

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Regular Meeting held October 15, 2009

- Minutes
Approved Minutes of September 17, 2009 Regular Meeting.
- Communications
Resignation letter from Charles P. Lombardo.
- Reorganization
Election of New Officers.
- Treasurers Reports
The Treasurer Reports for the month of September were received.
- Executive Director
Sewer Connections and the status of various contracts.
- Consulting Engineer
Overview of contracts; flow rights and user charge reports.
- Construction Consultant
Overview of contracts.
- Counsel
Overview of legal matters.
- Committees
Reports were given by the Engineering, Finance, Legal and Security Committees.
- Unfinished Business
Amend two resolutions on Security Purchases.
- New Business
Approved the following: Transfer of Funds; and Security Purchases.
- New Business (Cont'd.)
Approved the following expenditures: Award Contract #1003 to Suplee Clooney & Co. in an amount of \$26,250.00; Amend Contract #105-C with CCMS in an amount of \$18,654.30; Approved Change Order #2 on Contract #0920 to CLS Services in an amount of \$37,370.00; Award Contract #1008 to CDM in an amount of \$9,500.00; Award Contract #1010 to Avogadro Env. Corp. in an amount of \$31,250.00; Award Contract #1014 to D2L Associates in an amount of \$32,240.00; Award Contract #1022 to All American Sewer in an amount of \$276,780.00; Award Contract #1025 to Keuhne Co. in an amount of \$344,700.00; Award Contract #1026 to JCI Jones Chemical in an amount of \$43,800.00; and Award Contract #105-S to Waldron Eng. in an amount of \$12,800.00.

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes (Cont'd.)
Regular Meeting held October 15, 2009

-	Bills & Claims		
	Operating Fund	9-01	\$902,649.34
	Building & Equip Fund	9-02	<u>1,126,203.10</u>
	Total Of All Funds:		\$2,028,852.44

RAHWAY VALLEY SEWERAGE AUTHORITY

Regular Meeting Minutes – October 15, 2009

The Vice Chairman called the meeting to order at 7:30 p.m.

The Vice 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 and again September 15, 2009.

The Vice 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 Vice Chairman stated we shall proceed with our regularly scheduled meeting.

The Vice Chairman requested that everyone stand to salute the Flag and observe a moment of silence.

Roll Call

The following members were present:

Allen Chin	for the Town of Westfield
Rene Dierkes	for the Borough of Mountainside
Richard LoForte	for the Borough of Kenilworth
Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
James J. Murphy	for the Township of Cranford
* Joan Popen	for the Township of Scotch Plains
Paul M. Sefranka	for the City of Rahway
Attilio S. Venturo	for the Borough of Roselle Park

* Attended the meeting via conference call.

The following member was absent:

Maria A. Abram	for the Township of Springfield
Charles P. Lombardo	for the Borough of Garwood

The following were also present:

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

The following were also present:

Wayne Baker

Anthony Gencarelli

The Westfield Leader

Manager of Regulatory Compliance

Approval of Minutes

Mr. Chin made a motion, seconded by Mr. Sefranka, to approve the minutes of the Regular Meeting held September 17, 2009. The motion was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

Communications

The following letter addressed to the Borough of Garwood's Mayor Dennis J. McCarthy from Charles P. Lombardo, was received October 15, 2009:

“It is with regret that I submit my resignation as Garwood's representative to the Rahway Valley Sewerage Authority, and as its chair, effective immediately, due to health reasons. I sincerely wish the very best to my successor, whoever that may be.

I am grateful for the opportunity to have served the residents of Garwood for the past 14 years as your Commissioner to the Sewerage Authority.”

Please note that Mr. Lombardo remains the appointed Commissioner until such time that Garwood appoints someone to replace him.

Election of Officers

As Chairman Lombardo submitted his resignation, and he is currently the Authority Chairman, the Board needs to take action to appoint new officers.

The Vice Chairman, Mr. Luban, asked the Secretary to conduct the election for Chairman for the year ending February 18, 2010.

Mr. Materna asked the Nominating Committee for their recommendation for the Office of Chairman for the year ending February 18, 2010.

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

Mr. Materna asked if there were any other nominations.

There were none. Mr. Materna then stated that there being no further nominations, he asked for a motion to close the nominations.

Mr. Sefranka made a motion, seconded by Mr. Chin that the nominations be closed. The motion was unanimously approved by those present; Mrs. Abram and Mr. Lombardo were absent.

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

The Vice Chairman stated "So ordered".

Mr. Materna declared Mr. Luban as the duly elected Chairman for the year ending February 18, 2010.

The Chairman, Mr. Luban, asked the Secretary to conduct the election for Vice-Chairman for the year ending February 18, 2010.

Mr. Materna asked the Nominating Committee for their recommendation for the Office of Vice-Chairman for the year ending February 18, 2010.

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

Mr. Dierkes asked if Mr. Mazzarella should hold this position as the Authority is engaged in litigation with the Township of Clark. Mr. Luban stated that Mr. Mazzarella would have to recuse himself from any meeting when the Commissioners were discussing the litigation. Mr. Mazzarella stated that he has done that in the past and would continue to do so.

Mr. Materna asks if there were any other nominations.

There were none. 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. Mrs. Abram and Mr. Lombardo 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 18, 2010.

Report of Treasurer

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

Report of Executive Director

Sewer Treatment Endorsements

The following is a list of Sewer Treatment Endorsements processed between 9/16/09 and 10/14/09. A copy of the log sheet with additional information related to these applications has been distributed for your reference:

<u>Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Municipality</u>
1132-09-WB	09/24/09	Claire Nencheck	Woodbridge
1133-09-CL	09/24/09	Anthony Schmidtberg	Clark
1134-09-SF	09/25/09	Donald Rinaldo	Springfield
1135-09-WB	09/30/09	Satyam Enterprises	Woodbridge

Monthly Reports

The following reports were received, distributed and discussed at the Engineering Committee Meeting.

- PS&S Monthly Engineering Report
- CCMS - Contract #105 – Cogeneration Facility
- CCMS - Contract #155 – WWTP Upgrade
- Weiner Lesniak – Monthly Update
- RVSA Contractors & Engineers Claims for Payment
- RVSA Purchase Orders in Excess of \$1500.
- RVSA Operations 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 invoice (Amendment #20) is in the amount of \$18,654.30 total amended contract amount of \$2,617,309.07. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #155-C Construction Oversight Services - CCMS

CCMS is working on Contract Close out.

Contract #156 – Gravity Relief Sewer

This contract is finished and has been closed out.

