

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes**

**Regular Meeting held February 21, 2013**

- Election of Officers  
Annual Reorganization.
- Oath of Office
- Minutes  
Approved Minutes of January 10, 2013 Personnel, Legal, Finance and Engineering Committee Meetings.  
Approved Minutes of January 17, 2013 Finance and Regular Meetings.
- Communications  
Letter from the Township of Springfield regarding their Commissioner appointment.  
OPRA request from William Guarini.
- Treasurers Reports  
No report.
- Executive Director  
Sewer Connections and the status of various contracts.
- Consulting Engineer  
Overview of contracts.
- Counsel  
Overview of legal matters.
- Committees  
A report was given by the Engineering, Finance, Legal and Nominating Committees.
- Unfinished Business  
Appointment of General Counsel.
- New Business  
Adopted the 2013 Budget; Amended the Purchasing Limits; Approved TWA for the Township of Woodbridge; and Awarded Contract through EMEX to Liberty Power for third party electricity.
- Bills & Claims

OPERATING FUND	2-01	\$180,389.85
BUILDING & EQUIPMENT FUND	2-02	<u>\$84,142.61</u>
PRIOR (2012) YEAR TOTAL:		\$264,532.46
OPERATING FUND	3-01	\$1,229,986.13
BUILDING & EQUIPMENT FUND	3-02	<u>\$43,573.61</u>
CURRENT YEAR TOTAL:		<u>\$1,273,559.74</u>
TOTAL OF ALL FUNDS:		\$1,538,092.20

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Minutes**

**February 21, 2013**

The Chairman, Richard LoForte, called the meeting to order at 7:30 p.m. The Chairman asked that the recorder be turned on and that everyone silent their cell phones.

The 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 12, 2013.

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

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

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

**Roll Call**

The following members were present:

* Allen Chin	for the Town of Westfield
Rene Dierkes	for the Borough of Mountainside
Mark P. Dugan	for the Township of Cranford
Michael Furci	for the Township of Springfield
Stephen Greet	for the Borough of Garwood
Robert LaCosta	for the Township of Scotch Plains
Richard LoForte	for the Borough of Kenilworth
Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
Attilio S. Venturo	for the Borough of Roselle Park

\* Attended the meeting via telephone.

The following member was absent.

Randall T. Hering	for the City of Rahway
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The following were also present:

James J. Meehan	Executive Director
Robert J. Materna	Secretary-Treasurer
Joanne Grimes	Office Administrator/Board Secretary
Dennis Estis, Esq.	Counsel – Greenbaum, Rowe, Smith & Davis
Edward Barboe, PE	Consulting Engineering – Hazen & Sawyer
Brian Hak, Esq.	Litigation Counsel – Weiner Lesniak

The following were also present:

Robert Valent	Superintendent
Dan Ward	Manager, Plant Maintenance
Anthony Gencarelli	Manager, Regulatory Compliance
John Buonocore	Staff Engineer
Wayne Baker	Westfield Leader Newspaper

**Annual Reorganization – Election of Officers**

The Chairman, Mr. LoForte, asked the Secretary to conduct the election for Chairman for the year ending February 20, 2014.

Mr. Materna asked the Nominating Committee for their recommendation for the Office of Chairman for the year ending February 20, 2014.

Mr. Dierkes was nominated by Mr. Venturo and seconded by Mr. Mazzearella.

Mr. Materna asked if there were any other nominations.

There were no other nominations. Mr. Materna then stated that there being no further nominations, he asked for a motion to close the nominations.

Mr. LaCosta made a motion, seconded by Mr. Greet that the nominations be closed. The motion was unanimously approved.

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

The Chairman stated "So ordered".

Mr. Materna declared Mr. Dierkes as the duly elected Chairman for the year ending February 20, 2014.

The Chairman, Mr. Dierkes, asked the Secretary to conduct the election for Vice-Chairman for the year ending February 20, 2014.

Mr. Materna asked the Nominating Committee for their recommendation for the Office of Vice-Chairman for the year ending February 20, 2014.

Mr. Greet was nominated by Mr. Venturo and seconded by Mr. Mazzearella.

Mr. Materna asks if there were any other nominations.

There were no other nominations. Mr. Materna then stated that there being no further nominations, he asked for a motion to close the nominations.

Mr. LaCosta made a motion, seconded by Mr. LoForte that the nominations be closed. The

motion was unanimously approved.

Mr. Materna then stated that he cast a ballot for the election of Mr. Greet as Vice-Chairman.

Mr. Materna declared Mr. Greet as the duly elected Vice-Chairman for the year ending February 20, 2014.

### **Oath of Office**

Mr. Dierkes and Mr. Greet were sworn in as Chairman and Vice Chairman respectively.

Mr. Dierkes made a presentation to the out-going Chairman, Mr. LoForte and thanked him for the job well done during the past year.

Mr. LoForte stated that he wished to thank Mr. Meehan and the staff because in his opinion everything that was accomplished during the past year was accomplished because of them. Mr. LoForte added that they work very hard and he wanted to acknowledge that.

### **Approval of Minutes**

Mr. Greet made a motion, seconded by Mr. Luban, to approve the minutes of the Personnel, Legal, Finance and Engineering Committee Meetings held on January 10, 2013. The motion was approved by those present with the exception of Mr. Dugan and Mr. Mazzarella who abstained. Mr. Hering was absent.

