

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes**

**Regular Meeting held November 18, 2010**

- Minutes  
None.
  
- Communications  
One OPRA Request.
  
- Treasurers Reports  
The Treasurer Reports for the month of September 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, Engineering, Finance, Security and Personnel Committees.
  
- Unfinished Business  
Approved the appointment of James J. Meehan as the new Executive Director.
  
- New Business  
Approved the following expenditures: Awarded Contract #1102 to Wiener Lesniak in an amount of \$562,125.00; Awarded Contract #1103 to Suplee Clooney in an amount of \$28,000.00; Awarded Contract #1105 to McElroy, Deutsch in an amount of \$51,750.00; Awarded Contract #1108 to CDM in an amount of \$32,500.00; Awarded Contract #1109 to QC Labs in an amount of \$4,110.00; Awarded Contract #1110 to QC Labs in an amount of \$32,855.00; Awarded Contract #1111 to Environmental Compliance Assoc. in an amount of \$25,600.00; and Awarded Contract #1112 to D2L Assoc. in an amount of \$32,240.00.
  
- Bills & Claims  

<b>Total All Funds Checks:</b>	<b>121</b>
<b>Total Void Checks:</b>	<b>1</b>
<b>Total Void Amount:</b>	<b>\$60.00</b>
<b>Total Amount Paid:</b>	<b>\$891,207.59</b>
<b>OPERATING FUND 0-01</b>	<b>\$838,399.30</b>
<b>BUILDING FUND 0-02</b>	<b>52,808.29</b>
<b>TOTAL ALL FUNDS</b>	<b><u>\$891,207.59</u></b>

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes (Cont'd.)**

**Regular Meeting held November 18, 2010**

Total Building & Equipment Fund Checks: 1

Total Void Checks: 0

Total Void Amount: \$0.00

Total Amount Paid: \$135,000.00

TOTAL BUILDING & EQUIPMENT FUND	0-02	\$135,000.00
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**RAHWAY VALLEY SEWERAGE AUTHORITY**  
**Regular Meeting Minutes – November 18, 2010**

The Chairman calls the meeting to order at 7:30 p.m. The Chairman asked that the recorder and video camera be turned on.

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 February 9, 2010.

If any member of this body believes that this meeting is being held in violation of the provisions of the Open Public Meetings Act, please state your objection and the reasons for same at this time.

.... Hearing no objections, we shall proceed with our regularly scheduled meeting.

The Chairman requested that everyone stand to salute the Flag.

**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
Stephen Greet	for the Borough of Garwood
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 Papen	for the Township of Scotch Plains
Paul M. Sefranka	for the City of Rahway
Attilio S. Ventura	for the Borough of Roselle Park

\* Left the meeting at 9:00 p.m. due to illness.

\*\* Left the meeting at 10:20 during closed session.

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
James Wancho, P.E.	Paulus, Sokolowski & Sartor

The following were also present:

John Buonocore	Staff Engineer
Dan Ward	Manager of Plant Maintenance
James J. Meehan	Resident
Joseph Cipolla	Cipolla & Co.
Bryan Hallberg	Cipolla & Co.
Henry Johnson	CME
Wayne Baker	Westfield Leader
Eliot Caroon	Star Ledger

The Chairman stated that he wished to suspend the Regular Order of Business at this time to take action on Unfinished Business. He asked for a motion to Suspend the Regular Order of Business.

Mr. Sefranka made a motion to suspend the Regular Order of Business. The motion was seconded by Mr. Mazzarella and unanimously approved.

**Unfinished Business**

The following Resolution #10-54 was offered by Mr. Dierkes, on motion of Mr. Dierkes and seconded by Mr. Mazzarella.

RESOLUTION #10-54

WHEREAS, the Rahway Valley Sewerage Authority desires to hire an individual to serve as the Executive Director of the Authority; and

WHEREAS, the Commissioners of the Authority have undertaken the process of selecting a candidate to serve as the Executive Director.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Rahway Valley Sewerage Authority that they hereby appoint James J. Meehan as the Executive Director and authorize the execution of an Employment Contract regarding same, a copy of which is attached hereto.

BE IT FURTHER RESOLVED that all appropriate Authority officials, professionals and personnel are authorized to prepare the necessary documents and perform those tasks that will affect the purposes of this Resolution.

Mr. Chin stated that he would like to repeat what he has said for the last few months in Executive Session, in that, in his opinion the Commissioners should appoint Robert Valent as Executive Director with Dan Ward as the Superintendent and eliminate the position of Manager of Plant Maintenance in order to save money. Mr. Chin provided a memorandum with his proposal which he noted would save the Authority \$130,000.00.

Mr. Chin noted that this has no reflection on the proposed Executive Director; however, for the past several months he's been working toward the promotion of our Acting Executive Director

Robert Valent to be our new Executive Director. For the past 11 months the Acting Director has stepped up along with the present Manager of Plant Maintenance to perform all of the Executive Directors duties. Together they have saved the RVSA the cost of the former Executive Directors salary and benefits of about \$245,000. They both have done an excellent job and the plant has been running smoothly. They also have started running the Cogen. On October 14, I distributed a proposal which suggested making the Acting Executive Director the Executive Director and the Manager of Plant Maintenance as an overall assistant. Thus one man would handle the position of Executive Director while the other would handle the position of Superintendent and Manager of Plant Maintenance and give each a \$5,000 increase. Mr. Chin added that we should pay for the licensed professionals for one more year at a cost of \$51,000.00, until these two employees can get their S-4 and C-4 licenses. Thus eliminating one position. If we go to an outside person, the cost will be \$130,000 for salary, \$45,500 for benefits for a total cost of \$175,500. The net cost savings are \$114,000.

Mr. Greet stated that during this interim period, while we were without an Executive Director, he agrees that Mr. Valent, Mr. Ward and Mr. Materna stepped up and did an excellent job. However, he also strongly believes that the RVSA is in dire need of some new eyes. The Authority needs to have someone from the outside view the efficiencies that can be obtained. He added that he thinks a lot of the Commissioners feel that there are efficiencies that can be achieved.

Mr. Murphy stated that he concurs with Mr. Chin that now might not be the time, since we have the plant running efficiently.

Mrs. Papen stated that she agrees with Mr. Chin in that the Mayors have all been after us every time the budget comes up that we have to cut the budget. Mr. Chin's plan is an excellent plan to save money. Mrs. Papen stated that she does not have anything against the proposed new Executive Director; she was just looking at it financially.

