

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes**

**Regular Meeting held November 23, 2009**

- Minutes  
None.
  
- Communications  
A letter from the Borough of Garwood; a letter from Anthony Gencarelli, RVSA Manager of Regulatory Compliance; and a letter from Peter Pelissier, Business Administrator for the City of Rahway.
  
- Treasurers Reports  
The Treasurer Reports for the month of October 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 Public Relations Committees.
  
- Unfinished Business  
Action on two resolutions continued from the October 15<sup>th</sup> Meeting. Approved the following: Amend Contract #158-A/E to PS&S in an amount of \$8,640.00; and Amend Contract #161-A/E to PS&S in an amount of \$8,640.00.
  
- New Business  
Approved the following: Reject bids received on Contract #1024; Sewer Connection for the City of Rahway; Participation in NJWCPS; Late Budget to Trenton; and Security Purchases.
  
- New Business (Cont'd.)  
Approved the following expenditures: Amend Contract #0909 to ECA in an amount of \$5,000.00; Award Contract #1001 to PS&S, retainer in an amount of \$16,183.00; Award Contract #1009 to ECA in an amount of \$24,570.00; Award Contract #1012 to Cosper Env. in an amount of \$9,200.00; Award Contract #1013 to QC Labs in an amount of \$36,169.00; Award Contract #1020 to Hess Corp. in an amount of \$0.08410/kwh; Award Contract #1023 to Gary W. Gray in an amount of \$179,000.00; Award Contract #1015 to The Spi Group in an amount of \$8,475.00; Award Contract #1016 to MIS Services in an amount of \$1,650.00; Award Contract #1002 to Weiner Lesniak, retainer amount of \$8,800.00; Award

**RAHWAY VALLEY SEWERAGE AUTHORITY**

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

**Regular Meeting held November 23, 2009**

Contract #1005 to M. Jeremy Ostow, Esq. in an amount of \$4,800.00; Award Contract #1006 to McElroy, Deutsch, Mulvaney & Carpenter in an amount of \$36,750.00; Award Contract #1007 to Greenbaum, Rowe, Smith & Davis in an amount of \$32,800.00; and Award Contract #105-F to Cipolla & Co. in an amount of \$225.00/hr.

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Bills & Claims		
OPERATING FUND	9-01	\$1,082,693.67
BUILDING & EQUIPMENT FUND	9-02	<u>\$582,354.50</u>
TOTAL ALL FUNDS:		\$1,665,048.17

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Regular Meeting Minutes – November 23, 2009**

The Chairman called the meeting to order at 7:35 p.m.

The Chairman read the statement on “Open Public Meetings Law”.

In accordance with the requirements of the Open Public Meeting Act, State of New Jersey, adequate notice of this meeting has been provided by the inclusion of the date, time and place in a Notice which was forwarded to the Star Ledger, the Home News Tribune and was filed with the Clerk of each of the eleven member municipalities on February 16, 2009 and again November 19, 2009.

The Chairman asked if any member of the body believed that this meeting was being held in violation of the provisions of the Open Public Meetings Act; to please state their objection and the reasons for same.

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

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

**Roll Call**

The following members were present:

Maria A. Abram	for the Township of Springfield
Allen Chin	for the Town of Westfield
Rene Dierkes	for the Borough of Mountainside
Richard LoForte	for the Borough of Kenilworth
Stephen Greet	for the Borough of Garwood
Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
James J. Murphy	for the Township of Cranford
Joan Papen	for the Township of Scotch Plains
Paul M. Sefranka	for the City of Rahway

The following member was absent:

Attilio S. Venturo	for the Borough of Roselle Park
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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	The Westfield Leader
Charles Lombardo	Former RVSA Commissioner from Garwood
Janice Teixeira	RVSA Health, Safety & Security Coordinator
Dave Patrick	RVSA Biosolids Supervisor
Dan Ward	RVSA Maintenance Manager
Robert Safchinsky	RVSA Maintenance Coordinator
John Derkack	RVSA Employee
Doug Reno	RVSA Employee
Peter Mladenovic	RVSA Employee
Jack Desimone	RVSA Employee
Heraldo Privado	RVSA Employee
Naim Franklin	RVSA Employee
Jim Thor	RVSA Employee
Harry Dones	RVSA Employee
Tino Dones	Relative of RVSA Employee
Tom Watters	RVSA Employee

**Suspend the Regular Order of Business**

The Chairman stated that Charles Lombardo, former Commissioner, was requested to attend this evenings meeting, as the Board wished to acknowledge his service to the Authority, and asked for a motion to Suspend the Regular Order of Business for Mr. Chin to make the presentation.

Mr. LoForte made a motion to suspend the Regular Order of Business at this time. The motion was seconded by Mr. Chin and approved by those present.

The following Resolution #09-77 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mrs. Papen. The resolution was approved by those present. Mr. Venturo was absent.

Mr. Chin stated that he was honored to present this resolution:

**RESOLUTION #09-77**

WHEREAS, Charles P. Lombardo, was appointed by the Borough of Garwood to serve as a Commissioner of the Rahway Valley Sewerage Authority (“Authority”); and

WHEREAS, Mr. Lombardo served as a Commissioner of the Authority from November 1995 through October 2009; and

WHEREAS, Mr. Lombardo served as Chairman of the Authority for the year 2002 and 2009 until his resignation; and

WHEREAS, Mr. Lombardo served as a member of the Engineering, Finance, Personnel and Legal Committees, and as a member of the Authority’s Public Relations, Insurance Review, Nominating, Security and Commissioner Handbook Committees and Chaired many of these Committees during his tenure; and

WHEREAS, Mr. Lombardo gave the benefit of his knowledge and experience during the

years he served the Authority, in all aspects of its operations and gave freely of his time pursuing matters of concern to the Authority; and

WHEREAS, Mr. Lombardo enjoyed a position of honor and respect among his peers during his years of service to the Authority for his municipality.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners, Staff and Associates of the Rahway Valley Sewerage Authority, express their gratitude for his efforts and extend to him their best wishes for good health and happiness in the future.

Set forth this 23<sup>rd</sup> day of November 2009.

Mr. Lombardo stated that he wished to thank all of the Commissioners as this really meant a lot to him. He said it was an excellent experience for him. He added it was a privilege to be associated with this group of people and thanked the staff for the great job they do. Mr. Lombardo added that Mr. Greet will be a great addition to the Board for the Borough of Garwood and wished him luck.

Mrs. Papen made a motion to return to the Regular Order of Business. The motion was seconded by Mr. Chin and approved by those present.

### **Regular Order of Business**

#### **Approval of Minutes**

The Chairman stated that the minutes of the October 15, 2009 Regular Meeting have not been completed or distributed and therefore will not be acted on this evening.

#### **Communications**

The following letter and resolution adopted October 27, 2009, addressed to Robert Materna, Secretary-Treasurer, were received from Christina Ariemma, Clerk for the Borough of Garwood:

“Enclosed find a certified copy of the above captioned resolution adopted by the Mayor and Council of the Borough of Garwood at their regular meeting held on October 27, 2009, appointing Steve Greet of 409 Brookside Place, Garwood as Board representative to the Rahway Valley Sewerage Authority for an unexpired five-year term, from October 27, 2009 to February 1, 2014. Notice along with the filing fee have been forwarded to the Secretary of the State of New Jersey.

RESOLUTION NO. 09-279 - BE IT RESOLVED by the Mayor and Council of the Borough of Garwood, County of Union, State of New Jersey, that Steve Greet of 409 Brookside Place, Garwood, New Jersey, be and he is hereby appointed a member of the Rahway Valley Sewerage Authority from the Borough of Garwood for an unexpired five (5) year term – commencing October 27, 2009 to February 1, 2014.”

