

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Regular Meeting held August 12, 2010

- Minutes
None.

- Communications
Two OPRA Requests.

- Treasurers Reports
The Treasurer Reports for the month of June 2010 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, Finance and Personnel Committees.

- Unfinished Business
None.

- New Business
Approved the following expenditures: Amend Contract #105-C with CCMS in an amount of \$14,533.42; Award Contract #1011 to Peregrine Technical in an amount of \$68,015.00; and Amend Contract #105-F with Cipolla & Co. to cap their monthly expenditures at \$135,000.00.

- Bills & Claims

| | | |
|---------------------------|------|---------------------|
| OPERATING FUND | 0-01 | \$963,685.51 |
| BUILDING & EQUIPMENT FUND | 0-02 | <u>\$357,323.00</u> |
| TOTAL ALL FUNDS | | \$1,399,674.44 |
| | | |
| BUILDING & EQUIPMENT FUND | 0-02 | <u>\$195,222.44</u> |
| TOTAL OF ALL FUNDS: | | \$195,222.44 |

RAHWAY VALLEY SEWERAGE AUTHORITY

Regular Meeting Minutes – August 12, 2010

As the Chairman and Vice Chairman were not present, Commissioner Papen was asked to serve as Chair for this meeting and as such to run the meeting. Commissioner Papen agreed and then called the meeting to order at 8:00 p.m.

The Chairman reads 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 August 10, 2010.

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 |
| **** | James J. Murphy | for the Township of Cranford |
| | Joan Papen | for the Township of Scotch Plains |
| | Paul M. Sefranka | for the City of Rahway |
| | Attilio S. Venturo | for the Borough of Roselle Park |

* Mr. Chin arrived after roll call at 8:17 p.m.

** Mr. Luban arrived after roll call at 8:30 p.m.

*** Mrs. Abram left the meeting at 8:25 p.m.

**** Mr. Murphy left the meeting at 10:17 p.m.

The following member was absent:

| | |
|---------------------|---------------------------|
| Frank G. Mazzarella | for the Township of Clark |
|---------------------|---------------------------|

The following were also present:

| | |
|-------------------|--------------------------------------|
| Robert J. Materna | Secretary-Treasurer |
| Joanne Grimes | Office Admin./Board Secretary |
| Robert Valent | Superintendent |
| Brian Hak, Esq. | Weiner Lesniak, LLP, General Counsel |

The following were also present:

| | |
|--------------------|------------------------------------|
| John Buonocore | RVSA Staff Engineer |
| Anthony Gencarelli | RVSA Mgr. of Regulatory Compliance |
| Thomas Watters | RVSA Employee |
| Joseph Cipolla | Cipolla & Co. |
| Bryan Hallberg | Cipolla & Co. |
| Elliott Caroon | The Star Ledger |
| Wayne Baker | Westfield Leader |
| Matthew Baker | Westfield Resident |

Approval of Minutes

The July 15, 2010 Minutes were not finished as of this meeting; therefore, action on said minutes was deferred to the September 16, 2010 meeting.

Communications

An OPRA request was received from Elliot Caroon of the Star Ledger regarding Contract #105. The requested information was provided.

The Township of Woodbridge submitted an OPRA request for Minutes and Budget documents. Their requests have been responded to.

Report of Treasurer

The Treasurer’s Reports for the month of June 2010 have been distributed to the Commissioners for review and will be attached to the minutes. So ordered.

Report of Executive Director

Sewer Treatment Endorsements

The following is a list of Sewer Treatment Endorsements processed between 7/17/10 and 8/10/10. 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> |
|---------------|-------------|------------------------------|---------------------|
| 1198-10- WB | 07/26/10 | Action Builders | Woodbridge |
| 1199-10-WB | 07/27/10 | Milrose Construction | Woodbridge |
| 1200-10-WB | 08/04/10 | Golden Era / AJV Engineering | Woodbridge |
| 1201-10-RW | 08/06/10 | K&J Niemczyk | Rahway |
| 1202-10-CL | 08/10/10 | Andrew & Rachel Hawruluk | Clark |

Monthly Reports

The following reports were received and distributed to the Commissioners:
 PS&S Monthly Engineering Report

Weiner Lesniak – Monthly Report
 RVSA Contractors & Engineers Claims for Payment
 RVSA Purchase Orders in Excess of \$1500.
 RVSA Monthly Operations Report
 IPP Monthly Report (June)
 Monthly Grievance Report

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 invoices (Amendment #26 & #27) in the amounts of \$6,170.00 and \$8,363.42 (total \$14,533.42) total amended contract amount of \$2,708,994.98. This was reported to the Board at the July meeting and action was supposed to be on the agenda under New Business, however, was mistakenly left off; therefore it is on this evenings agenda for action under New Business.

