

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes**

**Regular Meeting held February 18, 2010**

- Minutes  
None.
  
- Election of Officers  
Annual Reorganization and swearing in.
  
- Communications  
OPRA requests from Eugene O’Neill and Matt Murphy; a letter from James Cassella; a letter from Michael J. Brinker; and a letter from Mayor Bonaccorso regarding the Billing Methodology.
  
- Treasurers Reports  
The Treasurer Reports for the month of December 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 and Nominating Committees.
  
- Unfinished Business  
None.
  
- New Business  
Approved the following: Security Purchases; and Adopt the Amended Rules and Regulations.
  
- New Business (Cont’d.)  
Approved the following expenditures: Amend Contract #105-C to CCMS in an amount of \$7,620.00; and Amend Contract #159-A.E to PS&S in an amount of \$97,400.00.
  
- Bills & Claims

OPERATING FUND	0-01	\$1,267,932.49
BUILDING & EQUIP FUND	0-02	192,276.30
OPERATING FUND	9-01	154,966.58
BUILDING & EQUIP FUND	9-02	<u>124,797.58</u>
TOTAL ALL FUNDS:		<u>\$1,739,972.95</u>

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Regular Meeting Minutes – February 18, 2010**

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
Stephen Greet	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
Paul M. Sefranka	for the City of Rahway
Attilio S. Ventura	for the Borough of Roselle Park

\* Arrived after roll call at 7:51 p.m.

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

The following member was absent:

Joan Papen	for the Township of Scotch Plains
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The following were also present:

Robert J. Materna	Secretary-Treasurer
Joanne Grimes	Office Admin./Board Secretary
Robert Valent	Superintendent
James Wancho, P.E.	Paulus, Sokolowski & Sartor
Brian Hak, Esq.	Weiner Lesniak, LLP, General Counsel

The following were also present:

Thomas Macaluso

RVSA Asst. Laboratory Supervisor

Jim Thor

RVSA Employee

Tom Watters

RVSA Employee

**Annual Reorganization – Election of Officers**

The Chairman, Mr. Luban, asked the Secretary to conduct the election for Chairman for the year ending February 17, 2011.

Mr. Materna asked the Nominating Committee for their recommendation for the Office of Chairman for the year ending February 17, 2011.

Mr. Luban was nominated by Mr. Venturo and seconded by Mr. Murphy.

Mr. Materna asked if there were any other nominations.

Mr. Materna stated that he received a proxy ballot from Commissioner Papen for Robert Luban as Chairman.

There were no other nominations. Mr. Materna then stated that there being no further nominations, he asked for a motion to close the nominations.

Mr. Chin made a motion, seconded by Mr. Murphy that the nominations be closed. The motion was unanimously approved by those present and Mrs. Papen who cast her vote via proxy; Mr. Mazzarella and Mrs. Abram were absent.

Mr. Materna then stated that as the Secretary, he cast a ballot for the election of Mr. Luban as Chairman.

The Chairman stated "So ordered".

Mr. Materna declared Mr. Luban as the duly elected Chairman for the year ending February 17, 2011.

The Chairman, Mr. Luban, asked the Secretary to conduct the election for Vice-Chairman for the year ending February 17, 2011.

Mr. Materna asked the Nominating Committee for their recommendation for the Office of Vice-Chairman for the year ending February 17, 2011.

Mr. Mazzarella was nominated by Mr. Venturo and seconded by Mr. Sefranka.

Mr. Materna asks if there were any other nominations.

Mr. Materna stated that he received a proxy ballot from Commissioner Papen for Frank Mazzarella as Vice Chairman.

There were no other nominations. Mr. Materna then stated that there being no further nominations, he asked for a motion to close the nominations.

Mr. Chin made a motion, seconded by Mr. Sefranka that the nominations be closed. The motion was unanimously approved by those present and Mrs. Papen who cast her vote via proxy; Mr. Mazzarella and Mrs. Abram were absent.

Mr. Materna then stated that he cast a ballot for the election of Mr. Mazzarella as Vice-Chairman.

Mr. Materna declared Mr. Mazzarella as the duly elected Vice-Chairman for the year ending February 17, 2011.

### **Administer the Oath Of Office**

Mrs. Grimes, Secretary to the Board (Notary) administered the Oath of Office to Commissioner Chin regarding his reappointment as Commissioner and Commissioner Luban who was appointed as Chairman. As Commissioner Mazzarella was not present action on his appointment will be done at the next meeting.