Contract #158 – Outfall Line Repairs

Montana Construction Corp. is continuing work on this contract. The Consulting Engineer will report further on the status of this contract.

Contract #158-A/E – Engineering for Outfall Line Repairs

PS&S submitted a request for additional funds related to their work on this contract. The original amount approved was \$75,500.00. PS&S is requesting an additional \$8,640.00 for work through the end of October for a total amended contract amount of \$84,140.00. A copy of their letter was forwarded to the Commissioners for review. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

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

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

Contract #161 – A/E – Engineering for Rehab of Sludge Storage Tank Covers, etc.

PS&S submitted a request for additional funds related to their work on this contract. The original amount approved was \$99,700.00. PS&S is requesting an additional \$8,640.00 for work through the end of October for a total amended contract amount of \$108,340.00. A copy of their letter was forwarded to the Commissioners for review. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0920 – Wastewater Flow Metering Services

Anthony Gencarelli, Manager of Regulatory Compliance, provided a memo regarding C.O. #2 for CSL Services on this contract. A copy of the memo was forwarded to the Commissioners for review. The original bid for this work was \$559,380.00; however, because CSL had been providing the services to the Authority, we could continue to utilize their existing equipment. C.O. #1 was approved subsequent to the award of the contract reflecting a credit of \$135,420.00. However, as noted in Mr. Gencarelli's memo outlining the need for addition of various bid items and modifications in quantities, there is a need to approve C.O. #2 for an additional \$37,370.00, for a total amended contract amount of \$461,330.00. This amount reflects a total savings of \$98,050.00 from the original amount bid. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

Contracts #1001 - #1010, #1012 - #1016, #1022, #1024, #1025 and #1026 (as noted below)

Requests For Proposals for the 2010 Professional Service Contracts and Request For Bids for several 2010/2011 Supply/Service Contracts were sent out to various firms and posted on the Authority's website. Notice to Bidders was also advertised in the Star Ledger. Proposals were received on October 6, 2009. The proposals were sent to Counsel for review and recommendation. Preliminary information on the proposals and bids is noted below.

Contract #1001 - 2010 Consulting Engineering Services

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Van Cleef Engineering Belle Mead, NJ	Retainer	\$11,000.00
	Flow Reports (Est. 100 hrs.)	7,500.00
	Misc. Eng. Services (Est. 100 hrs.)	<u>12,000.00</u>
	TOTAL	\$30,500.00
CME Associates Howell, NJ	Retainer	\$18,000.00
	Flow Reports (Est. 100 hrs.)	10,000.00
	Misc. Eng. Services (Est. 100 hrs.)	<u>10,000.00</u>
	TOTAL	\$38,000.00
PS&S Retainer Warren, NJ		\$16,183.00
	Flow Reports (Est. 100 hrs.)	13,800.00
	Misc. Eng. Services (Est. 100 hrs.)	<u>13,100.00</u>
	TOTAL	\$43,083.00
Hatch Mott MacDonald Millburn, NJ	Retainer	\$21,900.00
	Flow Reports (Est. 100 hrs.)	12,400.00
	Misc. Eng. Services (Est. 100 hrs.)	<u>11,500.00</u>
	TOTAL	\$45,800.00

PS&S is our current provider for these services. Their retainer fee for 2009 was \$20,000.00 which included the Flow Reports. Joanne Grimes, Office Administrator did a cursory review of the proposals and found all to be in order. Counsel reviewed the documents and found them to be in order. Action on this contract will be taken at the November 23rd Meeting.

Contract #1002 - 2010 General Counsel Services

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Weiner Lesniak, LLP Parsippany, NJ	Retainer	\$8,800.00
	Partners	\$175.00
	Associates	\$145.00
Greenbaum, Rowe, Smith Woodbridge, NJ	Retainer	\$9,500.00
	Attorneys	\$205.00
	Associates	\$155.00
	Paralegals	\$70.00
	Paraclerks	\$35.00
Cooper Levinson Atlantic City, NJ	Retainer	\$18,600.00
	Attorneys	\$250.00
	Paralegals	\$85.00

McElroy, Deutsch, Mulvaney	Retainer	\$60,000.00
Newark, NJ	Blended Hourly Rate for All	\$175.00

Weiner Lesniak is our current provider for these services. Their fees for 2010 remain unchanged from those charged in 2009. Joanne Grimes, Office Administrator did a cursory review of the proposals and found all but Cooper Levinson's Political Contribution Form to be in order. The documents were NOT sent to Counsel. Action on this contract will be taken at the November 23rd Meeting.

Contract #1003 - 2010 Accountant Services incl. 2009 Audit

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposal was received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Suplee, Clooney & Co.	Audit	\$22,500.00
Westfield, NJ	Misc. Work (Est. 30 hours)	\$3,750.00
	TOTAL	\$26,250.00

Suplee Clooney is our current provider for these services. Their fees for 2010 remain unchanged from those charged in 2009. Joanne Grimes, Office Administrator did a cursory review of their proposal and found it to be in order. Counsel reviewed the documents and found them to be in order. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #1004 - 2010 Financial Advisory Services

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
NW Financial	Est. 50 Hrs.	\$9,000.00
Jersey City, NJ	Partner	\$180.00
Acacia Est. 50 Hrs. (blended)		\$11,000.00
Montclair, NJ	Co-Presidents	\$250.00
	Managing Director	\$225.00
	Vice President	\$200.00

NW Financial is our current provider for these services. Their fees for 2010 remain unchanged from those charged in 2009. Joanne Grimes, Office Administrator did a cursory review of the proposals, and Acacia's proposal was found to be in order. NW Financial did not include a Stockholders Disclosure Form which is an "unwaivable" defect. Counsel reviewed these documents and concurred with the findings. The Authority has decided that no action will be taken on this contract.

Contract #1005 - 2010 Bond Counsel Services

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Jeremy Ostow South Orange, NJ	Est. 30 Hours J. Ostow M. Zaleski	\$4,800.00 \$160.00 \$80.00
McManimon & Scotland Newark, NJ	Est. 30 Hours Attorneys (Blended) Legal Assistants	Not Provided \$215.00 \$135.00

Jeremy Ostow, formally of McManimon Scotland, was our provider for these services. Joanne Grimes, Office Administrator did a cursory review of the proposals and found all to be in order. Counsel reviewed the documents and found them to be in order. Action on this contract will be taken at the November 23rd Meeting.