Contract #144 Trunk Sewer Rehab

The Release was executed and the final payment was made. The contract is officially closed out.

Contract #162 – Roof Replacement - REBID #1

The contract documents have been provided to the contractor, Integrity Roofing, to be executed.

Contract #1011 – 2010 Air Emissions Testing Services

A Request For Proposals was posted on the Authority's website and notice was sent to three vendors. Four Proposals were received on July 13, 2010 as follows:

| <u>Company</u> | <u>Amount</u> |
|--|---------------|
| LCH Consulting Associates Elverson, PA | \$64,450.00 |
| Peregrine Technical Services Quakertown, PA | \$68,015.00 |
| O'Brien & Gere Engineers Inc. East Norriton, PA | \$75,800.00 |
| Avogadro Environmental Corp. Easton, PA | \$100,190.00 |

The documents were reviewed by Anthony Gencarelli, Manager of Regulatory Compliance and also by Counsel. A copy of Mr. Gencarelli's recommendation letter was distributed to the Commissioners. Action is on the agenda under New Business to award to Peregrine.

Report of Consulting Engineer

Mr. Wancho could not attend the meeting because of a conflict in scheduling prior to the Authority rescheduling its August meeting. However, he submitted the following report to the Authority Board which summarizes their activities for the period of July 10, 2010 through August 6, 2010.

Air Permitting

No activity this period.

During prior periods 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.

Contract #159 Chemical Feed System Improvements

Work has continued in both the Headwork's and Pump and Blower Buildings. The work includes installation of the following: HVAC equipment, ductwork and conduit and wire runs to various electrical devices/field instruments. Modification to the local area panels includes control wire terminations, control system loop checks to determine system function and programming for the instrumentation and control system. A revised construction schedule was received indicating a contract completion date of October 12, 2010. The construction schedule is being compressed to achieve an earlier completion date.

Mr. Ventura asked why this contract was behind schedule. Mr. Valent stated that this item was separated from the plant upgrade contract #155 for various reasons. He added that the contract, A&A Industrial Piping, is behind schedule because of a delay in some of the required equipment being received. Mr. Valent further noted that the contract is almost complete.

Contract #162 Administration Building Roof

PS&S prepared the contracts for signature and issued the Notice of Award to Integrity Roofing. We are awaiting their submittal of signed contracts, bonds and insurance.

Miscellaneous General Consulting

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

- PS&S prepared plans and specifications for a new gas line to the Service Building boilers for review by RVSA staff.

Mr. Ventura stated that in his opinion that this gas was supposed to be used in the Cogen facility and that he is tired of the cost overruns. Mr. Valent noted that this contract was undertaken in an effort to save money on gas – but using the gas in the boilers instead of flaring it off, this will also help to re-coop some of the loss.

- Review of revised Middlesex County Park project drawings for impact with the outfall; contacted Middlesex County consultant to arrange meeting to discuss proposed work.

* Mr. Chin arrived at this time, 8:17 p.m.

User Charge and Flow Rights Reports

PS&S prepared and submitted the July Flow Rights and User Charge reports. PS&S will finalize the August reports covering July when the data has been received.

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 July 13, 2010 through August 9, 2010.

CSP Improvements & related issues

Contract #155

A mediation session with respect to the electrical subcontractor's remaining claim which was filed against the Authority was held on May 10, 2010. No resolution of the claim was reached at that time. An additional date has been scheduled for September 28, 2010. This matter may be discussed in Executive Session.

Contract #105 - Cogeneration Facility

The Authority and the contractor have been named as defendants in a lawsuit filed by Caterpillar and Foley Power Systems ("CAT/Foley") seeking to repossess the temporary diesel generators that were installed by CAT/Foley on the Authority's property pursuant to an agreement executed between them and the contractor. The Authority's responsive pleading setting forth its Answer, Counterclaim and Crossclaim, including its claim for liquidated damages against the contractor, was filed on April 9, 2009. On July 2, 2009 the Authority filed third 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 case shall proceed according to the alternate dispute procedures set forth in the contract with CCMS.