Mr. Luban made a motion, seconded by Mr. LoForte, to approve the minutes of the Finance Committee and Regular Meetings held January 17, 2013. The motion was approved by those present. Mr. Hering was absent.

### **Communications**

The following letter and resolution addressed to Joanne Grimes were received January 23, 2013 from Linda M. Donnelly, RMC, Township Clerk for the Township of Springfield.

“Attached herewith please find a certified copy of Resolution #2013-35 which ratifies and confirms the appointment of Michael Furci as the Springfield Representative on the Rahway Valley Sewerage Authority for a five year term effective February 1, 2013.

In accordance with NJSA 40:14A-49(e), a certified copy of said Resolution is being sent to the Office of the Secretary of State of New Jersey.

Should you require any further information, please do not hesitate to contact me.

Resolution 2013-25

WHEREAS, the Township of Springfield is a member of the Rahway Valley Sewerage Authority and is therefore entitled to appoint a member of same for a five (5) year term effective February 1, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Springfield, County of Union, State of New Jersey, that they hereby appoint Michael Furci as the Springfield Representative on the Rahway Valley Sewerage Authority, effective February 1, 2013.”

An OPRA Request was received February 13, 2013 from William Guarini of Meida, PA, requesting various documents related to the Authority’s industrial users. A copy of the OPRA request was sent to Counsel for review. The Authority responded to the request on February 19, 2013.

### **Report of Treasurer**

The Treasurer’s Reports for the month of December 2012 have not been finalized.

### **Report of Executive Director**

#### **Sewer Treatment Endorsements**

The following is a list of Sewer Treatment Endorsements processed between 1/15/13 and 2/14/13. 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>
1416-13-WB	01/16/13	Grand Central / Spinello Plumbing	Woodbridge
1417-13-WB	01/16/13	Grand Central / Spinello Plumbing	Woodbridge
1418-13-RW	01/17/13	Violine Philippe	Rahway
1419-13-SP	01/17/13	Ginesi Builders	Scotch Plains
1420-13-WB	01/18/13	Jita Kullar / Haris Amjad	Woodbridge
1421-13-KW	01/23/13	Elshiekh Enterprises	Kenilworth
1422-13-WF	01/30/13	Gary Buchalter	Westfield
1423-13-RW	02/01/13	Eric Couper / Dickie J's Holdin LLC	Rahway
1424-13-WB	02/04/13	Nova Homes	Woodbridge
1425-13-WF	02/05/13	<i>Kenneth Abraham</i>	Westfield
1426-13-RW	02/07/13	Bunker Hill Homes, Inc.	Rahway
1427-13-WF	02/14/13	Monarch Homes	Westfield

#### **Contract #170 - Public Private Partnership**

The Authority published the PPP Request For Proposals on July 11, 2012. Three proposals were received on November 15, 2012. The proposals were reviewed and are currently being considered by the PPP Team. The PPP Team is scheduled to meet with one proposer on February 21, 2013 and will make a report to the Board thereafter.

#### **Contract #1314 – Third Party Electric Supply**

The Authority’s current contract for these services expires in June 2013. The State of NJ has initiated a Pilot Program and authorized four vendors to perform Reverse Auctions for the purchase of energy generation services. The Authority met with representatives of Energy

Market Exchange (EMEX) regarding their services for the Reverse Auction process. The Authority will be taking part in an auction on February 21, 2013. If this auction proves to be beneficial to the Authority, the Board will be asked to approve the contract at its meeting that night (February 21, 2013). This was discussed at the Engineering Committee Meeting and may be acted on at the Regular Meeting.

#### TWA - Woodbridge

The Township of Woodbridge submitted a Treatment Works Connection Application on behalf of Fletcher Engineering and Colonial Gardens Associates located on Leesville and Rogers Road in the Township of Woodbridge. The application is for the construction of 4 manholes and 818 lf of 8" pipe to service 40-1 Bedroom Units and 10-2 Bedroom Units which replace similar units destroyed by fire in 2011. The proposed connection will discharge approximately 8,250 gpd of flow. John Buonocore, Staff Engineer, reviewed the application and found it to be in order. This was discussed at the Engineering Committee Meeting and action is on the agenda under New Business.

#### Monthly Reports

The following reports were received and distributed to the Commissioners.

- Engineering Bills & Claims
- Litigation Cost Summary Update
- Operations Monthly Report
- IPP Monthly Report
- Flow Rights and User Charge Reports
- Hazen & Sawyers Monthly Report
- Greenbaum Rowe Smith & Davis Monthly Reports
- Weiner Lesniak Monthly Report

#### **Report of Consulting Engineer**

Edward Barboe of Hazen & Sawyer, the Authority's Consulting Engineer, gave his report at the Engineering Committee Meeting held February 14, 2013.

#### **Report of General Counsel**

Dennis Estis of Greenbaum, Rowe, Smith & Davis, the Authority's General Counsel submitted the following report covering the period from January 10, 2013 through February 21, 2013.

#### General Matters

##### Update of Bid Documents

At the request of staff, I am reviewing the current form of bid documents to make certain they satisfy current New Jersey law.