The following letter addressed to Robert Luban, Chairman, dated November 2, 2009, was

received from Anthony Gencarelli, Manager of Regulatory Compliance, regarding Open Public Meetings and the Exclusion of the Public (Closed Session) – and Rice Notification:

“It is my understanding that in the “interest” of controlling costs at the Rahway Valley Sewerage Authority (RVSA), the Board may be considering the consolidation and/or elimination of certain employment positions. A while ago when privatization was being discussed and aggressively pursued by a former Commissioner, he had specifically suggested outsourcing my position and without the benefit of my being given proper and adequate notice.

In view of the above, I am respectfully requesting that any discussion regarding my employment, the responsibilities of my position, and/or the possibility of consolidating my position with another position, and that the Board would desire to exclude the public from (closed session), be discussed in the public session in accordance with any applicable laws and regulations including N.J.S.A 10:4-12.b(8) which states:

“Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.”

It is my understanding that this notification is not limited to instances where the individual’s name is specifically mentioned and that it is simply applicable to any instance involving the individual’s employment.

Consistent and in accordance with the above, I am requesting adequate notice of the Board’s or any Board member’s intentions of having such discussions, including any discussions that may take place at any committee meetings where there is not a quorum of the Board. It is my understanding that all meetings of public bodies shall be open to the public regardless of whether or not there is a quorum present and that as a result this notification would be required in all instances where these discussions may occur.

I trust that the RVSA Board of Commissioners will honor this request and operate in good faith.”

The following letter addressed to Michael Brinker, Executive Director, was received today from Peter Pelissier, Business Administrator for the City of Rahway:

“I am in receipt of your letter dated November 12, 2009 to Mayor Kennedy as well as a complete and voluminous draft of the above subject budget.

On behalf of Mayor Kennedy and the City Council Member from Rahway, I am in the process of reviewing the document in order to provide to you and the RVSA Commissioners comments as requested.

It is my understanding that the agenda for tonight's meeting, November 23, 2009, includes a resolution for adoption of the 2010 Operating and Maintenance Budget.

I respectfully request that this motion and/or resolution to approve said budget be tabled until a future date in December in order to adequately provide the City of Rahway's concerns and comments.

Thanking you in advance."

### **Report of Treasurer**

The Treasurer's Reports for the month of October 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 10/14/09 and 11/17/09. 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>
1136-09-KW	10/15/09	Micheli Miceli	Kenilworth
1137-09-WB	10/16/09	Inman LaSala	Woodbridge
1138-09-SF	10/19/09	Salem Construction	Springfield
1139-09-WB	10/19/09	Mujib & Huma Khan	Woodbridge
1140-09-WB	10/23/09	Michael Fano	Woodbridge
1141-09-CR	11/06/09	Manfred Dreschniol	Cranford
1142-09-WB	11/12/09	GMM Associates, Inc.	Woodbridge
1143-09-SF	11/16/09	Boardroom Home Builders	Springfield
1144-09-WB	11/16/09	Zappia Investments c/o AJV Eng.	Woodbridge

#### **Monthly Reports**

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

- PS&S Monthly Engineering Report
- CCMS - Contract #105 – Cogeneration Facility
- CCMS - Contract #155 – WWTP Upgrade
- Weiner Lesniak – Monthly Report
- RVSA Contractors & Engineers Claims for Payment
- RVSA Purchase Orders in Excess of \$1500.
- RVSA Operations Report

The following updated reports were received and will be discussed this evening.

- PS&S Monthly Report

## Weiner Lesniak – Monthly Report Update

Contract #105-C Construction Oversight Services - CCMS

CCMS is continuing work on this contract.

Contract #155-C Construction Oversight Services - CCMS

CCMS is working on Contract Close out.

Contract #158 – Outfall Line Repairs

This contract is complete. The Consulting Engineer will report further on 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 was on the October 15<sup>th</sup> agenda, however, was “continued” to this months meetings. PS&S was requested at the Engineering Committee Meeting to provide a comparison breakdown of the actual costs incurred vs. the original estimate.

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

This contract is complete. The Consulting Engineer will report further on 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 was on the October 15<sup>th</sup> agenda, however, was deferred to this months meetings. PS&S was requested at the Engineering Committee Meeting to provide a comparison breakdown of the actual costs incurred vs. the original estimate.

Contract #0909 – 2009 Engineering Services – Air Permit Compliance

Environmental Compliance Associates (ECA) has submitted a request for additional monies related to this contract for services related to the Authority’s Title V air permit for the new

emergency generators. The current contract is \$18,970.00; they are requesting an additional \$5,000.00 for a total amended contract amount of \$23,970.00. The request for the additional money is due to the increased work load associated with (1) new testing parameters for the CAT engines, (2) permission to operate NEW Diesel engines before we receive the operating permit, and (3) attendance at a meeting with NJDEP. This matter was discussed at the Engineering Committee meeting and a motion is on the agenda under New Business.

#### Service Contracts (2010 and/or 2010-2011)

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 and Notice to Bidders was advertised in the Star Ledger. Information related to the proposals and bids received was reported to the Board at the October meeting, however, the contracts that were not awarded at the October meeting, were discussed at the November Committee meetings and are on the agenda this evening for action. Those contracts are outlined as follows:

#### 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. Interviews with all of the consultants were held on November 9<sup>th</sup>. Action is on the agenda under New Business.

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	Retainer	\$8,800.00
Parsippany, NJ	Partners	\$175.00
	Associates	\$145.00
Greenbaum, Rowe, Smith	Retainer	\$9,500.00
Woodbridge, NJ	Attorneys	\$205.00
	Associates	\$155.00
	Paralegals	\$70.00
	Paraclerks	\$35.00
Cooper Levinson	Retainer	\$18,600.00
Atlantic City, NJ	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. The Legal Committee recommends award to Weiner Lesniak, LLP. A motion is on the agenda under New Business.

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, Esq.	Est. 30 Hours	\$4,800.00
South Orange, NJ	J. Ostow	\$160.00
	M. Zaleski	\$80.00
McManimon & Scotland	Est. 30 Hours	Not Provided
Newark, NJ	Attorneys (Blended)	\$215.00
	Legal Assistants	\$135.00

Jeremy Ostow, formally of McManimon Scotland, was our provider for these services. The Legal Committee recommends award to Jeremy Ostow, Esq. A motion is on the agenda under New Business.

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	\$30,000.00
	Harassment Training (Est. 45 Hours)	<u>\$6,750.00</u>
	TOTAL	\$36,750.00
	Blended Hourly Rate for All	\$150.00

Weiner Lesniak Parsippany, NJ	Used old RFP – Task 1, 100 Hrs.	\$15,000.00
	Task 2 (45 Hours)	6,750.00
	Task 3, 100 Hours	<u>15,000.00</u>
	TOTAL	\$36,750.00
	Hourly Rate	\$150.00

Note: New RFP Est. 200 Hrs. and no  
Task 3 = Equals same total amount.

Jackson Lewis Attorneys at Law Morristown, NJ	Did not propose based on RFP	
	Training – 1 Attorney – 1 Day	\$2,000.00
	Training – 2 Attorneys – 1 Day	\$3,200.00
	Partners	\$250.00
	Associates	\$225.00

McElroy, Deutsch, Mulvaney is our current provider for these services. Their fees for 2010 remain unchanged from those charged in 2009. The Legal Committee recommends award to McElroy, Deutsch, Mulvaney. A motion is on the agenda under New Business.