I, Allen Chin, (854 New England Drive, Westfield, NJ), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people and I will faithfully, impartially and justly perform all the duties of Commissioner to the Rahway Valley Sewerage Authority according to the best of my ability. So help me God.

I, Robert G. Luban, (305 Colonia Blvd., Colonia, NJ 07067), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the authority of the people and I will faithfully, impartially and justly perform all the duties of Chairman to the Rahway Valley Sewerage Authority according to the best of my ability. So help me God.

### **Approval of Minutes**

The Chairman stated that action on the December and January minutes is being deferred at this time.

### **Communications**

An OPRA Request was received January 19, 2010 from Eugene O'Neill of LECG, LLC, regarding the Atlas Supply Company which was located in Mountainside, NJ. Review of the documents was done on January 25, 2010.

An OPRA Request was received January 20, 2010 from Matt Murphy of News 12, regarding travel and meal expenditures for 2009. Review of the documents was done on February 8, 2010.

An OPRA Request was received January 20, 2010 from Matt Murphy of News 12, regarding Capital Expenditures for the calendar year 2009. Review of the documents was done on February 8, 2010.

The following letter addressed to Michael Brinker, Executive Director, was received January 19, 2010 from James L. Cassella, RVSA Assistant to the Executive Director:

“Please accept this letter as notification of my retirement effective April 1, 2010. My last day will be on or about March 1st pending confirmation from Donna Corris of my unused time.

Being here at Rahway Valley, working with you and the staff, has been a positive experience. The rate payers and residents of the member municipalities are fortunate to be served by such dedicated people.

On a personal note, I want to thank you and hope that you are feeling better. Your outstanding knowledge of operating a wastewater treatment facility is certainly a tremendous benefit to all those involved here at the Authority. Once again thank you and please take care of yourself.”

The following letter addressed to Robert Luban, Chairman was received January 26, 2010 from Michael J. Brinker, Jr., Executive Director:

“In accordance with our email communications regarding my health and retirement, and pending approval of my PERS retirement application, please accept this letter as notification of my retirement effective March 1, 2010. My last day will be February 24, 2010.

I have enjoyed working for the Authority as a consultant from 1996-2002 as well as being an employee since 2002. The experience realized during our major construction expansion has been one of a kind that very few individuals realize.

Please notify the Commissioners of my retirement and express my appreciation for their support and cooperation.”

The following letter and attached Resolution addressed to Joanne Grimes were received January 27, 2010 from Edith Merkel, RMC, Township Clerk for the Township of Clark:

“In accordance with NJSA 40:14A-4(e) enclosed please find a certified copy of Resolution 10-26 appoint Frank G. Mazzarella as the Township’s representative to the Rahway Valley Sewerage Authority adopted by the Governing Body of the Township of

Clark at a Regular meeting held January 19, 2010. The term of office commences February 1, 2010 for five years ending February 1, 2015.

As you requested, I have also enclosed a copy of the letter sent to the Department of State.”

Resolution #10-26 – BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following individual is hereby appointed as the Township’s Representative to the Rahway Valley Sewerage Authority.

Frank G. Mazzarella Term: February 1, 2010 – February 1, 2015  
1 Fairview Road  
Clark, NJ 07066

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the Secretary of State of New Jersey in accordance with NJSA 40:14A-49e) and to the Secretary Treasurer of the Rahway Valley Sewerage Authority.

The following letter was received February 11, 2010 from Mayor Sal Bonaccorso from the Township of Clark responding to the Authority’s letter to the member municipalities regarding the Proposed Alternative Billing Methodology:

“It is with great interest that I read your letter concerning the RVSA contemplation of doing a “study” to change the user charge methodology as specified in the 1995 agreement. I say with great interest for 2 separate reasons. First, it seems to be that this study has already been done with the resultant decision from RVSA that it would be too “difficult” to collect from each individual user, rather than from each municipality. Obviously, the municipalities had no “Unanimous” say in that decision. It once again appears that our consultants are seeking additional fees. Second, it also appears that the methodology that you are seeking is just another means of asking each Municipality to have their individual assessment determined by another method.