##### Westfield Leader

At the request of Commissioner Chin, I reviewed a draft of a Letter to the Editor prepared by him and made suggested revisions.

Authority Reverse Auctions

On January 29, 2013, I attended a meeting with representatives of the Authority staff and John Smith of EMEX to discuss that company's potential role in helping to reduce power costs to the Authority. The staff is pursuing this avenue as a means of saving money for the Authority.

OPRA Review

The Authority was served with an OPRA request and I reviewed same with Ms. Grimes and we mutually agreed on what was to be produced.

Co-Generation Facility

See Weiner Lesniak report. It is my understanding that the mediation is tentatively scheduled for May 2013. If I believe it would be helpful, I will attend the first day of mediation at no charge to the Authority.

NJDEP v. Occidental Chemical

See Weiner Lesniak report.

Outside Counsel - Invoices.

I have completed the guidelines for billing by outside counsel and have submitted them to Mr. Mazzarella for review by the Legal Committee.

As the new Committees have been appointed by the new Chairman, I ask that Mr. Mazzarella pass the guidelines along to the new Committee Chairman for consideration.

RVSA adv. Baymen's Protective Association

The Authority received a Notice of Tort Claim from the Law Firm of Giordano, Halleran & Ciesla on behalf of the Baymen's Protective Association, Certified Clam Company and a class of claimants related to the Raritan Bay Clammers. That same Notice of Tort Claim was served on eight other sewerage authorities including Joint Meeting, Linden Roselle, Eatontown, North Hudson, Pequannock River Basin, PARSA, Rockaway Valley and Somerset Raritan. The claimants assert that sewerage and hazardous waste was "diverted and spilled into, or migrated to the greater New York Harbor and the Raritan Bay, Sandy Hook Bay, etc., and other bodies of water and caused the closure of the New Jersey Regulated Shellfish beds located in those waters." The assertion is that the "sewer mains, treatment facility, outfalls, pump stations, and other infrastructure [of these authorities] discharged, ruptured, failed, or otherwise were not in operation causing untreated sewerage ... to be discharged ..." into the various bodies of water referenced above. This claim, which the Authority totally denied, has been submitted to its insurance agent. We will discuss this matter further in closed session.

Please note that a Tort Claim Notice is a notice that they intend to file a suit, it is not a lawsuit.

Report of Litigation Counsel

Brian Hak of Weiner Lesniak, the Authority's Litigation Counsel submitted the following report.

The following is a summary of all General and Special Litigation Counsel Services that have been provided by this office to the Rahway Valley Sewerage Authority for the time period

covering January 8, 2013 through February 11, 2013.

### **Cogeneration Facility Litigation**

Hearings on the second phase of the Reid arbitration regarding CAT/Foley's crossclaims against the Authority and PS&S were held on October 22, 2012 through October 24, 2012. The balance of the hearings was scheduled for October 29, 2012 through October 31, 2012. However, due to Hurricane Sandy, these hearings have been rescheduled for December 19, 2012 and December 20, 2012 with a third date to be determined at a later time should it become necessary.

On July 24, 2012 this office filed with the AAA a Second Demand for Arbitration setting forth the Authority's claims against PS&S, CCMS and Reid. The matter will first proceed to non-binding mediation in accordance with the requirements of the Authority's contracts with PS&S and CCMS. If the parties are not successful in reaching a settlement through the mediation process, the case will then proceed to arbitration. The mediation has been confirmed for May 14, 2013 and June 4, 2013.

Additionally, in accordance with the Board's authorization at the Regular meeting of August 16, 2012, on October 1, 2012 this office filed a complaint in the Superior Court of New Jersey setting forth the Authority's claims against several other parties including CAT/Foley, Keyspan Corporation ("Keyspan"), Hatch Mott MacDonald ("HMM"), and Reid. Keyspan and HMM motions to dismiss the complaint were denied by the court on January 11, 2013.

This matter may be discussed in Executive Session.

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

The RVSA and all of its constituent municipalities have been named as Third Party Defendants by the original defendants to this lawsuit. The original lawsuit was filed in 2005 by NJDEP against several chemical companies that had an interest in a piece of property located in Newark alleging that the companies had polluted the Passaic River with various hazardous chemicals including DDT and TCDD, some of the most hazardous dioxins known to man. The Complaint alleges that as a result of the defendants practices of dumping these chemicals into the river between 1940 and 1971 the entire Newark Bay Complex, defined as the lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill van Kull, and adjacent waters, have become polluted and seeks to have the original defendants pay for the cost of the cleanup. 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 May 5, 2011 the trial court approved a trial plan for the case. According to the trial plan the liability phase of the case would take place in April 2013 and on damages in January 2014.

