

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Regular Meeting held December 16, 2010

- Minutes
Approved Minutes of October 28, 2010 Meeting
Approved Minutes of November 18, 2010 Meeting.

- Communications
Two OPRA Requests and a letter from the Township of Scotch Plains.

- Treasurers Reports
The Treasurer Reports for the month of October 2010 were received.

- Executive Director
Sewer Connections and the status of various contracts.

- Consulting Engineer
Overview of contracts; flow rights and user charge reports.

- Counsel
Overview of legal matters.

- Committees
Reports were given by the, Engineering, Finance, Legal and Personnel Committees.

- Unfinished Business
Award Contract #1106 to Florio, Perrucci, Steinhardt for 2011 Regulatory Counsel Services in an amount of \$12,000.00; and Award Contract #105-G for 2010 Litigation Support Services to Integrated CHP Systems Corp in an amount of \$25,000.00.

- New Business
Approved the following: 2011 Budget; 2011 Banks; Authorize the Secretary Treasurer to make 2011 Investments; Appoint Robert J. Materna as the P.A.C.O. for 2011; Approve James J. Meehan as the S-4 and C-4 Licensee; Approve Jean Manigold as the backup S-4 Licensed Operator; Acknowledgement of Joan Papen's years of service to RVSA; and First Reading to Amend the By-Laws.

- New Business
Approved the following expenditures: Award Contract #105-G 2011 Services to Integrated CHP Systems Corp. in an amount of \$75,000.00; Award Contract #1117 to XL Insurance in an amount of \$23,000.00; and Award Contract #105-F for first quarter 2011 Services to Cipolla & Co. in an amount of \$540,000.00.

- Bills & Claims

OPERATING FUND	0-01	\$1,159,407.52
BUILDING & EQUIPMENT FUND	0-02	\$68,645.09
TOTAL OF ALL FUNDS		<u>\$1,228,052.61</u>
BUILDING & EQUIPMENT FUND	0-02	\$270,000.00
TOTAL		<u>\$1,498,052.61</u>

RAHWAY VALLEY SEWERAGE AUTHORITY

Regular Meeting Minutes – December 16, 2010

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

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

“In accordance with the requirements of the Open Public Meetings Act, State of New Jersey, adequate notice of this meeting has been provided by the inclusion of the date, time and place in a Notice forwarded to The Star Ledger, the Home News Tribune and the Clerk of each of the eleven member municipalities on February 9, 2010.

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

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

The Vice Chairman requested that everyone stand to salute the Flag.

Roll Call

The following members were present:

**	Maria A. Abram	for the Township of Springfield
	Allen Chin	for the Town of Westfield
*	Rene Dierkes	for the Borough of Mountainside
	Stephen Greet	for the Borough of Garwood
	Richard LoForte	for the Borough of Kenilworth
	Frank G. Mazzarella	for the Township of Clark
	James J. Murphy	for the Township of Cranford
	Joan Papen	for the Township of Scotch Plains
	Attilio S. Ventura	for the Borough of Roselle Park

* Arrived at the meeting at 7:40 p.m.

** Left the meeting at 9:35 p.m.

The following members were absent:

Robert G. Luban	for the Township of Woodbridge
Paul M. Sefranka	for the City of Rahway

The following were also present:

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

The following were also present:

Robert Valent	Superintendent
John Buonocore	Staff Engineer
Wayne Baker	Westfield Leader
Stephen Eisenberg	Springfield Resident

Approval of Minutes

Mr. Chin made a motion, seconded by Mr. Murphy, to approve the minutes of the Regular Meeting held October 28, 2010. The motion was approved by those present with the exception of Ms. Abram and Mr. Mazzarella who abstained. Mr. Luban and Mr. Sefranka were absent.

Mr. Chin made a motion, seconded by Mrs. Papen, to approve the minutes of the Regular Meeting held November 18, 2010. The motion was approved by those present. Mr. Luban and Mr. Sefranka were absent.

Communications

An OPRA Request was received November 29, 2010 from Sergio Bichao of the Home News Tribune regarding Contract #105. A copy of the Request was provided to Counsel and some information has been provided electronically, other information will be reviewed on site by the requestor.

An OPRA Request was received December 2, 2010 from Eliot Caroom of the Star Ledger regarding Invoices from Cipolla & Co. The requested information has been provided.

The following letter and Resolution addressed to Joanne Grimes was received December 13, 2010, from Bozena Lucina, Municipal Clerk for the Township of Scotch Plains:

“Enclosed please find a certified copy of Resolution #162-10. This resolution was adopted by the Governing Body of the Township of Scotch Plains at their regular meeting held on December 7, 2010.

Resolution #162-10 – BE IT RESOLVED that the Mayor and Township Council of the Township of Scotch Plains, County of Union, and State of New Jersey do hereby appoint Robert Lacosta as the Township’s representative to the Rahway Valley Sewerage Authority for the term commencing February 1, 2011 and ending February 1, 2015; and

BE IT FURTHER RESOLVED that the Township Clerk is directed to forward a certified copy of this Resolution, once adopted, to Robert Lacosta and to the Executive Director of the Rahway Valley Sewerage Authority.”

Report of Treasurer

The Treasurer’s Reports for the month of October 2010 have been distributed to the

Commissioners for review and will be spread on the minutes. So ordered.

Report of Executive Director

Sewer Treatment Endorsements

The following is a list of Sewer Treatment Endorsements processed between 11/17/10 and 12/16/10. A copy of the log sheet with additional information related to these applications has been distributed for your reference:

<u>Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Municipality</u>
1215-10-KW	11/17/10	Jersey Landscape & Garden Supply	Kenilworth
1216-10-WB	12/06/10	Sujan Rachuru c/o Lorenzo Construction	Woodbridge
1217-10-WB	12/14/10	PMC Builders, LLC	Woodbridge

Monthly Reports

The following reports were received and distributed to the Commissioners and discussed at the Engineering Committee Meeting held December 9, 2010:

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

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

- PS&S Monthly Report
- Weiner Lesniak Monthly Report

Contract #105 Cogeneration/Sludge Drying Facility

The Cogeneration/Sludge Drying facility was started up on October 18, 2010. The facility is continuing to run without incident. An update was provided at the December 9, 2010 Engineering Committee Meeting.

Contract #105-F Forensic Accounting Services for 2011

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

This matter was discussed at the November and December Engineering Committee Meetings. Another copy of the proposal has been distributed to the Commissioners for consideration of action with a modified amount. This may be discussed further in closed session.