Clark Township would be happy to have the RVSA develop a billing methodology where, they could develop a “blended rate” as is done in many other Regional Authorities, to name one, North Hudson Sewage Authority. This billing methodology would remove the assessment from the member municipal budgets.

In closing, let me say I applaud the RVSA in recognizing that a great hardship has befallen each municipality in funding your assessments from each of their respective budgets. It has also been a great burden on each of them to meet their “Levy Cap” without eliminating services to their citizens.

Kindly keep us informed as to how we can assist in this project.”

**Report of Treasurer**

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

**Report of Executive Director**

Chairman Luban stated that the Executive Director has filed for retirement from the Authority; he appointed Mr. Robert Materna and Mr. Robert Valent as acting Co-Executive Directors for an interim period.

**Sewer Treatment Endorsements**

The following is a list of Sewer Treatment Endorsements processed between 1/20/10 and 2/16/10. 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>
1159-10-WB	01/29/10	HPFVII Metropark/Drinker Biddle & Reath	Woodbridge
1160-10-WB	02/05/10	Sweetwater Construction Corp.	Woodbridge
1161-10-WB	02/08/10	Walmart Real Estate Bus. Trust/Bohler Eng.	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 Report
- 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 Report 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 #23) is in the amount of \$7,620.00 total amended contract amount of \$2,664,108.56.

**Contract #159 – CSP - Chemical Handling and Feed Systems**

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

Contract #159-E – CSP – Engineering on Chemical Handling and Feed Systems

PS&S submitted a letter dated February 9, 2010 regarding work on Contract #159. They are seeking to amend their contract in an amount of \$97,400.00 which includes \$47,400.00 for future work; and \$50,000.00 for work they have performed. The total amount for work already performed is \$111,000.00 however the amount was negotiated down to \$50,000.00. This item was discussed at previous Engineering Committee Meetings.

User Charges / Billing Methodology

As previously discussed, letters were sent to the member municipalities regarding proposed alternative billing methodology. The Commissioners are asked to communicate with their respective Mayor and Council regarding this matter. To date, a response was received from Clark.

Excess Flow Hearings

Annual Excess Flow Hearings will be held February 25, 2010 for Woodbridge (6:30 p.m.), Kenilworth (7:00 p.m.), Roselle Park (7:30 p.m.) and Springfield (8:00 p.m.). Letters were sent January 6, 2010, to these municipalities regarding the Hearings.

Contract #105-F Forensic Accountant on Cogen Facility

Mr. Joseph Cipolla of Cipolla & Co., the Forensic Accountant working with Counsel on matters related to Contract #105, attended the Engineering Committee Meeting and made a presentation to the Board in closed session.

Report of Consulting Engineer

The following report to the Authority's Board summarizes our activities for the period of January 19, 2010 through February 12, 2010.

Trunk Sewer Rehabilitation - Contract #144

PS&S prepared for and attended mediation with the Contractor, Marvec Construction, on January 12, 2010. A follow-up mediation date has been scheduled for February 16<sup>th</sup>, however was postponed due to the weather. PS&S is currently reviewing documentation received from Marvec's attorney as follow up to mediation discussions.

Air Permitting

PS&S prepared and submitted comments to NJDEP on behalf of the Authority regarding requested clarifications and revisions of conditions of concern in the most recent NJDEP draft Title V Air Permit Modification Approval related to the operation of the Cogen engines.

In addition, upon startup of the Cogeneration/Sludge Drying Facility's Thermal Hot Oil Heater (Oil Heater), PS&S will be providing assistance to the Authority regarding the preparation of the required USEPA notification and information submittal for the startup of the 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 Oil Heater.

Contract #158 Outfall Repair

Montana Construction has completed all contract work and PS&S is processing the final payment requisition which will close out the project.

Contract #159 Chemical Feed System Improvements

Work has continued in both the Headworks and Pump and Blower Buildings. The work includes demolition and installation of the following: double containment chemical piping and supports, HVAC equipment, hydronic piping, dilution and cold water piping, pipe insulation, chemical tanks testing, chemical pumps control panels, pipe testing, ceiling, emergency and exit lights, conduit and wire runs to pump control panels and various electrical devices, and control wire terminations. The contractor has recently submitted his construction schedule with a contract completion date of June 24, 2010. The contractor is currently beyond the original contract completion date of October 27, 2009.