We have had extensive consultations with the Authority's damages expert, Cipolla & Co., LLC, engineering expert, CME Associates, and Authority staff regarding the case. In addition, notices have been sent by this office to existing parties as well as a number of additional parties that the Authority will be bringing into the litigation.

This matter will be discussed in further detail in Executive Session.

MiscellaneousNJDEP 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 public entity subcommittee which is responsible for coordinating efforts with other municipal and sewerage authority third party defendants for purposes of presenting defenses that are unique to the subgroup. In addition, this office has sent notices to all insurance carriers that that could be identified that issued policies to the Authority from approximately 1959 to the present. A number of these insurance carriers have agreed to provide the Authority with coverage subject to a reservation of rights.

Recently, discussions regarding alternate dispute resolution (ADR) have broken down and the case is currently proceeding on a litigation track. This office will be filing a motion to dismiss the claims set forth in the third party complaint. The Authority's papers in this regard are due on September 3, 2010.

This matter will be discussed in further detail in Executive Session.

Misc. Contracts

We reviewed bids that were received regarding the administration building roof replacement and made a recommendation with respect to same.

Committee Reports

The Chairman asked for the reports from the following Committees:

Engineering Committee (Allen Chin, Chairman)

No report.

Finance Committee (Joan Papen, Chairman)

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 Committee (James Murphy, Chairman)

No report.

Legal Committee (Frank Mazarella, Chairman)

No report.

Personnel Committee (Rene Dierkes, Chairman)

Mr. Dierkes stated that a Personnel Committee Meeting was held earlier this evening to discuss the position of Executive Director. He stated that no action is required at this time.

Public Relations Committee (Paul Sefranka, Chairman)

No report.

Security Committee (Steve Greet, Chairman)

No report.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

Unfinished Business

None.

New Business

The following Resolution #10-45 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Murphy and approved by those present with the exception of Mr. Venturo who against. Mr. Luban and Mr. Mazarella were absent.

RESOLUTION #10-45

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, #10-10, #10-13, #10-37 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 \$14,533.42; 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 \$2,694,461.56 be and are hereby amended to provide for the increased contract amount of \$14,533.42 resulting in an amended contract amount not to exceed \$2,708,994.98; 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.

*** Mrs. Abram left the meeting at this time, 8:25 p.m.

The following Resolution #10-46 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Murphy.

Mr. Sefranka stated that he feels that the Authority does not need to award this contract at this time. He added that part of the contract relates to the Cogeneration facility which is not

operational. He added that there is no need to incur these costs. Mr. Gencarelli was asked to respond.

Mr. Gencarelli stated that certain items in the contract must be completed by the end of the year and that if Cogeneration facility goes on line, the other testing will be immediately necessary. Mr. Gencarelli added that if the work isn't performed, the Authority will not pay for it.

After brief discussion, the motion was approved by those present with the exception of Mr. Sefranka who voted against. Mrs. Abram, Mr. Luban and Mr. Mazzarella were absent.

RESOLUTION #10-46

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Peregrine Technical Services LLC, 1054 Apple Road, Quakertown, PA 18951, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to perform Air Emission Testing Services, Contract #1011; 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, RFP's were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20, et. seq.

WHEREAS, the Authority received a proposal from Peregrine Technical Services, LLC on July 13, 2010, in an amount of \$68,015.00; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract have been budgeted for in the 2010 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Peregrine Technical Services LLC to perform the services described herein at a cost of \$68,015.00 for a one year period; and

BE IT FURTHER RESOLVED that a Contract for the services described herein be entered into and approved by the Authority; and

BE IT FURTHER RESOLVED that said Contract must be executed by both parties within 90 days of award, in the event that the designated Party to this contract fails or refuses to sign said contract and all terms and conditions included therein, this Resolution shall be void and services shall be forthwith terminated; and

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

** Mr. Luban arrived at this time, 8:30 p.m.

The following Resolution #10-47 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Dierkes.