Contract #1006 - 2010 Legal Services – Labor Counsel

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
McElroy, Deutsch, Mulvaney Newark, NJ	Est. 200 Hours Misc. Services Harassment Training (Est. 45 Hours) TOTAL Blended Hourly Rate for All	\$30,000.00 \$6,750.00 \$36,750.00 \$150.00
Weiner Lesniak Parsippany, NJ	Used old RFP – Task 1, 100 Hrs. Task 2 (45 Hours) Task 3, 100 Hours TOTAL Hourly Rate Note: New RFP Est. 200 Hrs. and no Task 3 = Equals same total amount.	\$15,000.00 6,750.00 15,000.00 \$36,750.00 \$150.00
Jackson Lewis Attorneys at Law Morristown, NJ	Did not propose based on RFP Training – 1 Attorney – 1 Day Training – 2 Attorneys – 1 Day Partners Associates	 \$2,000.00 \$3,200.00 \$250.00 \$225.00

McElroy, Deutsch, Mulvaney is our current provider for these services. Their fees for 2010 remain unchanged from those charged in 2009. Joanne Grimes, Office Administrator did a cursory review of the proposals and found all to be in order. The documents were NOT sent to Counsel. Action on this contract will be taken at the November 23rd Meeting.

Contract #1007 - 2010 Legal Services - Regulatory

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Hall & Associates Washington, DC	Task 1 (Est. 40 Hours) *	\$7,000.00
	Task 2 (Est. 120 Hours) **	\$20,000.00
	TOTAL	\$27,000.00
	*Task 1 Blended Rate of \$175.00/hr	
	**Task 2 Blended Rate of \$167.77/hr	
	Additional Work	
	John Hall	\$325.00
	Gary Cohen	\$275.00
	Bill Hall	\$230.00
	Associates Attorneys	\$170.00
	Research Associates	\$120.00
Greenbaum, Rowe, Smith Woodbridge, NJ	Task 1 (Est. 40 Hours)	\$8,200.00
	Task 2 (Est. 120 Hours)	\$24,600.00
	TOTAL	\$32,800.00
	Partner	\$205.00
	Associate	\$155.00
	Paralegal	\$70.00
	Paraclerk	\$35.00

Greenbaum, Rowe, Smith is our current provider for these services. Joanne Grimes, Office Administrator did a cursory review of the proposals and found all to be in order. Counsel reviewed the documents and found them to be in order. Action on this contract will be taken at the November 23rd Meeting.

Contract #1008 - 2010 Admin. of Sludge Hauling & Reuse Contract

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposal was received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
CDM Edison, NJ	Est. 50 Hours	\$9,500.00
	Eng. Rate (Pennington)	\$59.30
	Multiplier of 3.0 =	\$177.90

CDM is our current provider for these services and their rates remain the same. Joanne Grimes, Office Administrator did a cursory review of the proposal and found it to be in order. Counsel reviewed the documents and found them to be in order. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #1009 - 2010 Engineering Services – Air Permit Compliance

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Avogadro Easton, PA	Task 1	\$3,800.00
	Task 2	<u>\$18,800.00</u>
	TOTAL	\$22,600.00
CME Assoc. Monmouth Junction, NJ	Task 1	\$3,700.00
	Task 2	<u>\$19,200.00</u>
	TOTAL	\$22,900.00
EWMA Parsippany, NJ	Task 1	\$4,000.00
	Task 2	<u>\$19,300.00</u>
	TOTAL	\$23,300.00
Warren Panzer Eng. New York, NY	Task 1	\$5,000.00
	Task 2	<u>\$20,400.00</u>
	TOTAL	\$25,400.00
Env. Compliance Associates Basking Ridge, NJ	Task 1	\$5,570.00
	Task 2	<u>\$20,400.00</u>
	TOTAL	\$25,970.00

Env. Compliance Associates is our current provider for these services, however, they submitted the highest quote. Joanne Grimes, Office Administrator did a cursory review of the proposals and found all to be in order. Counsel reviewed the documents and found them to be in order. Anthony Gencarelli, Manager of Regulatory Compliance prepared a memo pertaining to this Contract, a copy of which has been distributed. Mr. Gencarelli recommends award to ECA based upon previous service, knowledge of our facility, and a "matrix" that he prepared. Discussion should take place prior to a decision being made. Mr. Mazzarella asked if ECA would consider lowering their price. Mr. Brinker stated that he would ask Mr. Gencarelli to contact them to find out. Action on this contract will be taken at the November 23rd Meeting.

Contract #1010 - 2010 Air Emission Testing

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Avogadro Easton, PA	Tasks 1-6	\$31,250.00
O'Brien & Gere Blue Bell, PA	Tasks 1-6	\$62,000.00

The current provider for these services is Peregrine Assoc.; however, they did not submit a

proposal. Joanne Grimes, Office Administrator did a cursory review of the proposals and found all to be in order. Counsel reviewed the documents and found them to be in order. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #1012 - 2010 Laboratory Services/Bioassay & NJPDES Study/TRE

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Cosper Environmental Bohemia, NY	Tasks 1-4	\$9,200.00
QC Labs Southampton, PA	Tasks 1-4	\$9,800.00

QC Labs is the current provider for these services. Joanne Grimes, Office Administrator did a cursory review of the proposals and found them to be in order with the exception of the Political Contribution Form submitted by Cosper upon which Counsel needs to make a determination. Action on this contract will be taken at the November 23rd Meeting.

Contract #1013 - 2010 Laboratory Services/NJPDES SQAR

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposal was received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
QC Labs	Proposal A - Tasks 1-23	\$27,646.00
Southampton, PA	Proposal B - Tasks 1-24	\$36,169.00

QC Labs is the current provider for these services, however, a price comparison can not be made as the quantities and parameters of the testing have been modified. Joanne Grimes, Office Administrator did a cursory review of the proposal and found it to be in order. Counsel reviewed the documents and found them to be in order. Action on this contract will be taken at the November 23rd Meeting.

Contract #1014 - 2010 Metering System Sampling/Analysis & Inspection

A Request For Proposal was posted on the Authority's website and sent to our present consultant. On October 6, 2009, the following proposal was received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
D2L Associates Cedar Grove, NJ	\$1240.00/ea.	\$32,240.00

D2L Associates is the current provider for these services and their rates for 2010 remain

unchanged from 2009. Joanne Grimes, Office Administrator did a cursory review of the proposal and found it to be in order. Counsel reviewed the documents and found them to be in order. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #1015 - 2010 Public Relations Services

A Request For Proposal was posted on the Authority’s website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Springboard Public Relations Marlboro, NJ	Items 1-6	\$6,800.00
Spi Group Fairfield, NJ	Items 1-6	\$8,475.00

The Spi Group is our current provider for these services and their rates for 2010 remain unchanged from 2009. Springboard submitted the lower proposal; however, based on the cursory review performed by Joanne Grimes, Counsel needs to make a determination with regard to their Business Registration documentation. All other documentation was found to be in order. The documents were sent to Counsel for final review. Action on this contract will be taken at the November 23rd Meeting.