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) **	<u>\$20,000.00</u>
	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	Task 1 (Est. 40 Hours)	\$8,200.00
Woodbridge, NJ	Task 2 (Est. 120 Hours)	<u>\$24,600.00</u>
	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. The Legal Committee recommends award to Greenbaum, Rowe, Smith. 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	Task 1	\$3,800.00
Easton, PA	Task 2	<u>\$18,000.00</u>
	TOTAL	\$22,600.00
CME Assoc.	Task 1	\$3,700.00
Monmouth Junction, NJ	Task 2	<u>\$19,200.00</u>
	TOTAL	\$22,900.00
EWMA	Task 1	\$4,000.00
Parsippany, NJ	Task 2	<u>\$19,300.00</u>
	TOTAL	\$23,300.00
Warren Panzer Eng.	Task 1	\$5,000.00
New York, NY	Task 2	<u>\$20,400.00</u>
	TOTAL	\$25,400.00
Env. Compliance Associates	Task 1	\$5,570.00
Basking Ridge, NJ	Task 2	<u>\$20,400.00</u>
	TOTAL	\$25,970.00
	Reduced at request of Board	<b>\$24,570.00</b>

Env. Compliance Associates is our current provider for these services, however, they submitted the highest quote. 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. The Engineering Committee recommends award to ECA, however, asked if ECA would consider lowering their price. Mr. Gencarelli contacted each of the firms including ECA regarding the matter. ECA responded that they would reduce their proposal by \$1,400.00 to \$24,570.00; a copy of the memo from ECA was distributed to the Commissioners. 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. The Engineering Committee recommends award to Cosper Environmental. A motion is on the agenda under New Business.

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. The RFP reflected Proposals A and B. Proposal A outlined testing parameters required in the initial draft permit and B covered the testing parameters required if the final draft permit was issued. The Authority just received the Final Permit and therefore, Proposal B testing parameters are required. The Laboratory Supervisor and Counsel reviewed the proposal and found it to be in order and recommend award to QC Labs. The Engineering Committee recommends award to QC Labs for Proposal B. 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. Counsel advised that Springboard's proposal had an "unwaivable" defect and The Spi Groups proposal is in order. Based on the foregoing, the Public Relations

Committee recommends award to The Spi Group. A motion is on the agenda under New Business.

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	\$2,200.00

The Spi Group is our current provider for these services and their rates for 2010 remain unchanged from 2009. However, MSI Services submitted the low quote and their documentation is in order. Based on the foregoing, the Public Relations Committee recommends award to MSI Services. A motion is on the agenda under New Business.

Contract #1020- Electric Supply Service

Bids were solicited through the NJSMUAEAS of which the Authority is a member for Electric Supply Services. Based on the bids received, and the recommendation of the Authority's and Aggregation Group's Energy Agent, it is recommended that the Authority execute a contract with Hess Corporation of Woodbridge, NJ, for Electric Supply Service at a fixed cost of \$0.08410/kwh for a one year period. A motion is on the agenda under New Business.

Contract #1023 – Grit & Screenings Removal and Disposal

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 November 17, 2009 two bids were received.

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Gary W. Gray Trucking Delaware, NJ	\$89.50/ton	\$179,000.00
Spectraserv Delaware, NJ	\$94.00/ton	\$188,000.00

Counsel reviewed the bids and found them to be in order. Action to award to Gary W. Gray

Trucking is on the agenda under New Business.

Contract #1024 - Furnish & Deliver Emulsion Polymer

As previously advised, 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 two bids were received, one from Tidewater Products and the second from Polydyne, Inc.

Counsel found the bid from Tidewater Products to be nonconforming and Polydyne's proposed product failed the required performance test. Therefore formal action is required to reject these bids. As time was of the essence, the Commissioners were advised of this in advance and the contract was rebid, as noted below. Formal action to reject the bids is on the agenda under New Business.

Contract #1024-REBID #1- 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. On November 5, 2009, the following Bids were received:

<u>Company</u>	<u>Item</u>	<u>Amount</u>
Tidewater Products Toledo, OH	\$0.94/lb @ 11.5 lb/ <u>wt</u>	\$118,910.00
Polydyne Inc. Riceboro, GA	\$0.85/lb @ 14.95 lb/ <u>wt</u>	\$139,782.50

Counsel found the bids to be in order. Performance testing has been done, however, results and analyses are pending. Formal action on these bids has been deferred to the December 17<sup>th</sup> meeting for consideration.

North Jersey Wastewater Cooperative

The Rahway Valley Sewerage Authority (RVSA / Authority) is a member of the North Jersey Wastewater Cooperative Pricing System (NJWCPS) of which Passaic Valley Sewerage Commission (PVSC) is the lead agency and bears all costs associated with administering the System and bidding process. The contract is up for renewal and the RVSA wishes to renew its membership in the Cooperative at no cost to the Authority. The Engineering Committee recommends renewing membership and a motion is on the agenda under New Business.

Sewer Connection

A Treatment Works Sewer Connection Application was received from the City of Rahway on behalf of 1530 Irving Street, LLC for property located in the City of Rahway. The application is for a sewer connection to serve one building with a 72 seat restaurant, Bar/Lounge and Assembly Hall, with a proposed discharge of 3,900 gpd. The Engineering Committee recommends approval and a motion is on the agenda under New Business.

**Report of Consulting Engineer**

The following report to the Authority's Board summarizes our activities for the period of October 13, 2009 through November 16, 2009.

**JCO Compliance/NJPDES Permit**

PS&S drafted, finalized and submitted the third quarter report, which was due before the end of October.

**Trunk Sewer Rehabilitation - Contract #144**

PS&S continues to dispute the remaining contractor claims related to the contractor's assertion that he was delayed. General Counsel has scheduled the mediation that was requested by the Contractor for January 12, 2010. PS&S reviewed correspondence files and consulted with Counsel regarding documentation for the mediator.

**Air Permitting**

PS&S has continued to provide follow-up review, discussions and input regarding the Authority's Appeal on the NJDEP new requirements of concern to the Authority in the NJDEP Title V Air Permit Modification Approval dated July 31, 2009, regarding the operation of the cogen engines; PS&S provided attendance and input at the Appeal settlement meeting with NJDEP on October 16, 2009 where the NJDEP agreed to make concessions on all of the air permit conditions of concern to the Authority; and after the settlement meeting, PS&S provided additional review and comments to the Authority on NJDEP's proposed concession revisions; and PS&S will continue to provide assistance to the Authority during the Appeal settlement process / Title V Mod approval 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 has completed all contract work including the wetlands restoration. PS&S has discussed the wetlands restoration with the NJDEP and will continue follow-up with them. PS&S is in the process of coordinating the project close with the contractor.

**Contract #159 Chemical Feed System Improvements**

Coordination efforts associated with Contract #155 regarding the furnishing of the chemical feed equipment is ongoing. E.E. 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. The O&M manuals with as-built P&ID's were delivered and reviewed by CCMS. E.E. Cruz has advised that partial

shipment of the control panels is scheduled to commence on October 30, 2009 through November 13, 2009. Further, we have had several discussions and correspondence with E.E. Cruz, Contract #159 General Contractor, regarding the integration of the chemical feed SCADA system with the existing plant SCADA system. The issue is resolved and the Contractor will proceed with the work. 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, pump skids, metal framing and sheetrock for containment walls, painting, dilution and cold water piping, chemical fill station and FRP grating and handrails.

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

Spectraserv Inc. has completed all tank rehabilitation work. Spectraserv has also completed the roof work. The metal panel trim and cap flashing remain outstanding. PS&S is providing on site supervision on an as needed basis.