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

Counsel forwarded resolutions for action at the November meeting, to appoint Integrated CHP Systems Corp of Princeton Junction, NJ to provide Litigation Support on the Contract #105 lawsuit. The first resolution is to cover the period September through December 2010. The second resolution is for the continued services for the 2011 calendar year. This was discussed at the December Engineering Committee Meeting and action is on the agenda under Unfinished Business.

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

This contract is on hold at this time. John Buonocore, Staff Engineer, contacted Rapid Pump & Meter and asked if Rapid would hold their bid price until the end of the first quarter of 2011; he is waiting for a reply from Rapid.

Contract #1101 - 2011 Consulting Engineering Services

As discussed at previous meetings, proposals were received and reviewed. I was requested to meet with several of the firms and make a recommendation to the Board for action at the January meeting.

Contract #1106 – 2011 Regulatory Counsel Services

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

<u>Company</u>	<u>Amount</u>
<i>Greenbaum, Rowe, Smith</i> David Roth Woodbridge, NJ	\$16,400. Task 1 – 80 Hrs. Legal Services
<i>Florio, Perrucci, Steinhardt & Fader</i> Phil Morin Rochelle Park, NJ	Their firm used the wrong proposal sheet. They submitted a copy of the proposal for General Counsel Services in the amount of \$533,250 @\$150.00 per hour.

At the November meeting Mr. Sefranka requested that this contract be deferred to the December Engineering Committee meeting for further discussion and consideration.

The Legal Committee recommended that the contract be awarded to Florio, Perrucci, Steinhardt & Fader. Action is on the agenda under New Business.

2011 Budget

A copy of the proposed 2011 Budget was provided to the Commissioners for review on December 6. A Finance Committee Meeting was held on December 9, after which a few minor modifications were made. At the request of the Commissioners, Bob Materna prepared the Final Proposed Budget and distributed to the Commissioners and the member municipal Mayors. The

2011 Budget as presented reflects a 3.9% increase in assessments to the Member Municipalities over the 2010 Budget. Action is on the agenda this evening under New Business.

Report of Consulting Engineer

The following report to the Authority summarizes our activities for the period of November 13, 2010 through December 10, 2010.

Air Permitting

No activity by PS&S this period.

Contract #159 Chemical Feed System Improvements

Work has continued in both the Headwork's and Pump and Blower Buildings. The work includes start-up and testing of the Owner furnished chemical pumps and control panels. The instrumentation and control system supplier has completed the chemical system functionality testing. Introduction of chemicals to the new system for preliminary testing has resumed following repairs by Milton Roy, the pump skid vendor, and is presently ongoing. Training on the HVAC system was conducted by A&A on December 9th. The remaining training on the chemical feed system process and control including electrical system by OCC and Milton Roy has been tentatively set up for December 20th, 21st and 22nd. The required 30-day performance test will commence shortly thereafter.

Contract #162 Administration Building Roof

Several meetings have been held with the Contractor to discuss the project scope, revisions to the scope and scheduling. The completion date of November 13, 2010 has been exceeded by the Contractor, Integrity Roofing. The work on the Pump and Blower roof was completed and work was scheduled for the Administration Building roof for Friday and Saturday, December 10 and 11.

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

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

User Charge and Flow Rights Reports

PS&S has prepared the October 2010 User Charge and Flow Rights Reports in draft form. The

October data is being reviewed with the Authority. We are currently awaiting flow data for the November reports.

Miscellaneous: Medwick Park

PS&S and the Authority received notice from Najarian Associates, consulting engineer for Middlesex County, that the Medwick Park project has been bid and awarded. A pre-construction job meeting is set up for December 16th. Mr. Meehan, Mr. Valent of RVSA and Mr. Wancho of PS&S attended. As you may recall the Authority's outfall runs through the area that has planned park improvements and PS&S and the Authority have previously reviewed and commented on the park improvements. They will keep the Authority advised of the construction schedule.

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 November 16, 2010 through December 14, 2010.

CSP Improvements & related issues

Contract #155

Continued mediation session with respect to the electrical subcontractor's remaining claim was held on September 28, 2010. No resolution of the claim was reached at that time. This matter may be discussed in Executive Session.

Contract #105 - Cogeneration Facility

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

We have had extensive consultations with the Authority's damages expert, Cipolla & Co., LLC, engineering expert, CME Associates, and Authority staff regarding the case. This matter will be discussed in Executive Session.

Miscellaneous

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

The RVSA and all of its constituent municipalities have been named as Third Party Defendants by the original defendants to this lawsuit. The original lawsuit was filed in 2005 by NJDEP

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

The Authority filed its Answer to the Third Party Complaint on September 25, 2009. This office has been selected to serve on a Steering Committee in order to provide a voice to public entity third-party defendants, such as the Authority, with respect to certain procedural issues including early disposition through motions to dismiss. This office has also been asked to participate on a public entity subcommittee which is responsible for coordinating efforts with other municipal and sewerage authority third party defendants for purposes of presenting defenses that are unique to the subgroup. In addition, this office has sent notices to all insurance carriers that that could be identified that issued policies to the Authority from approximately 1959 to the present. A number of these insurance carriers have agreed to provide the Authority with coverage subject to a reservation of rights.

Recently, discussions regarding alternate dispute resolution (ADR) have broken down and the case is currently proceeding on a litigation track. On September 3, 2010 this office filed a motion to dismiss the third party complaint based on the Authority's prior settlement of the claims as memorialized in the JCO. In addition, this office assisted in preparing various other motions that were also filed on September 3rd on behalf of a public entity subgroup of third party defendants of which the Authority is a part. The group motions to dismiss were based upon the failure of the third party plaintiffs to bring their claims within the relevant statute of limitations, their failure to comply with the requirements of the Tort Claims Act, and the sewage exemption set forth in the New Jersey Spill Act. Response briefs were filed by the third party plaintiffs on September 27, 2010 and this office prepared and filed reply briefs on October 7, 2010.

This matter may be discussed in Executive Session.

Committee Reports

The Vice Chairman asked for the reports from the following Committees:

Engineering Committee (Allen Chin, Chairman)

Mr. Chin stated that an Engineering Committee Meeting was held on December 9, 2010, at which time several items were discussed. Items that require action are on the agenda under Unfinished and New Business.

Finance Committee (Joan Papen, Chairman)

Mrs. Papen stated that a Finance Committee Meeting was held December 9, 2010 at which time the proposed 2011 Budget was discussed; and another meeting was held earlier this evening at which time the Bills and Claims were reviewed. Necessary action is on the agenda under New Business and Bills and Claims.

Legal Committee (Frank Mazzarella, Chairman)

Mr. Mazzarella stated that a Legal Committee Meeting was held December 9, 2010 at which time Contract #1106 – Legal Counsel for Regulatory Services was discussed. Action is on the agenda under Unfinished Business.