Contract #1016 - 2010 Web Site Services

A Request For Proposal was posted on the Authority’s website and sent to our present consultant. On October 6, 2009, the following proposals were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
MSI Services Stanhope, NJ	Task 1	\$25.00/mo = \$300.00
	Task 2	\$75.00/hr = <u>\$1,350.00</u>
	TOTAL	\$1,650.00
Interactive Design & Solution Princeton, NJ	Task 1	\$40.00/mo = \$480.00
	Task 2	\$80.00/hr = <u>\$1,440.00</u>
	TOTAL	\$1,920.00
Spi Group Fairfield, NJ	Task 1	\$50.00/mo = \$600.00
	Task 2	\$130.00/hr = <u>\$1,620.00</u>
	TOTAL	\$2,220.00

The Spi Group is our current provider for these services and their rates for 2010 remain unchanged from 2009; however, they submitted the highest proposal. Based on the cursory review performed by Joanne Grimes, Office Administrator, there are questions related to both MSI Services documents (Affirmative Action and Insurance) and Interactive Designs documents

(Stockholder Disclosure and Insurance). Note, all documents were provided, however, Counsel needs to make determinations regarding same. All other documentation submitted was found to be in order. The documents were sent to Counsel for final review. Action on this contract will be taken at the November 23rd Meeting.

Contract #1022 - Equipment Rental & Sewer Line Inspection

A Notice to Bidders was posted on the Authority's website, advertised in the Star Ledger and sent to companies on our Bidders List. Four companies purchased bid packages and on October 6, 2009, the following Bids were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
All American Sewer Wallington, NJ	Option 1 (1 Year)	\$138,340.00
	Option 2 (2 Years)	\$276,780.00
National Water Main Newark, NJ	Option 1 (1 Year)	\$140,965.00
	Option 2 (2 Years)	\$281,930.00
PIM Corp. Piscataway, NJ	Option 1 (1 Year)	\$152,466.00
	Option 2 (2 Years)	\$304,932.00

All American Sewer is the present contractor. The bids were reviewed by the Executive Director and forwarded to Counsel for review and found to be in order. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda under New Business to award the contract to All American Sewer for a 2 year period.

Contract #1024 - Furnish & Deliver Emulsion Polymer

A Notice to Bidders was posted on the Authority's website, advertised in the Star Ledger and sent to companies on our Bidders List. Seven companies purchased bid packages and on October 6, 2009, the following Bids were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Polydyne, Inc. Riceboro, GA	\$0.83/lb @30 lb/dt	\$273,900.00
	converted = \$0.83/lb @6.9 lb/wt	\$62,997.00
Tidewater Products Toledo, OH	\$0.99/lb @12 lb/wt	\$130,680.00

The bids were forwarded to Counsel and the Executive Director for review. Counsel advised that the bid submitted by Tidewater Products lacked the necessary Consent of Surety. This matter was discussed at the October 8th Engineering Committee Meeting and a motion is on the agenda to award the contract to Polydyne, Inc. who submitted the lowest responsible bid at a cost of \$0.83/lb, total estimated amount of \$62,997.00. Award of the Contract is contingent upon Polydyne completing a performance evaluation test. Action on this contract will be taken at the November 23rd Meeting.

Contract #1025 - Furnish & Deliver Sodium Hypochlorite

A Notice to Bidders was posted on the Authority's website, advertised in the Star Ledger and sent to companies on our Bidders List. Five companies purchased bid packages and on October 6, 2009, the following Bids were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Kuehne Company South Kearny, NJ	\$0.6894/gal.	\$344,700.00
Univar USA Inc. Middletown, PA	\$0.925/gal.	\$462,500.00
JCI Jones Warwick, NY	\$0.95/gal.	\$475,000.00

Our previous two year contract was with JCI Jones Chemical at \$0.87/gal. The bids were reviewed by the Executive Director and forwarded to Counsel for review. The bids were found to be in order and a motion is on the agenda under New Business to award the contract to Kuehne Company who submitted the lowest responsible bid.

Contract #1026 - Furnish & Deliver Sodium Hydroxide

A Notice to Bidders was posted on the Authority's website, advertised in the Star Ledger and sent to companies on our Bidders List. Six companies purchased bid packages and on October 6, 2009, the following Bids were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
JCI Jones Warwick, NY	\$0.73/gal.	\$43,800.00
Kuehne Company South Kearny, NJ	\$0.74/gal.	\$44,400.00
Basic Chemical Solutions Morrisville, PA	\$0.8313/gal	\$49,878.00
Univar USA Inc. Middletown, PA	\$0.946/gal.	\$56,760.00

This is the first time we are bidding this product. The bids were reviewed by the Executive Director and forwarded to Counsel for review. The bids were found to be in order and a motion is on the agenda under New Business to award the contract to JCI Jones Chemicals who submitted the lowest responsible bid.

Report of Consulting Engineer

The following report to the Authority's Board summarizes our activities for the period of September 12, 2009 through October 12, 2009.

JCO Compliance/NJPDES Permit

Pursuant to the JCO, the Authority is required to submit an Annual I/I Status Report to the NJDEP by October 1 of each year that indicates the status of I/I reduction programs within the service area. Responses were received from all member municipalities and the I/I report was finalized and transmitted to NJDEP.

Trunk Sewer Rehabilitation - Contract #144

PS&S continues to dispute the remaining contractor claims related to the contractor's assertion that he was delayed. The Contractor has requested mediation of his claims and this is being coordinated by General Counsel. No new activity.

Air Permitting

PS&S has provided follow-up review, discussions and input regarding the Authority's Appeal on the NJDEP new requirements of concern in the NJDEP Title V Air Permit Modification Approval dated July 31, 2009, and the Appeal issues meeting with NJDEP scheduled for October 16, 2009; and PS&S will continue to provide assistance to the Authority during the Appeal process.

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 achieved Substantial Completion on Monday September 21, 2009. The Contractor missed his September 2, 2009 Contract Completion Date due to the additional work authorized by the Authority and PS&S. The Contractor returned to the site on October 12, 2009 for a walk thru, with the Engineer, to discuss final clean-up and wetlands restoration. A date for this work has not yet been scheduled. PS&S is in the process of preparing the project close out paper work.