Mr. Mazzarella stated that he thinks it will be refreshing to have a new set of eyes on this Authority and added that Mr. Meehan may very well look at our entire organization and retool, streamline and reorganize to a greater benefit of \$114,000. Mr. Mazzarella added that he is confident that Mr. Meehan will review everything and possibly make some hard choices to benefit the Authority.

Mr. Ventura stated that there are a lot of sayings about estimating. And in his opinion that the hiring of one man to do the job diligently, for a place that needs discipline, and coordination in its efforts, will be a benefit, it will be better than having 3 people stumbling over each other, noting that none of those 3 have the appropriate licenses. He noted that we must do what we have to do to hire this new Executive Director who can put us on the right path which we haven't been on in years.

Mr. Sefranka stated that purely from a selfish standpoint on behalf of Rahway, that Mr. Meehan is the absolute unequivocal best candidate and this is the action that should occur. We have continued to flounder, be misdirected without any idea which direction we need to take. Mr. Sefranka added that at this point to rehash what has been discussed at nauseam, is absolutely unprofessional and noted he was shocked at Mr. Chin of playing that card when what the Board

should be showing is a united attempt to make this board right. He noted that none of this has ever been about the qualifications or the job the staff has done. He added we need a new direction, a change from the existing direction, a change from the existing vision. Mr. Sefranka stated that he is very proud to be able to vote for Mr. Meehan, and that he thinks it's the direction the board should take.

Mr. Dierkes stated that a number of months ago we started this process of looking for a new Executive Director. He noted that as Chairman of the Personnel Committee, it was his job along with Mr. Chin, Mr. Mazzarella and Mr. LoForte to bring this end to the Board. He noted that we had a number of applications from across the country. Many of them were very, very qualified for this job, bringing us to this point, noting that all of the final candidates are excellent candidates for the position.

Mr. Ventura requested that the Chairman call the vote.

The Chairman asked for a roll call vote.

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

As the vote was 6 to 5, the motion was approved.

The Commissioners congratulated Mr. Meehan and welcomed him to the Authority.

Mr. Luban asked if Mr. Meehan wished to address the Board. Mr. Meehan thanked the Commissioners and stated that he respects and understands that there are qualified people in the plant to run the plant. He added that he can only hope that they will gather behind him as he goes forward to unify the staff. Obviously changes will be made; he noted that the Authority needs leadership and direction which he plans to provide. He noted that he appreciates the support and the criticism and knows it does cost money to bring in a new person in from the outside but intends to prove to the Board that it was worth every penny. He said that he is anxious to get to work as it has been a long process.

Mr. LoForte stated that he wished to thank Mr. Dierkes, the Personnel Committee Chairman, for all of the work he put into the process of hiring of the new Executive Director. Mr. LoForte noted that during the entire process Mr. Dierkes was an absolute gentleman and always acted in a very professional manner. The other Commissioners concurred with Mr. LoForte's comments.

The Chairman asked for a motion to return to the regular order of business.

Mr. Mazzarella made a motion, seconded by Mrs. Papen, to return to the Regular Order of Business. The motion was unanimously approved.

**Return to Regular Order of Business****Approval of Minutes**

The Chairman stated that the minutes from the October 28, 2010 meeting have not been completed and therefore no action will be taken.

**Communications**

An OPRA Request was received November 3, 2010 from Elliott Caroom of the Star Ledger regarding payments to certain consultants. A copy of the Request was provided to Counsel and the requested information was provided.

**Report of Treasurer**

The Treasurer's Reports for the month of September 2010 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 10/18/10 and 11/16/10. A copy of the log sheet with additional information related to these applications has been distributed for your reference:

<u>Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Municipality</u>
1213-10-WB	11/12/10	East Jersey State Prison	Woodbridge
1214-10-RW	11/15/10	Paul Tile & Construction/Pawle Hayduk	Rahway

**Monthly Reports**

The following reports were received and distributed to the Commissioners and discussed at the Engineering Committee Meeting held November 10, 2010:

- RVSA Contractors & Engineers Claims for Payment
- RVSA Monthly Operations Report
- RVSA IPP Monthly Reports
- RVSA Monthly Grievance Report
- PS&S Monthly Engineering Report
- Weiner Lesniak Monthly Report

**Contract #105 Cogeneration/Sludge Drying Facility**

The Cogeneration/Sludge Drying facility was started up on October 18, 2010. The facility has been continually running since that date. Mr. Valent stated that for the most part, the equipment

has been running without incident; there have been some minor glitches with the blender and compressor which have been resolved.

Contract #105-F Forensic Accounting Services for 2011 re Cogeneration/Sludge Drying Facility

A letter was sent to Cipolla & Co., LLC requesting a proposal for their continued services for the 2011 calendar year. Cipolla & Co. provided their response, whereby they have proposed an hourly rate of \$225.00 with a total estimated contract amount of \$1,270,000.00. A copy of their proposal has been provided to the Commissioners for review and recommendation.

This matter was discussed at the 11/10/10 Engineering Committee Meeting. After lengthy discussion, the Commissioners agreed that they would first meet with Cipolla & Co. to discuss the proposed contract before considering any action.

Contract #105-G Litigation Support on Contract re Cogeneration/Sludge Drying Facility

Counsel forwarded resolutions for action this evening to appoint Integrated CHP Systems Corp of Princeton Junction, NJ to provide Litigation Support on the Contract #105 lawsuit. The first resolution is to cover the period September through December 2010. The second resolution is for the continued services for the 2011 calendar year. Action is on the agenda under New Business.

Contract #155-W Construction Claim Support on Contract #155 for 2011

A letter was sent to Berner Claims Consulting/Construction Claims Group requesting a proposal for their continued services for the 2011 calendar year. Berner Claims Consulting provided their response, whereby they have proposed an hourly rate of \$250.00/Principal; \$215.00/Sr. Consultant; \$195.00/Consultant; \$125.00/Technician and \$50.00/Admin. Report Preparation, with a total estimated contract amount of \$100,000.00. A copy of their proposal has been provided to the Commissioners for review and recommendation.

This matter was discussed at the Engineering Committee Meeting held 11/10/10. The Commissioners agreed to defer action on this matter at this time.

Contract #163 - Digester Gas Blower, Piping & Dual Fuel Burner

As discussed at the September 16 Regular Meeting, a Notice to Bidders was advertised in the Star Ledger. Eight contractors picked up bid specs and the following bids were received on September 15.