Mr. Chin asked about the delay. Mr. Wancho stated that it was due to the delay of fabricated parts from E.E. Cruz.

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

Spectraserv Inc. has completed all tank rehabilitation and sludge pumping station roof work. PS&S will begin project close out.

Miscellaneous General Consulting

PS&S has provided the following services during this report period:

Review of correspondence related to environmental permit notifications sent to the Authority.

Assistance with user charge/ alternate billing methodology, including consultation with the Authority and preparation of a draft letter to the member municipalities.

User Charge and Flow Rights Reports

The January Flow Rights and User Charge will be prepared by PS&S when the data is available. The Authority is following up with additional sampling related to high BOD and TSS readings noted for Meter No. 20 (Mountainside).

\* Mrs. Abram arrived at this time, 7:51 p.m.

Mr. Wancho stated that he also prepared and submitted the JCO Quarterly Reports to the NJDEP.

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

**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 January 20, 2010 through February 8, 2010.

**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.

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. By letter dated August 25, 2009 the contractor has formally disputed the municipal mechanic's lien claim. Mediation sessions with respect to the subcontractor's claims have been scheduled for February 17, 2010 and February 18, 2010. An additional date may be added if it is necessary. The Authority's mediation statement was provided to the mediator on January 29, 2010.

**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 July 2, 2009 the Authority filed 3rd party claims against its consultants PS&S and CCMS alleging its right to indemnification/contribution based on the contractor's crossclaim for delay and errors and omissions. The parties have been engaged in discovery. CAT/Foley has filed a motion for partial summary judgment seeking judgment against JH Reid in the amount of \$669,250 in contract damages for past generator rental costs and an order that Reid pay \$66,925 monthly beginning January 1, 2010 for future rental costs of the generators. Reid has cross-moved against CAT/Foley for the payment of monies allegedly due Reid pursuant to an agreement entered into between Reid and CAT/Foley. CCMS has also moved for a stay of the court proceedings so that the matter may be sent to the alternate dispute procedures set forth in its contract with the Authority. The parties have entered into a Consent Order whereby the motions filed by CAT/Foley and Reid have been withdrawn without prejudice and the case shall proceed according to the alternate dispute procedures set forth in the contract with CCMS.

We have also had extensive consultations with the Executive Director regarding the exhaust breeching restraint issue. Waldron Engineering has been retained by the Authority for purposes of calculating the design pressure so that a redesign of the breeching system can be performed.

Waldron's final report dated January 12, 2010 regarding this issue has been distributed to all parties and the Board.

This matter will be discussed in detail in Executive Session.

### Miscellaneous

#### 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 prepared by the Authority's consultants denying the basis for the contractor's claims has been forwarded to the contractor. A mediation session regarding the contractor's claims was held at the Authority's offices on January 12, 2010 and an additional session will be held on February 16, 2010.

#### 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.

The Authority filed its Answer to the Third Party Complaint on September 25, 2009. This office

has been selected to serve on a Steering Committee in order to provide a voice to public entity third-party defendants, such as the Authority, with respect to certain procedural issues including early disposition through motions to dismiss. This office has also been asked to participate on a sewerage authority subcommittee which is responsible for coordinating efforts with other sewerage authority third party defendants for purposes of presenting defenses that are unique to the subgroup a meeting of which was held on February 1, 2010. In addition, an ADR Planning Session meeting was held on January 14, 2010 the objective of which was to obtain ideas from counsel relating to the scope of settlement, timetable for negotiations, structure of ADR discussions, and funding issues. This matter may be discussed in Executive Session.

### Clark Twsp. Assessment Issue

On August 18, 2009 the Authority was served with a lawsuit filed by Clark Twsp. seeking to rescind or otherwise reform the 1995 Service Agreement in order to allow for a reduction in the Township's assessment due to the closure of operations of a major industrial user, United Gypsum. This office filed a motion to dismiss Clark's third-party complaint on September 22, 2009 with which all of the other member municipalities joined. By Letter Opinion dated December 8, 2009 the court granted the Authority's motion. No Notice of Appeal has been filed by Clark and its opportunity to do so has expired.

### Committee Reports

Chairman: A copy of the 2/18/2010-2/17/2011 Committee Appointments have been distributed to the Commissioners this evening. As those Committees take effect after this meeting, the Committee reports to be given this evening shall be from the existing Committee members.