Contract #159 Chemical Feed System Improvements

PS&S is currently reviewing Contractor submittals. Coordination efforts associated with Contract #155 regarding the furnishing of the chemical feed equipment is ongoing. EE Cruz received a partial delivery of the chemical feed metering pump system on September 1, 2009 and the remaining pump skids were received on September 22, 2009. The five pump skids were turned over to A&A on October 13, 2009. The outstanding items not yet delivered are the control panels for all pump skids, spare parts and the O&M manuals with as-built P&ID's. EE Cruz has advised that partial shipment of the control panels is scheduled to commence on October 19, 2009 through October 30, 2009. Further, we have had several discussions and correspondence with Contract 159 General Contractor, regarding the integration of the chemical

feed SCADA system with the existing plant SCADA system. This issue remains unresolved. A request for further clarification of the Contractor's proposal was issued and we await his response. In addition, work has continued in both the Headwork's and Pump and Blower Buildings; work includes demolition; installation of double containment chemical piping and supports, roll-up doors, steel columns and sheetrock for containment walls, chemical tanks, fire protection system and masonry walls.

Contract #160 Emergency Outfall

The gate installation has been completed.

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

Spectraserv Inc. has finished painting Sludge Storage Tank No. 2 and is scheduled to return the tank to the Authority on October 15, 2009. The final phase of the work, the Sludge Pumping Station, started on October 12, 2009. The Contractor has completed the work at DSN-004 authorized by Change Order #1. Spectraserv is on schedule to complete the contract work by the October 30, 2009 Contract Completion Date. PS&S is providing on site supervision.

User Charge and Flow Rights Reports

PS&S issued the August Flow Rights report at the September Board Meeting. Final Year End User Charge reports are being prepared by PS&S using all grab and composite data, as per direction from the Authority, including the inter-municipal adjustments last updated October 8, 2009.

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 September 8, 2009 through October 12, 2009.

CSP Improvements & related issues

Contract #155

We continue to monitor and evaluate potential delay claims being asserted by the contractor/electrical subcontractor with respect to Contract #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. Currently we are in the process of arranging for a mediation session with respect to the subcontractor's claims. This matter may be discussed in Executive Session.

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. The case has been referred to mediation by the Court. 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. An answer was filed on behalf of PS&S on September 8, 2009 and on behalf of CCMS on September 23, 2009. On September 29, 2009 this office met with the Authority's engineering experts in the case to discuss litigation strategy. Finally, we have had extensive consultations with the Executive Director regarding the exhaust breeching restraint issue. Copies of letters sent by this office to both PS&S and the contractor regarding this issue have been sent to the Board. This matter may be further discussed 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. The contractor has also been informed that the Authority has elected to mediate the claims and currently we are in the process of arranging for such a mediation session. This matter may be discussed in Executive Session.

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. The Authority's initial discovery disclosures are due on November 6, 2009.

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. On September 29, 2009 a case management conference was held by the court at which time a hearing date for the Authority's motion was set for November 9, 2009. To date, most of the other member municipalities have joined in the Authority's motion. This matter will be discussed in further detail in Executive Session.

Misc. Contracts

We have reviewed the bid/proposal documents and have made recommendations with respect to the following contracts:

Contract #1001-2010 Consulting Engineer Services
Contract #1003-2010 Accountant Services incl. 2009 Audit
Contract #1004-2010 Financial Advisory Services
Contract #1005-2010 Bond Counsel Services
Contract #1007-2010 Legal Services-Regulatory
Contract #1008-2010 Admin. Of Sludge Hauling & Reuse Contract
Contract #1009-2010 Engineering Services-Air Permit Compliance
Contract #1010-2010 Air Emission Testing
Contract #1012-2010 Laboratory Services/Bioassay & NJPDES Study/TRE
Contract #1013-2010 Laboratory Services/NJPDES, SQAR
Contract #1014-2010 Metering System Sampling/Analysis & Inspection
Contract #1015-2010 Public Relations Services
Contract #1016-2010 Web Site Services
Contract #1022-Equipment Rental & Sewer Line Inspection

Contract #1024-Furnish & Deliver Emulsion Polymer
Contract #1025-Furnish & Deliver Sodium Hypochlorite
Contract #1026-Furnish & Deliver Sodium Hydroxide

Committee Reports

The Chairman asked if there were reports from any of the following Committees:

Engineering Committee (Allen Chin, Chairman)

Mr. Chin stated that an Engineering Committee Meeting was held October 8, 2009, 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. Also Investments and the Quarterly Report were discussed. Action is on the agenda under New Business and Bills and Claims.

Insurance Review Committee (J. Murphy, Chairman)

No report.

Legal Committee (Frank Mazzarella, Chairman)

Mr. Mazzarella stated that a Legal Committee Meeting will be held to interview candidates for General Counsel. The meeting is tentatively scheduled for November 5, 2009.

Personnel Committee (Robert Luban, Chairman)

Mr. Luban stated that he will be selecting new committees as he was appointed Chairman this evening.

Public Relations Committee (Paul Sefranka, Chairman)

No report.

Security Committee (Frank Mazzarella, Chairman)

Mr. Mazzarella stated that now that the plant upgrades are complete, he would like to go over security issues and asked if the Commissioners had any ideas on how to make the plant a safer more secure site. He also asked that Mr. Brinker do an evaluation and report his findings to the Committee.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

Unfinished Business

Mr. Murphy stated that two Financial Security Resolutions previously adopted by the Board had incorrectly listed the Capital Replacement Fund as opposed to Operating Reserve Fund which is where the funds were actually allocated. Therefore, said resolutions need to be amended accordingly – as follows:

Mr. Murphy made a motion, seconded by Mr. Sefranka to bring Resolution #09-59 back to the table and amend it to reflect the Operating Reserve Fund (not the Capital Replacement Fund). The motion was unanimously approved by those present. Mrs. Abram and Mr. Lombardo were absent.

Mr. Murphy made a motion to approved Resolution #09-59 as amended. The motion was seconded by Mrs. Papen and approved by those present with the exception of Mr. Chin who abstained. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-59 – As Amended

BE IT RESOLVED that the officers of the Rahway Valley Sewerage Authority be and are hereby authorized to invest the following for the Operating Reserve Fund, to mature on November 17, 2009:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$1,008,760.41	1.23%	Town Bank, Westfield, NJ

Mr. Murphy made a motion, seconded by Mrs. Papen to bring Resolution #09-63 back to the table and amend it to reflect the Operating Reserve Fund (not the Capital Replacement Fund). The motion was unanimously approved by those present. Mrs. Abram and Mr. Lombardo were absent.