#### User Charge and Flow Rights Reports

PS&S issued the September flow rights update and Final Year End User Charge reports, including inter-municipal adjustments, on October 16, 2009. The October flow rights and User Charge updates were provided to the Authority on November 16, 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 October 13, 2009 through November 17, 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. The parties have finally agreed upon a mediator and 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. On July 2, 2009 the Authority filed 3rd party claims against its consultants PS&S and CCMS alleging its right to indemnification/contribution based on the contractor’s crossclaim for delay and errors and omissions. The parties are now engaged in discovery. Finally, we have had extensive consultations with the Executive Director regarding the exhaust breeching restraint issue. Waldron Engineering has been retained by the Authority for purposes of calculating the design pressure so that a redesign of the breeching system can be performed. This matter may be further discussed in Executive Session.

MiscellaneousContract #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’s claims are going to mediation. An initial conference call was held between counsel and the mediator on November 6, 2009 and a mediation session is scheduled for January 12, 2010.

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

The RVSA and all of its constituent municipalities have been named as Third Party Defendants by the original defendants to this lawsuit. The original lawsuit was filed in 2005 by NJDEP against several chemical companies that had an interest in a piece of property located in Newark alleging that the companies had polluted the Passaic River with various hazardous chemicals including DDT and TCDD, some of the most hazardous dioxins known to man. The Complaint

alleges that as a result of the defendants practices of dumping these chemicals into the river between 1940 and 1971 the entire Newark Bay Complex, defined as the lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and adjacent waters, have become polluted and seeks to have the original defendants pay for the cost of the clean up. The original defendants in their Third Party Complaint allege that approximately 73 public entities such as various municipalities and sewerage authorities, including the RVSA and its constituent municipalities, should share in the liability for the cleanup due to their alleged practices of discharging hazardous chemicals into the Newark Bay Complex.

The Authority filed its Answer to the Third Party Complaint on September 25, 2009. On October 23, 2009 this office sent a letter to the court appointed special master for the case requesting relief from the case management orders prohibiting the filing of motions to dismiss until a later date. A copy of the letter was sent to the Board. To date, we have not received a response to our letter from the special master. In addition, the Authority's initial discovery disclosures were filed on November 6, 2009. Finally, a meeting has been scheduled with the special master on November 23, 2009 for purposes of bringing the public entity third-party defendants up-to-date regarding the status of the case. This matter may be discussed in Executive Session.

#### Clark Twsp. Assessment issue

On August 18, 2009 the Authority was served with a lawsuit filed by Clark Twsp. seeking to rescind or otherwise reform the 1995 Service Agreement in order to allow for a reduction in the Township's assessment due to the closure of operations of a major industrial user, United Gypsum. This office filed a motion to dismiss Clark's third-party complaint on September 22, 2009. All of the other member municipalities have joined in the Authority's motion. The Authority's reply brief was filed on November 2, 2009 and the motion was heard on November 9, 2009 at which time the court reserved decision. A written decision is expected from the court by the end of the month. 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 Lab Services/Bioassay & NJPDES Study/TRE
- Contract # 1013- 2010 Laboratory Services/NJPDES, SQAR
- Contract # 1014- 2010 Metering System Sampling/Analysis & Insp.
- 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 Engineering Committee Meetings were held November 9, 2009 and again earlier this evening, at which time several items were discussed. Items that require action are on the agenda under Unfinished Business and New Business.

Finance Committee (Joan Papen)

Mrs. Papen stated that Finance Committee Meetings were held November 4<sup>th</sup> and 12<sup>th</sup> at which time the 2010 budget was discussed, and earlier this evening at which time the Bills and Claims were reviewed. 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 was held November 12<sup>th</sup>, at which time several items were discussed. Items that require action are on the agenda under New Business.

Personnel Committee (Rene Dierkes, Chairman)

No report.

Public Relations Committee (Paul Sefranka, Chairman)

Mr. Sefranka stated that the 2009 Newsletter was mailed out this past week.

Security Committee (Frank Mazzarella, Chairman)

No report.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

**Unfinished Business**

The Chairman stated that the following Resolutions were on the October 15<sup>th</sup> agenda, however, were continued to this meeting for final action as the Board wanted additional information from PS&S.

Mr. Chin made a motion to bring Resolution #09-71 back to the table to continue consideration. The motion was seconded by Mrs. Abram and approved by those present.

The motion on the table was offered by Mr. Chin and seconded by Mrs. Papan.

**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 noted that Mr. Wancho submitted the requested documentation regarding the increases on both Contracts #158-A/E and #161-A/E. Mr. Wancho added that on Contract #161, PS&S actually incurred more costs, however, will not pass them onto the Authority.

Mr. Mazzarella asked what the cost was from the contractor regarding the work on the Outfall Line. Mr. Wancho stated that the additional costs were included in the contingency portion of the contract. There will not be a change order for the additional work.

Mr. Sefranka stated that Resolution #09-72 should reflect a “not to exceed”, Mrs. Grimes stated that it does in the seventh paragraph.

After brief discussion, the Chairman called the vote. Resolution #09-71 was approved by those present with the exception of Mr. Murphy who voted against. Mr. Venturo was absent.

The following Resolution #09-72 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Dierkes. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-72

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolution #09-19 and related Agreement for the purpose of engaging Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ 07059, for Professional Services specifically related to Contract #161-A/E Engineering related to the Rehabilitation of the Sludge Storage Tanks, Control Bldg., Pumping Station and demolition of DSN-004 and rehabilitation of that site; 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 \$99,700.00 be and are hereby amended to provide for the increased contract amount of \$8,640.00 resulting in a total contract not to exceed \$108,340.00; 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.

**New Business**

The following Resolution #09-78 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present. Mr. Venturo was absent.

**RESOLUTION #09-78**

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolution #08-68 and related Agreement for the purpose of engaging Environmental Compliance Associates (ECA) for Professional Services specifically related to Contract #0909, 2009 Engineering Services – Air Permit Compliance; and

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

WHEREAS, ECA submitted documentation reflecting the need for additional monies related to the contract; and

WHEREAS, the additional amount to be authorized for this Contract is \$5,000.00; 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 Resolution and related Agreement with Environmental Compliance Associates in an amount of \$18,970.00 be and are hereby amended to provide for the increased contract amount of \$5,000.00 resulting in a total contract not to exceed \$23,970.00; 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.

The following Resolution #09-79 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mrs. Abram.

**RESOLUTION #09-79**

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Paulus, Sokolowski & Sartor, LLC, 67A Mountain Blvd. Extension, Warren, NJ 07059, for Professional Engineering Services to serve at the pleasure of the Authority as Consulting Engineer, Contract #1001 for the period January 1, 2010 through December 31, 2010; 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 Paulus, Sokolowski & Sartor, LLC on October 6, 2009, reflecting an amount of \$16,183.00 for their retainer; and

WHEREAS, the retainer for said consulting services include attendance at Regular Board and Engineer Committee Meetings, preparation of monthly Engineering reports, an annual inspection of the Authority's treatment and collection/outfall system with a report on the maintenance and operation of same, a review of the annual budget and advice on engineering related questions that arise at the aforementioned meetings; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that 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 Paulus, Sokolowski & Sartor, LLC to perform the services described herein with a retainer of \$16,183.00, and all other services will be billed per their hourly rate schedule; and

BE IT FURTHER RESOLVED that all other services performed by Paulus, Sokolowski & Sartor, LLC will be per the Rate Schedule of Fees as follows and as outlined in their proposal:

Classification	Rate/Hour	
Principal	\$185.00	
Engineer X/Proj. Mgr.	\$138.00	
Engineer IX/Proj. Mgr. II	\$125.00	
Engineer IX/Proj. Mgr. I	\$118.00	
Expenses:	Mileage	\$0.55/per mile
	Reproduction	\$0.10/per 8-1/2 x 11 sheet
	Outside Printing	At Cost

BE IT FURTHER RESOLVED that a Professional Service Contract 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 stated that in his opinion, we do not change firms now that we need PS&S to assist on some of the claims. Mr. Sefranka stated that he disagrees and thinks continuation is wrong. Mr.