#### 2010 Committees

<u>Committee</u>	<u>Chairperson</u>	<u>Committee Members</u>		
Engineering	Allen Chin	Paul Sefranka	Joan Papen	
Finance	Joan Papen	Allen Chin	James Murphy	Rene Dierkes
Insurance Review	James Murphy	Allen Chin	Rene Dierkes	
Legal	Frank Mazzarella	Paul Sefranka	Richard LoForte	James Murphy
Nominating	Attilio Ventura	Maria Abram	Richard LoForte	
Personnel	Rene Dierkes	Frank Mazzarella	Richard LoForte	Allen Chin
Public Relations	Paul Sefranka	Maria Abram	Rene Dierkes	
Security	Stephen Greet	James Murphy	Maria Abram	
Sludge Management	Attilio Ventura	Stephen Greet	Joan Papen	

Chairman: Are there reports from any of the following Committees:

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

Mr. Chin stated that an Engineering Committee Meeting was held February 11, 2010, at which time several items were discussed. Items that require action are on the agenda under New Business.

#### Finance Committee (Joan Papen)

Mr. Murphy 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)

No report.

Nominating Committee (Attilio Venturo, Chairman)

Mr. Venturo stated that a Nominating Committee Meeting was held February 11, 2010 at which time the annual reorganization and appointments of the Chairman and Vice Chairman were discussed. This was acted on earlier in the meeting.

Legal Committee (Frank Mazzarella, Chairman)

No report.

Personnel Committee (Rene Dierkes, Chairman)

No report.

Public Relations Committee (Paul Sefranka, Chairman)

No report.

Security Committee (Frank Mazzarella, Chairman)

No report.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

**Unfinished Business**

None.

**New Business**

The following Resolution #10-08 was offered by Mr. Murphy, on motion of Mr. Murphy, and seconded by Mr. Greet. The resolution was approved by those present with the exception of Mr. Chin who noted he is not a Director of the Town Bank, however, he abstained. Mrs. Papen was absent.

RESOLUTION #10-08

BE IT RESOLVED that the officers of the Rahway Valley Sewerage Authority be and are hereby authorized to invest the following for the Operating Fund, to mature on March 10, 2010:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$1,001,025.00	1.23%	Town Bank, Westfield, NJ

The following Resolution #10-09 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present. Mrs. Papen was absent.

RESOLUTION #10-09

SECOND READING

WHEREAS, the Rahway Valley Sewerage Authority (Authority) had previously adopted “Rules and Regulations Concerning Discharges to the Rahway Valley Sewerage Authority” (Rules and Regulations), Seventh Revision dated August 21, 2008, Effective February 1, 2009; and

WHEREAS, the Authority is permitted to amend and/or revise such Rules and Regulations pursuant to New Jersey Statute; and

WHEREAS, the Authority in conjunction with the New Jersey Department of Environmental Protection (NJDEP) and the Authority’s General Counsel have determined that it is necessary to revise said Rules and Regulations to comply with New Jersey Statutes and NJDEP Regulations.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) previously approved on first reading the “Rules and Regulations Concerning Discharges to the Rahway Valley Sewerage Authority” (Rules and Regulations), Eighth Revision dated January 21, 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Rahway Valley Sewerage Authority that it hereby formally adopts the amended the Rules and Regulations as set forth in the attached document entitled “Rules and Regulations Concerning Discharges to the Rahway Valley Sewerage Authority” Eighth Revision, adopted this 18<sup>th</sup> day of February, 2010; and

BE IT FURTHER RESOLVED that these Rules and Regulations shall take effect March 1, 2010 and a copy of same will be transmitted to the Clerk of each of the municipalities and posted on the Authority’s website.

The following Resolution #10-10 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present. Mrs. Papen was absent.

RESOLUTION #10-10

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, #09-49, #09-58, #09-60, #09-64, #09-70, #09-95, #10-05 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 \$7,620.00; 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 2010 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 \$2,656,488.56 be and are hereby amended to provide for the increased contract amount of \$7,620.00 resulting in an amended contract amount not to exceed \$2,664,108.56; 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.

The following Resolution #10-11 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Greet. The resolution was approved by those present with the exception of Mr. Sefranka who voted against. Mrs. Papen was absent.