Mr. Murphy made a motion to approved Resolution #09-63 as amended. The motion was seconded by Mr. Mazzarella and approved by those present with the exception of Mr. Chin who abstained. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-63 – As Amended

BE IT RESOLVED that the officers of the Rahway Valley Sewerage Authority be and are hereby authorized to invest the following for the Operating Reserve Fund, to mature on December 14, 2009:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$2,042,062.62	1.13%	Town Bank, Westfield, NJ

New Business

The following Resolution #09-65 was offered by Mr. Murphy, on motion of Mr. Murphy, and seconded by Mr. Chin. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-65

WHEREAS the Rahway Valley Sewerage Authority’s Debt Service Funds presently held by its Trustee, the Bank of New York are invested in the J.P. Morgan US Treasury Prime Money Market Fund and the Morgan Stanley Government Institutional Money Market Fund; and

WHEREAS, the Authority is seeking to invest these funds in a more prudent manor in order to improve its yield on these invested funds.

NOW, THEREFORE, BE IT RESOLVED that the Secretary Treasurer of the Rahway Valley Sewerage Authority is hereby authorized to transfer the Account Balances in its Debt Service Fund Accounts currently held by the Trustee at the Bank of New York, to the State of New Jersey Cash Management Fund; and

BE IT FURTHER RESOLVED that said transactions shall take effect upon the completion of paperwork related to the transfer.

The following Resolution #09-66 was offered by Mr. Murphy, on motion of Mr. Murphy, and seconded by Mr. Sefranka. The resolution was approved by those present with the exception of Mr. Chin who abstained. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-66

BE IT RESOLVED that the officers of the Rahway Valley Sewerage Authority be and are hereby authorized to invest the following for the Capital Replacement Fund, to mature on January 5, 2010:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$2,545,714.30	1.13%	Town Bank, Westfield, NJ

The following Resolution #09-67 was offered by Mr. Murphy, on motion of Mr. Murphy, and seconded by Mr. Sefranka. The resolution was approved by those present with the exception of Mr. Chin who abstained. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-67

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 December 17, 2009:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$1,500,000.00	1.13%	Town Bank, Westfield, NJ

The following Resolution #09-68 was offered by Mr. Murphy, on motion of Mr. Murphy, and seconded by Mr. Chin. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-68

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 December 17, 2009:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$1,300,000.00	0.38%	Investors Savings Bank

The following Resolution #09-69 was offered by Mr. Murphy, on motion of Mr. Murphy, and seconded by Mr. Chin. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION 09-69

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Suplee Clooney & Company, 308 East Broad Street, Westfield, NJ 07090, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Accountant Services related to performing the 2009 Audit in the 2010 calendar year; Contract #1003; and

WHEREAS, Professional Services of this nature have been determined to be exempt from public bidding under Title 40A; 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-20.5, et. seq.; and

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority received a proposal from Suplee Clooney & Company on October 6, 2009 reflecting an amount of \$22,500.00 for the audit and \$3,750.00 for other services, with an hourly billing rate of \$125.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Suplee Clooney & Company to perform the services described herein at a cost of \$26,250.00 for a period of one year commencing on January 1, 2010; and

BE IT FURTHER RESOLVED that a Professional Service 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 Professional 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.

The following Resolution #09-70 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mrs. Papen. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-70

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 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 \$18,654.30; and

WHEREAS, the Secretary-Treasurer of the Authority, who is the Chief Financial Officer, hereby certifies that the necessary funds for said contract are available in the 2009 Annual Budget.

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with CCMS in an amount of \$2,598,654.77 be and are hereby amended to provide for the increased contract amount of \$18,654.30 resulting in an amended contract amount not to exceed \$2,617,309.07; 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 #09-71 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mrs. Papen.

RESOLUTION #09-71

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #08-21, #08-52 and related Agreements for the purpose of engaging Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ 07059, for Professional Services specifically related to Contract #158-A/E Engineering and Oversight Services on the Outfall Line Repairs; and

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

WHEREAS, PS&S submitted documentation reflecting the need for additional monies related to the contract; and

WHEREAS, the additional amount to be authorized for this Contract is \$8,640.00; 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 2009 Annual Budget.

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with PS&S in an amount of \$75,500.00 be and are hereby amended to provide for the increased contract amount of \$8,640.00 resulting in a total contract not to exceed \$84,140.00; 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. Brinker stated that he saw this request, however, he asked Mr. Wancho to present additional information, including how much was attributable to the wetlands problem and that information has not yet been received. He suggested that action be deferred. After further discussion, the Commissioners agreed to continue this motion and action on Resolution #09-72 to the November 23, 2009 meeting.

Mr. Chin made a motion, seconded by Mr. Murphy, to approve Change Order #2 on Contract #0920 – Wastewater Flow Metering Services with CSL Services of Pennsauken, NJ in an amount of \$37,370.00, total amended contract amount of \$461,330.00, as recommended by Anthony Gencarelli, RVSA Manager of Regulatory Compliance. The motion was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

The following Resolution #09-73 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-73

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Camp, Dresser & McKee, Raritan Plaza I, Raritan Center, Edison, NJ 08817 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Engineering Services specifically related to Contract #1008, Administration and Oversight of the Biosolids Hauling and Reuse Contract (Contract #0622); and

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

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority has received a proposal from Camp, Dresser & McKee dated October 6, 2009, reflecting an amount not to exceed \$9,500.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Camp, Dresser & McKee to perform the services described herein at a cost not to exceed \$9,500.00 for a period of one year commencing on January 1, 2010; and

BE IT FURTHER RESOLVED that a Professional Service 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 Professional 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.

The following Resolution #09-74 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-74

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Avogadro Environmental Corporation, 1350 Sullivan Trail, Suite A, Easton, PA 18040, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to perform Air Emission Testing Services, Contract #1010; 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 Avogadro Environmental Corporation on October 6, 2009, in an amount of \$31,250.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Avogadro Environmental Corporation to perform the services described herein at a cost not to exceed \$31,250.00 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.