<u>Company</u>	<u>Amount</u>
Rapid Pump & Meter Paterson, NJ	\$343,390.00
Iron Hills Construction Inc. Wayne, NJ	\$368,000.00

Spectraserv, Inc. South Kearny, NJ	\$389,995.00
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Action on this contract was discussed at the past two meetings. At the October meeting, no action was taken.

This matter was discussed at the Engineering Committee Meeting held 11/10/10. After lengthy discussion, the Commissioners requested that Mr. Buonocore, Staff Engineer ask for an extension from the low bidder through the first quarter of 2011.

*\* With regard to Contracts #1101-#1112 below, the asterisk below indicate our current consultants.*

Contract #1101 - 2011 Consulting Engineering Services

A Request For Proposals was posted on the Authority's website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

<u>Company</u>	<u>Amount</u>
* Paulus, Sokolowski & Sartor (PS&S) Jim Wancho Warren, NJ	\$16,183. Task 1 - Retainer 13,800. Task 2 – Flow Reports <u>13,100.</u> Task 3 – Misc Eng. Services \$43,083. Total
Remington, Vernick & Arango Eng. No Designated Individual Secaucus, NJ	\$13,900. Task 1 - Retainer 10,900. Task 2 – Flow Reports <u>12,000.</u> Task 3 – Misc Eng. Services \$36,800. Total
Camp Dresser & McKee (CDM) Rob Pennington Edison, NJ	\$18,300. Task 1 - Retainer 12,500. Task 2 – Flow Reports <u>12,500.</u> Task 3 – Misc Eng. Services \$43,300. Total
Van Cleef Engineering Assoc. Christopher Jepson Hillsborough, NJ	\$25,000. Task 1 - Retainer 12,000. Task 2 – Flow Reports <u>13,000.</u> Task 3 – Misc Eng. Services \$50,000. Total
Arcadis Manuel Ponte Edison, NJ	\$20,000. Task 1 - Retainer 20,000. Task 2 – Flow Reports <u>23,000.</u> Task 3 – Misc Eng. Services \$63,000. Total
Cerenzio & Panaro, PC Edward Enright Sparta, NJ	\$39,000. Task 1 - Retainer 13,000. Task 2 – Flow Reports <u>13,000.</u> Task 3 – Misc Eng. Services

\$65,000. Total

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners. Copies of the proposals were provided to Counsel who also found the documents to be in order.

This matter was discussed at the Engineering Committee Meeting held 11/10/10. After lengthy discussion, the Commissioners requested that Mr. Buonocore, Staff Engineer meet with them to discuss this contract and recommended deferring action to a later date.

Contract #1102 - 2011 General Counsel

A Request For Proposals was posted on the Authority’s website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

<u>Company</u>	<u>Amount</u>
* Weiner Lesniak	\$9,625. Task 1 - Retainer
Brian Hak	552,500. Task 2 – 1500 Hrs. General Counsel
Parsippany, NJ	2000 Hrs. Assoc. Counsel
	<u>\$562,125.</u> Total
Greenbaum, Rowe, Smith	\$9,500. Task 1 - Retainer
Dennis Estis	582,500. Task 2 – 1500 Hrs. General Counsel
Woodbridge, NJ	2000 Hrs. Assoc. Counsel
	<u>\$592,000.</u> Total
Florio, Perrucci, Steinhardt	\$8,250. Task 1 - Retainer
Phil Morin	525,000. Task 2 – 1500 Hrs. General Counsel
Rochelle Park, NJ	2000 Hrs. Assoc. Counsel
	<u>\$533,250.</u> Total

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

This matter was discussed at the Engineering Committee Meeting held 11/10/10 and action is on the agenda under New Business to award the contract to Weiner Lesniak LLP.

Contract #1103 - 2011 Accountant Services

A Request For Proposals was posted on the Authority’s website and was sent to our present consultant. On October 27, 2010 the following proposal was received:

<u>Company</u>	<u>Amount</u>
* Suplee Clooney & Co.	\$23,000. Task 1 – Annual Audit
Bob Butvilla	<u>5,400.</u> Task 2 – Misc. Accounting Services

Westfield, NJ

**\$28,400. Total**

Suplee Clooney & Co. is our present Consultant for these services. Their rates for 2011 reflect an increase of \$10/hr for the Supervisor; all other rates remain unchanged from 2010 rates.

At the request of Commissioner Sefranka, Mrs. Grimes contacted Suplee Clooney and asked if they would hold their 2010 rate schedule for the 2011 contract year. Suplee Clooney verbally agreed to hold the Supervisor Rate from 2010 of \$125.00/hr for the 2011 calendar year. This change will decrease the total proposed contract amount to \$28,000.00. Mr. Materna has reviewed their proposal and recommends awarding the contract to Suplee Clooney.

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners. A copy of the contract was provided to Counsel who also found the documents to be in order.

This was discussed at the Engineering Committee Meeting held 11/10/10 and action is on the agenda under New Business to award the contract to Suplee Clooney & Co.

Contract #1105 - 2011 Labor Counsel

A Request For Proposals was posted on the Authority’s website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

<u>Company</u>	<u>Amount</u>
* McElroy Deutsch & Mulvaney John Pierano Newark, NJ	\$30,000. Task 1 – Legal Services 6,750. Task 2 – Harassment Training <u>15,000.</u> Task 3 - Union Negotiations <b>\$51,750. Total</b>
Weiner Lesniak Margaret Miller Parsippany, NJ	\$30,000. Task 1 – Legal Services 6,750. Task 2 – Harassment Training <u>15,000.</u> Task 3 - Union Negotiations <b>\$51,750. Total</b>
Florio, Perrucci, Steinhardt & Fader Phil Morin Rochelle Park, NJ	\$30,000. Task 1 – Legal Services 6,750. Task 2 – Harassment Training <u>15,000.</u> Task 3 - Union Negotiations <b>\$51,750. Total</b>

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

Donna Corris, Human Resources Admin. also reviewed the contracts and recommends awarding the contract to McElroy Deutsch who is our present consultant for these services. A copy of her recommendation was also provided to the Commissioners.

This matter was discussed at the Engineering Committee Meeting held 11/10/10 and action is on the agenda under New Business to award the contract to McElroy Deutsch & Mulvaney.

Contract #1106 - 2011 Regulatory Counsel

A Request For Proposals was posted on the Authority’s website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

<u>Company</u>	<u>Amount</u>
* Greenbaum, Rowe, Smith David Roth Woodbridge, NJ	\$16,400. Task 1 – 80 Hrs. Legal Services
Florio, Perrucci, Steinhardt Phil Morin Rochelle Park, NJ	Their firm used the wrong proposal sheet. They submitted a copy of the proposal for General Counsel Services in the amount of \$533,250.

