

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Special Meeting held March 31, 2009

- New Business
Approved the following: Stipulation of Settlement; and approval of Change Order #1 on Contract #155 to E.E. Cruz in an amount of \$298,633.92.

RAHWAY VALLEY SEWERAGE AUTHORITY

Special Meeting Minutes – March 31, 2009

The Chairman called the meeting to order at 2:01 p.m.

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

In accordance with the requirements of the Open Public Meetings 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 forwarded to The Star Ledger, the Home News Tribune and the Clerk of each of the eleven member municipalities on March 26, 2009.

The Chairman stated that this Special Emergency Meeting of the Board was agreed to by at least three quarters of the Board to be held in order to take action on the Stipulation of Settlement and related C.O. #1 on Contract #155. He further stated that this meeting was being held via Verizon Conference Call and any member of the public that wished to attend could do so at the Authority Administration Building, Boardroom, located at 1050 East Hazelwood Avenue, Rahway, NJ.

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

.... Hearing no objections, he stated that we shall proceed with our scheduled meeting.

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
Charles P. Lombardo	for the Borough of Garwood
James J. Murphy	for the Township of Cranford
Paul M. Sefranka	for the City of Rahway
Joan Papen	for the Township of Scotch Plains

The following members were absent:

Richard LoForte	for the Borough of Kenilworth
Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
Attilio S. Venturo	for the Borough of Roselle Park

The following were also present:

Michael J. Brinker, Jr., PE	Executive Director
Joanne Grimes	Office Admin./Board Secretary
Brian Hak, Counsel	Weiner Lesniak, LLP
Richard Rudin	Weiner Lesniak, LLP

The Chairman stated that the purpose of this meeting was to take action to execute the Stipulation of Settlement (SOS) with the New Jersey Department of Environmental Protection (NJDEP) and Office of Administrative Law (OAL) and to approve a Change Order on Contract #155 related to the SOS.

A copy of the Stipulation of Settlement was previously provided to the Commissioners.

New Business

The following Resolution #09-27 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mrs. Abram. The resolution was unanimously approved by those present. Mr. LoForte, Mr. Luban, Mr. Mazzarella and Mr. Venturo were absent.

RESOLUTION #09-27

RESOLUTION AUTHORIZING THE EXECUTION OF A STIPULATION OF SETTLEMENT BETWEEN THE RAHWAY VALLEY SEWERAGE AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE STATE OF NEW JERSEY OFFICE OF ADMINISTRATIVE LAW

WHEREAS, the Rahway Valley Sewerage Authority (the "Authority") was engaged in litigation with the New Jersey Department of Environmental Protection (the "Department") and the State of New Jersey, Office of Administrative Law (the "OAL") concerning contested provisions of the Authority's New Jersey Pollutant Discharge Elimination System Permit No. NJ0024643 ("NJPDES Permit") and the Authority's Treatment Works Approval No. 04-0453 ("TWA"); and

WHEREAS, the issues related to the contested provisions of the NJPDES Permit and the TWA were before the OAL under Docket Nos. EWR 11808-2003N and EWR 12193-2004N and subsequently the Appellate Division under Docket No. A-103-08T3 and the Authority, the Department and the OAL all seeking an amicable resolution of all outstanding differences between them now desire to enter into a Stipulation of Settlement (the "Settlement") containing terms and conditions setting forth the rights, duties and responsibilities of the Authority and the Department in this matter.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Rahway Valley Sewerage Authority, Counties of Union and Middlesex, State of New Jersey as follows:

1. All of the foregoing "Whereas" clauses are incorporated by reference herein as if set forth at length.
2. All of the terms and conditions of the Settlement setting forth the rights, duties and responsibilities of the parties are hereby accepted and ratified by the Authority.
3. A true copy of the Settlement is attached hereto and made a part hereof.
4. The Authority hereby authorizes Michael J. Brinker, Executive Director, to execute the Settlement on behalf of the Authority and further authorizes Mr. Brinker to perform any related tasks including the signing of any further documents related to the purposes herein expressed that may arise in the course of completing this matter.

5. All appropriate Authority officials and personnel are authorized to prepare all related documents and perform all tasks that will affect the purposes of this Resolution.
6. This Resolution shall take effect immediately and/or as required by law.

Mr. Chin made a motion, seconded by Mrs. Papen, approving Change Order #1 on Contract #155 – CSP Plant Upgrades to E.E. Cruz of Holmdel, NJ, in an amount of \$298,633.92 for the necessary modifications to the DSN-003 Overflow Chamber in conjunction with the execution of the Stipulation Of Settlement, total amended contract amount not to exceed \$137,435,633.92. The motion was unanimously approved by those present. Mr. LoForte, Mr. Luban, Mr. Mazzarella and Mr. Venturo were absent.

Adjournment

As there was no further business, on motion of Mr. Chin, seconded by Mrs. Abram, the meeting adjourned at 2:06 p.m. The motion was unanimously approved.

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

JG/jg