Personnel Committee (Rene Dierkes, Chairman)

Mr. Loforte stated that a Personnel Committee Meeting was held on December 9, 2010, at which time personnel matters were discussed. Items that require action are on the agenda under New Business.

Public Relations Committee (Paul Sefranka, Chairman)

No report.

Security Committee (Steve Greet, Chairman)

No report.

Sludge Management Committee (Attilio Venturo, Chairman)

No report.

* Mr. Dierkes arrived at this time, 7:40 p.m.

Unfinished Business

The Vice Chairman stated that at the November 18, 2010 meeting, Resolution #10-58 appointing Greenbaum, Rowe, Smith & Davis as Regulatory Counsel was tabled. At the December 9, 2010 Legal Committee Meeting, this contract was discussed and the Committee recommended that the contract be awarded to Florio, Perrucci based on their proposal.

The Vice Chairman asked for a motion to bring Resolution #10-58 back to the table.

Mr. Chin made a motion to bring Resolution #10-58 back to the table. The motion was seconded by Mrs. Papen.

Mr. Chin then moved to amend Resolution #10-58 to award the contract to Florio, Perrucci, Steinhardt, (not Greenbaum, Rowe, Smith), in an amount not to exceed \$12,000.00.

Mr. Venturo asked if anyone knew of any problems with the performance by our previous attorney, Greenbaum, Rowe, Smith. Mr. Materna stated that there were none to his knowledge.

Mr. Murphy added that Greenbaum, Rowe, Smith is a good firm. He added that Mr. Morin, the attorney who will serve the Authority for Florio, Perrucci, Steinhardt, worked on matters for other clients that the Authority was involved in which cost the Authority money because of his lack of cooperation and unresponsiveness. Mr. Murphy added that in his opinion, if the Authority awards the contract to Florio, Perrucci it reflects poor judgment.

Mrs. Papen stated that she spoke with Mr. Morin regarding his unresponsiveness on the Cranford matter Mr. Murphy referenced. She stated that Mr. Morin noted that his client was a private client who was non-responsive.

After brief discussion, the Vice Chairman called the question. The amended to Resolution #10-58 was approved by those present with the exception of Mr. Murphy and Mr. Venturo who voted against.

Mr. Chin then made a motion to approve Resolution #10-58 as amended. The motion as amended was approved by those present with the exception of Mr. Murphy and Mr. Venturo who voted against. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-58 (AS AMENDED)

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Florio, Perrucci, Steinhardt & Fader, 218 Route 17 North, Rochelle Park, NJ 07662, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Legal Services for Regulatory Matters for the period January 1 through December 31, 2011, Contract #1106; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without bidding, however, Request For Proposals (RFP's) were advertised on the Authority's web site and proposals were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20, et. seq.

WHEREAS, the Authority received a proposal from Florio, Perrucci, Steinhardt & Fader on October 27, 2010, reflecting an hourly rate of \$150.00 for all services, total not to exceed \$12,000.00 based on the RFP; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Florio, Perrucci, Steinhardt & Fader to perform the services described herein at an amount not to exceed \$12,000.00 for a period of one year commencing on January 1, 2011; and

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

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

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

The Vice Chairman stated that at the November 18, 2010 meeting, Resolution #10-64 Contract #105-G for 2010 engaging Integrated CHP Systems Corp. to provide consultant services related to the anticipated litigation on Contract #105 for 2010 year in the amount of \$25,000., was tabled. At the December 9, 2010 Engineering Committee Meeting, this contract was discussed and the Committee recommended that the contract be awarded.

Mr. Chin made a motion, seconded by Mrs. Papen, to bring Resolution #10-64 back to the table. The motion was approved by those present.

Resolution #10-64 which is now back on the table for consideration was originally moved by Mr. Chin, seconded by Mrs. Abram. The Vice Chairman called the question. The resolution was approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-64

AUTHORIZING A CONTRACT FOR CONSULTANT SERVICES

WHEREAS, the Rahway Valley Sewerage Authority (the "Authority") has need of consultant services in connection with the Authority's operation of the Cogeneration Facility. Such services are exempt from the public bidding statutes and are classified as professional services under N.J.S.A. 40A:11-5.

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

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

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

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that funds for said

contract will be budgeted for in the 2010 Annual Budget; and

BE IT FURTHER RESOLVED that the contract being awarded is for the period of September through December 2010; and

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

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

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

New Business

The following Resolution #10-65 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Murphy and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-65

WHEREAS, the Rahway Valley Sewerage Authority (the "Authority") has need of continued consultant services in connection with the Authority's operation of the Cogeneration Facility. Such services are exempt from the public bidding statutes and are classified as professional services under N.J.S.A. 40A:11-5.

WHEREAS, the Rahway Valley Sewerage Authority wishes to engage the services of Integrated CHP Systems Corp., (the "Contractor") 50 Washington Road, Princeton Junction, N.J. 08550-1031 for the calendar year 2011.

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without bidding.

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

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Rahway Valley Sewerage Authority that it hereby engage the services of Integrated CHP Systems Corp. to perform the services described herein at an hourly rate of \$185.00, total contract not to exceed \$75,000.00 for the period January 1, 2011 through December 31, 2011; and

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

BE IT FURTHER RESOLVED that said Contract must be executed by both parties within 90 days of award, in the event that the designated Party to this contract fails or

refuses to sign said contract and all terms and conditions included therein, this Resolution shall be void and services shall be forthwith terminated; and

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

The following Resolution #10-66 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Chin.

RESOLUTION #10-66

RAHWAY VALLEY SEWERAGE AUTHORITY

FISCAL YEAR: From January 1, 2011 To December 31, 2011

WHEREAS, the Annual Budget and Capital Budget for the Rahway Valley Sewerage Authority ("Authority") for the fiscal year beginning January 1, 2011 and ending December 31, 2011 has been presented before the governing body of the Rahway Valley Sewerage Authority at its open public meeting of December 16, 2010; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$23,407,875.00, Total Appropriations including any Accumulated Deficit if any, of \$26,480,000.00 and Total Unrestricted Net Assets utilized of \$3,072,125.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$4,500,000.00 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 December 16, 2010, 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, 2011 and ending December 31, 2011 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. Mazzarella stated that he has been in contact with the Executive Director and noted that he believes that the staff and Finance Committee did an excellent job with the budget; however, Mr. Mazzarella added that he feels the budget still needs work. He noted that he also feels that Commissioners Luban and Sefranka should be present to vote on the budget.