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found the required documentation to be in order; the only discrepancy was with the proposal sheet from Florio, Perrucci, which was covered in the memorandum previously distributed to the Commissioners.

Copies of the proposals were provided to Counsel and Anthony Gencarelli, Mgr. of Regulatory Compliance. Counsel advised that the proposal from Florio, Perrucci, Steinhard is considered “non-responsive”.

This matter was discussed at the Engineering Committee Meeting held 11/10/10 and action is on the agenda under New Business to award the contract to Greenbaum, Rowe, Smith.

Contract #1107 - 2011 LCSO – Licensed Collection System Operator

A Request For Proposals was posted on the Authority’s website and was sent to our present consultant. On October 27, 2010 the following proposal was received:

<u>Company</u>	<u>Amount</u>
* Birdsell Services Group Cranford, NJ	\$4,800. Task 1 – Initial Services 24,960. Task 2 – Weekly Services <u>960.</u> Task 3 – Misc. Services if needed <b>\$30,720.</b> Total

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

A copy of the proposal was provided to Counsel and Bob Valent for review and

recommendation. This contract was discussed at the 11/10/10 Engineering Committee Meeting and action is being deferred at this time.

Contract #1108 – 2011 Admin. of the Biosolids Hauling & Reuse Contract

A Request For Proposals was posted on the Authority’s website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

<u>Company</u>	<u>Amount</u>	
* Camp Dresser & McKee (CDM) Edison, NJ	\$7,500. 25,000.	Task 1 – Eng. Oversight Task 2 – Bid Prep, Receipt, Recommendation for Award for renewed contract
	<u>\$32,500.</u>	Total
 Cerenzio & Panaro, PC Sparta, NJ	 \$7,500. 30,000.	 Task 1 - Eng. Oversight Task 2 – Bid Prep, Receipt, Recommendation for Award for renewed contract
	<u>\$37,500.</u>	Total

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

A copy of the proposal was provided to Counsel and Bob Valent for review and recommendation. Counsel also found the documents to be in order and Mr. Valent recommends awarding the contract to Camp Dresser & McKee. This contract was discussed at the 11/10/10 Engineering Committee Meeting and action is on the agenda under New Business.

Contract #1109 - 2011 Laboratory Services (Bioassays)

A Request For Proposals was posted on the Authority’s website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

<u>Company</u>	<u>Amount</u>
QC Labs Southampton, PA	<b>\$4,110.</b> Various Tests
* Cospers Environmental Bohemia, NY	<b>\$5,200.</b> Various Tests

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

Copies of the proposals were provided to Counsel and Jean Manigold, Lab Supervisor for review

and recommendation. Counsel found the documents to be in order and Mrs. Manigold recommends that the contract be awarded to QC Labs. This was discussed at the 11/10/10 Engineering Committee Meeting and action is on the agenda under New Business.

Contract #1110 - 2011 Laboratory Services (SQAR)

A Request For Proposals was posted on the Authority's website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

	<u>Company</u>	<u>Amount</u>
*	QC Labs Southampton, PA	\$32,855. Various Tests
	Analytical Lab Services Middletown, PA	\$34,727. Various Tests
	Test America Laboratories, Inc. Edison, NJ	\$34,869 Various Tests
	Schneider Laboratories, Inc. Richmond, VA	\$46,498. Various Tests

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

Copies of the proposals were provided to Counsel and Jean Manigold, Lab Supervisor for review and recommendation. Counsel found the documents to be in order and Mrs. Manigold recommends that the contract be awarded to QC Labs. This was discussed at the 11/10/10 Engineering Committee Meeting and action is on the agenda under New Business.

Contract #1111 - 2011 Engineering Services for Air Permit Compliance

A Request For Proposals was posted on the Authority's website and was sent to our present consultant. On October 27, 2010 the following proposals were received:

	<u>Company</u>	<u>Amount</u>
	TTI Environmental Moorestown, NJ	<b>\$21,500</b>
*	Env. Compliance Assoc. Basking Ridge, NJ	<b>\$25,600</b>
	Avogadro Environmental Easton, PA	<b>\$29,600</b>
	LAN Associates	<b>\$73,500</b>

## Midland Park, NJ

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

Copies of the proposals were provided to Counsel and Anthony Gencarelli, Manager of Regulatory Compliance for review and recommendation. Counsel found the documents to be in order and Mr. Gencarelli recommends that the contract be awarded to Environmental Compliance Assoc. This was discussed at length at the 11/10/10 Engineering Committee Meeting and action is on the agenda under New Business to award to Environmental Compliance Assoc.

Contract #1112 – 2011 Meter System Sampling & Analysis

A Request For Proposals was posted on the Authority's website and was sent to our present consultant. On October 27, 2010 the following proposal was received:

	<u>Company</u>	<u>Amount</u>
*	D2L Associates Edison, NJ	\$32,240.00

Joanne Grimes, Office Administrator, performed a cursory review of the documents and found all required documentation to be in order. This was noted in a memorandum previously distributed to the Commissioners.

Copies of the proposals were provided to Counsel and Anthony Gencarelli, Manager of Regulatory Compliance for review and recommendation. Counsel found the documents to be in order and Mr. Gencarelli recommends that the contract be awarded to D2L Assoc. This was discussed at the 11/10/10 Engineering Committee Meeting. Action is on the agenda under New Business.

Flow Meter System Report

As requested at the October 18, meeting, Robert Valent, Superintendent/Acting Co-Exec. Dir. put together a report covering the flow metering system data for the last five years. A copy of the report was distributed to the Commissioners their use.

Mr. Murphy stated that he wished to thank Bob Materna, Bob Valent and Dan Ward for doing a great job during the past year. The other Commissioners concurred with Mr. Murphy.

Report of Consulting Engineer

The following report to the Authority Board summarizes our activities for the period of October 16, 2010 through November 12, 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 start-up and testing of the Owner furnished chemical pumps and control panels. The instrumentation and control system supplier has completed the chemical system functionality testing. Introduction of chemicals to the new system for preliminary testing has resumed following repairs by Milton Roy, the pump skid vendor, and is presently ongoing. Training of plant personnel on the chemical feed system process and control including electrical and HVAC system will be scheduled shortly. The required 30-day performance test will commence shortly thereafter. In addition, site restoration has begun and installation of doors and hardware is complete.