Luban stated that he thinks we should engage a “pool” of engineers. After brief discussion, the Chairman requested a roll call vote.

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

As the vote was 8 to 2, the motion passed.

The following Resolution #09-80 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mrs. Abram. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-80

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 2010 Engineering Services for Air Permitting Compliance, Contract #1009; 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 6, 2009, in an amount of \$25,970.00, however, that amount was negotiated to \$24,570.00; 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 Environmental Compliance Associates, LLC to perform the services described herein at a cost not to exceed \$24,570.00 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 #09-81 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mrs. Abram. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-81

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Cospers Environmental Services, 83 Carlough Road, Bohemia, NY 11716 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Laboratory Services related to regulatory analysis, Contract #1012; 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 Cospers Environmental Services on October 6, 2009, reflecting an estimated contract amount of \$9,200.00; 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 Cospers Environmental Services to perform the services described herein at an estimated amount of \$9,200.00 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 #09-82 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Sefranka. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-82

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 #1013; 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 6, 2009, specifically Proposal Part B with an estimated amount of \$36,169.00; 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 QC Labs, Inc. to perform the services described herein at an estimated amount of \$36,169.00 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 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. Sefranka, to award Contract #1020 Electric Supply Service to Hess Corporation of Woodbridge, NJ for a one year period May 2010 to May 2011 at a cost of \$0.08410/kwh, as recommended by the Authority's Aggregation Group's Energy Consultant, Gable Associates, and the Executive Director. The motion was approved by those present. Mr. Venturo was absent.

Mr. Chin made a motion, seconded by Mr. Murphy, to award Contract #1023 Grit & Screenings Disposal to the low bidder, Gary W. Gray Trucking of Delaware, NJ for a two year period, at a cost of \$89.50/ton, total estimated contract amount of \$179,000.00, as recommended by the Executive Director. The motion was approved by those present. Mr. Venturo was absent.

Mr. Chin made a motion, seconded by Mrs. Abram, to reject the two bids received October 6, 2009 on Contract #1024 Furnish & Deliver Emulsion Polymer, as the low bidder failed to provide a Consent to Surety and the product proposed by the second bidder, failed the required performance tests; and to rebid the contract, as recommended by the Executive Director. The motion was approved by those present. Mr. Venturo was absent.

The following Resolution #09-83 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Murphy. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-83

WHEREAS, the Rahway Valley Sewerage Authority (RVSA) desire to renew its membership or "Participating Contracting Unit" (PCU) with the North Jersey Wastewater Cooperative Pricing System (NJWCPS); and

WHEREAS, the Passaic Valley Sewerage Commissioners (PVSC) is the lead agency of said NJWCPS; and

WHEREAS, such membership shall be for the period through November 30, 2014, unless or until the RVSA elects to formally withdraw from the system by giving 30 days advanced written notice; and

WHEREAS, the PVSC shall bear all costs associated with administering the NJWCPS system and bidding process including the cost of advertising and administration, and the PCU shall not be obligated for any part of such expense.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director of the Rahway Valley Sewerage Authority be and hereby is authorized to enter into and execute the attached agreement for its membership renewal in the NJWCPS.

The following Resolution #09-84 was offered by Mr. Sefranka, on motion of Mr. Sefranka, and seconded by Mr. Murphy. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-84

WHEREAS, the City of Rahway submitted a Treatment Works Sewer Connection Application on behalf of 1530 Irving Street LLC, for a project located at 1530 Irving Street, in the City of Rahway, State of New Jersey; and

WHEREAS, the application is for the connection of a building which includes a 72 seat restaurant, 69 seat bar/lounge and 145 seat assembly hall, with a proposed flow of 3,900 gpd; and

WHEREAS, the flow from the foregoing connection will not cause the Authority to exceed its permitted flow of 40 mgd; and

WHEREAS, the application has been reviewed by Michael J. Brinker, Jr., P.E., Executive

Director/Chief Engineer, and found to be in order.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that it does hereby accept and approve the aforesaid application.

The following Resolution #09-85 was offered by Mr. Sefranka, on motion of Mr. Sefranka, and seconded by Mr. Chin. The resolution was approved by those present. Mr. Ventura was absent.

RESOLUTION #09-85

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from The Spi Group, 165 Passaic Avenue, Fairfield, NJ 07004 for 2010 Public Relations Services, Contract #1015; 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 The Spi Group on October 6, 2009 reflecting an estimated cost of \$8,475.00 and an hourly rate of \$135.00 based on tasks outlined in 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 2010 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage The Spi Group to perform the services described herein at an estimated amount of \$8,475.00 for a period of one year commencing on January 1, 2010; and

BE IT FURTHER RESOLVED that a 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 stated that The Spi Group did an excellent job on the Newsletter which was recently mailed out.

The following Resolution #09-86 was offered by Mr. Sefranka, on motion of Mr. Sefranka, and seconded by Mr. Chin. The resolution was approved by those present. Mr. Ventura was absent.

RESOLUTION #09-86

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from MSI Services, Inc., 23 Route 206, Stanhope, NJ 07874 for 2010 Website Services, Contract #1016; 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 the proposal from MSI Services, Inc. on October 6, 2009, reflecting an hourly rate of \$75.00, total estimated amount of \$1,650.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage MSI Services, Inc. to perform the services described herein at an estimated cost of \$1,650.00; 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.

The following Resolution #09-87 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, and seconded by Mr. Chin.

RESOLUTION #09-87

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, 2010, Contract #1002; 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 6,

2009, reflecting hourly billable rates of \$175.00 for Partners; \$145.00 for Associates and a retainer of \$8,800.00; and

WHEREAS, said Retainer Fee will be paid in twelve monthly installments, and includes attendance at all Engineering Committee and Regular Meetings, preparation of 12 monthly reports to be presented at each Regular Meeting which are to be electronically transmitted to the Authority beforehand; 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 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 \$8,800.00; 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.

Mr. Chin stated that when the Engineering Firms were recently interviewed, Mr. Mazzarella asked each firm if they would waive their retainer fee. Mr. Chin asked Mr. Mazzarella why he did not do the same for the Law Firms.

Mr. Mazzarella responded that he did not know why, however, would ask Mr. Hak right now. Mr. Chin stated that wasn't necessary as he did not think they should waive their fees, however, felt that Mr. Mazzarella should treat everyone equally.

As there was no further discussion, the Chairman called the questions. The resolution was approved by those present. Mr. Venturo was absent.