The following Resolution #09-75 was offered by Mr. Murphy, on motion of Mr. Murphy, and

seconded by Mr. Mazzarella. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-75

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from D2L Associates, 109 Pompton Avenue, Cedar Grove, NJ 07009, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Field Analytical Services related to numerous sampling locations, Contract #1014; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without public advertising for bids; 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-20.5, et. seq.; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that funds for said contract will be budgeted for in the 2010 Annual Budget; and

NOW, THEREFORE, BE IT RESOLVED that based on the proposal received from D2L Associates, the Rahway Valley Sewerage Authority hereby engage D2L Associates to perform the services described herein at a cost not to exceed \$32,240.00; and

BE IT FURTHER RESOLVED that the contract being awarded is for the period of one year commencing on January 1, 2010; and

BE IT FURTHER RESOLVED that an Professional Service 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. Chin made a motion, seconded by Mr. Murphy, to award Contract #1022 – Equipment Rental & Sewer Line Inspection Services to the low bidder All American Sewer of Wallington, NJ for a two year period, in an estimated amount of \$276,780.00, as recommended by the Executive Director. The motion was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

Mr. Chin made a motion, seconded by Mr. Sefranka, to award Contract #1025 – Furnish & Deliver Sodium Hypochlorite to the low bidder Kuehne Company of South Kearny, NJ for a two year period, in an amount of \$0.6894/gal, total estimated amount of \$344,700.00, as

recommended by the Executive Director. The motion was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

Mr. Chin made a motion, seconded by Mr. Murphy, to award Contract #1026 – Furnish & Deliver Sodium Hydroxide to the low bidder JCI Jones Chemical of Warwick, NY for a two year period, in an amount of \$0.73/gal, total estimated amount of \$43,800.00, as recommended by the Executive Director. The motion was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

The following Resolution #09-76 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present. Mrs. Abram and Mr. Lombardo were absent.

RESOLUTION #09-76

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Waldron Engineering & Construction, Inc., 37 Industrial Drive, Exeter, NH 03833 for Professional Services, Contract #105-S; and

WHEREAS, the Authority has a need to engage a consultant to provide Engineering Services, specifically to perform a stress analysis on the Caterpillar Exhaust System; and

WHEREAS, Services of this nature have been determined to be exempt from public bidding under Title 40A; and

WHEREAS, the Authority received the proposal from Waldron Engineering & Construction, Inc. dated October 5, 2009, reflecting rates from \$161.00 - \$54.00 per hour with an estimated budget of \$12,800.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Waldron Engineering & Construction, Inc. to perform the services described herein at an estimated cost of \$12,800.00; 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.

Bills and Claims

Mr. Murphy 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 unanimously approved by those present. Mrs. Abram was absent.

BUILDING & EQUIPMENT FUND

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
2459	10/15/09	A&A INDUSTRIAL PIPING, INC.	140.7	81,580.10
2460	10/15/09	ALL AMERICAN SEWER SERVICE INC.	140.7	20,025.00
2461	10/15/09	CDW GOVERNMENT, INC.	140.7	1,742.25
2462	10/15/09	CONSOLIDATED CONSTRUCTION MGT.	140.2/7	19,832.58
2463	10/15/09	EE CRUZ COMPANY INC.	140.7	153,450.08
2464	10/15/09	HATCH MOTT MACDONALD	140.2	16,106.46
2465	10/15/09	J.H. REID, GENERAL CONTRACTOR	140.2	446,284.60
2466	10/15/09	OMNI ENVIRONMENTAL LLC	140.7	1,831.12
2467	10/15/09	PAULUS, SOKOLOWSKI & SARTOR	140.2	11,424.30
2468	10/15/09	RAHWAY VALLEY SEWERAGE AUTH.	140.2/4	93,672.04

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
2469	10/15/09	SPECTRASERV INC.	140.2	267,721.86
2470	10/15/09	WEINER LESNIAK LLP	140.2/4/9	12,532.71

Total Building & Equipment Fund Checks: 12
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$1,126,203.10

OPERATING FUND - MANUAL CHECKS

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
191	10/08/09	NJ STATE HEALTH BENEFITS	03/04	70,222.62

Total Operating Fund Manual Checks: 1
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$70,222.62

OPERATING FUND

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
36731	09/18/09	DAVID PATRICK	31	249.00
36732	09/18/09	ROBERT POLTZ	27	43.73
36733	09/23/09	ELIZABETHTOWN GAS	22	5,929.08
36734	09/23/09	HESS CORPORATION	19	122,223.59
36735	09/23/09	NJ MANUFACTURERS INS. CO.	17	19,072.00
36736	09/23/09	NJ STATE LEAGUE OF MUNIC.	15/49	225.00
36737	09/23/09	PITNEY BOWES, INC.	48	82.00
36738	09/23/09	PSE&G COMPANY	19	56,772.73
36739	09/23/09	PUBLIC EMPLOYEES' RTMT.SYS.	04	41.76
36740	09/23/09	TRUMP TAJ MAHAL CASINO RESORT	15/49	1,016.00
36741	09/23/09	VERIZON WIRELESS	11	798.26
36742	09/23/09	WOODRUFF ENERGY	22	21,875.21
36743	09/29/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	158,638.81