Mr. Mazzarella then asked if someone would make a motion to table Resolution #10-66. Mr. Venturo moved to table the Resolution. The motion was seconded by Mr. Greet. A roll call vote was taken.

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

As the vote was 5 to 2 with 2 abstentions, it failed.

Mrs. Papen stated that the Committee met for several hours and worked on the budget. She added that some of the Commissioners made other inquiries and suggestions that reduced the budget further. Mrs. Papen noted that the budget as presented reflects a 3.9% increase in assessments to the Member Municipalities.

Mr. Mazzarella stated that we should wait for Mr. Luban and Mr. Sefranka to be present. Mrs. Papen stated that she won’t be at the next meeting and her committee is the one who worked on the budget. Mr. Dierkes added that he has not heard from either of them that they were opposed to the Budget as presented and they could have called in to vote.

Mr. Chin stated that we really went over the budget. We asked the staff to keep spending down and to look at lowering expenses where ever possible. Mr. Chin stated that a copy of the budget was given to every Mayor for review earlier this week.

Mrs. Grimes stated that she received an email from Mr. Sefranka regarding the agenda. The only comment he had was that he was opposed to the Resolution awarding the contract to Cipolla & Co. he did not say anything about the Budget and the budget was on the agenda.

Mr. Mazzarella stated that he was unaware that the Mayors received a copy of the budget and that Mr. Sefranka commented on the agenda.

Mr. Materna stated that the budget reflects an 8.7% reduction in Operating Expenses from the 2010 Budget. The increase in assessments to the Member Municipalities is primarily due to the fact that the 2010 budget benefited from the utilization of \$5.2 million of surplus and Debt Reserve credits as compared to the \$3.1 of surplus applied to reduce the 2011 budget.

After brief discussion, the Vice Chairman asked for a roll call vote on the Budget as presented.

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

As the vote was 8 to 1, the resolution was approved.

The following Resolution #10-67 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Murphy and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-67

WHEREAS, the State of New Jersey Statutes provide that a Resolution be adopted by Public Bodies each year designating depositories for funds.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the following banks be designated as the depository of funds of the said organization for the year 2011 and any other qualified bank hereafter named, will be named in an amendment to this resolution:

Wachovia Bank
Short Hills, NJ

Chase Bank
Fairfield, NJ

NJ Cash Management Fund
Trenton, NJ

Two Rivers Community Bank
Middletown, NJ

Investors Savings Bank
Clark, NJ

The following Resolution #10-68 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Greet and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-68

WHEREAS, the Rahway Valley Sewerage Authority (Authority) is a corporate public body created pursuant to N.J.S.A. 40:14A-1 et seq.; and

WHEREAS, the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq., permits public entities including sewerage authorities to invest monies in their possession by the purchase of certain types of securities as described in N.J.S.A. 40A:5-15.1; and

WHEREAS, N.J.S.A. 40A:5-15.1 requires that no securities be purchased unless authorized by the Authority; and

WHEREAS, the Authority seeks to empower its Secretary-Treasurer annually with the power to make such purchases, i.e. investments that are in the best interest of the Authority and are permitted by New Jersey law.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that it hereby authorizes the Secretary-Treasurer of the Authority to make investments on behalf of the Authority by only purchasing securities permitted to be purchased under N.J.S.A. 40A:5-15.1, Sections 105, 508, and utilizing monies that are in the possession of the Authority and available for such purpose of the applicable items; and

BE IT FURTHER RESOLVED that this resolution shall be for the period January 1, 2011 through December 31, 2011.

The following Resolution #10-69 was offered by Mr. Dierkes, on motion of Mr. Dierkes, seconded by Mr. Chin and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-69

WHEREAS, the Rahway Valley Sewerage Authority is required by the State of New Jersey, Department of the Treasury, Division of Contract Compliance and Equal Employment Opportunity Public Contracts, to annually appoint a Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, said Officer shall be the official liaison with the Department of the Treasury, Division of Contract Compliance for matters concerning Public Law 1975, c. 127 (N.J.A.C. 17:27) and shall have the authority to recommend the appropriate procedural corrections to the Rahway Valley Sewerage Authority; and

WHEREAS, Robert J. Materna, Secretary-Treasurer, presently serves the Authority as its Equal Employment Opportunity Officer and Public Agency Compliance Officer (P.A.C.O.) and is familiar with the regulation of P.L. 1975, c. 127.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority, that it hereby appoints Robert J. Materna, to again serve as its Public Agency Compliance Officer (P.A.C.O.) for the year 2011 and that said appointment shall be confirmed to the State of New Jersey, Department of the Treasury, by January of each ensuing year as required by law.

Mr. Dierkes made a motion, seconded by Mr. Greet, approving the mileage reimbursement be amended from \$0.50 to \$0.51 effective January 1, 2011 through December 31, 2011, as per the IRS tax guidelines, as recommended by the Executive Director and Personnel Committee. The motion was approved by those present. Mr. Luban and Mr. Sefranka were absent.

The following Resolution #10-70 was offered by Mr. Dierkes, on motion of Mr. Dierkes, seconded by Mr. Chin and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-70

AUTHORIZING JAMES J. MEEHAN AS THE S-4 LICENSED OPERATOR AND C-4 COLLECTION SYSTEM LICENSED OPERATOR OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

WHEREAS, James J. Meehan was appointed as the Executive Director of the Rahway Valley Sewerage Authority (the "Authority") at the November 18, 2010 Meeting; and

WHEREAS, it is necessary to appoint an S-4 Licensed Operator and a C-4 Licensed Collection System Operator of the Authority as said License is required per N.J.A.C. 7:10A-1.1 and N.J.A.C. 7:27-1.4; and

NOW, THEREFORE, BE IT RESOLVED, by the Rahway Valley Sewerage Authority, County of Union, State of New Jersey, that it hereby appoints James J. Meehan as the S-4 Licensed Operator and the C-4 Licensed Collection System Operator of the Rahway Valley Sewerage Authority; and

BE IT FURTHER RESOLVED, that Mr. Meehan, be and hereby is authorized to sign all New Jersey Department of Environmental Protection (NJDEP) Forms and Reports pertaining to the treatment plant, sludge permits, sewer extensions, etc.; and

BE IT FURTHER RESOLVED, that this appointment supersedes any previous appointment and will remain in force until it is rescinded in writing by the Commissioners of the Authority and shall take effect immediately and/or as required by law.

