00
 Total Amount Paid: \$139,068.34

OPERATING FUND

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
35921	02/23/09	FRANCISCO RIVERA, JR.	31	104.99
35922	02/27/09	CANON FINANCIAL SERVICES, INC.	16	1,335.58
35923	02/27/09	COGENT COMMUNICATIONS, INC.	27	674.00
35924	02/27/09	ELIZABETHTOWN GAS	22	14,209.44
35925	02/27/09	PITNEY BOWES, INC.	48	82.00
35926	02/27/09	PITNEY BOWES INC.	48	81.58
35927	02/27/09	POLAND SPRING	46	83.98
35928	02/27/09	RAHWAY POLICE DEPARTMENT	18	573.00
35929	02/27/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	84,974.79
35930	02/27/09	STAPLES BUSINESS ADVANTAGE	13	603.02
35931	02/27/09	TREASURER - STATE OF NJ	37	54.00
35932	02/27/09	UNITED PARCEL SERVICE	48	46.50
35933	02/27/09	WOODRUFF ENERGY	22	51,030.83
35934	03/10/09	HOME DEPOT CREDIT SERVICES	32	695.62
35935	03/10/09	ROBERT POLTZ	27	228.05
35936	03/10/09	STANDARD INSURANCE COMPANY	03	2,204.13
35937	03/10/09	STAPLES CREDIT PLAN	27	77.56
35938	03/10/09	TREASURER - STATE OF NJ	37	200.00
35939	03/10/09	VISION SERVICE PLAN	03	1,213.94
35940	03/19/09	A TOUCH OF ITALY	49	361.28
35941	03/19/09	MARIA VASSALLO ABRAM	49	113.85
35942	03/19/09	ADP, INC.	03	670.28
35943	03/19/09	ADP, INC.	16	2,373.15
35944	03/19/09	ADVANCED SPECIALTY SALES.	32	1,136.58
35945	03/19/09	ALL AMERICAN SEWER SERVICE	21/32	18,640.00
35946	03/19/09	AMERICAN INDUSTRIAL SUPPLY	32	742.86
35947	03/19/09	AMERICAN WEAR	32	1,175.45
35948	03/19/09	APPLIED ANALYTICS, INC.	32	2,616.60
35949	03/19/09	AQUATIC SCIENCES CONSULTING	41	223.00
35950	03/19/09	ASSOCIATED AUTO PARTS	35	435.82
35951	03/19/09	AXYS ANALYTICAL SERVICES LTD	41	4,400.00
35952	03/19/09	BOWCO LABORATORIES, INC.	32	63.00
35953	03/19/09	MICHAEL J. BRINKER, JR.	15	164.75
35954	03/19/09	BUREAU OF NATIONAL AFFAIRS, INC.	41	2,473.00
35955	03/19/09	BWI EAGLE INC.	32	508.56