Contract #162 Administration Building Roof

The Notice to Proceed, effective September 13, 2010, with a completion date of November 13, 2010 has been issued to the Contractor, Integrity Roofing. Several meetings have been held with the Contractor to discuss the project scope and scheduling. Representatives of the Contractor, Authority and PS&S inspected the roof insulation to determine if it was re-usable and major portions of the insulation will require replacement. This work will be paid for under the project allowance items. PS&S is also reviewing submittals for the project.

Contract #163 Digester Gas Blower, Piping and Dual Fuel Burner

Three bids were received ranging from \$343,390 to \$389,995 at the bid opening which was held on September 15th. The bids were discussed at the September and October Board Meetings and no action was taken. PS&S was in contact with the low bidder, Rapid Pump and Meter Service Company to determine if they were willing to hold their bid price for another month. A letter was subsequently received by PS&S indicated they would be willing to hold their pricing for an additional 45 days beyond the 60 days allowed under the Local public Contracts Law. The bid bonds for the two other bidders were returned.

User Charge and Flow Rights Reports

PS&S received corrected July flow data for Meter 11 from CSL and prepared final July, August and September flow rights and user charge reports. Based upon the finalized September end of year data, PS&S prepared the final 2010 Flow Year user charge report incorporating inter-municipal adjustments. Because the year-end total suspended solids (TSS) result for Kenilworth was -0.43 tons/day, PS&S replaced the negative value with the average of the annual TSS results of the prior five years, as per the recommendations of the Hatch Mott MacDonald Evaluation of

User Charge System, August 2007 report. The replacement TSS value for Kenilworth was 0.998 tons/day prior to inter-municipal adjustment.

### **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 October 19, 2010 through November 15, 2010.

#### CSP Improvements & related issues

##### Contract #155 - Plant Upgrade

A continued mediation session with respect to the electrical subcontractor's remaining claim was held on September 28, 2010. No resolution of the claim was reached at that time. This matter was discussed in Executive Session during the Engineering Committee meeting held on November 10, 2010.

##### 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 3<sup>rd</sup> 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. A detailed presentation will be made to the Board in Executive Session.

#### Miscellaneous

##### NJDEP v. Occidental Chemical Corp. et al. (Passaic River Litigation)

The RVSA and all of its constituent municipalities have been named as Third Party Defendants by the original defendants to this lawsuit. The original lawsuit was filed in 2005 by NJDEP against several chemical companies that had an interest in a piece of property located in Newark alleging that the companies had polluted the Passaic River with various hazardous chemicals including DDT and TCDD, some of the most hazardous dioxins known to man. The Complaint alleges that as a result of the defendants practices of dumping these chemicals into the river between 1940 and 1971 the entire Newark Bay Complex, defined as the lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and adjacent waters, have become polluted and seeks to have the original defendants pay for the cost of the clean up. The original defendants in their Third Party Complaint allege

that approximately 73 public entities such as various municipalities and sewerage authorities, including the RVSA and its constituent municipalities, should share in the liability for the cleanup due to their alleged practices of discharging hazardous chemicals into the Newark Bay Complex.

The Authority filed its Answer to the Third Party Complaint on September 25, 2009. This office has been selected to serve on a Steering Committee in order to provide a voice to public entity third-party defendants, such as the Authority, with respect to certain procedural issues including early disposition through motions to dismiss. This office has also been asked to participate on a 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. On September 3, 2010 this office filed a motion to dismiss the third party complaint based on the Authority's prior settlement of the claims as memorialized in the JCO. In addition, this office assisted in preparing various other motions that were also filed on September 3<sup>rd</sup> on behalf of a public entity subgroup of third party defendants of which the Authority is a part. The group motions to dismiss were based upon the failure of the third party plaintiffs to bring their claims within the relevant statute of limitations, their failure to comply with the requirements of the Tort Claims Act, and the sewage exemption set forth in the New Jersey Spill Act. Response briefs were filed by the third party plaintiffs on September 27, 2010 and this office prepared and filed reply briefs on October 7, 2010.

This matter may be discussed in Executive Session.

#### Executive Director Contract

We have been successful in negotiating a contract for the position of Executive Director with the Board's selected individual. A resolution approving the execution of same was approved earlier in the meeting.

#### 2011 Professional Services Contract

We reviewed the proposals that have been submitted in response to the Request for Proposals issued by the Authority for the 2011 year.

#### Committee Reports

The Chairman asked for the reports from the following Committees:

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

Mr. Chin stated that an Engineering Committee Meeting was held on November 10, 2010, at

which time several items were discussed. Items that require action are on the agenda under New Business.

Finance Committee (Joan Papen, Chairman)

Mrs. Papen stated that a Finance Committee Meeting was held earlier this evening at which time the Bills and Claims Lists were reviewed. Action is on the agenda under Bills and Claims.

Legal Committee (Frank Mazzarella, Chairman)

No report.

Personnel Committee (Rene Dierkes, Chairman)

Mr. Dierkes stated that a Personnel Committee Meeting was held on November 10, 2010 at which time Scott Fahrney, of Wellinghorst & Fronzuto Attorneys At Law updated the Commissioners on a pending lawsuit. Additionally, hiring a new Executive Director was discussed and formal action was taken earlier in this meeting.

Public Relations Committee (Paul Sefranka, Chairman)

No report.

Security Committee (Steve Greet, Chairman)

Mr. Greet stated that on November 1, 2010, he had discussions with Mr. Valent regarding security at the plant. He noted they would be continuing to work on this matter.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

**New Business**

The following Resolution #10-55 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Mazzarella and approved with the exception of Mr. Loforte who voted against.

RESOLUTION #10-55

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Weiner Lesniak, LLP, 629 Parsippany Road, PO Box 438, Parsippany, NJ 07054, for Professional Services, specifically to serve the Authority as General Counsel for the period January 1 through December 31, 2011, Contract #1102; 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, Request For Proposals (RFP's) were advertised on the Authority's web site and proposals 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 Weiner Lesniak, LLP on October 27, 2010 reflecting hourly billable rates of \$175.00 for Partners; \$145.00 for Associates and a retainer of \$9,625.00; and

WHEREAS, said Retainer Fee will be paid in twelve monthly installments, and includes attendance at all Engineering Committee and Regular Meetings, preparation of 22 monthly reports to be presented at each Engineering and Regular Meeting; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage the firm of Weiner Lesniak, LLP, and its designee Mr. Brian Hak, to serve as General Counsel to the Authority and to perform the services described in the RFP at hourly billable rates of \$175.00 for Partners; \$145.00 for Associates and a retainer of \$9,625.00, with an estimated amount not to exceed \$562,125.00; 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 #10-56 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Murphy and unanimously approved.