The following Resolution #10-71 was offered by Mr. Dierkes, on motion of Mr. Dierkes, seconded by Mr. Murphy and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-71

AUTHORIZING THE APPOINTMENT OF A BACK-UP S-4 LICENSED OPERATOR OF THE RAHWAY VALLEY SEWERAGE AUTHORITY

WHEREAS, the Commissioners of the Rahway Valley Sewerage Authority (“Authority”) have appointed James J. Meehan, Executive Director, as the S-4 Licensed Operator and a C-4 Licensed Collection System Operator of the Authority effective December 16, 2010; and

WHEREAS, since February 16, 2006, Jean Manigold, the Authority’s Laboratory Supervisor served as the S-4 Licensed Operator, which is hereby rescinded; and

WHEREAS, based on NJDEP Regulation, the Authority can and should have a back-up Licensed Operator for its facility.

NOW, THEREFORE, BE IT RESOLVED, by the Rahway Valley Sewerage Authority, County of Union, State of New Jersey, that it hereby appoints Jean Manigold as the back-up S-4 Licensed Operator of the Authority effective immediately, for a period of time as the Commissioners of the Authority deem appropriate; and

BE IT FURTHER RESOLVED that as the back-up S-4 Licensed Operator Jean Manigold shall receive an annual stipend of \$5,000.00, paid over 12 months, which shall not be included in her base salary; and is the compensation for the additional duties and responsibilities that she shall be obliged to undertake as the back-up Licensed Operator.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately and/or as required by law.

The following Resolution #10-72 was offered by Mr. Murphy, on motion of Mr. Murphy, seconded by Mr. Chin and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-72

WHEREAS, the Rahway Valley Sewerage Authority solicited and received a proposal for insurance coverage related to Pollution Coverage, Contract #1117; 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, a Proposal was requested and received for the award of this contract through a non-fair and open process in accordance with N.J.S.A. 19:44A-20, et. seq.

WHEREAS, the Secretary-Treasurer of the Authority, who is the Chief Financial Officer,

hereby certifies that funds for said contract are available in the 2011 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that based on the proposal received from XL Insurance Company through Business & Government Insurance Agency the Authority's Insurance Broker of Record, the Rahway Valley Sewerage Authority hereby awards the placement of its Pollution Insurance Coverage with Greenwich Insurance Co./XL Insurance Company, in an amount not to exceed \$23,000.00 excluding standard surcharges; and

BE IT FURTHER RESOLVED that the insurance program being awarded as noted above is for a one year period; and

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

The following Resolution #10-73 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Murphy and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-73

WHEREAS, Joan Papen, was appointed by the Township of Scotch Plains to serve as a Commissioner of the Rahway Valley Sewerage Authority ("Authority"); and

WHEREAS, Mrs. Papen was the first Commissioner to be appointed to the Authority by the Township of Scotch Plains which became a Member Municipality of the Authority in 1995 and by whom she was affectionately called the "Sewer Queen"; and

WHEREAS, Mrs. Papen served as a Commissioner of the Authority from August 1995 through January 2011; and

WHEREAS, Mrs. Papen served as Chairman of the Authority for the years 2001 and 2008; and

WHEREAS, Mrs. Papen served as a member of the Authority Expansion, By-Law Review, Commissioner Handbook, Engineering, Finance, Personnel, Insurance Review, Nominating, Public Relations, Security and Sludge Management Committees, and Chaired many of these Committees during her tenure; and

WHEREAS, Mrs. Papen gave the benefit of her knowledge and experience during the years she served the Authority, in all aspects of its operations and gave freely of her time pursuing matters of concern to the Authority; and

WHEREAS, Mrs. Papen enjoyed a position of honor and respect among her peers during her 16 years of service to the Authority for her municipality.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners, Staff and Associates of the Rahway Valley Sewerage Authority, express their gratitude and thanks for her

efforts and extend to her their best wishes for good health and happiness in the future.

Mrs. Papen stated that it has been a pleasure to serve with all of the Commissioners on the Board and considers all to be her friends. She added that everyone on this board works very hard and are dedicated and hopes that each Commissioners respective town appreciates them as she appreciates the work that each does for the public. She thanked the board.

Mr. Mazzarella stated that Mrs. Papen's service to the RVSA and to her community has truly commendable. Mrs. Papen said thank you.

Mrs. Papen asked the Commissioners for their consensus and amending the By-Laws as it relates to the payment of certain bills. Mrs. Papen stated that the By-Laws currently state that all bills must come before the Board for payment prior to being paid. She noted that the Authority incurs late fees and finance charges on some accounts because they are not paid by the date on the invoice. The Commissioners agreed.

Mrs. Papen moved the following First Reading of Resolution #10-74 to amend the By-Laws. The motion was seconded by Mr. Chin and approved by those present. Mr. Luban and Mr. Sefranka were absent.

RESOLUTION #10-74 - FIRST READING

WHEREAS, the Rahway Valley Sewerage Authority (the Authority) was established by an agreement dated August 8, 1951 which was subsequently Revised by an agreement dated January 11, 1995; and

WHEREAS, said Agreement allows the Authority to amend said By-Laws by introducing a prepared amendment at a regular meeting and voting upon said amendment at the next regular meeting and requires a two-thirds vote of the entire membership to pass said amendment; and

WHEREAS, the Authority desires to amend the current By-laws as set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the By-Laws be and are hereby amended as follows:

Article 8. shall be amended to read as follows:

“All Bills and Claims shall be approved before payment by a majority of the Finance Committee, with the exception of bills for utilities, health benefits, or any other bill that would incur a finance charge or late fee if not paid by a certain date, said bills may be paid in advance of Finance Committee approval; however, all related documentation must be submitted to the Finance Committee at the respective monthly meeting along with all other bills. All voucher checks shall bear the signatures of the Executive Director, Treasurer, and the Chairman or a facsimile stamp indicating their respective signatures. The Treasurer or, in his/her absence, the Executive Director shall have authority to draw upon an established

special bank account to cover payrolls when submitted. In the event of illness, incapacity or absence of both of the aforementioned, a replacement will be appointed by the Chairman to act, pro tem, in his/her stead.”

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 approved by those present. Mr. Luban and Mr. Sefranka were absent.