35956	03/19/09	HECTOR L. CARTAGENA	04	289.20
35957	03/19/09	CDW GOVERNMENT, INC.	27	3,255.32
35958	03/19/09	CENTRISYS CORPORATION	32	695.00
35959	03/19/09	ALLEN CHIN	49	187.00
35960	03/19/09	CHROMATE INDUSTRIAL CORP.	32	1,006.07
35961	03/19/09	CITY OF RAHWAY UNITED WATER RES.	33	10,231.18
35962	03/19/09	COOPER ELECTRIC SUPPLY CO.	32	1,673.57
35963	03/19/09	D2L ASSOCIATES, INC.	42	2,480.00
35964	03/19/09	DAVID WEBER OIL COMPANY	32	1,588.95
35965	03/19/09	DELL MARKETING L.P.	27	524.35
35966	03/19/09	DELTA DENTAL PLAN OF NJ	03	5,969.24
35967	03/19/09	ELIZABETHTOWN GAS	22	686.83
35968	03/19/09	ENFOTECH & CONSULTING, INC.	27	1,500.00
35969	03/19/09	ENVIRONMENTAL RESOURCE ASSOC.	40	293.18
35970	03/19/09	ELIZABETHTOWN GAS	22	8,231.12
35971	03/19/09	FEDEX	48	18.13
35972	03/19/09	FISHER SCIENTIFIC	40	2,735.53
35973	03/19/09	GANNETT NJ NEWSPAPERS	12	223.56
35974	03/19/09	W.W. GRAINGER, INC.	32	451.47
35975	03/19/09	GRANT SUPPLY COMPANY INC.	32	1,067.80
35976	03/19/09	GARY W. GRAY TRUCKING, INC.	25	83,732.78
35977	03/19/09	GREAT LAKES ENVIRONMENTAL	42	900.33
35978	03/19/09	GREENBAUM, ROWE, SMITH & DAVIS	08	4,299.10
35979	03/19/09	HALL & ASSOCIATES	08	5,133.51
35980	03/19/09	HAYES PUMP INC.	32	17,419.00
35981	03/19/09	HESS CORPORATION	19	99,489.65
35982	03/19/09	INDEPENDENT OVERHEAD DOOR CO.	32	300.00
35983	03/19/09	INTERNATIONAL SALT COMPANY	32	2,369.18
35984	03/19/09	J&S SALES & SERVICE	32	1,481.90
35985	03/19/09	JERSEY ELEVATOR COMPANY INC.	32	386.44
35986	03/19/09	JOE ROMER TROPHY SHOP	13	13.20
35987	03/19/09	LABCHEM INC.	40	1,101.61
35988	03/19/09	RICHARD LoFORTE	49	99.00
35989	03/19/09	CHARLES P. LOMBARDO	49	750.12
35990	03/19/09	ROBERT G. LUBAN	49	272.55
35991	03/19/09	MAFFEY'S SECURITY GROUP	32	2,543.50
35992	03/19/09	MAGELLAN BEHAVIORAL HEALTH	03	568.89
35993	03/19/09	MARIBELL ASSOCIATES, INC.	31	359.00
35994	03/19/09	MARIDO SERVICES INC.	32	2,387.10
35995	03/19/09	MAX L. BROWN HARDWARE CO., INC.	32	3,262.00
35996	03/19/09	FRANK G. MAZZARELLA	49	128.85
35997	03/19/09	McELROY, DEUTSCH, MULVANEY	08	1,054.00
35998	03/19/09	MCMASTER-CARR SUPPLY CO.	32	2,104.10
35999	03/19/09	MECHANICAL SERVICE CORP.	32	1,791.64
36000	03/19/09	MIDDLESEX WATER COMPANY	33	792.12
36001	03/19/09	MILLER AND CHITTY CO., INC.	32	3,286.40
36002	03/19/09	PREDRAG MLADENOVIC	31	105.00
36003	03/19/09	MOTION INDUSTRIES, INC.	32	546.27
36004	03/19/09	ROBERT MRASZ	04	289.20
36005	03/19/09	JAMES J. MURPHY	49	167.85
36006	03/19/09	NATIONAL FUEL OIL, INC.	24	1,033.14
36007	03/19/09	NEW HORIZONS OF CENTRAL & NORTH NJ	31	2,395.00