RESOLUTION #10-47

WHEREAS, the Rahway Valley Sewerage Authority previously approved a Resolution #10-47 and related Agreement for the purpose of engaging Cipolla & Co., LLC 851 Franklin Lake Road, Franklin Lakes, NJ 07417, for Contract #105-F Professional Forensic Accounting Services related to the litigation on Contract #105 Cogeneration/Sludge Drying Facility; and

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

WHEREAS, the Authority had approved the initial contract reflecting an hourly rate of \$225.00 and now wishes to amend said contract to include a cap of expenditures; and

WHEREAS, the Authority has incurred \$1,097,110.72 in expenses from Cipolla & Co., LLC to date including said payment dated August 12, 2010 (reflecting billing for services provided in the month of June 2010); 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 Resolution and related Agreement with Cipolla & Co., LLC which reflected a rate of \$225.00 per hour, be and hereby are amended to reflect the same rate of \$225.00 per hour, with a cap of \$135,000.00 per month for services from August through December 2010; and

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

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

Mr. Chin stated that he hoped that Mr. Cipolla's firm would not bill the entire \$135,000 just because it was there.

Mr. Sefranka asked what the basis of the \$135,000 was. Mrs. Papen noted that the Finance Committee discussed this with Counsel and Counsel felt that this was a comfortable number to be at. Mr. Sefranka noted that we should not be looking to "get comfortable" and that we should be looking to go lower.

After brief discussion, the motion was approved by those present. Mrs. Abram and Mr.

Mazzarella were absent.

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 approved by those present. Mrs. Abram and Mr. Mazzarella were absent.

BUILDING & EQUIPMENT FUND

| CHECK | DATE | VENDOR | ACCT/LINE# | AMOUNT |
|--------------|-------------|-----------------------------|-------------------|---------------|
| 2550 | 07/29/10 | MARVEC CONSTRUCTION CORP. | 140.4 | 225,000.00 |
| 2551 | 08/12/10 | A&A INDUSTRIAL PIPING, INC. | 140.7 | 69,418.30 |
| 2552 | 08/12/10 | CME ASSOCIATES | 140.2 | 3,708.00 |
| 2553 | 08/12/10 | PAULUS, SOKOLOWSKI & SARTOR | 140.2/7 | 20,821.58 |
| 2554 | 08/12/10 | WEINER LESNIAK LLP | 140.2/4/7 | 38,375.12 |

Total Building & Equipment Fund Checks: 5

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$357,323.00

OPERATING FUND-MANUAL

| CHECK | DATE | VENDOR | ACCT/LINE# | AMOUNT |
|--------------|-------------|--------------------------|-------------------|---------------|
| 203 | 08/10/10 | NJ STATE HEALTH BENEFITS | 03/04 | 78,665.93 |

Total Manual Operating Fund Checks: 1

Total Void Checks: 0

Total Void Amount: \$0.00

Total Amount Paid: \$78,665.93

OPERATING FUND

| CHECK | DATE | VENDOR | ACCT/LINE# | AMOUNT |
|--------------|-------------|--------------------------------|-------------------|---------------|
| 37944 | 07/22/10 | NEVES JEWELERS | 18 | 320.00 |
| 37945 | 07/28/10 | DELTA DENTAL PLAN OF NJ | 03 | 5,969.45 |
| 37946 | 07/28/10 | RAHWAY VALLEY SEWERAGE AUTH. | 01/02 | 171,518.93 |
| 37947 | 07/28/10 | STANDARD INSURANCE COMPANY | 03 | 2,101.19 |
| 37948 | 07/28/10 | VERIZON WIRELESS | 11 | 847.27 |
| 37949 | 08/09/10 | FABRITool INC. | 32 | 3,250.00 |
| 37950 | 08/12/10 | A TOUCH OF ITALY | 49 | 155.15 |
| 37951 | 08/12/10 | ADP, INC. | 03 | 180.59 |
| 37952 | 08/12/10 | ADP, INC. | 16 | 1,968.44 |
| 37953 | 08/12/10 | ADVANCED SPECIALTY SALES, INC. | 32 | 1,040.41 |
| 37954 | 08/12/10 | AIRGAS SOUTHWEST, INC. | 32 | 112.80 |
| 37955 | 08/12/10 | AMERICAN INDUSTRIAL SUPPLY | 32 | 1,247.20 |
| 37956 | 08/12/10 | AMERICAN WEAR | 32 | 1,643.30 |
| 37957 | 08/12/10 | APPROVED FIRE PROTECTION CO. | 31 | 344.40 |
| 37958 | 08/12/10 | ASSOCIATED AUTO PARTS | 35 | 18.86 |
| 37959 | 08/12/10 | ATLANTIC ANALYTICAL LABORATORY | 41 | 900.00 |
| 37960 | 08/12/10 | BUSINESS GOVERNMENTAL INS. | 17 | 118,977.50 |
| 37961 | 08/12/10 | C & M DOOR CONTROLS | 32 | 1,100.00 |