BUILDING & EQUIPMENT FUND

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
2576	12/16/10	CME ASSOCIATES	140.2	31,299.41
2577	12/16/10	WEINER LESNIAK LLP	140.2/7	37,345.68

Total Building & Equipment Fund Checks: 2

Total Void Checks: 0

Total Void Amount: \$0.00

Total Amount Paid: \$68,645.09

OPERATING FUND - MANUAL

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
207	12/01/10	NEW JERSEY STATE HEALTH BENEFITS	03/04	82,752.57

Total Operating Fund - Manual Checks: 1

Total Void Checks: 0

Total Void Amount: \$0.00

Total Amount Paid: \$82,752.57

OPERATING FUND

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
38397	11/30/10	RAHWAY VALLEY SEWERAGE AUTH.	01/02	168,698.79
38398	12/16/10	A TOUCH OF ITALY	49	319.90
38399	12/16/10	MARIA VASSALLO ABRAM	49	413.85
38400	12/16/10	ADP, INC.	03	176.24
38401	12/16/10	ADP, INC.	16	1,965.19
38402	12/16/10	ADVANCED SPECIALTY SALES, INC.	32	987.60
38403	12/16/10	AERC RECYCLING SOLUTIONS	31	340.00
38404	12/16/10	ALL AMERICAN SEWER SERVICE INC.	32	8,810.00
38405	12/16/10	AMERICAN INDUSTRIAL SUPPLY	32	44.06
38406	12/16/10	AMERICAN WEAR	32	1,573.70
38407	12/16/10	APPLIED ANALYTICS, INC.	32	935.00
38408	12/16/10	ATLANTIC ANALYTICAL LABORATORY	41	1,230.00
38409	12/16/10	BUSINESS GOVERNMENTAL INS. AGENCY	17	69,787.00
38410	12/16/10	BOWCO LABORATORIES, INC.	32	63.00
38411	12/16/10	MICHAEL J. BRINKER, JR.	04	1,326.00
38412	12/16/10	CAMPBELL FOUNDRY COMPANY	32	950.00
38413	12/16/10	CANON BUSINESS SOLUTIONS, INC.	16	888.60
38414	12/16/10	CANON FINANCIAL SERVICES, INC.	16	284.16

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT	
38415	12/16/10	HECTOR L. CARTAGENA	04	289.20	
38416	12/16/10	CASCADE WATER SERVICES	32	450.00	
38417	12/16/10	ALLEN CHIN	49	507.79	
38418	12/16/10	RAHWAY UNITED WATER RESOURCES	33	5,726.45	
38419	12/16/10	RAHWAY, DIVISION OF BUILDINGS	31	245.00	
38420	12/16/10	TOWNSHIP OF CLARK	37	97,127.46	
38421	12/16/10	COGENT COMMUNICATIONS, INC.	27	674.00	
38422	12/16/10	COOPER ELECTRIC SUPPLY CO.	32	3,180.77	
38423	12/16/10	CSL SERVICES, INC.	30	24,680.00	
38424	12/16/10	CUNY & GUERBER, INC.	32	150.00	
38425	12/16/10	D2L ASSOCIATES, INC.	42	2,480.00	
38426	12/16/10	GARY DEGROAT	31	100.00	
38427	12/16/10	DELL MARKETING L.P.	27	3,044.37	
38428	12/16/10	DELTA DENTAL OF NJ INC.	03	5,867.04	
38429	12/16/10	DELTA PRODUCTS, CO.	32	847.73	
38430	12/16/10	BARBARA DERKACK	04	330.00	
38431	12/16/10	JACK DESIMONE	31	94.99	
38432	12/16/10	RENE DIERKES	49	300.00	
38433	12/16/10	DUNFORD REFRIGERATION HEATING	32/43	1,219.00	
38434	12/16/10	LOUIS DUPLESSIS	04	289.20	
38435	12/16/10	EDMUNDS & ASSOCIATES, INC.	27	5,198.00	
38436	12/16/10	ELIZABETHTOWN GAS	22	6,993.23	
38437	12/16/10	ENVIRONMENTAL COMPLIANCE	41	3,618.50	
38438	12/16/10	ELIZABETHTOWN GAS	22	25,419.25	
38439	12/16/10	FABRITool INC.	32	840.00	
38440	12/16/10	FISHER SCIENTIFIC	40	600.59	
38441	12/16/10	FOLEY, INCORPORATED	32	699.88	
38442	12/16/10	G.P. JAGER & ASSOCIATES, INC.	32	699.75	
38443	12/16/10	W.W. GRAINGER, INC.	32	129.40	
38444	12/16/10	GARY W. GRAY TRUCKING, INC.	25/26	56,815.08	
38445	12/16/10	GREAT LAKES ENVIRONMENTAL	41	565.93	
38446	12/16/10	GREENBAUM, ROWE, SMITH & DAVIS	08	61.50	
38447	12/16/10	STEPHEN D. GREET	49	300.00	
38448	12/16/10	HACH COMPANY	40/43	1,674.52	
38449	12/16/10	HOME DEPOT CREDIT SERVICES	32	677.99	
38450	12/16/10	IMPACT COMPUTERS & ELECTRONICS	27	671.42	VOID
38451	12/16/10	INFOR GLOBAL SOLUTIONS INC.	32	2,140.90	VOID
38452	12/16/10	INTERNATIONAL SALT COMPANY	32	1,955.29	VOID
38453	12/16/10	JERSEY ELEVATOR COMPANY INC.	32	4,272.00	VOID
38454	12/16/10	JT LYNNE REPRESENTATIVES INC.	32	278.76	VOID
38455	12/16/10	KASON CORPORATION	32	782.78	VOID
38456	12/16/10	SARAH KEYSER	31	89.98	VOID
38457	12/16/10	EDWARD KOCHICK	31	99.98	VOID
38458	12/16/10	LABCHEM INC.	40	555.30	VOID
38459	12/16/10	RICHARD LoFORTE	49	399.00	VOID
38460	12/16/10	LONGO ELECTRICAL-MECHANICAL	32	544.00	VOID
38461	12/16/10	ROBERT G. LUBAN	49	637.85	VOID
38462	12/16/10	MARIBELL ASSOCIATES, INC.	31	359.00	VOID
38463	12/16/10	ROBERT J. MATERNA	15	170.00	VOID
38464	12/16/10	FRANK G. MAZZARELLA	49	428.85	VOID
38465	12/16/10	DON McCOY	31	77.74	VOID