36008	03/19/09	NEW PIG CORPORATION	32	161.59
36009	03/19/09	NJ MANUFACTURERS INSURANCE CO.	17	18,085.00
36010	03/19/09	NJ MOTOR VEHICLE COMMISSION	35	75.00
36011	03/19/09	NJ MOTOR VEHICLE COMMISSION	35	71.50
36012	03/19/09	NJ WATER ENVIRONMENT ASSOC.	31	350.00
36013	03/19/09	OMNI ENVIRONMENTAL LLC	08	4,739.85
36014	03/19/09	ONE CALL SYSTEMS, INC.	32	33.00
36015	03/19/09	JOAN PAPAN	49	140.01
36016	03/19/09	PAULUS, SOKOLOWSKI & SARTOR	06	17,389.55
36017	03/19/09	EDMUND PETROSKY	04	289.20
36018	03/19/09	PITNEY BOWES, INC.	48	82.00
36019	03/19/09	POLYDYNE INC.	23	37,368.00
36020	03/19/09	PRECISION ELECTRIC MOTOR WORKS	32	675.00
36021	03/19/09	PSE&G COMPANY	19/42	68,927.74
36022	03/19/09	QC LABORATORIES	41	1,357.00
36023	03/19/09	CITY OF RAHWAY - FIRE DEPT.	37	50.00
36024	03/19/09	RAHWAY ELECTRIC SUPPLY CO.	32	2,984.00
36025	03/19/09	RICHARD LUCAS CHEVROLET	35	156.58
36026	03/19/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	161,596.40
36027	03/19/09	RVSA PETTY CASH	14	190.71
36028	03/19/09	SAFETY-KLEEN CORP.	32	265.34
36029	03/19/09	COLONEL SATTERWHITE	04	289.20
36030	03/19/09	SCOTCH PLAINS-FANWOOD TIMES	13	28.00
36031	03/19/09	PAUL SEFRANKA	49	90.99
36032	03/19/09	WILLIAM SEIBOTH	04	578.40
36033	03/19/09	SEMCOR EQUIPMENT & MFG. CORP.	32	624.00
36034	03/19/09	SMITH TRACTOR & EQUIPMENT INC.	35	200.91
36035	03/19/09	SPECTRASERV INC.	26	7,145.88
36036	03/19/09	STAR LEDGER	12	2,166.68
36037	03/19/09	STORR TRACTOR COMPANY	35	200.44
36038	03/19/09	DONALD STUART	04	289.20
36039	03/19/09	SWERP INCORPORATED	32	2,650.00
36040	03/19/09	GEORGE SZOTAK	04	578.40
36041	03/19/09	TELEDYNE ISCO	41	971.30
36042	03/19/09	TREASURER - STATE OF NJ	37	1,032.00
36043	03/19/09	UNITED PARCEL SERVICE	48	22.84
36044	03/19/09	US FILTER SIEMENS WATER TECH.	40	2,829.00
36045	03/19/09	USA BLUEBOOK	32	634.66
36046	03/19/09	ATTILIO S. VENTURO	49	89.97
36047	03/19/09	VERIZON	11/30	2,181.15
36048	03/19/09	VIRTUAL COMPUTER SOLUTIONS	27	218.75
36049	03/19/09	THOMAS WATTERS	31	50.00
36050	03/19/09	WEINER LESNIAK LLP	07	45,083.05
36051	03/19/09	921-GTS-WELCO	32	343.65
36052	03/19/09	WESTFALIA SEPARATOR, INC.	32	803.10
36053	03/19/09	WHITEMARSH CORPORATION	32	3,248.01
36054	03/19/09	WOODBIDGE AUTO BODY, INC.	35	190.00
36055	03/19/09	WOODRUFF ENERGY	22	4,923.46
36056	03/19/09	ARTHUR M. WRIGHT, JR.	04	289.20

Total Operating Fund Checks: 136
 Total Void Checks: 0
 Total Amount Void: \$0.00
 Total Amount Paid: \$870,980.83

Total All Checks: 146
 Total Void Checks: 0
 Total Amount Void: \$0.00
 Total Amount Paid: \$2,037,268.54

OPERATING FUND	9-01	\$1,010,049.17
BUILDING & EQUIPMENT FUND	9-02	\$1,026,119.61
CONSTRUCTION FUND	9-04	<u>\$ 1,099.76</u>
TOTAL ALL FUNDS		\$2,037,268.54

Mr. Chin made a motion approving and authorizing payment of Consolidated Construction Management Services (CCMS's) February Invoice #1041-09 in an amount of \$183,007.62, with \$67,253.02 payable to CCMS, \$24,419.57 payable directly to PS&S, \$60,311.22 payable directly to CDM, and \$31,023.81 payable directly to M&E, and that such payments will not be released until such time that Contract #155/#156C Amendment #3, approved by the Authority this evening, is received back from CCMS signed and executed. The motion was seconded by Mrs. Papan and approved with the exception of Mr. Sefranka, Mr. Mazzarella and Mr. Venturo who voted against and Mr. Dierkes, Mr. Luban and Mrs. Abram who were absent.

Open the Floor to the Public

No one was present to address the Board.

Closed Session

Mr. Chin made a motion to go into closed session at this time, 8:20 p.m., to discuss legal and personnel related matters, based on Attorney Client privilege. The motion was seconded by Mrs. Papan and unanimously approved.

Mr. Chin made a motion to return to the regular order of business at this time, 8:30 p.m. The motion was seconded by Mr. Murphy and unanimously approved.

Return to Regular Order of Business

Mr. Sefranka stated for the record that in his opinion, the Authority should have severed ties with CCMS as they are not doing a good job, and handled the remaining portion of the contract management/oversight ourselves.

Adjournment

As there was no further business, on motion of Mr. Chin, seconded by Mr. Mazzarella, the meeting adjourned at 8:35 p.m. The motion was unanimously approved.

Robert J. Materna .
Robert J. Materna, Secretary-Treasurer

JG/jg
Attachments