The following Resolution #09-88 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, and seconded by Mr. Murphy. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-88

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from M. Jeremy Ostow, Esq., Franklin Terrace, South Orange, New Jersey 07079 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Legal Services specifically to serve as Bond Counsel, Contract #1005; 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 McManimon & Scotland on October 6, 2009, reflecting an hourly rate of \$160.00 for Mr. Ostow and \$80.00 for Ms. Zaleski, with a total estimated contract amount of \$4,800.00 for services outlined in 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 2010 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage McManimon & Scotland to perform the services described herein at an estimated cost of \$4,800.00 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 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 #09-89 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, and seconded by Mrs. Papen. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-89

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 #1006 for the period January 1 through December 31, 2010; 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 proposal from McElroy, Deutsch, Mulvaney & Carpenter, LLP, reflects

a blended hourly rate of \$150.00, total estimated contract amount of \$36,750.00, 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 2010 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 Peirano 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 amount of \$36,750.00; 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 #09-90 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, and seconded by Mr. Chin. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-90

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, Contract #1007; 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 6, 2009, reflecting an hourly rate of \$205.00/Partners, \$155.00/Associates, \$70.00/Paralegals and \$35.00/Paraclerks, estimated amount of \$32,800.00 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 2010 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 of \$32,800.00 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 #09-91 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, and seconded by Mr. Chin. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-91

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Cipolla & Co., LLC, 851 Franklin Lake Road, Franklin Lakes, NJ 07417 for Professional Services, Contract #105-F; and

WHEREAS, the Authority has a need to engage a consultant to provide Forensic Accounting Services, specifically related to the litigation on Contract #105 - Cogeneration/Sludge Drying Facility; 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 Cipolla & Co., LLC dated November 9, 2009, reflecting an hourly rate of \$225.00 with a minimum half day rate of \$900.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Cipolla & Co., LLC to perform the services described herein at an hourly rate of \$225.00; 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.

The following Resolution #09-92 was offered by Mrs. Papen, on motion of Mrs. Papen, and seconded by Mr. Murphy. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-92

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 February 15, 2010:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$1,011,931.29	1.23%	Town Bank, Westfield, NJ

Mr. Chin stated that a newspaper article recently stated that he is on the Town Bank Board of Directors and that I vote on all Resolutions related to investing in said bank. He stated for the record that he is not on the Board of Directors of Town Bank, however, he always abstains from voting on anything to do with the Town Bank.

The following Resolution #09-93 was offered by Mrs. Papen, on motion of Mrs. Papen, and seconded by Mr. Murphy. The resolution was approved by those present. Mr. Venturo was absent.

RESOLUTION #09-93

WHEREAS, the Rahway Valley Sewerage Authority will not be able to approve the Year 2010 budget for submission to Trenton until after its meeting scheduled for November 23, 2009; and

WHEREAS, the State of New Jersey, Department of Community Affairs, Division of Local Government Services, requires that a budget be filed with them by November 1st of each year.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority hereby requests a postponement of the submission of its 2010 Budget from November 1, 2009, to as soon as possible thereafter.

The following Resolution #09-94 was offered by Mr. Dierkes, on motion of Mrs. Dierkes, and seconded by Mr. Chin.

RESOLUTION #09-94

## RAHWAY VALLEY SEWERAGE AUTHORITY

FISCAL YEAR: From January 1, 2010 To December 31, 2010

WHEREAS, the Annual Budget and Capital Budget for the Rahway Valley Sewerage Authority ("Authority") for the fiscal year beginning January 1, 2010 and ending December 31, 2010 has been presented before the governing body of the Rahway Valley Sewerage Authority at its open public meeting of November 23, 2009; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$23,945,000.00, Total Appropriations including any Accumulated Deficit if any, of \$27,625,500.00 and Total Unrestricted Net Assets utilized of \$3,680,500.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$5,000,000.00 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$ - ; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulations or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Rahway Valley Sewerage Authority, at an open public meeting held on November 23, 2009, that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Rahway Valley Sewerage Authority for the fiscal year beginning January 1, 2010 and ending December 31, 2010 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Rahway Valley Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption upon receipt of the approved copy from the State of New Jersey Dept. of Community Affairs.

Mr. Dierkes stated as we all know the Mayors of Woodbridge, Clark and Rahway asked us to

delay the vote on the budget so that they could review our budget. I looked at the 1951 and 1995 Agreements amongst the towns and I didn't see anything in there that provides these municipalities or their mayors to review the Authority's budget. My belief is that by us delaying that budget, we would be setting a bad precedent. The second thing is that in their press conference, they stated that the people on this commission do not have the proper financial experience. Now I don't know what everyone's financial experience is and I don't know if that is right or wrong, however, going back to something said before, for example, when someone commits a crime that requires a jury trial, most jurors don't have experience in forensics, or law but they are asked to make a very important decision on the verdict. I believe that we, the Finance Committee, made an extensive review of the budget and formulated a decision based on our best judgment, which was passed on to the Commissioners. Therefore, it is my opinion that we should vote on this budget as presented.

Mr. Sefranka said that he didn't want to address the specifics of Mr. Dierkes' comments, however, stated that he feels that we will be better served if we take a deliberative approach to the process and a delay in the vote or a continuation for a further review will only serve us to re-review it. In the end, we are held to a political process, because we are all appointed that way. That said, just to our benefit and supporting Mrs. Papen's approach, we should not take any action until December 17<sup>th</sup>.

Mr. Luban said that some people at this table have the same feeling as Mr. Dierkes and some don't. He added that at this time, he would be voting to let the Mayors Budget Oversight Committee (MBOC) review the budget, just this time in order to obtain their suggestions for our staff to review and then it will be up to the Finance Committee to decide what to do. It will not be up to the Mayors, we will take their suggestions and review their suggestions but we will make the decision on how best to operate this Authority.

Mr. Dierkes said that the Mayor of Mountainside is opposed to the three Mayors reviewing the budget; and that he feels that there is a proper way of doing things and is in agreement with Mr. Dierkes on how the Board should proceed.

Mr. Luban noted that the Mayors are on us now that the rates are going up, but asked where were the Mayors 5 or 6 years ago when we were seeking their help and no one came forward.

Mrs. Abram said that she has been in contact with her Mayor and Committee Members and they informed me that they did vote on a resolution unanimously to appoint someone to the MBOC and that she was asked to not vote on the budget tonight. She added that this is a highly political issue and this has come up before and I'm not going to say that I agree or disagree on one issue but I am going to take the recommendation of my Mayor, this time, to delay action on the budget. Although we may have a personal opinion, but when you are appointed by a governing body, you have to take everyone's points into consideration.

Mr. LoForte stated that based on the comments tonight, he hopes that this MBOC comes up with their recommendations well in advance of the December 17<sup>th</sup> meeting. He added that he doesn't want to see any proposals come to us the night we are supposed to vote, so they ask for another delay. This needs to be done immediately so our Finance Committee can have an answer for us for the 17<sup>th</sup> and I will be prepared to vote on December 17<sup>th</sup>.

Mr. Mazzarella stated that he understands where Mountainside is coming from but as a sitting

Councilman, budgets are a very delicate issue. He added that in his opinion, having an extra set of eyes as “just advisory” can enhance our position. He noted that he is an extension of his community and feels that we have to listen to our governing bodies.

Mr. Dierkes noted that not all of the towns have agreed to this MBOC. He added that not all of the municipal Mayors or even some of the Commissioners from this Board have taken the time to visit the plant and attend our meetings, in my opinion; they can't make an informed decision without all of the facts.

Mrs. Abram stated that she will not be taking any guidance from an oversight committee. She will be taking guidance from her Township Committee. She added that at the last meeting, a paper was distributed which wasn't on letterhead, was unsigned and undated. She noted that in the future this can't be accepted, documents of such nature should just be disregarded. If you can't be accountable for your comments, then you shouldn't submit them.

Mr. Luban stated that the Budget was delivered to each Mayor last Monday. They should review the document and advise of their comments. He added we will not be going over every line item in the budget.

Mr. Greet stated that he spoke to his Mayor and has recommended someone for the MBOC. Mr. Greet added that he has taken a tour and had lengthy discussions with Mr. Brinker and feels that he can provide oversight to his Mayor and the Mayor's appointee. He added that he feels it's very important for the members of the MBOC, to come down to the plant and take a tour in order to understand the intricacies of the operation.