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT	
38466	12/16/10	McELROY, DEUTSCH, MULVANEY	08	6,165.00	VOID
38467	12/16/10	MCMaster-CARR SUPPLY CO.	31/32	975.70	VOID
38468	12/16/10	MIDDLESEX WATER COMPANY	33	1,030.49	VOID
38469	12/16/10	MOTION INDUSTRIES	32	97.09	VOID
38470	12/16/10	ROBERT MRASZ	04	289.20	VOID
38471	12/16/10	MSI SERVICES, INC.	27	25.00	VOID
38472	12/16/10	JAMES J. MURPHY	49	467.85	VOID
38473	12/16/10	NJ DIVISION OF FIRE SAFETY	31	449.00	VOID
38474	12/16/10	NJ MANUFACTURERS INSURANCE CO.	17	17,400.00	VOID
38475	12/16/10	NORTHERN SAFETY CO., INC.	31/32	2,029.11	VOID
38476	12/16/10	O'JOHNNIES, INC.	13	1,741.20	VOID
38477	12/16/10	OPTIMUM CONTROLS CORP.	32	2,653.40	VOID
38478	12/16/10	ONE CALL CONCEPTS, INC.	32	9.63	VOID
38479	12/16/10	P-M INDUSTRIAL SUPPLY, INC.	32	919.61	VOID
38480	12/16/10	JOAN PAPAN	49	600.12	VOID
38481	12/16/10	EDMUND PETROSKY	04	289.20	VOID
38482	12/16/10	PITNEY BOWES INC.	48	82.00	VOID
38483	12/16/10	PMK GROUP/BIRD, INC.	08	1,330.00	VOID
38484	12/16/10	POLARIS LABORATORIES, LLC	32	593.09	VOID
38485	12/16/10	ROBERT POLTZ	31	1,045.00	VOID
38486	12/16/10	POLYDYNE INC.	23	16,320.00	VOID
38487	12/16/10	PRIME LUBE INC.	32	2,615.25	VOID
38488	12/16/10	PSE&G COMPANY	19	11,832.81	VOID
38489	12/16/10	PUMPING SERVICES, INC.	32	4,800.00	VOID
38490	12/16/10	QC LABORATORIES	41	2,277.00	VOID
38491	12/16/10	RARITAN SUPPLY COMPANY	32	128.00	VOID
38492	12/16/10	RELIABLE ELECTRIC MOTOR REPAIR	32	553.88	VOID
38493	12/16/10	RAHWAY VALLEY SEWERAGE AUTH.	01/02	189,464.52	VOID
38494	12/16/10	RVSA PETTY CASH	14	130.57	VOID
38495	12/16/10	COLONEL SATTERWHITE	04	289.20	VOID
38496	12/16/10	PAUL SEFRANKA	49	390.99	VOID
38497	12/16/10	WILLIAM SEIBOTH	04	578.40	VOID
38498	12/16/10	JOSEPH SOWA	31	100.00	VOID
38499	12/16/10	STANDARD INSURANCE COMPANY	03	2,091.74	VOID
38500	12/16/10	STAPLES BUSINESS ADVANTAGE	13	394.39	VOID
38501	12/16/10	STAPLES CREDIT PLAN	13/27	113.71	VOID
38502	12/16/10	STAR LEDGER	12	255.20	VOID
38503	12/16/10	STORR TRACTOR COMPANY	35	150.62	VOID
38504	12/16/10	DONALD STUART	04	289.20	VOID
38505	12/16/10	SUNBELT RENTALS	32	2,016.79	VOID
38506	12/16/10	SUPLEE, CLOONEY & COMPANY	08	550.00	VOID
38507	12/16/10	GEORGE SZOTAK	04	578.40	VOID
38508	12/16/10	THE ANDERSONS	32	5,551.00	VOID
38509	12/16/10	THE BANK OF NEW YORK MELLON	09	2,000.00	VOID
38510	12/16/10	TURTLE & HUGHES INC.	32	449.46	VOID
38511	12/16/10	UNITED PARCEL SERVICE	48	74.58	VOID
38512	12/16/10	US FILTER/SIEMENS WATER TECH.	40	1,958.00	VOID
38513	12/16/10	U.S. HEALTHWORKS MEDICAL	50	268.00	VOID
38514	12/16/10	JOHN VANTUH	31	99.99	VOID
38515	12/16/10	ATTILIO S. VENTURO	49	436.95	VOID
38516	12/16/10	VERIZON CONFERENCING	11	139.50	VOID

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT	
38517	12/16/10	VERIZON	11/30	2,088.83	VOID
38518	12/16/10	VERIZON WIRELESS	11	818.73	VOID
38519	12/16/10	VISION SERVICE PLAN	03	1,262.66	VOID
38520	12/16/10	DANIEL WARD	31	79.97	VOID
38521	12/16/10	THOMAS WATTERS	31	29.99	VOID
38522	12/16/10	WEINER LESNIAK LLP	07	27,385.87	VOID
38523	12/16/10	921-GTS-WELCO	32	633.21	VOID
38524	12/16/10	WOODRUFF ENERGY	22	234,504.90	VOID
38525	12/16/10	ARTHUR M. WRIGHT, JR.	04	578.40	VOID
38526	12/16/10	WILLIAM YACHERA	31	29.99	VOID
38527	12/16/10	IMPACT COMPUTERS & ELEC.	27	671.42	
38528	12/16/10	INFOR GLOBAL SOLUTIONS INC.	32	2,140.90	
38529	12/16/10	INTERNATIONAL SALT COMPANY	32	1,955.29	
38530	12/16/10	JERSEY ELEVATOR COMPANY INC.	32	4,272.00	
38531	12/16/10	JT LYNNE REPRESENTATIVES INC.	32	278.76	
38532	12/16/10	KASON CORPORATION	32	782.78	
38533	12/16/10	SARAH KEYSER	31	89.98	
38534	12/16/10	EDWARD KOCHICK	31	99.98	
38535	12/16/10	LABCHEM INC.	40	555.30	
38536	12/16/10	RICHARD LoFORTE	49	399.00	
38537	12/16/10	LONGO ELECTRICAL-MECHANICAL	32	544.00	
38538	12/16/10	ROBERT G. LUBAN	49	637.85	
38539	12/16/10	MARIBELL ASSOCIATES, INC.	31	359.00	
38540	12/16/10	ROBERT J. MATERNA	15	170.00	
38541	12/16/10	FRANK G. MAZZARELLA	49	428.85	
38542	12/16/10	DON McCOY	31	77.74	
38543	12/16/10	McELROY, DEUTSCH, MULVANEY	08	6,165.00	
38544	12/16/10	MCMASTER-CARR SUPPLY CO.	31/32	975.70	
38545	12/16/10	MIDDLESEX WATER COMPANY	33	1,030.49	
38546	12/16/10	MOTION INDUSTRIES, INC.	32	97.09	
38547	12/16/10	ROBERT MRASZ	04	289.20	
38548	12/16/10	MSI SERVICES, INC.	27	25.00	
38549	12/16/10	JAMES J. MURPHY	49	467.85	
38550	12/16/10	NJ DIVISION OF FIRE SAFETY	31	449.00	
38551	12/16/10	NJ MANUFACTURERS INSURANCE CO.	17	17,400.00	
38552	12/16/10	NORTHERN SAFETY CO., INC.	31/32	2,029.11	
38553	12/16/10	O'JOHNNIES, INC.	13	1,741.20	
38554	12/16/10	OPTIMUM CONTROLS CORP.	32	2,653.40	
38555	12/16/10	ONE CALL CONCEPTS, INC.	32	9.63	
38556	12/16/10	P-M INDUSTRIAL SUPPLY, INC.	32	919.61	
38557	12/16/10	JOAN PAPAN	49	600.12	
38558	12/16/10	EDMUND PETROSKY	04	289.20	
38559	12/16/10	PITNEY BOWES INC.	48	82.00	
38560	12/16/10	PMK GROUP/BIRD, INC.	08	1,330.00	
38561	12/16/10	POLARIS LABORATORIES, LLC	32	593.09	
38562	12/16/10	ROBERT POLTZ	31	1,045.00	
38563	12/16/10	POLYDYNE INC.	23	16,320.00	
38564	12/16/10	PRIME LUBE INC.	32	2,615.25	
38565	12/16/10	PSE&G COMPANY	19	11,832.81	
38566	12/16/10	PUMPING SERVICES, INC.	32	4,800.00	
38567	12/16/10	QC LABORATORIES	41	2,277.00	