RESOLUTION 10-56

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 2010 Audit in the 2011 calendar year; Contract #1103; 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 27, 2010 reflecting an amount of \$23,000.00 for the audit and \$5,000.00 for other services, with hourly billing rates of \$150.00/Partner; \$125.00/Supervisor; \$105.00/Senior Staff; \$85.00/Staff Accountant; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 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 \$28,000.00 for a period of one year commencing on January 1, 2011; 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 #10-57 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Greet and unanimously approved.

RESOLUTION #10-57

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from McElroy, Deutsch, Mulvaney & Carpenter, LLP, 100 Mulberry Street, Newark, NJ 07102 for Professional Services, specifically to serve the Authority as Labor Counsel, Contract #1105 for the period January 1 through December 31, 2011; and

WHEREAS, the Authority has a need to engage a consultant to perform these services; 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, Request For Proposals (RFP's) were advertised on the Authority's web site and proposals 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 McElroy, Deutsch, Mulvaney & Carpenter, LLP, reflecting a blended hourly rate of \$150.00, estimated contract not to exceed \$51,750.00 based on the RFP; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage the firm of McElroy, Deutsch, Mulvaney & Carpenter, LLP, and its designee John Pierano to serve as Labor Counsel to the Authority and to perform the services described in the RFP at a billable rate of \$150.00 estimated contract not to exceed \$51,750.00; 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 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 #10-58 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Greet.

RESOLUTION #10-58

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Greenbaum, Rowe, Smith & Davis, Metro Corporate Campus, Woodbridge, NJ 07095, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Legal Services for Regulatory Matters for the period January 1 through December 31, 2011, Contract #1106; 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, Request For Proposals (RFP's) were advertised on the Authority's web site and proposals 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 Greenbaum, Rowe, Smith & Davis on October 27, 2010, reflecting an hourly rate of \$205.00/Partner, estimated total not to exceed \$16,400.00 based on the RFP; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Greenbaum, Rowe, Smith & Davis to perform the services described herein at an estimated amount not to exceed \$16,400.00 for a period of one year commencing on

January 1, 2011; 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.

Mrs. Papen stated that she contacted Counsel regarding this contract and was advised by Counsel that the contract could be awarded to Florio, Perrucci, et.al. as there was a flaw in their proposal, however, it was a waivable defect. She noted that in her opinion it should be awarded to Florio, Perrucci.

After brief discussion, Mr. Sefranka suggested that the resolution be tabled until the December meeting so that the dollar figures and comments from the staff could be presented.

Mrs. Papen made a motion to table the resolution, the motion to table was seconded by Mr. Sefranka and approved with the exception of Mr. Murphy who voted against.

The following Resolution #10-59 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mrs. Papen and unanimously approved.

RESOLUTION #10-59

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 #1108, Administration and Oversight of the Biosolids Hauling and Reuse Contract (Contract #0622 and new contract) for the period January 1 through December 31, 2011; 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 27, 2010, estimated amount not to exceed \$32,500.00; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Camp, Dresser & McKee to perform the services described herein at an estimated cost not to exceed \$32,500.00 for a period of one year commencing on January 1, 2011; 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 #10-60 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mrs. Abram and unanimously approved.

RESOLUTION #10-60

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from QC Labs Inc., 1205 Industrial Blvd. PO Box 514, Southampton, PA 18966 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Laboratory Services related to regulatory requirements (specifically Bioassay analysis), Contract #1109 for the period January 1 through December 31, 2011; 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, Request For Proposals (RFP's) were advertised on the Authority's web site and proposals 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 has received a proposal, from QC Labs Inc. on October 27, 2010, with an estimated amount of \$4,110 for various analytical tests; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage QC Labs, Inc. to perform the services described herein at an estimated amount of \$4,110.00 for a period of one year commencing on January 1, 2011; 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 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 #10-61 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Greet and unanimously approved.

RESOLUTION #10-61

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from QC Labs Inc., 1205 Industrial Blvd. PO Box 514, Southampton, PA 18966 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Laboratory Services (SQAR, NJPDES Compliance, etc.), Contract #1110 for the period January 1 through December 31, 2011; 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, Request For Proposals (RFP's) were advertised on the Authority's web site and proposals 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 has received a proposal, from QC Labs Inc. on October 27, 2010, with an estimated amount of \$32,855.00 for various analytical tests; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage QC Labs, Inc. to perform the services described herein at an estimated amount of \$32,855.00 for a period of one year commencing on January 1, 2011; 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 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 #10-62 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Murphy and unanimously approved.

RESOLUTION #10-62

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Environmental Compliance Associates, LLC, 479 Lyons Avenue, Basking Ridge, NJ 07920, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to prepare the 2011 Engineering Services for Air Permitting Compliance, Contract #1111 for the period January 1 through December 31, 2011; 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, Request For Proposals (RFP's) were advertised on the Authority's web site and proposals 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 Environmental Compliance Associates, LLC on October 27, 2010, in an amount of \$25,600.00; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Environmental Compliance Associates, LLC to perform the services described herein at a cost not to exceed \$25,600.00 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 #10-63 was offered by Mr. Chin, on motion of Mr. Chin, seconded by

Mr. Greet and unanimously approved.

RESOLUTION #10-63

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 #1112 for the period January 1 through December 31, 2011; 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 2011 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, 2011; 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.

The following Resolution #10-64 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mrs. Abram.

RESOLUTION #10-64

**AUTHORIZING A CONTRACT FOR CONSULTANT SERVICES**

WHEREAS, the Rahway Valley Sewerage Authority (the "Authority") has need of consultant services in connection with the Authority's operation of the Cogeneration Facility. Such services are exempt from the public bidding statutes and are classified as

professional services under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Rahway Valley Sewerage Authority, County of Union, and State of New Jersey as follows:

A contract, #105-G, between the Authority and Integrated CHP Systems Corp., (the "Contractor") 50 Washington Road, Princeton Junction, N.J. 08550-1031 for professional services in connection with providing consultant services in connection with the Authority's Cogeneration Facility is hereby authorized.

These professional services shall be billed at an hourly rate of \$185.00 with a total contract not to exceed \$25,000.00.

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

BE IT FURTHER RESOLVED that the contract being awarded is for the period of September through December 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.

Mrs. Papen asked what these services were for. Counsel advised that these services are for an expert witness that has been working for the Authority but being billed through Cipolla & Co. and now will be billing the Authority directly.