Members of the Third Party Public Entity Group, which includes the Authority, have filed a direct appeal with the Appellate Division in order to challenge the validity of NJDEP's Sewage Exemption regulation under the New Jersey Spill Act. The parties that have so far participated in the appeal in addition to the Authority are the Linden Roselle Sewerage Authority, the Cities of



Elizabeth and Linden, The Port Authority of New York and New Jersey, The Joint Meeting of Essex and Union Counties, The Jersey City Municipal Utilities Authority, and the Passaic Valley Sewerage Commissioners. We have requested the participation of other public entities in the appeal. This is an important appeal. Many of the third party public defendant parties, including the Authority, have been joined in this case based upon the generalized assertion that the wastewater passing through the sewerage systems is contaminated by hazardous substances under the N.J. Spill Act. We believe that, in passing the Spill Act, the Legislature never intended that these public entities would have liability under the Act and that NJDEP's regulation which narrows the scope of the Act's Sewage Exemption, is inconsistent with the statute. A successful outcome in this appeal could substantially reduce, if not eliminate, liability and damages which the public entities, including the Authority, could be assessed in this case. Our group's brief, along with a motion to accelerate the appeal, was filed on July 20, 2012. NJDEP's brief is scheduled to be filed on October 17, 2012.

Recently, NJDEP has approached all third party defendants, including the Authority, in an effort to settle them out of the case and provide them with contribution protection from the claims of the third party plaintiffs. On behalf of the Authority, this office has executed a confidentiality agreement and Memorandum of Understanding to allow those discussions to go forward. This office has attended extensive meetings with NJDEP and the other third party defendants and an agreement in principle with respect to a proposed settlement has been reached.

### **Committee Reports**

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

#### Engineering Committee (Steve Greet, Chairman)

Mr. Greet stated that an Engineering Committee Meeting was held on February 14, 2013, items that require action are on the agenda under New Business.

#### Finance Committee (Robert LaCosta, Chairman)

Mr. LaCosta stated that a Finance Committee Meeting was held earlier this evening for review of the Bills and Claims. Action is on the agenda under Bills & Claims.

#### Legal Committee (Frank Mazzarella, Chairman)

No report.

#### Nominating Committee (Attilio Venturo, Chairman)

Mr. Venturo stated that the Nominating Committee met earlier in the month to discuss and recommend the appointments for the annual reorganization which took place earlier in the meeting.

#### Personnel Committee (Rene Dierkes, Chairman)

No report.

#### Public Relations Committee (Robert LaCosta, Chairman)

No report.

Security Committee (Robert Luban, Chairman)

No report.

2013-2014 Committees

The Chairman stated that the following are the new Committees for the 2013-2014 year effective immediately after this meeting. Updated information will be distributed for your Commissioner Handbook. Please insert the updated pages upon receipt.

<b>Committee</b>	<b>Chairman</b>	<b>2013-2014 Committee Members</b>		
Engineering	Stephen Greet	Richard LoForte	Robert LaCosta	Attilio Venturo
Finance	Robert LaCosta	Mark Dugan	Stephen Greet	Frank Mazzarella
Legal	Mark Dugan	Allen Chin	Robert Luban	Attilio Venturo
Personnel	Robert Luban	Stephen Greet	Richard LoForte	Robert LaCosta
Insurance Review	Allen Chin	Mark Dugan	Randall Hering	Frank Mazzarella
Nominating	Attilio Venturo	Michael Furci	Allen Chin	
Public Relations	Randall Hering	Michael Furci	Robert Luban	
Security	Frank Mazzarella	Michael Furci	Randall Hering	Richard LoForte

**Unfinished Business**

Mr. Mazzarella stated that he did talk at length at prior meetings about the excessive costs due to our Labor Counsel and General Counsel. I do appreciate the comments from Mr. Greet and Mr. LoForte and I respect that, but I am still concerned about excessive costs. First, we're here to represent our communities and it's not our money, it's the residents money, the taxpayers. I just feel very concerned ... I agree with Mr. Venturo and Mr. Chins comments about being as prudent as possible and decrease our costs as much as we can. I have a gut feeling that costs are going to go through the roof having dual attorneys. That's my feelings.

Mr. Luban said this has been going on since we had the vote for General Counsel. Apparently everyone knows how I voted and obviously this is not going to die. So I would like to see this matter cleared up once and for all; so let's have another vote. I ask that Mrs. Grimes put on the next regular meeting agenda to rescind the resolution that appointed Greenbaum, Rowe, Smith & Davis as General Counsel and put another resolution on to appoint General Counsel.

Mr. Venturo stated he didn't quite follow Mr. Luban. Mr. Luban responded that every meeting we talk about dual Counsel and costs. I'm tired of talking about it, so we are going to have another vote on it.

Mr. Dierkes stated that he was advised that the only person who can make the recommendation to rescind the resolution appointing Greenbaum, Rowe, Smith & Davis as General Counsel, is someone who voted in the affirmative to appoint them as General Counsel.

Mr. Luban stated he didn't know that and added that he voted against their appointment.

Mr. LoForte added that the Commissioners can look at the bills and monitor the bills. If something pops up, then the Board can discuss it. Until that happens, there is no need for this discussion. Mr. Greet added that he concurs with Mr. LoForte. He added that we can go back and track expenses. He stated that he asked the staff to do some analysis and noted that the Commissioners would be surprised by the outcome.

Mr. Greet stated that the Board has made its decision and its time for this Authority to move forward.

Mr. Venturo said this should have been discussed in Closed Session. Counsel stated that it is not a closed session matter. Mr. Venturo went on to say that this was a maneuverment of moving something that had been voted on and because apparently the outcome wasn't satisfactory to some of the Commissioners, that they wanted another shot at it. Mr. Venturo added that he thought this action was poor judgment as far as he was concerned.