RESOLUTION #10-11

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolution #08-49, #08-84 and related Agreements for Contract #159-E, for the purpose of engaging Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ, for Professional Services specifically related to Contract #159-E Chemical Feed Systems; and

WHEREAS, the Authority has determined that there is a need to amend this agreement for the ongoing Engineering work being performed by PS&S (and CDM) related to the construction work on Contract #159 – Chemical Feed System; and

WHEREAS, Paulus, Sokolowski & Sartor submitted documentation reflecting the need for additional monies related to the additional scope on this contract, \$50,000.00 for completed work and \$47,400.00 for the remaining work on this contract, for a total of \$97,400.00; and

WHEREAS, the additional amount to be authorized for this Contract is \$97,400.00; 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 2010 Annual Budget.

WHEREAS Professional Services have been determined to be exempt from public bidding under N.J.A.C. 40A:11-1 et. seq.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with Paulus, Sokolowski & Sartor in an amount of \$60,300.00; be and are hereby amended to provide for the increased contract amount of \$97,400.00 resulting in a total contract not to exceed \$157,700.00; and

BE IT FURTHER RESOLVED that the Chair 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.

**Bills and Claims**

Mr. Dierkes 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. Mrs. Papen was absent.

**BUILDING & EQUIPMENT FUND**

<b>CHECK</b>	<b>DATE</b>	<b>VENDOR</b>	<b>ACCT/LINE#</b>	<b>AMOUNT</b>
2500	02/18/10	A&A INDUSTRIAL PIPING, INC.	140.7	28,170.10
2501	02/18/10	C & M DOOR CONTROLS	123	8,225.00
2502	02/18/10	CIPOLLA & COMPANY, LLC	140.9	58,822.36
2503	02/18/10	CONSOLIDATED CONSTRUCTION MGT.	140.2/7	8,940.63
2504	02/18/10	EE CRUZ COMPANY INC.	140.7	20,000.00
2505	02/18/10	HATCH MOTT MACDONALD	140.2	31,852.79
2506	02/18/10	J.H. REID, GENERAL CONTRACTOR	140.2	58,976.25
2507	02/18/10	MILLER MECHANICAL CORPORATION	140.7	7,875.00
2508	02/18/10	OMNI ENVIRONMENTAL LLC	140.7	1,069.23
2509	02/18/10	PAULUS, SOKOLOWSKI & SARTOR	140.2/4	10,843.20
2510	02/18/10	WALDRON ENGINEERING	140.2	12,800.00

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
2511	02/18/10	WEINER LESNIAK LLP	140.2/4/7/9	69,499.32

**OPERATING FUND-MANUAL**

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
197	02/12/10	NEW JERSEY STATE HEALTH BENEFITS	03/04	83,976.89