Mr. LoForte asked what work did they do that was approved and will we get money back from Cipolla & Co.

Mr. Hak stated that they haven't generated any work product as yet and we will not be receiving a credit from Cipolla & Co. He noted that Cipolla & Co. has not billed for the period that the Authority is engaging CHP Systems Corp. services.

After further discussion, Mr. Sefranka made a motion to table the resolution. The motion to table was seconded by Mr. Greet and unanimously approved.

**Bills and Claims**

Mrs Papan 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.

**BUILDING & EQUIPMENT FUND**

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
2571	11/18/10	CME ASSOCIATES	140.2	5,383.00
2572	11/18/10	MILLER MECHANICAL CORPORATION	140.7	6,115.94
2573	11/18/10	PAULUS, SOKOLOWSKI & SARTOR	140.2/7	3,969.00
2574	11/18/10	WEINER LESNIAK LLP	140.2/7	37,340.35

**Total Building & Equipment Fund Checks: 4**  
**Total Void Checks: 0**  
**Total Void Amount: \$0.00**  
**Total Amount Paid: \$52,808.29**

**OPERATING FUND**

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
206	11/08/10	NJ STATE HEALTH BENEFITS	03/04	83,246.94

**Total Operating Fund - Manual Checks: 1**  
**Total Void Checks: 0**  
**Total Void Amount: \$0.00**  
**Total Amount Paid: \$83,246.94**

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
38280	10/27/10	RAHWAY VALLEY SEWERAGE AUTH.	01/02	92,401.26
38281	11/10/10	NJ STATE LEAGUE OF MUNIC.	49	60.00
38282	11/10/10	NJ STATE LEAGUE OF MUNIC.	31	60.00
<b>38283</b>	<b>11/10/10</b>	<b>NJ STATE LEAGUE OF MUNIC.</b>	<b>31</b>	<b>VOID 60.00</b>
38284	11/10/10	NJ STATE LEAGUE OF MUNIC.	31	60.00
38285	11/18/10	A TOUCH OF ITALY	49	314.58
38286	11/18/10	ADP, INC.	03	176.24
38287	11/18/10	ADP, INC.	16	1,990.64
38288	11/18/10	ADVANTECH CORPORATION	32	2,250.00
38289	11/18/10	ALL AMERICAN SEWER SERVICE INC.	32	4,960.00
38290	11/18/10	ALLIED ELECTRONICS INC.	32	189.46
38291	11/18/10	AMERICAN WEAR	32	1,544.00
38292	11/18/10	APPLIED ANALYTICS, INC.	32	567.50
38293	11/18/10	ASSOCIATED AUTO PARTS	35	448.75
38294	11/18/10	ASSOC. OF ENVIRONMENTAL AUTH.	15/49	2,205.00
38295	11/18/10	ATLANTIC ANALYTICAL LABORATORY	41	880.00
38296	11/18/10	AUTOMATIC SUPPRESSION & ALARM	32	750.00
38297	11/18/10	B & B DISPOSAL	32	650.00
38298	11/18/10	ARCANGEL BOSQUE	31	59.98
38299	11/18/10	BOWCO LABORATORIES, INC.	32	213.00
38300	11/18/10	CAMP, DRESSER & MCKEE, INC.	06	2,502.77
38301	11/18/10	CANON BUSINESS SOLUTIONS, INC.	16	888.60
38302	11/18/10	CANON FINANCIAL SERVICES, INC.	16	305.85
38303	11/18/10	CASCADE WATER SERVICES	32	1,800.00
38304	11/18/10	CDW GOVERNMENT, INC.	27	1,079.36
38305	11/18/10	CITY OF RAHWAY-UNITED WATER RES.	33	6,923.90

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
38306	11/18/10	COGENT COMMUNICATIONS, INC.	27	682.45
38307	11/18/10	COMM. OF LABOR-NJ DEPT OF LABOR	37	740.00
38308	11/18/10	CONFIRE FIRE PROTECTION	31	1,205.00
38309	11/18/10	CSL SERVICES, INC.	30	12,340.00
38310	11/18/10	CUNY & GUERBER, INC.	32	288.80
38311	11/18/10	D2L ASSOCIATES, INC.	42	2,480.00
38312	11/18/10	DAVID WEBER OIL COMPANY	32	562.25
38313	11/18/10	DELL MARKETING L.P.	27	75.99
38314	11/18/10	DELTA DENTAL OF NEW JERSEY INC.	03	5,764.63
38315	11/18/10	BARBARA DERKACK	04	110.00
38316	11/18/10	DUNFORD REFRIGERATION HEATING	32	2,999.00
38317	11/18/10	e-CUBED CONSULTING, LLC	27	300.00
38318	11/18/10	ELIZABETHTOWN GAS	22	5,795.36
38319	11/18/10	ENVIROLUTIONS LLC	32	3,661.00
38320	11/18/10	ENVIRONMENTAL RESOURCE ASSOC.	40	151.81
38321	11/18/10	ELIZABETHTOWN GAS	22	20,015.68
38322	11/18/10	FABRITool INC.	32	280.00
38323	11/18/10	FISHER SCIENTIFIC	40	849.43
38324	11/18/10	FLEXLINE	32	79.08
38325	11/18/10	FLUID DYNAMICS INC.	32	348.36
38326	11/18/10	FOLEY, INCORPORATED	32	1,314.57
38327	11/18/10	G.P. JAGER & ASSOCIATES, INC.	32	1,780.75
38328	11/18/10	W.W. GRAINGER, INC.	32	129.00
38329	11/18/10	GARY W. GRAY TRUCKING, INC.	25/26	72,077.79
38330	11/18/10	GREAT LAKES ENVIRONMENTAL	41	129.90
38331	11/18/10	GREENWOOD PRODUCTS, INC.	43	181.17
38332	11/18/10	HACH COMPANY	40/43	1,280.84
38333	11/18/10	HAYS CLEVELAND	32	393.22
38334	11/18/10	HESS CORPORATION	19	21,476.08
38335	11/18/10	HI-BRETT PURATEX	32	355.00
38336	11/18/10	HOME DEPOT CREDIT SERVICES	32	97.92
38337	11/18/10	INDUSTRIAL RUBBER COMPANY	32	218.00
38338	11/18/10	JERSEY ELEVATOR COMPANY INC.	32	632.99
38339	11/18/10	KEER ELECTRIC	32	605.58
38340	11/18/10	KOMLINE-SANDERSON	32	1,381.00
38341	11/18/10	LONGO ELECTRICAL-MECHANICAL	32	960.00
38342	11/18/10	M. JEREMY OSTOW, ESQ.	08	1,776.00
38343	11/18/10	MAFFEY'S SECURITY GROUP	32	408.00
38344	11/18/10	McELROY, DEUTSCH, MULVANEY	08	1,813.29
38345	11/18/10	MCMaster-CARR SUPPLY CO.	31/32	676.52
38346	11/18/10	MECHANICAL SERVICE CORP.	32	211.31
38347	11/18/10	MIDDLESEX WATER COMPANY	33	1,030.49
38348	11/18/10	MILLER MECHANICAL CORPORATION	32	1,200.00
38349	11/18/10	MOTION INDUSTRIES, INC.	32	499.50
38350	11/18/10	MSI SERVICES, INC.	27	137.50
38351	11/18/10	NATIONAL FUEL OIL, INC.	24	1,875.31
38352	11/18/10	NJ MANUFACTURERS INSURANCE CO.	17	17,400.00
38353	11/18/10	NJ STATE LEAGUE OF MUNIC.	31	50.00
38354	11/18/10	O'JOHNNIES, INC.	13	131.84
38355	11/18/10	OPTIMUM CONTROLS CORP.	32	6,513.72
38356	11/18/10	OLSEN'S BRAKE SERVICE	35	440.50