Mr. Dierkes stated that based on the forgoing, we are done with this matter.

### **New Business**

The following Resolution #13-03 was removed from the agenda.

The following Resolution #13-04 was offered by Mr. LaCosta, on motion of Mr. LaCosta, seconded by Mr. Mazzarella.

#### **RESOLUTION #13-04**

#### **RAHWAY VALLEY SEWERAGE AUTHORITY**

#### **FISCAL YEAR: From January 1, 2013 To December 31, 2013**

WHEREAS, the Annual Budget and Capital Budget/Program for the Rahway Valley Sewerage Authority for the fiscal year beginning January 1, 2013 and ending, December 31, 2013 has been presented for adoption before the governing body of the Rahway Valley Sewerage Authority at its open public meeting of February 21, 2013; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$25,121,950.00 Total Appropriations, including any Accumulated Deficit, if any, of \$25,937,500.00 and Total Unrestricted Net Assets utilized of \$815,550.00; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$1,450,000.00 and Total Unrestricted Net Assets planned to be utilized of \$ - ; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of Rahway Valley Sewerage Authority, at an open public meeting held on February 21, 2013 that the Annual Budget and Capital Budget/Program of the Rahway Valley Sewerage Authority for the fiscal year beginning, January 1, 2013 and, ending, December 31, 2013 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

The Chairman asked for a roll call vote.

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

The resolution was unanimously approved by those present. Mr. Hering was absent.

The following Resolution #13-05 was offered by Mr. LaCosta, on motion of Mr. LaCosta, seconded by Mr. Greet.

Mr. Dugan made a motion to amend the Resolution to say “Executive Director or the Purchasing Agent” in paragraphs 7, 8 and 9. The motion to amend was seconded by Mr. Luban and approved by those present with the exception of Mr. Ventura who voted against. Mr. Hering was absent.

RESOLUTION #13-05

AUTHORIZING PURCHASING LIMITS  
& FINANCIAL REPORTING PROCEDURES

WHEREAS, the Rahway Valley Sewerage Authority (the "Authority") previously adopted resolutions regarding purchasing limits and the financial reporting of said purchases, and now seeks to update its procedures accordingly; and

WHEREAS, the State of New Jersey has established guidelines under the Local Public Contracts Law N.J.S.A 40A:11-1 et. seq. and NJ Pay to Play Law N.J.S.A. 19:44A-20.4 et. seq. for local government entities to follow, and provided “Adjustment to Public Bidding Threshold” amounts as per N.J.S.A. 40A:11-3)(a) and (c); and

WHEREAS, the Rahway Valley Sewerage Authority is required to comply with the Local Public Contracts Law; and

WHEREAS, the Authority’s Purchasing Agent possesses a Qualified Purchasing Agent

Certificate issued by the New Jersey Division of Local Government Services, Department of Community Affairs as required by the statute, which allows for a higher threshold amount.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Rahway Valley Sewerage Authority that:

All purchases shall be in compliance with NJ State Statutes, specifically N.J.S.A. 40A:11 and N.J.S.A. 19:44A-20.4 et. seq., with the recommendation of the Purchasing Agent; and

The Executive Director or Purchasing Agent shall obtain three quotations for any purchase in the amount of \$5,400.00 or greater, unless a formal Request For Proposal, Request For Qualification or Bid is solicited for said item(s); and

The Executive Director or Purchasing Agent is hereby authorized to approve the award of contracts for professional and/or extraordinary unspecifiable services when the aggregate contract amount will not exceed \$17,500.00; and

The Executive Director or Purchasing Agent is hereby authorized to approve purchases for goods, services, materials and/or supplies (excluding professional and/or extraordinary unspecifiable services) when the aggregate purchase amount will not exceed \$36,000.00; and

On a monthly basis, the Executive Director shall provide to the Board, a statement of expenses incurred or committed in each of the Operating, Building & Equipment and/or any other Funds; and

On a monthly basis, the Executive Director shall provide to the Board a statement of expenses incurred in each of the operating budget line items as well as all unexpended or uncommitted balances in those line items.

BE IT FURTHER RESOLVED that the following purchases shall be brought before the Rahway Valley Sewerage Authority Board of Commissioners for action by the Commissioners:

All professional and extraordinary unspecifiable service contracts that are in excess of \$17,500.00; and

All Contracts that were solicited by formal Request For Proposals, Request For Qualifications and / or Bid; and

All purchases for goods, services, materials and/or supplies that are in excess of \$36,000.00; and

Any and all other contracts that the Commissioners deem necessary or request to have brought before them for formal action.

BE IT FURTHER RESOLVED by the Commissioners of the Rahway Valley Sewerage Authority that the amounts indicated in this resolution are set forth by the Governor of the State of NJ and further outlined in the NJ State Statutes and will automatically increase when said Statutes are amended and approved by the Governor of NJ; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately; and

BE IT FURTHER RESOLVED that this Resolution shall supersede all previous resolutions regarding this matter.

The resolution as amended was approved by those present with the exception of Mr. Ventura who voted against. Mr. Hering was absent.

The following Resolution #13-06 was offered by Mr. Luban, on motion of Mr. Luban, seconded by Mr. Mazzarella and unanimously approved by those present. Mr. Hering was absent.