**Total Manual Checks: 1**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$83,976.89**

**OPERATING FUND**

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
37290	01/25/10	STATE OF NJ BUREAU OF REVENUE	37	2,950.00
37291	01/29/10	ADP, INC.	03	170.28
37292	01/29/10	COGENT COMMUNICATIONS, INC.	27	674.00
37293	01/29/10	DELTA DENTAL PLAN OF NJ	03	5,966.76
37294	01/29/10	ELIZABETHTOWN GAS	22	2,902.51
37295	01/29/10	ELIZABETHTOWN GAS	22	8,264.92
37296	01/29/10	HESS CORPORATION	19	148,649.45
37297	01/29/10	NORTHERN SAFETY CO., INC.	31	293.54
37298	01/29/10	PSE&G COMPANY	19	43,735.18
37299	01/29/10	RAHWAY VALLEY SEWERAGE AUTH.	01/02	208,510.62
37300	01/29/10	STANDARD INSURANCE COMPANY	03	2,180.54
37301	01/29/10	VERIZON	11/30	977.01
37302	01/29/10	VERIZON WIRELESS	11	755.99
37303	01/29/10	WOODRUFF ENERGY	22	5,706.38
37304	02/16/10	HOME DEPOT CREDIT SERVICES	32	175.82
37305	02/16/10	PURCHASE POWER	48	1,218.99
37306	02/16/10	STAPLES CREDIT PLAN	27	162.28
37307	02/16/10	VISION SERVICE PLAN	03	1,255.80
37308	02/16/10	TRUMP MARINA HOTEL CASINO	15/49	450.00
37309	02/18/10	A TOUCH OF ITALY	49	235.40
37310	02/18/10	ACCELERATED TECHNOLOGY	40	14,174.30
37311	02/18/10	ACCESS SYSTEMS INTEGRATION LLC	31	345.00
37312	02/18/10	ADP, INC.	16	1,667.60
37313	02/18/10	ALL AMERICAN SEWER SERVICE INC	32	5,985.00
37314	02/18/10	AMERICAN INDUSTRIAL SUPPLY	32	352.72
37315	02/18/10	AMERICAN WEAR	32	1,488.25
37316	02/18/10	ASSOCIATED AUTO PARTS	35	157.70
37317	02/18/10	A & W FLAGS	32	649.80
37318	02/18/10	BALCO INDUSTRIES INC.	31	1,370.00
37319	02/18/10	BOWCO LABORATORIES, INC.	32	63.00
37320	02/18/10	BUREAU OF NATIONAL AFFAIRS, INC.	41	2,597.00
37321	02/18/10	C & M DOOR CONTROLS	32	1,250.00
37322	02/18/10	CANON BUSINESS SOLUTION	16	888.60
37323	02/18/10	CASCADE WATER SERVICES	32	450.00
37324	02/18/10	CDW GOVERNMENT, INC.	27	687.51
37325	02/18/10	CHARLES F. CONNOLLY DIST. CO.	32	225.49
37326	02/18/10	CITY OF RAHWAY UNITED WATER RES.	33	2,445.30
37327	02/18/10	COOPER ELECTRIC SUPPLY CO.	32	841.71
37328	02/18/10	CUNY & GUERBER, INC.	32	126.39
37329	02/18/10	D2L ASSOCIATES, INC.	42	2,480.00
37330	02/18/10	DIVITA BALANCE SERVICE CO. LLC	40	340.00
37331	02/18/10	e-CUBED CONSULTING, LLC	31	750.00

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
37332	02/18/10	EDIBLE ARRANGEMENTS-WOODBRIDGE	18	81.00
37333	02/18/10	ELIZABETHTOWN GAS	22	10,625.21
37334	02/18/10	ENVIRONMENTAL RESOURCE ASSOC.	40	854.00
37335	02/18/10	ELIZABETHTOWN GAS	22	9,304.92
37336	02/18/10	FEDEX	48	117.98
37337	02/18/10	KIDDE FENWAL, INC.	32	1,755.00
37338	02/18/10	FISHER SCIENTIFIC	40	891.90
37339	02/18/10	FREDERICK T. GEARDINO	31	54.50
37340	02/18/10	W.W. GRAINGER, INC.	32	750.35
37341	02/18/10	GARY W. GRAY TRUCKING, INC.	25/26	40,576.21
37342	02/18/10	GREENBAUM, ROWE, SMITH & DAVIS	08	143.50
37343	02/18/10	HACH COMPANY	40/41	2,589.35
37344	02/18/10	HALL & ASSOCIATES	08	295.47
37345	02/18/10	HESS CORPORATION	19	132,472.87
37346	02/18/10	INFILCO DEGREMONT, INC.	32	247.40
37347	02/18/10	ITT WATER AND WASTEWATER	32	1,127.59
37348	02/18/10	JERSEY ELEVATOR COMPANY INC.	32	632.99
37349	02/18/10	JOHNSTONE SUPPLY	31	338.14
37350	02/18/10	KISTLER O'BRIEN	32	760.00
37351	02/18/10	LABCHEM INC.	40	1,111.05
37352	02/18/10	LIBERTY MUTUAL INSURANCE GROUP	17	12,261.55
37353	02/18/10	LONGO ELECTRICAL-MECHANICAL, INC.	32	1,305.00
37354	02/18/10	SCOTT W. MACKIN	31	99.99
37355	02/18/10	GARY A. MARANO	31	99.00
37356	02/18/10	McELROY, DEUTSCH, MULVANEY	08	2,068.31
37357	02/18/10	MCMASTER-CARR SUPPLY CO.	32/43	967.77
37358	02/18/10	MIDDLESEX WATER COMPANY	33	859.80
37359	02/18/10	MSI SERVICES, INC.	27	525.00
37360	02/18/10	NATIONAL FUEL OIL, INC.	24	2,060.63
37361	02/18/10	NJ MANUFACTURERS INSURANCE CO.	17	19,072.00
37362	02/18/10	NJ MOTOR VEHICLE COMMISSION	35	75.00
37363	02/18/10	NJ MOTOR VEHICLE COMMISSION	35	71.50
37364	02/18/10	TREASURER - STATE OF NJ	37	30.00
37365	02/18/10	TREASURER - STATE OF NJ	37	204,539.84
37366	02/18/10	NORTHERN SAFETY CO., INC.	31/32	1,445.50
37367	02/18/10	NW FINANCIAL GROUP	09	212.50
37368	02/18/10	O'JOHNNIES, INC.	13	183.31
37369	02/18/10	ONE CALL SYSTEMS, INC.	32	39.60
37370	02/18/10	DAVID PATRICK	31	448.50
37371	02/18/10	PITNEY BOWES INC.	13	81.58
37372	02/18/10	POLYDYNE INC.	23	33,439.00
37373	02/18/10	PSE&G COMPANY	19	300.34
37374	02/18/10	QC LABORATORIES	41	1,462.00
37375	02/18/10	RAHWAY ELECTRIC SUPPLY CO.	32	155.89
37376	02/18/10	RICHARD LUCAS CHEVROLET	35	219.13
37377	02/18/10	MICHAEL ROGERS, SR.	31	99.00
37378	02/18/10	RAHWAY VALLEY SEWERAGE AUTHORITY	01/02	313,249.36
37379	02/18/10	PETTY CASH	14	205.25
37380	02/18/10	ROBERT SAFCHINSKY	31	99.99
37381	02/18/10	SMARTSIGN.COMPANY	31	185.40
37382	02/18/10	SPECTRASERV INC.	26	968.20
37383	02/18/10	STAPLES BUSINESS ADVANTAGE	27	69.99
37384	02/18/10	STAR LEDGER	12	66.12
37385	02/18/10	SUNBELT RENTALS	35	1,541.00
37386	02/18/10	SUPLEE, CLOONEY & COMPANY	08	600.00
37387	02/18/10	TELEDYNE ISCO, INC.	41	2,065.03
37388	02/18/10	JAMES THOR	31	499.00