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
36744	09/29/09	TREASURER - STATE OF NJ	37	1,500.00
36745	10/08/09	CANON FINANCIAL SERVICES, INC.	16	346.52
36746	10/08/09	COGENT COMMUNICATIONS, INC.	27	674.00
36747	10/08/09	DELTA DENTAL PLAN OF NJ	03	5,968.00
36748	10/08/09	ELIZABETHTOWN GAS	22	889.18
36749	10/08/09	FEDEX	48	197.65
36750	10/08/09	HARRAHS CASINO HOTEL	15	488.02
36751	10/08/09	HOME DEPOT CREDIT SERVICES	32	61.11
36752	10/08/09	STANDARD INSURANCE COMPANY	03	2,236.78
36753	10/08/09	UNITED PARCEL SERVICE	48	72.00
36754	10/08/09	VISION SERVICE PLAN	03	1,234.87
36755	10/08/09	WOODRUFF ENERGY	22	86.31
36756	10/15/09	A TOUCH OF ITALY	49	256.80
36757	10/15/09	ACCESS SYSTEMS INTEGRATION	27	5,350.00
36758	10/15/09	ADP, INC.	03	170.28
36759	10/15/09	ADP, INC.	16	1,575.17
36760	10/15/09	ADVANCED SPECIALTY SALES	32	1,192.72
36761	10/15/09	ALL AMERICAN SEWER SERVICE	21	8,165.00
36762	10/15/09	ALLIED FILTER COMPANY	32	595.40
36763	10/15/09	AMERICAN WEAR	32	1,111.75
36764	10/15/09	ASSOCIATED AUTO PARTS	35	152.92
36765	10/15/09	BOWCO LABORATORIES, INC.	32	63.00
36766	10/15/09	CAMPBELL FOUNDRY COMPANY	42	437.00
36767	10/15/09	CDW GOVERNMENT, INC.	27	37.80
36768	10/15/09	CENTRISYS CORPORATION	32	700.67
36769	10/15/09	CHROMATE INDUSTRIAL CORP.	32	354.04
36770	10/15/09	COOPER ELECTRIC SUPPLY CO.	32	1,647.20
36771	10/15/09	CSL SERVICES, INC.	30	39,545.00
36772	10/15/09	D2L ASSOCIATES, INC.	42	2,480.00
36773	10/15/09	e-CUBED CONSULTING, LLC	11/27	2,037.50
36774	10/15/09	EDIBLE ARRANGEMENTS-WOODBRIDGE	18	71.84
36775	10/15/09	ENVIRONMENTAL COMPLIANCE	41	7,373.45
36776	10/15/09	KIDDE FENWAL, INC.	32	2,009.02
36777	10/15/09	FILTER EQUIPMENT CO., INC.	32	147.98
36778	10/15/09	FISHER SCIENTIFIC	40	4,460.56
36779	10/15/09	GABRIEL DISCOUNT TIRE CENTER	35	914.55
36780	10/15/09	GANNETT NJ NEWSPAPERS	12	434.00
36781	10/15/09	W.W. GRAINGER, INC.	32	359.94
36782	10/15/09	GARY W. GRAY TRUCKING, INC.	25	47,393.59
36783	10/15/09	GREAT LAKES ENVIRONMENTAL	41	568.69
36784	10/15/09	GREENBAUM, ROWE, SMITH & DAVIS	08	513.90
36785	10/15/09	GREENWOOD PRODUCTS, INC.	40	70.00
36786	10/15/09	HALL & ASSOCIATES	08	866.74
36787	10/15/09	HAYES PUMP INC.	32	1,089.00
36788	10/15/09	LAB SAFETY SUPPLY, INC.	43	231.62
36789	10/15/09	LIBERTY MUTUAL INSURANCE	17	12,261.56
36790	10/15/09	LONGO ELECTRICAL-MECHANICAL	32	448.00
36791	10/15/09	THOMAS MACALUSO	15	44.00
36792	10/15/09	SCOTT W. MACKIN	31	100.00
36793	10/15/09	MAGELLAN BEHAVIORAL HEALTH	03	568.89
36794	10/15/09	MARIDO SERVICES INC.	32	1,585.44
36795	10/15/09	MAX L. BROWN HARDWARE CO.	32	132.50

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
36796	10/15/09	MCINTYRE LOCK & LAWNMOWER SHOP	32	151.70
36797	10/15/09	MCMaster-CARR SUPPLY CO.	32/41	2,393.28
36798	10/15/09	MOTION INDUSTRIES, INC.	32	701.26
36799	10/15/09	MSC INDUSTRIAL SUPPLY CO.	32	164.88
36800	10/15/09	MY PARKING SIGN COMPANY	31	107.90
36801	10/15/09	NJ MANUFACTURERS INSURANCE CO.	17	19,072.00
36802	10/15/09	NJ WATER ENVIRONMENT ASSOC.	31	251.00
36803	10/15/09	NOBEL EQUIPMENT & SUPPLY	32	259.00
36804	10/15/09	NORTHERN SAFETY CO., INC.	31	412.73
36805	10/15/09	O'JOHNNIES, INC.	13	1,012.38
36806	10/15/09	OPTIMUM CONTROLS CORP.	32	2,614.00
36807	10/15/09	POLAND SPRING	46	102.02
36808	10/15/09	POLYDYNE INC.	23	13,950.00
36809	10/15/09	PRECISION ELECTRIC MOTOR WORKS	32	90.00
36810	10/15/09	PSE&G COMPANY	19/42	500.45
36811	10/15/09	QC LABORATORIES	41	2,554.00
36812	10/15/09	RAHWAY POLICE DEPARTMENT TRUST	18	576.00
36813	10/15/09	RARITAN SUPPLY COMPANY	32	133.08
36814	10/15/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	170,390.50
36815	10/15/09	RVSA PETTY CASH	14	155.41
36816	10/15/09	SAFETY-KLEEN CORP.	32	285.10
36817	10/15/09	SEMCOR EQUIPMENT & MFG. CORP.	32	311.00
36818	10/15/09	SLOAN BROTHERS COMPANY	32	60.36
36819	10/15/09	STAR LEDGER	12	376.50
36820	10/15/09	STORR TRACTOR COMPANY	32	402.60
36821	10/15/09	JANICE TEIXEIRA	15/31	186.85
36822	10/15/09	TELEDYNE ISCO	43	806.46
36823	10/15/09	THE SPI GROUP, LLC	27	185.00
36824	10/15/09	JAMES THOR	31	274.00
36825	10/15/09	TURTLE & HUGHES INC.	32	445.28
36826	10/15/09	UEI SERVICE	41	170.00
36827	10/15/09	UNIVERSAL ELECTRONIC SUPPLY	32	348.17
36828	10/15/09	US FILTER SIEMENS WATER TECH.	40	711.00
36829	10/15/09	VERIZON	11/30	2,142.16
36830	10/15/09	WEINER LESNIAK LLP	07	44,667.90
36831	10/15/09	921-GTS-WELCO	32	343.65
36832	10/15/09	WESTFALIA SEPARATOR, INC.	32	16,425.97
36833	10/15/09	WHIPPS, INC.	32	416.00
36834	10/15/09	DARREN ZUJKOWSKI	31	38.00

Total Operating Fund Checks: 104

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$832,426.72

Total All Checks: 117

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$2,028,852.44

OPERATING FUND	9-01	\$902,649.34
BUILDING & EQUIP FUND	9-02	<u>\$1,126,203.10</u>
TOTAL OF ALL FUNDS:		<u>\$2,028,852.44</u>

Open the Floor to the Public

No one addressed the Board.

Mr. Chin stated that it is with much regret, that the Authority received Mr. Lombardo's resignation. Mr. Chin added that Mr. Lombardo served the Authority with diligence and respect. Mr. Chin extended to Mr. Lombardo good luck in his future endeavors.

Mrs. Papen stated that she concurred with Mr. Chin's comments and added that as far as Democrats go, he was a good one!

Closed Session

Mr. Chin made a motion to go into closed session at this time, 8:27p.m., to discuss legal matters specifically Contracts #144 and #155, based on Attorney Client privilege. The motion was seconded by Mr. Mazzarella and unanimously approved.

Mr. Sefranka made a motion to return to the regular order of business at this time, 8:50 p.m. The motion was seconded by Mr. Murphy and unanimously approved.

Regular Order of Business

The Chairman asked if there was any action required based on what was discussed in Closed Session. There was none.

Adjournment

As there was no further business, on motion of Mr. Chin, seconded by Mr. Murphy, the meeting adjourned at 8:28 p.m. The motion was unanimously approved.

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

JG/jg
Attachments