RESOLUTION #13-06

WHEREAS, the Township of Woodbridge submitted a Treatment Works Sewer Connection Application on behalf of Colonial Gardens Associates, LLC and Fletcher Engineering, Inc. for a residential development to be located at Rogers Road and Leesville Road in the Township of Woodbridge, State of New Jersey; and

WHEREAS, the application is for the construction of 4 Manholes and 818 LF of 8" Pipe to provide sewer service to 40 – 1 Bedroom Units and 10 – 2 Bedroom Units; and

WHEREAS, the proposed project will generate an additional 8,250 gpd (.00825 mgd) of flow; 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 John Buonocore, P.E., RVSA Staff 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 #13-07 was offered by Mr. Luban, on motion of Mr. Luban, seconded by Mr. Greet and approved by those present with the exception of Mr. Ventura who voted against. Mr. Hering was absent.

RESOLUTION #13-07

RESOLUTION OF THE RAHWAY VALLEY SEWERAGE AUTHORITY AUTHORIZING THE ENGAGEMENT OF EMEX, INC. AND THE PURCHASE OF

ENERGY GENERATION SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of energy generation service for public use through the use of an online auction service; and

WHEREAS, the Rahway Valley Sewerage Authority ("RVSA") has determined to utilize a reverse auction in order procure electricity for the RVSA ("Reverse Auction"); and

WHEREAS, the RVSA has determined, in connection with the Reverse Auction, to utilize the online auction services of EMEX, LLC ("EMEX"), an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and

WHEREAS, EMEX is to be compensated for all services rendered in connection with the Reverse Auction by the successful supplier to which a contract is awarded; and

WHEREAS, the Reverse Auction shall be conducted pursuant to the terms of the Act.

NOW, THEREFORE, BE IT RESOLVED by the RVSA that it authorizes utilization of a Reverse Auction in order to procure electricity for the RVSA; and

BE IT FURTHER RESOLVED that based upon the Reverse Auction held on February 21, 2013, RVSA award a Contract to Liberty Power Holdings LLC, Liberty Power Maryland LLC, Liberty Power District of Columbia LLC, and LPT, LLC (all Delaware limited liability companies) (collectively referred to as "Supplier" based upon the results of the Reverse Auction at the rate of \$0.01949 per kWh, fixed All-in Index Adder, for a period of 24 Months, beginning with the first billing cycle in June 2013; and

BE IT FURTHER RESOLVED that Executive Director, James Meehan, is hereby authorized to execute any and all documents required to engage EMEX to perform such services as herein described and to proceed to purchase electricity pursuant to the Reverse Auction, subject to approval of said documents by RVSA's General Counsel; and

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to all necessary parties.

**Bills and Claims**

Mr. LaCosta made a motion that the following bills and claims previously audited by the Finance Committee be ordered paid. The motion was seconded by Mr. Greet and unanimously approved by those present. Mr. Hering was absent.

BILLS AND CLAIMS LISTING**BUILDING & EQUIPMENT FUND**

<b>Check</b>	<b>Date</b>	<b>Vendor</b>	<b>Line/Acct</b>	<b>Amount</b>
2719	02/21/13	HAWKINS, DELAFIELD & WOOD LLP	140.2	15,241.23
2720	02/21/13	HAZEN & SAWYER, P.C.	140.2	7,483.00
2721	02/21/13	NW FINANCIAL GROUP, LLC	140.2	2,252.50
2722	02/21/13	WEINER LESNIAK LLP	140.2	102,739.49

TOTAL BUILDING &amp; EQUIPMENT FUND CHECKS: 4

TOTAL VOID CHECKS: 0

TOTAL VOID AMOUNT: \$0.00

TOTAL BUILDING &amp; EQUIPMENT FUND CHECKS PAID: \$127,716.22

**OPERATING FUND – MANUAL**

<b>Check</b>	<b>Date</b>	<b>Vendor</b>	<b>Line/Acct</b>	<b>Amount</b>
233	01/22/13	NJ STATE HEALTH BENEFITS	03/04	101,993.97
234	02/11/13	NJ STATE HEALTH BENEFITS	03/04	101,313.80

TOTAL OPERATING FUND MANUAL CHECKS: 2

TOTAL VOID CHECKS: 0

TOTAL VOID AMOUNT: \$0.00

TOTAL OPERATING FUND MANUAL CHECKS PAID: \$203,307.77

**OPERATING FUND**

<b>Check</b>	<b>Date</b>	<b>Vendor</b>	<b>Line/Acct</b>	<b>Amount</b>
41271	01/18/13	HUDSON COUNTY SCHOOLS	31	1,785.00
41272	01/18/13	STATE OF NJ BUREAU OF REVENUE	37	50.00
41273	01/22/13	MODERN HANDLING EQUIPMENT OF NJ	35	797.00
41274	01/31/13	ELIZABETHTOWN GAS	22	1,689.44
41275	01/31/13	FEDEX	48	18.77
41276	01/31/13	HESS CORPORATION	19	79,931.08
41277	01/31/13	PSE&G COMPANY	19	47,635.72
41278	01/31/13	PURCHASE POWER	48	107.99
41279	01/31/13	RAHWAY VALLEY SEWERAGE AUTH.	01/02	256,891.25
41280	01/31/13	UNITED PARCEL SERVICE	48	170.01
41281	01/31/13	VERIZON	11	1,449.69
41282	01/31/13	VERIZON WIRELESS	11	910.45
41283	01/31/13	WOODRUFF ENERGY US, LLC	22	27,790.97
41284	02/06/13	DELTA DENTAL OF NEW JERSEY INC.	03	5,922.97
41285	02/06/13	STANDARD INSURANCE COMPANY	03	1,921.00
41286	02/06/13	VISION SERVICE PLAN	03	1,088.50
41287	02/15/13	STAPLES CREDIT PLAN	13	576.56
41288	02/21/13	A TOUCH OF ITALY	49	360.90
41289	02/21/13	ADP, INC.	16	1,572.08
41290	02/21/13	ADS LLC	30	27,769.00