Mr. Luban noted that the MBOC will be working through the Finance Committee, not the entire Board or with staff.

Mr. Sefranka stated that Mr. Pelissier and Mayor Kennedy were both members of this Board, so they do have some understanding.

Mr. Murphy stated that we are open to suggestions; however, we must do what is in the best interest of this Authority. He added that the Finance Committee, Mr. Brinker and Mr. Materna worked hard on this budget. He noted that the Budget that has been presented reflects a \$2.5 million dollar decrease from the previous year's assessment and that all of the municipality's assessments will be lower with the exception of Cranford's. Mr. Murphy said that we have to address the flow / assessment allocation system in 2010, because in his opinion, the system in place is flawed.

Mr. Chin stated that in his opinion, the MBOC expresses a “no confidence” vote in the Commissioners. If you don't trust your Commissioner to vote on the Budget, then you should be down here yourself. Mr. Chin noted that his Mayor did ask him to delay the approval, but we should set a deadline for comments and vote on the Budget at the December 17<sup>th</sup> meeting. A letter should go to the Mayors advising them that they must have their comments to the Authority by December 9, 2009. That gives the Mayors 17 days to review the Budget that was sent to them. The Finance Committee will review the comments and suggestions and the make their final recommendation to the Board for the December 17<sup>th</sup> meeting.

After lengthy discussion, Mr. Murphy moved to table the Resolution until the December 17<sup>th</sup>

Meeting. The motion was seconded by Mr. LoForte. The Chairman asked for a roll call vote.

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

As the vote was 9 to 1, the Resolution was tabled.

**Bills and Claims**

Mrs. Papen made a motion, seconded by Mr. Murphy, that the following bills and claims previously audited by the Finance Committee be ordered paid. The motion was unanimously approved by those present. Mr. Ventura was absent.

**BUILDING & EQUIPMENT FUND**

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
2471	11/23/09	A&A INDUSTRIAL PIPING, INC.	140.7	159,063.80
2472	11/23/09	ALL AMERICAN SEWER SERVICE INC.	140.7	6,000.00
2473	11/23/09	ARCHTECH ELECTRONICS CORP.	140.7	379.04
2474	11/23/09	CONSOLIDATED CONSTRUCTION MGT.	140.2/7	16,652.58
2475	11/23/09	HATCH MOTT MACDONALD	140.2	32,317.50
2476	11/23/09	J.H. REID, GENERAL CONTRACTOR	140.2	197,568.32
2477	11/23/09	PAULUS, SOKOLOWSKI & SARTOR	140.2/7/9	25,983.39
2478	11/23/09	SPECTRASERV INC.	140.2	115,565.16
2479	11/23/09	WEINER LESNIAK LLP	140.2/4/9	28,824.71

**Total Checks: 9**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$582,354.50**

**OPERATING FUND**

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
36835	10/22/09	CANON FINANCIAL SERVICES, INC.	16	346.52
36836	10/22/09	CITY OF RAHWAY, UNITED WATER RES.	33	2,860.26
36837	10/22/09	COGENT COMMUNICATIONS, INC.	27	674.00
36838	10/22/09	ELIZABETHTOWN GAS	22	6,359.62
36839	10/22/09	ELIZABETHTOWN GAS	22	8,207.71
36840	10/22/09	FEDEX	48	18.94
36841	10/22/09	HESS CORPORATION	19	113,520.18
36842	10/22/09	MIDDLESEX WATER COMPANY	33	819.23
36843	10/22/09	NJ STATE LEAGUE OF MUNIC.	52	20.00
36844	10/22/09	ONE CALL SYSTEMS, INC.	32	40.70
36845	10/22/09	PITNEY BOWES, INC.	48	82.00

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
36846	10/22/09	STANDARD INSURANCE COMPANY	03	2,011.36
36847	10/22/09	UNITED PARCEL SERVICE	48	84.52
36848	10/22/09	VERIZON	30	193.14
36849	10/22/09	VERIZON WIRELESS	11	748.97
36850	10/22/09	WOODRUFF ENERGY	22	14,398.72
36851	10/22/09	ZURICH NORTH AMERICA	17	2,010.00
36852	10/29/09	DELTA DENTAL PLAN OF NJ	03	6,458.21
36853	10/29/09	ELIZABETHTOWN GAS	22	690.59
36854	10/29/09	HACH COMPANY	41	975.10
36855	10/29/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	167,729.12
36856	10/29/09	WOODRUFF ENERGY	22	291.35
36857	11/05/09	STAPLES CREDIT PLAN	27	89.97
36858	11/05/09	VISION SERVICE PLAN	03	1,234.87
36859	11/12/09	HOME DEPOT CREDIT SERVICES	32	71.08
36860	11/17/09	TRUMP TAJ MAHAL CASINO RESORT	15/49	1,016.00
36861	11/23/09	A TOUCH OF ITALY	49	389.29
36862	11/23/09	ADP, INC.	03	170.28
36863	11/23/09	ADP, INC.	16	2,642.04
36864	11/23/09	ADVANCED SPECIALTY SALES, INC.	32	1,846.14
36865	11/23/09	ALL AMERICAN SEWER SERVICE INC.	32	6,560.00
36866	11/23/09	AMERICAN INDUSTRIAL SUPPLY	32	18.46
36867	11/23/09	AMERICAN WEAR	32	1,539.65
36868	11/23/09	APPLIED ANALYTICS, INC.	32	1,935.00
36869	11/23/09	ASPHALT PRODUCTION SOLUTION	32	3,100.05
36870	11/23/09	AQUATIC SCIENCES CONSULTING	41	1,969.00
36871	11/23/09	ARCHTECH ELECTRONICS CORP.	27	623.31
36872	11/23/09	ASSOCIATION OF ENVIRONMENTAL AUTH.	52	4,500.00
36873	11/23/09	ATLANTIC COMMUNICATIONS	32	765.88
36874	11/23/09	JAVIER BAEZ	31	99.99
36875	11/23/09	BOWCO LABORATORIES, INC.	32	63.00
36876	11/23/09	BREEZE HEATING AND AIR COND.	32	3,400.00
36877	11/23/09	CANON FINANCIAL SERVICES, INC.	16	346.52
36878	11/23/09	CDW GOVERNMENT, INC.	27	2,507.01
36879	11/23/09	CINTAS FIRE PROTECTION	31	1,535.00
36880	11/23/09	CITY OF RAHWAY UNITED WATER RES.	33	2,640.92
36881	11/23/09	COOPER ELECTRIC SUPPLY CO.	32	757.78
36882	11/23/09	CSL SERVICES, INC.	30	27,671.88
36883	11/23/09	CUNY & GUERBER, INC.	32	180.93
36884	11/23/09	D2L ASSOCIATES, INC.	42	3,720.00
36885	11/23/09	EDIBLE ARRANGEMENTS-WOODBRIDGE	18	287.36
36886	11/23/09	EDMUNDS & ASSOCIATES, INC.	27	5,198.00
36887	11/23/09	ELIZABETHTOWN GAS	22	2,986.96
36888	11/23/09	ENECON CORPORATION	32	2,370.00
36889	11/23/09	ENVIRONMENTAL COMPLIANCE ASSOC.	41	5,565.00
36890	11/23/09	ENVIRONMENTAL RESOURCE ASSOC.	41	309.00
36891	11/23/09	ELIZABETHTOWN GAS	22	8,347.52
36892	11/23/09	FEDEX	48	24.90
36893	11/23/09	FISHER SCIENTIFIC	40	3,195.17
36894	11/23/09	FLEXLINE	32	166.59
36895	11/23/09	FOLEY INCORPORATED	32	342.03
36896	11/23/09	GALETON GLOVES	32	645.69
36897	11/23/09	FREDERICK T. GEARDINO	31	39.99
36898	11/23/09	ANTHONY GENCARELLI	15	62.40