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
38568	12/16/10	RARITAN SUPPLY COMPANY	32	128.00
38569	12/16/10	RELIABLE ELECTRIC MOTOR REPAIR	32	553.88
38570	12/16/10	RAHWAY VALLEY SEWERAGE AUTH.	01/02	189,464.52
38571	12/16/10	RVSA PETTY CASH	14	130.57
38572	12/16/10	COLONEL SATTERWHITE	04	289.20
38573	12/16/10	PAUL SEFRANKA	49	390.99
38574	12/16/10	WILLIAM SEIBOTH	04	578.40
38575	12/16/10	JOSEPH SOWA	31	100.00
38576	12/16/10	STANDARD INSURANCE COMPANY	03	2,091.74
38577	12/16/10	STAPLES BUSINESS ADVANTAGE	13	394.39
38578	12/16/10	STAPLES CREDIT PLAN	13/27	113.71
38579	12/16/10	STAR LEDGER	12	255.20
38580	12/16/10	STORR TRACTOR COMPANY	35	150.62
38581	12/16/10	DONALD STUART	04	289.20
38582	12/16/10	SUNBELT RENTALS	32	2,016.79
38583	12/16/10	SUPLEE, CLOONEY & COMPANY	08	550.00
38584	12/16/10	GEORGE SZOTAK	04	578.40
38585	12/16/10	THE ANDERSONS	32	5,551.00
38586	12/16/10	THE BANK OF NEW YORK MELLON	09	2,000.00
38587	12/16/10	TURTLE & HUGHES INC.	32	449.46
38588	12/16/10	UNITED PARCEL SERVICE	48	74.58
38589	12/16/10	US FILTER SIEMENS WATER TECH.	40	1,958.00
38590	12/16/10	U.S. HEALTHWORKS MEDICAL	50	268.00
38591	12/16/10	JOHN VANTUH	31	99.99
38592	12/16/10	ATTILIO S. VENTURO	49	436.95
38593	12/16/10	VERIZON CONFERENCING	11	139.50
38594	12/16/10	VERIZON	11/30	2,088.83
38595	12/16/10	VERIZON WIRELESS	11	818.73
38596	12/16/10	VISION SERVICE PLAN	03	1,262.66
38597	12/16/10	DANIEL WARD	31	79.97
38598	12/16/10	THOMAS WATTERS	31	29.99
38599	12/16/10	WEINER LESNIAK LLP	07	27,385.87
38600	12/16/10	921-GTS-WELCO	32	633.21
38601	12/16/10	WOODRUFF ENERGY	22	234,504.90
38602	12/16/10	ARTHUR M. WRIGHT, JR	04	578.40
38603	12/16/10	WILLIAM YACHERA	31	29.99

Total Operating Fund Checks: 206
Total Void Checks: 77
Total Void Amount: \$565,965.24
Total Amount Paid: \$1,076,654.95

Total All Fund Checks
Total Void Checks: 77
Total Void Amount: \$565,965.24
Total Amount Paid: \$1,228,052.61

OPERATING FUND	0-01	\$1,159,407.52
BUILDING & EQUIPMENT FUND	0-02	<u>\$68,645.09</u>
TOTAL OF ALL FUNDS		\$1,228,052.61

Mrs Papen made a motion, seconded by Mr. Murphy, that the following bills and claims previously audited by the Finance Committee be ordered paid. Mrs. Papen noted that this payment is for two months of service. The motion was approved by those present with the exception of Mr. Mazzarella who abstained. Mr. Luban and Mr. Sefranka were absent.

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
2575	12/16/10	CIPOLLA & COMPANY, LLC	140.2	270,000.00

Total Building & Equipment Fund Checks: 1
Total Void Checks: 0
Total Void Amount: \$0.00
Total Amount Paid: \$270,000.00

BUILDING & EQUIPMENT FUND 0-02 \$270,000.00

Open the Floor to the Public

No one from the public wished to address the Board.

Closed Session

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

** Mrs. Abram left the meeting during closed session, at 9:35 p.m.

Regular Order of Business

Mr. Chin made a motion, seconded by Mr. Greet, to return to the Regular Order of Business at 9:50 p.m. The motion was unanimously approved by those present. Mrs. Abram, Mr. Luban and Mr. Sefranka were absent.

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

The following Resolution #10-75 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Murphy.

RESOLUTION #10-75

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 for the period January 1 through April 30, 2011; 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 4, 2010, reflecting an hourly rate of \$225.00; 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, with a monthly billable amount not to exceed \$135,000.00 total contract not to exceed \$540,000.00 which includes the submission of a final report which will potentially be used in Arbitration/Litigation on Contract #105 Cogeneration/Sludge Drying Facility; and

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

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

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

Mr. Dierkes moved to amend the Resolution to increase the amount from \$540,000 to \$670,000. The motion to amend was seconded by Mr. Loforte and the Vice Chairman requested a roll call vote.

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

As the vote was 3 to 3 with 2 abstentions, the move to amend the resolution failed.

The Vice Chairman requested a roll call vote on the resolution as originally presented.

AYES

Cranford
Garwood
Kenilworth
Mountainside
Scotch Plains
Westfield

NAYS

ABSTAIN

Clark
Roselle Park

ABSENT

Rahway
Woodbridge
Springfield

As the vote was 6 to 0 with 2 abstentions, the resolution was approved.

Adjournment

As there was no further business, on motion of Mrs. Papen, seconded by Mr. Greet, the meeting adjourned at 9:55 p.m. The motion was unanimously approved by those present.

Robert J. Materna ----

Robert J. Materna, Secretary-Treasurer

JG/jg

Attachments