<b>Check</b>	<b>Date</b>	<b>Vendor</b>	<b>Line/Acct</b>	<b>Amount</b>
41291	02/21/13	AMERICAN INDUSTRIAL SUPPLY	34	77.05
41292	02/21/13	AMERICAN WEAR	32	1,633.83
41293	02/21/13	APPLIED ANALYTICS, INC.	31	920.00
41294	02/21/13	ASSOCIATED AUTO PARTS	35	668.16
41295	02/21/13	AUTOZONE, INC.	35	48.00
41296	02/21/13	BOWCO LABORATORIES, INC.	32	63.00
41297	02/21/13	BRADLEY-SCIOCCHETTI INC.	32	1,624.48
41298	02/21/13	JOHN BUONOCORE	15	140.56
41299	02/21/13	BUREAU OF NATIONAL AFFAIRS, INC.	41	2,553.00
41300	02/21/13	CANON SOLUTIONS AMERICA, INC.	16	888.60
41301	02/21/13	CANON FINANCIAL SERVICES, INC.	16	405.07
41302	02/21/13	CHARLES F. CONNOLLY DIST. CO.	32	1,215.08
41303	02/21/13	GEORGE CHESKOWICH	31	535.50
41304	02/21/13	ALLEN CHIN	49	131.54
41305	02/21/13	RAHWAY-UNITED WATER RESOURCES	33	6,728.14
41306	02/21/13	COGENT COMMUNICATIONS, INC.	27	1,348.00
41307	02/21/13	CONFIRE FIRE PROTECTION	31	871.00
41308	02/21/13	CONSOLIDATED RAIL CORP.	18	727.33
41309	02/21/13	COOPER ELECTRIC SUPPLY CO.	32/40	1,158.08
41310	02/21/13	DELL MARKETING L.P.	27	795.16
41311	02/21/13	DIVITA BALANCE SERVICE CO. LLC	40	415.00
41312	02/21/13	ELECTRONIC DRIVES & CONTROLS	32	5,792.00
41313	02/21/13	ELIZABETHTOWN GAS	22	15,674.89
41314	02/21/13	ENVIRONMENTAL COMPLIANCE	41	6,376.60
41315	02/21/13	ENVIRONMENTAL RESOURCE ASSOC.	40	239.46
41316	02/21/13	ELIZABETHTOWN GAS	22	3,129.35
41317	02/21/13	FEDEX	48	218.04
41318	02/21/13	FIBERGLASS FABRICATORS, INC.	32	1,710.00
41319	02/21/13	FISHER SCIENTIFIC	40	2,463.05
41320	02/21/13	NAIM FRANKLIN	31	80.00
41321	02/21/13	GABRIEL DISCOUNT TIRE CENTER	35	1,816.35
41322	02/21/13	GOVCONNECTION, INC.	27	693.00
41323	02/21/13	W.W. GRAINGER, INC.	31	2,000.90
41324	02/21/13	GREENBAUM, ROWE, SMITH & DAVIS	07/41	1,891.50
41325	02/21/13	HACH COMPANY	40	572.32
41326	02/21/13	HAZEN & SAWYER, P.C.	05/06	7,358.55
41327	02/21/13	HESS CORPORATION	19	118,700.88
41328	02/21/13	WILLIAM HIGGINS	31	728.50
41329	02/21/13	HIGHMARK ANALYTICS	41	1,078.00
41330	02/21/13	HOME NEWS TRIBUNE	12	70.36
41331	02/21/13	JERSEY ELEVATOR COMPANY INC.	32	1,133.63
41332	02/21/13	JOE ROMER TROPHY SHOP	13	128.45
41333	02/21/13	PATRICK KELLAWAY	31	172.42
41334	02/21/13	KLEENERS WAREHOUSE, INC.	31	1,127.92
41335	02/21/13	LABCHEM INC.	40	482.03
41336	02/21/13	LAB SYNERGY	40	1,738.40