| CHECK | DATE | VENDOR | ACCT/LINE# | AMOUNT |
|-------|----------|--------------------------------|------------|------------|
| 37962 | 08/12/10 | CANON BUSINESS SOLUTIONS, INC. | 16 | 888.60 |
| 37963 | 08/12/10 | CANON FINANCIAL SERVICES, INC. | 16 | 271.96 |
| 37964 | 08/12/10 | CDW GOVERNMENT, INC. | 13 | 2,860.16 |
| 37965 | 08/12/10 | RAHWAY-UNITED WATER RESOURCES | 33 | 1,808.04 |
| 37966 | 08/12/10 | COGENT COMMUNICATIONS, INC. | 27 | 674.00 |
| 37967 | 08/12/10 | COOPER ELECTRIC SUPPLY CO. | 32 | 528.46 |
| 37968 | 08/12/10 | CSL SERVICES, INC. | 30 | 12,340.00 |
| 37969 | 08/12/10 | D2L ASSOCIATES, INC. | 42 | 2,480.00 |
| 37970 | 08/12/10 | DAVID WEBER OIL COMPANY | 32 | 984.50 |
| 37971 | 08/12/10 | DELL MARKETING L.P. | 27 | 3,979.12 |
| 37972 | 08/12/10 | D.R. CORDELL & ASSOCIATES | 32 | 779.50 |
| 37973 | 08/12/10 | EASTERN CONTROLS, INC. | 32 | 891.24 |
| 37974 | 08/12/10 | EDIBLE ARRANGEMENTS-WOODBRIDGE | 18 | 162.00 |
| 37975 | 08/12/10 | ELIZABETHTOWN GAS | 22 | 5,200.39 |
| 37976 | 08/12/10 | ENVIRONMENTAL COMPLIANCE | 41 | 4,586.25 |
| 37977 | 08/12/10 | ENVIROLUTIONS LLC | 32 | 7,279.00 |
| 37978 | 08/12/10 | ENVIRONMENTAL RESOURCE ASSOC. | 40 | 143.50 |
| 37979 | 08/12/10 | FEDERAL ELEVATOR INCORPORATED | 32 | 552.00 |
| 37980 | 08/12/10 | FEDEX | 48 | 69.60 |
| 37981 | 08/12/10 | FISHER SCIENTIFIC | 40 | 4,566.33 |
| 37982 | 08/12/10 | FLEXLINE | 32 | 362.51 |
| 37983 | 08/12/10 | FLUID DYNAMICS INC. | 32 | 688.56 |
| 37984 | 08/12/10 | GABRIEL DISCOUNT TIRE CENTER | 35 | 389.85 |
| 37985 | 08/12/10 | GLOBAL EQUIPMENT COMPANY | 31 | 274.54 |
| 37986 | 08/12/10 | W.W. GRAINGER, INC. | 32 | 96.48 |
| 37987 | 08/12/10 | GARY W. GRAY TRUCKING, INC. | 25/26 | 88,006.77 |
| 37988 | 08/12/10 | GREAT LAKES ENVIRONMENTAL | 41 | 459.36 |
| 37989 | 08/12/10 | GREENBAUM, ROWE, SMITH & DAVIS | 08 | 61.50 |
| 37990 | 08/12/10 | HACH COMPANY | 40 | 1,240.22 |
| 37991 | 08/12/10 | HESS CORPORATION | 19 | 103,097.35 |
| 37992 | 08/12/10 | HOME DEPOT CREDIT SERVICES | 32 | 112.50 |
| 37993 | 08/12/10 | JERSEY ELEVATOR COMPANY INC. | 32 | 632.99 |
| 37994 | 08/12/10 | LABCHEM INC. | 40 | 555.50 |
| 37995 | 08/12/10 | McELROY, DEUTSCH, MULVANEY | 08 | 9,057.83 |
| 37996 | 08/12/10 | MCMASTER-CARR SUPPLY CO. | 32 | 1,198.19 |
| 37997 | 08/12/10 | MECHANICAL SERVICE CORP. | 32 | 5,371.53 |
| 37998 | 08/12/10 | MARCOS MELENDEZ | 31 | 100.00 |
| 37999 | 08/12/10 | METALS USA | 32 | 795.00 |
| 38000 | 08/12/10 | MIDDLESEX WATER COMPANY | 33 | 909.35 |
| 38001 | 08/12/10 | MOTION INDUSTRIES, INC. | 32 | 1,048.55 |
| 38002 | 08/12/10 | MSI SERVICES, INC. | 27 | 206.25 |
| 38003 | 08/12/10 | NATIONAL FUEL OIL, INC. | 24 | 1,854.70 |
| 38004 | 08/12/10 | NJ MANUFACTURERS INSURANCE CO. | 17 | 17,400.00 |
| 38005 | 08/12/10 | NJ STATE LEAGUE OF MUNIC. | 18 | 20.00 |
| 38006 | 08/12/10 | O'JOHNNIES, INC. | 13 | 73.28 |
| 38007 | 08/12/10 | ONE CALL CONCEPTS, INC. | 32 | 104.86 |
| 38008 | 08/12/10 | PAULUS, SOKOLOWSKI & SARTOR | 06 | 21,875.00 |
| 38009 | 08/12/10 | PITNEY BOWES, INC. | 48 | 82.00 |
| 38010 | 08/12/10 | POLYDYNE INC. | 23 | 19,856.00 |
| 38011 | 08/12/10 | PRECISION ELECTRIC MOTOR WORKS | 32 | 280.00 |
| 38012 | 08/12/10 | MARLON PRIVADO | 31 | 100.00 |
| 38013 | 08/12/10 | PSE&G COMPANY | 19 | 351.21 |