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
36899	11/23/09	W.W. GRAINGER, INC.	32	964.95
36900	11/23/09	GARY W. GRAY TRUCKING, INC.	25	125,548.30
36901	11/23/09	GREAT LAKES ENVIRONMENTAL	41	33.98
36902	11/23/09	GREENBAUM, ROWE, SMITH & DAVIS	08	2,175.50
36903	11/23/09	GREENWAY CLEANING PRODUCTS INC.	32	308.45
36904	11/23/09	GREENWOOD PRODUCTS, INC.	40	338.04
36905	11/23/09	HALL & ASSOCIATES	08	491.87
36906	11/23/09	HUDSON BLUEPRINT CO., INC.	12	755.85
36907	11/23/09	JDV EQUIPMENT CORPORATION	32	3,200.00
36908	11/23/09	JERSEY ELEVATOR COMPANY INC.	32	579.66
36909	11/23/09	EDWARD KOCHICK	31	100.00
36910	11/23/09	LAB SAFETY SUPPLY, INC.	31	605.05
36911	11/23/09	LABCHEM INC.	40	554.63
36912	11/23/09	LIBERTY MUTUAL INSURANCE GROUP	17	12,261.56
36913	11/23/09	LIVE STORES	32	2,431.30
36914	11/23/09	LoRe SWEEPING CO., INC.	32	625.00
36915	11/23/09	LUBRICATION ENGINEERS, INC.	32	303.50
36916	11/23/09	McELROY, DEUTSCH, MULVANEY	08	4,098.20
36917	11/23/09	MCMASTER-CARR SUPPLY CO.	32	1,369.44
36918	11/23/09	MECHANICAL SERVICE CORP.	16	1,880.00
36919	11/23/09	METROPOLITAN PUMP SERVICE INC.	32	5,350.00
36920	11/23/09	MGL PRINTING SOLUTIONS	12	352.00
36921	11/23/09	MIDDLESEX WATER COMPANY	33	800.30
36922	11/23/09	MOTION INDUSTRIES, INC.	32	1,095.77
36923	11/23/09	MSC INDUSTRIAL SUPPLY CO.	32	140.44
36924	11/23/09	MULTI-CARE HEALTH CENTER	50	150.00
36925	11/23/09	NATIONAL SEMINARS GROUP	31	199.00
36926	11/23/09	NATIONAL FUEL OIL, INC.	24	2,024.01
36927	11/23/09	NORTHEAST TECHNICAL SALES, INC.	41	39.05
36928	11/23/09	NJ MANUFACTURERS INSURANCE CO.	17	19,072.00
36929	11/23/09	NJ MOTOR VEHICLE COMMISSION	35	151.00
36930	11/23/09	NORTHERN SAFETY CO., INC.	31	448.38
36931	11/23/09	O'JOHNNIES, INC.	13	705.76
36932	11/23/09	OPTIMUM CONTROLS CORP.	32	1,620.00
36933	11/23/09	ONE CALL SYSTEMS, INC.	32	37.40
36934	11/23/09	PAULUS, SOKOLOWSKI & SARTOR	06	4,028.50
36935	11/23/09	PCI SCIENTIFIC SUPPLY INC.	40	7,125.00
36936	11/23/09	PITNEY BOWES, INC.	48	82.00
36937	11/23/09	POLAND SPRING	46	116.04
36938	11/23/09	ROBERT POLTZ	31	100.00
36939	11/23/09	POLYDYNE INC.	23	36,918.00
36940	11/23/09	PRECISION ELECTRIC MOTOR WORKS	32	511.36
36941	11/23/09	PSE&G COMPANY	42	4.33
36942	11/23/09	PSE&G COMPANY	19	33,504.54
36943	11/23/09	QC LABORATORIES	41	6,327.00
36944	11/23/09	CITY OF RAHWAY-DIV OF BLDG.	32	245.00
36945	11/23/09	RAHWAY ELECTRIC SUPPLY CO.	32	3,772.99
36946	11/23/09	RARITAN SUPPLY COMPANY	32	444.27
36947	11/23/09	DOUGLAS RENO	31	100.00
36948	11/23/09	R. F. STUMPF ASSOCIATES INC.	08	1,877.75
36949	11/23/09	RICHARD LUCAS CHEVROLET	35	1,557.39
36950	11/23/09	RAHWAY VALLEY SEWERAGE AUTH.	01/02	277,473.09
36951	11/23/09	RVSA PETTY CASH	14	222.98

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
36952	11/23/09	SAFETY-KLEEN CORP.	32	570.86
36953	11/23/09	SIMPLEX GRINNELL LP	31	3,131.00
36954	11/23/09	SMITH TRACTOR & EQUIPMENT INC.	35	567.09
36955	11/23/09	SPECTRASERV INC.	26	7,207.92
36956	11/23/09	STERLING NET AND TWINE CO INC.	32	1,468.05
36957	11/23/09	STORR TRACTOR COMPANY	35	655.20
36958	11/23/09	SUNBELT RENTALS	32	1,689.75
36959	11/23/09	MAHENDRA SURUJNATH	31	77.16
36960	11/23/09	THE BANK OF NEW YORK MELLON	09	6,000.00
36961	11/23/09	JANET THEVENIN	31	99.99
36962	11/23/09	THOMAS SCIENTIFIC	40	1,341.00
36963	11/23/09	TRIMBLE NAVIGATION LTD.	42	10,594.00
36964	11/23/09	UNIVERSAL CHEMICALS, INC.	29	942.10
36965	11/23/09	UNISAFE INC.	31	674.00
36966	11/23/09	UNITED PARCEL SERVICE	48	59.01
36967	11/23/09	UNITED STATES PLASTIC CORP.	48	557.80
36968	11/23/09	US FILTER-SIEMENS WATER TECH.	40	699.00
36969	11/23/09	ROBERT VALENT	31	78.74
36970	11/23/09	VALLEY TECH, INC.	32	1,234.00
36971	11/23/09	VAN HOUTEN-AVENEL PLUMBING	32	99.74
36972	11/23/09	JOHN VANTUH	31	99.99
36973	11/23/09	VERIZON CONFERENCING	11	100.49
36974	11/23/09	VERIZON	11/30	2,059.97
36975	11/23/09	VERIZON WIRELESS	11	746.29
36976	11/23/09	WEINER LESNIAK LLP	07	41,939.00
36977	11/23/09	921-GTS-WELCO	32	333.14
36978	11/23/09	WHITEMARSH CORPORATION	32	170.00
36979	11/23/09	WOODRUFF ENERGY	22	4,802.85

**Total Checks: 145**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$1,082,693.67**

**Total Checks: 155**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$1,665,048.17**

**OPERATING FUND 9-01 \$1,082,693.67**  
**BUILDING & EQUIPMENT FUND 9-02 \$582,354.50**  
**TOTAL ALL FUNDS: \$1,665,048.17**

**Open the Floor to the Public**

No one addressed the Board.

**Closed Session**

Mrs. Papen made a motion to go into closed session at this time, 8:46 p.m., to discuss legal matters, based on Attorney Client privilege. The motion was seconded by Mr. Chin and unanimously approved.

Mr. Sefranka made a motion to return to the regular order of business at this time, 8:53 p.m. The motion was seconded by Mr. Chin 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 Mrs. Papen, seconded by Mrs. Abram, the meeting adjourned at 8:55 p.m. The motion was unanimously approved.

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

JG/jg  
Attachments