

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes**

**Special Meeting held July 1, 2009**

- New Business  
Approved the following: Amend C.O. #11 on Contract #105 to J.H. Reid Contractors, at no additional cost; and to approve amending Contract #155-156C to CCMS in an amount of \$175,000.00.

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Special Meeting Minutes – July 1, 2009**

The Chairman called the meeting to order at 1:00 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 June 29, 2009.

The Chairman stated that this Special 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 matters on Contract #105 and #155-156C. 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        |
|        | 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            |
|        | Joan Papen                           | for the Township of Scotch Plains |
|        |                                      |                                   |
| *      | Arrived after roll call at 1:22 p.m. |                                   |
| **     | Arrived after roll call at 1:30 p.m. |                                   |
| ***    | Departed the meeting at 1:37 p.m.    |                                   |
| ****   | Departed the meeting at 2:00 p.m.    |                                   |

The following members were absent:

|                    |                                 |
|--------------------|---------------------------------|
| Richard LoForte    | for the Borough of Kenilworth   |
| Attilio S. Venturo | for the Borough of Roselle Park |

The following were also present:

|                             |                               |
|-----------------------------|-------------------------------|
| Michael J. Brinker, Jr., PE | Executive Director            |
| Robert J. Materna           | Secretary-Treasurer           |
| Joanne Grimes               | Office Admin./Board Secretary |
| Brian Hak, Counsel          | Weiner Lesniak, LLP           |

The Chairman stated that the purpose of this meeting is to discuss and possibly take action on an amendment to a Change Order previously made on Contract #105; and the Construction Management Services presently being provided by CCMS on Contract #155-156C. A letter requesting an amendment to their existing contract was received, in the amount of \$310,174.00. A copy of the letter was forwarded to the Commissioners for review. This matter may be discussed in Closed Session.

**Closed Session**

Mr. Luban made a motion to go into closed session at this time, 1:07 p.m., based on Attorney Client privilege. The motion was seconded by Mrs. Papen and approved by those in attendance; Mrs. Abram, Mr. Chin, Mr. Venturo and Mr. LoForte were absent.

- \* Mrs. Abram joined the meeting, at 1:22 p.m.
- \*\* Mr. Chin joined the meeting, at 1:30 p.m.
- \*\*\* Mr. Murphy departed the meeting, at 1:37 p.m.
- \*\*\*\* Mrs. Abram departed the meeting, at 2:00 p.m.

Mr. Luban made a motion to return to the regular order of business at this time, 2:17 p.m. The motion was seconded by Mr. Chin and approved by those present; Mrs. Abram, Mr. Murphy, Mr. Venturo and Mr. LoForte were absent.

**Return to Regular Order of Business**

The Chairman asked if there was action based on what was discussed in Closed Session.

**New Business**

The following Resolution #09-51 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Sefranka and the Chairman requested a roll call vote.

| <u>AYES</u>  | <u>NAYS</u>   | <u>ABSTAIN</u> | <u>ABSENT</u> |
|--------------|---------------|----------------|---------------|
| Garwood      | Clark         |                | Cranford      |
| Mountainside | Scotch Plains |                | Kenilworth    |
| Rahway       |               |                | Roselle Park  |
| Westfield    |               |                | Springfield   |
| Woodbridge   |               |                |               |

As the vote was 5 to 2, the resolution was approved.

**RESOLUTION #09-51**

WHEREAS, the Rahway Valley Sewerage Authority (“Authority”) previously approved Resolutions #05-14, #09-09, #09-18, #09-24 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; and

WHEREAS, said documentation reflects a total amount of \$310,174.00 for the remainder of the contract; and

WHEREAS, the Authority has reviewed the proposal and related correspondence from CCMS and its Subcontractors for said extension and has determined that there is a need to amend this agreement and authorizes a total amount of \$175,000.00 for the period ending July 31, 2009, total not to exceed \$11,925,421.71; 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 (Authority) that the previously adopted Resolutions and related Agreements with CCMS in an amount of be and are hereby amended to provide for the increased contract amount of \$175,000.00 resulting in an amended contract amount not to exceed \$11,925,421.71; and

BE IT FURTHER RESOLVED that the Authority Board of Commissioners approves an extension of this contract through July 31, 2009, subject to the following:

1. All work required for the completion of this contract shall be finished no later than July 31, 2009.
2. The maximum amount that CCMS and its three (3) sub-consultants, AECOM, CDM and PS&S, may incur and shall not exceed is \$175,000.00.
3. CCMS is to immediately provide the Authority Executive Director with an itemized list of all task items that are to be performed by CCMS and its sub-consultants from July 1, 2009 through July 31, 2009.
4. On a weekly basis, CCMS and its three (3) sub-consultants shall submit to the Executive Director’s attention, time sheets indicating the individuals who worked on the project, the number of hours of work performed by each individual on a daily basis and the dollar value associated with that time. Such time sheets shall be provided to the Executive Director no later than the close of business on Friday at the end of each week.
5. A Progress Report shall be submitted to the Executive Director no later than July 15,

2009, wherein progress of the work in terms of tasks completed, the total number of hours spent and all costs incurred up to and including July 14, 2009 on behalf of CCMS and its three (3) sub-consultants will be delineated. The Progress Report shall also contain an itemization of tasks that remain to be completed and the projected cost to complete them. If either CCMS or any of its sub-consultants are unable to complete the remaining work by the July 31, 2009 deadline they are to provide the Executive Director with notice of same no later than July 7, 2009, and a detailed explanation as to why the work cannot be completed.

BE IT FURTHER RESOLVED that the Executive Director shall formalize the forgoing in a letter to be executed by both parties; and

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

Mr. Brinker stated that at the May 21, 2009 Meeting, a motion was approved authorizing him (the Executive Director) to execute Change Order #11 on Contract #105-Cogeneration/Sludge Drying Facility for the purchase and installation of two 2000 KW Kohler Diesel Fueled Gen Sets at a cost of \$1,979,314.00. Mr. Brinker added that he was advised that one of the Kohler engines that was supposed to be shipped to the Authority was sold to another entity and in an effort not to lose time, the contractor has suggested switching to Mitsubishi Gen Sets. An email regarding this matter was forwarded to the Commissioners.

Mr. Sefranka made a motion to amend the previously adopted motion and execute Change Order #11 with J.H. Reid Contractors, for the purchase and installation of two 2000 KW Mitsubishi-Baldor Diesel Fuel Gen Sets at the same cost previously approved for said Change Order. The motion to amend was seconded by Mr. Luban and approved by those present. Mrs. Abram, Mr. Murphy, Mr. Venturo and Mr. LoForte were absent.

The motion as amended was approved by those present. Mrs. Abram, Mr. Murphy, Mr. Venturo and Mr. LoForte were absent.

### **Adjournment**

As there was no further business, on motion of Mrs. Papen, seconded by Mr. Luban, the meeting adjourned at 2:20 p.m. The motion was approved by those present.

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

JG/jg