| CHECK | DATE | VENDOR | ACCT/LINE# | AMOUNT |
|-------|----------|--------------------------------|------------|------------|
| 38014 | 08/12/10 | PSE&G COMPANY | 19 | 52,585.80 |
| 38015 | 08/12/10 | PURCHASE POWER | 48 | 81.65 |
| 38016 | 08/12/10 | QC LABORATORIES | 41 | 2,122.00 |
| 38017 | 08/12/10 | RAHWAY ELECTRIC SUPPLY CO. | 32 | 675.00 |
| 38018 | 08/12/10 | RELIABLE ELECTRIC MOTOR REPAIR | 32 | 925.20 |
| 38019 | 08/12/10 | RICHARD LUCAS CHEVROLET | 35 | 41.46 |
| 38020 | 08/12/10 | RAHWAY VALLEY SEWERAGE AUTH. | 01/02 | 170,132.10 |
| 38021 | 08/12/10 | RVSA PETTY CASH | 14 | 196.34 |
| 38022 | 08/12/10 | SAFETY-KLEEN CORP. | 32 | 306.74 |
| 38023 | 08/12/10 | SIMPLEX GRINNELL LP | 31 | 1,305.00 |
| 38024 | 08/12/10 | SMITH TRACTOR & EQUIPMENT | 32/35 | 1,756.52 |
| 38025 | 08/12/10 | STAPLES CREDIT PLAN | 13/27 | 353.01 |
| 38026 | 08/12/10 | STAR LEDGER | 12 | 73.08 |
| 38027 | 08/12/10 | STATE OF NEW JERSEY | 02 | 812.36 |
| 38028 | 08/12/10 | STORR TRACTOR COMPANY | 32 | 58.86 |
| 38029 | 08/12/10 | SUNBELT RENTALS | 32 | 1,012.60 |
| 38030 | 08/12/10 | SUPLEE, CLOONEY & COMPANY | 10 | 22,500.00 |
| 38031 | 08/12/10 | TAYLOR OIL COMPANY | 32 | 572.80 |
| 38032 | 08/12/10 | THE BANK OF NEW YORK MELLON | 09 | 3,000.00 |
| 38033 | 08/12/10 | THOMAS SCIENTIFIC | 40 | 280.80 |
| 38034 | 08/12/10 | TRAVELERS | 17 | 7,875.00 |
| 38035 | 08/12/10 | UNISAFE INC. | 31 | 674.00 |
| 38036 | 08/12/10 | UNITED PARCEL SERVICE | 48 | 94.47 |
| 38037 | 08/12/10 | US FILTER-SIEMENS WATER TECH. | 40 | 1,152.00 |
| 38038 | 08/12/10 | USA BLUEBOOK | 31 | 524.29 |
| 38039 | 08/12/10 | VERIZON | 11/30 | 2,136.45 |
| 38040 | 08/12/10 | VISION SERVICE PLAN | 03 | 1,284.43 |
| 38041 | 08/12/10 | WEINER LESNIAK LLP | 07 | 42,455.79 |
| 38042 | 08/12/10 | 921-GTS-WELCO | 32 | 430.88 |
| 38043 | 08/12/10 | WHIPPS, INC. | 32 | 512.00 |
| 38044 | 08/12/10 | WOODRUFF ENERGY | 22 | 8,352.86 |