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
37389	02/18/10	TRAVELERS	17	885.00
37390	02/18/10	UNISAFE INC.	31	269.60
37391	02/18/10	UNITED PARCEL SERVICE	48	81.63
37392	02/18/10	US FILTER SIEMENS WATER TECH.	40	738.00
37393	02/18/10	U.S. HEALTHWORKS MEDICAL	50	286.00
37394	02/18/10	USA BLUEBOOK	32	419.76
37395	02/18/10	VERIZON	11/30	1,335.43
37396	02/18/10	VERIZON WIRELESS	11	851.41
37397	02/18/10	WEINER LESNIAK LLP	07	15,597.58
37398	02/18/10	921-GTS-WELCO	32	580.12
37399	02/18/10	WIDMER TIME RECORDER CO., INC.	13	240.41
37400	02/18/10	WIPE-TEX INTERNATIONAL	32	1,435.00
37401	02/18/10	WOODRUFF ENERGY	22	35,130.89
37402	02/18/10	DARREN ZUJKOWSKI	31	100.00

**Total Operating Fund Checks: 113**  
**Total Void Checks: 0**  
**Total Amount Void: 0.00**  
**Total Amount Paid: 1,338,922.18**

**Total All Checks: 12**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$1,739,972.95**

OPERATING FUND	0-01	1,267,932.49
BUILDING & EQUIP FUND	0-02	192,276.30
OPERATING FUND	9-01	154,966.58
BUILDING & EQUIP FUND	9-02	124,797.58
TOTAL ALL FUNDS:		1,739,972.95

**Open the Floor to the Public**

No one addressed the Board.

**Closed Session**

Mr. Sefranka made a motion to go into closed session at 8:00 p.m. The motion was seconded by Mr. Chin and approved by those present.

Mr. Murphy made a motion, seconded by Mrs. Abram, to return to regular order of business at 9:05 p.m. The motion was approved by those present.

**Regular Order of Business**

Mr. Valent stated that he wished to report that the Baldor Generators are up and ready to be used as needed.

**Adjournment**

As there was no further business, on motion of Mr. Murphy, seconded by Mr. Greet, the meeting adjourned at 9:08 p.m. The motion was unanimously approved.

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

JG/jg  
Attachments