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
38357	11/18/10	ONE CALL CONCEPTS, INC.	32	12.84
38358	11/18/10	P-M INDUSTRIAL SUPPLY, INC.	32	1,170.83
38359	11/18/10	DAVID PATRICK	15	32.00
38360	11/18/10	PAULUS, SOKOLOWSKI & SARTOR	05/06	6,458.75
38361	11/18/10	PEREGRINE TECHNICAL SERVICES	41	5,115.00
38362	11/18/10	PMK-BIRDSALL SERVICES GROUP	08	1,140.00
38363	11/18/10	PRECISION ELECTRIC MOTOR WORKS	32	7,097.00
38364	11/18/10	PRIME LUBE INC.	32	1,803.35
38365	11/18/10	PSE&G COMPANY	19	43,493.54
38366	11/18/10	QC LABORATORIES	41	5,218.00
38367	11/18/10	RAHWAY ELECTRIC SUPPLY CO.	32	1,478.80
38368	11/18/10	RARITAN SUPPLY COMPANY	32	245.22
38369	11/18/10	MICHAEL ROGERS, SR.	31	50.00
38370	11/18/10	RAHWAY VALLEY SEWERAGE AUTH.	01/02	281,641.00
38371	11/18/10	RVSA PETTY CASH	14	256.54
38372	11/18/10	STANDARD ELEVATOR	32	2,568.00
38373	11/18/10	STANDARD INSURANCE COMPANY	03	2,091.74
38374	11/18/10	STAPLES CREDIT PLAN	27	1,411.32
38375	11/18/10	STAR LEDGER	12	17.40
38376	11/18/10	SUNBELT RENTALS	32	2,326.56
38377	11/18/10	TAYLOR OIL COMPANY	24	504.42
38378	11/18/10	JANICE TEIXEIRA	15/31	561.50
38379	11/18/10	THE BANK OF NEW YORK MELLON	09	6,000.00
38380	11/18/10	TRAVELERS	17	4,483.32
38381	11/18/10	TURTLE & HUGHES INC.	32	2,215.00
38382	11/18/10	UNISAFE INC.	31	380.40
38383	11/18/10	UNITED PARCEL SERVICE	48	115.53
38384	11/18/10	UNITED STATES PLASTIC CORP.	40	107.62
38385	11/18/10	US FILTER-SIEMENS WATER TECH.	40	755.00
38386	11/18/10	U.S. HEALTHWORKS MEDICAL	50	323.00
38387	11/18/10	USA BLUEBOOK	32	318.80
38388	11/18/10	VERIZON CONFERENCING	11	328.50
38389	11/18/10	VERIZON	11/30	2,683.28
38390	11/18/10	VERIZON WIRELESS	11	807.70
38391	11/18/10	VISION SERVICE PLAN	03	1,262.66
38392	11/18/10	WEINER LESNIAK LLP	07	44,454.64
38393	11/18/10	921-GTS-WELCO	32	430.88
38394	11/18/10	WHITEMARSH CORPORATION	32	6,394.29
38395	11/18/10	WOODRUFF ENERGY	22	135.42
38396	11/18/10	MAGDALENA ZIOBRON	31	74.99

**Total Operating Fund Checks: 116**

**Total Void Checks: 1**

**Total Void Amount: \$60.00**

**Total Amount Paid: \$755,152.36**

**Total All Funds Checks: 121**

**Total Void Checks: 1**

**Total Void Amount: \$60.00**

**Total Amount Paid: \$891,207.59**

OPERATING FUND	0-01	\$838,399.30
BUILDING FUND	0-02	<u>52,808.29</u>
TOTAL ALL FUNDS		\$891,207.59

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

The Chairman asked for a roll call vote.

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

As the vote was 6 to 5, the motion was approved.

**BILLS & CLAIMS**

**BUILDING & EQUIPMENT FUND**

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
2570	11/18/10	CIPOLLA & COMPANY, LLC	140.2	135,000.00

Total Building & Equipment Fund Checks: 1  
 Total Void Checks: 0  
 Total Void Amount: \$0.00  
 Total Amount Paid: \$135,000.00

TOTAL BUILDING & EQUIPMENT FUND      0-02      \$135,000.00

**Open the Floor to the Public**

No one from the public wished to address the Board.

\* Mr. Luban left the meeting at this time due to illness.

**Closed Session**

Mr. Greet made a motion to go into closed session at 9:00 p.m. for discussion of legal matters specifically on Contract #105, Contract #155 and the Occidental Lawsuit, based on Attorney/Client privilege. The motion was seconded by Mr. Chin and unanimously approved.

\*\* Mr. Murphy left the meeting during closed session at 10:20 p.m.

Mr. Loforte made a motion, seconded by Mr. Chin, to return to regular order of business at 10:40 p.m. The motion was approved by those present.

**Regular Order of Business**

Mr. Chin made a motion, seconded by Mrs. Papen, to return to the Regular Order of Business at 10:47 p.m. The motion was unanimously approved by those present. Mr. Luban and Mr. Murphy were absent.

**Adjournment**

As there was no further business, on motion of Mr. Chin, seconded by Mrs. Papen, the meeting adjourned at 10:48 p.m. The motion was unanimously approved by those present.

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

JG/jg  
Attachments