Total Operating Fund Checks: 101
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$963,685.51

Total All Fund Checks: 107
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$1,399,674.44

| | | |
|---------------------------|------|-----------------------|
| OPERATING FUND | 0-01 | \$963,685.51 |
| BUILDING & EQUIPMENT FUND | 0-02 | \$357,323.00 |
| TOTAL ALL FUNDS | | \$1,399,674.44 |

Mr. Dierkes made a motion, seconded by Mr. Chin, that the following bills and claims previously audited by the Finance Committee be ordered paid.

BILLS & CLAIMS**BUILDING & EQUIPMENT FUND**

| CHECK | DATE | VENDOR | ACCT/LINE# | AMOUNT |
|--------------|-------------|------------------------|-------------------|---------------|
| 2555 | 08/12/10 | CIPOLLA & COMPANY, LLC | 140.2 | 195,222.44 |

Mrs. Grimes stated that although Frank Mazzarella is not present, he called and requested that the following comments be read in open session at this meeting, during the “discussion” section of this Bills & Claims vote:

“I wanted to advise the Board of my feelings to this billing. I cannot in good conscience vote affirmatively for this expenditure. I realize I’m not at the meeting and because of that I cannot vote, however, for the record I want to state my reasons: As I have previously stated to the Board ... in order for me to consider approval of future billings from Cipolla & Co., I would need itemized justifications for each professional showing what they have done. Until I receive this, I cannot consider this or any future expenditure.”

Mr. Dierkes stated that Mr. Mazzarella is taking two different positions in one letter. Mr. Chin stated that in defense of Mr. Mazzarella, he too feels that a brief written justification such as “10 minute phone call” is reasonable to expect. Counsel suggested that this matter be moved into Executive Session for further discussion.

Mr. Dierkes and Mr. Chin agreed to rescind the motion on the floor.

Open the Floor to the Public

No one addressed the Board.

Closed Session

Mr. Chin made a motion to go into closed session at 8:45 p.m. for discussion of legal matters on Contract #105 and the Occidental Lawsuit, based on Attorney/Client privilege. The motion was seconded by Mr. Murphy and approved by those present.

**** Mr. Murphy left the meeting at this time, 10:17 p.m.

Mr. Loforte made a motion, seconded by Mr. Chin, to return to regular order of business at 10:30 p.m. The motion was approved by those present.

Regular Order of Business

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

BILLS & CLAIMS

BUILDING & EQUIPMENT FUND

| CHECK | DATE | VENDOR | ACCT/LINE# | AMOUNT |
|-------|----------|------------------------|------------|------------|
| 2555 | 08/12/10 | CIPOLLA & COMPANY, LLC | 140.2 | 195,222.44 |

Total Building & Equipment Fund Checks: 1
 Total Void Checks: 0
 Total Amount Void: \$0.00
 Total Amount Paid: \$195,222.44

Total All Funds Checks: 1
 Total Void Check: 0
 Total Amount Void: \$0.00
 Total Amount Paid: \$195,222.44

| | | |
|---------------------------|------|---------------------|
| BUILDING & EQUIPMENT FUND | 0-02 | <u>\$195,222.44</u> |
| TOTAL OF ALL FUNDS: | | <u>\$195,222.44</u> |

Adjournment

As there was no further business, on motion of Mr. Chin, seconded by Mr. LoForte, the meeting adjourned at 10:31 p.m. The motion was unanimously approved by those present.

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

JG/jg
 Attachments