<b>Check</b>	<b>Date</b>	<b>Vendor</b>	<b>Line/Acct</b>	<b>Amount</b>
41337	02/21/13	RICHARD LoFORTE	49	174.82
41338	02/21/13	ROBERT G. LUBAN	49	184.26
41339	02/21/13	LYONS ENVIRONMENTAL SERVICES	42	2,480.00
41340	02/21/13	McELROY, DEUTSCH, MULVANEY	08	1,646.81
41341	02/21/13	MCMASTER-CARR SUPPLY CO.	32/34	1,263.39
41342	02/21/13	JAMES J. MEEHAN	15	852.85
41343	02/21/13	MGL PRINTING SOLUTIONS	12	352.00
41344	02/21/13	MIDDLESEX WATER COMPANY	33	1,090.08
41345	02/21/13	MILLER AND CHITTY CO., INC.	32	2,660.00
41346	02/21/13	MILLER MECHANICAL CORPORATION	32	635.80
41347	02/21/13	MOTION INDUSTRIES, INC.	32/34	4,852.66
41348	02/21/13	NAVITEND	27	268.75
41349	02/21/13	NJ MANUFACTURERS INSURANCE CO.	17	16,500.00
41350	02/21/13	NJ MOTOR VEHICLE COMMISSION	35	162.50
41351	02/21/13	NORTHEAST INDUSTRIAL	32/34	8,637.87
41352	02/21/13	NUTLEY HEATING & COOLING	32	1,082.80
41353	02/21/13	O'JOHNNIES, INC.	13	483.41
41354	02/21/13	OLSEN'S BRAKE SERVICE	35	65.00
41355	02/21/13	ONE CALL CONCEPTS, INC.	32	29.50
41356	02/21/13	ONE SOURCE OF NJ	34	657.30
41357	02/21/13	MARIO PASQUALICCIO	31	648.50
41358	02/21/13	STERLIN PAYANO	31	675.00
41359	02/21/13	PITNEY BOWES INC.	48	243.00
41360	02/21/13	ROBERT POLTZ	15	75.65
41361	02/21/13	POLYDYNE INC.	23	40,950.00
41362	02/21/13	PREMIER TECHNOLOGY SOLUTIONS	27	12,220.00
41363	02/21/13	MARLON PRIVADO	31	205.00
41364	02/21/13	PSE&G COMPANY	19	536.37
41365	02/21/13	PUMPING SERVICES, INC.	32	4,534.50
41366	02/21/13	QC LABORATORIES	41	3,481.50
41367	02/21/13	DOUGLAS RENO	31	535.50
41368	02/21/13	RUTGERS UNIVERSITY	31	245.00
41369	02/21/13	RAHWAY VALLEY SEWERAGE AUTH.	01/02	259,157.23
41370	02/21/13	RVSA PETTY CASH	14	97.44
41371	02/21/13	SAFETY-KLEEN CORP.	32	456.06
41372	02/21/13	SCHWARTZ SIMON EDELSTEIN	08	1,733.70
41373	02/21/13	SIMPLEX GRINNELL LP	31	723.00
41374	02/21/13	SPECTRASERV INC.	25/26	89,368.76
41375	02/21/13	STAR LEDGER	12	174.00
41376	02/21/13	TELEDYNE ISCO, INC.	43	322.75
41377	02/21/13	TURTLE & HUGHES INC.	32	6,520.72
41378	02/21/13	SIEMENS INDUSTRY INC.	40	1,497.00
41379	02/21/13	U.S. HEALTHWORKS MEDICAL	50	134.00
41380	02/21/13	JOHN VANTUH	31	80.00
41381	02/21/13	VERIZON	11/30	1,299.44
41382	02/21/13	VERIZON WIRELESS	11	1,163.61

<b>Check</b>	<b>Date</b>	<b>Vendor</b>	<b>Line/Acct</b>	<b>Amount</b>
41383	02/21/13	WEINER LESNIAK LLP	07/08	35,126.76
41384	02/21/13	GTS-WELCO	32	339.92
41385	02/21/13	WIDMER TIME RECORDER CO., INC.	13	57.27
41386	02/21/13	WOODRUFF ENERGY US, LLC	22	43,374.80
41387	02/21/13	YELLOW FREIGHT SYSTEMS, INC.	32	250.37

TOTAL OPERATING FUND CHECKS: 117

TOTAL VOID CHECKS: 0

TOTAL VOID AMOUNT: \$0.00

TOTAL OPERATING FUND CHECKS PAID: \$1,207,068.21

OPERATING FUND	2-01	\$180,389.85
BUILDING & EQUIPMENT FUND	2-02	<u>\$84,142.61</u>
PRIOR (2012) YEAR TOTAL:		\$264,532.46

OPERATING FUND	3-01	\$1,229,986.13
BUILDING & EQUIPMENT FUND	3-02	\$43,573.61
CURRENT YEAR TOTAL:		<u>\$1,273,559.74</u>
TOTAL OF ALL FUNDS:		\$1,538,092.20

### **Open the floor to the Public for questions or comments**

No one addressed the Board.

\* Mr. Chin left the meeting at this time, 8:30 p.m.

### **Closed Session**

Mr. Luban made a motion to go into closed session at 8:33 p.m. for discussion of legal matters. The motion was seconded by Mr. LoForte and unanimously approved by those present. Mr. Chin and Mr. Hering were absent.

### **Regular Order of Business**

Mr. LoForte made a motion, seconded by Mr. Luban, to return to the Regular Order of Business at 9:56 p.m. The motion was unanimously approved.

### **Adjournment**

As there was no further business, on motion of Mr. Dugan, seconded by Mr. Luban, the meeting adjourned at 9:56 p.m. The motion was unanimously approved.

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

jg/ Attachments