

RAHWAY VALLEY SEWERAGE AUTHORITY
Engineering Committee Meeting Minutes – September 12, 2019

Michael Gelin, Engineering Committee Chairman, called the meeting to order at 7:00 p.m.

Commissioner Gelin read 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 5, 2019. **As this is a Committee Meeting, no action will be taken.**

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 scheduled meeting.

Commissioner Gelin asked everyone to stand for a salute to the Flag and a moment of silence.

Roll Call

The following members were present:

Robert M. Beiner	for the Borough of Kenilworth
* Michael Furci	for the Township of Springfield
Michael J. Gelin	for the Township of Woodbridge
Loren Harms	for the Borough of Roselle Park
Robert B. LaCosta	for the Township of Scotch Plains
Louis C. Lambe	for the Township of Cranford
Frank G. Mazzarella	for the Township of Clark
Robert Rachlin	for the City of Rahway
Martin C. Rothfelder	for the Town of Westfield
John J. Tomaine	for the Borough of Mountainside
* present via conference call	

The following member was absent:

Stephen D. Greet	for the Borough of Garwood
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The following were also present:

James J. Meehan	Executive Director
Karen A. Musialowicz	Secretary-Treasurer
Andrea DeCarlo	Purchasing Agent/Board Secretary
Dan Ward	Superintendent
John Buonocore	Chief Engineer/Asst. Superintendent
Anthony Gencarelli	Manager of Regulatory Compliance
Doug Reno	Operations Manager
Janet Thevenin	Environmental Compliance Supervisor
Dennis Estis, Esq.	General Counsel, Greenbaum, Rowe, Smith
Howard Matteson	Consulting Engineer, CDM Smith
Brett Peskin	Consulting Engineer, Twp. of Cranford/City of Rahway
Tony Gallerano	Consulting Engineer, Borough of Kenilworth
Robert Lynes	Consulting Engineer, Twp. of Scotch Plains
Kris McAloon	Town Engineer, Town of Westfield
Jim Gildea	Town Administrator, Town of Westfield

Mr. LaCosta made a motion, second by Mr. Lambe, to suspend the regular order of business for Howard Matteson to present the Report of Consulting Engineer. The motion was approved by those present.

Report of Consulting Engineer

Howard Matteson, Consulting Engineer from the firm CDM Smith, submitted the following report for work activities during the month of August 2019.

1. Retainer Services
During the period, CDM Smith prepared the monthly report for August 2019 and attended the August 2019 Board Meeting.
2. Miscellaneous Engineering Services
During the period, CDM Smith performed the following:
 - We submitted the draft Technical Memorandum regarding the digester mixing system compressors to staff for review.
3. Digester Gas Treatment System Design – Construction Services
CDM Smith continued work on the record drawings for the project as provided by staff.
4. Digester Covers and Waste Gas Burner Replacement – Design, Bidding, and Construction
During the period, CDM Smith performed the following:
 - Continued to coordinate with staff in responding to Contractor request for substantial completion;
 - Continued to coordinate with staff in responding to Contractor claim request.

Mr. Gelin asked when substantial completion will be reached. Mr. Matteson replied that the contractor requested substantial completion; however, it was not granted to them as the contractor still has permitting requirements to fulfill.
5. Riverwalk Siphon Rehabilitation
During the period, CDM Smith coordinated with the surveyor on the anticipated field survey start date. Mr. Estis asked Mr. Matteson when he expects to receive the data, and Mr. Matteson stated before the next Board Meeting.

The Commissioners thanked Mr. Matteson, and Mr. Matteson left the meeting at this time. Mr. Mazzarella made a motion, second by Mr. Rachlin, to return to the regular order of business. The motion was approved by those present.

New Business**Evaluation of User Charges**

Mr. Meehan stated that the working group has worked very hard over the past 18 months to come up with a new and more representative method of assessing user charges. He explained that notice of this meeting was communicated to the Town Administrators and Engineers and a few are in attendance. The Administrators and Engineers introduced themselves and Mr. Meehan stated that the meeting is being opened up to address any questions or concerns they may have on the recommendations.

Mr. McAloon stated that Westfield has a very competent representative and they are awaiting receipt of his report on the matter. Mr. Meehan stated that Mr. Rothfelder had written a memo to his town which he had asked Mr. Meehan and Mr. Buonocore to review. He explained that Mr. Rothfelder had prepared a good synopsis which could be used as a template for other Board Members to communicate the changes to their towns. He added that he would like this matter to be acted on at the following week's meeting.

Mr. Estis asked Mr. Meehan for a quick summary on the recommendations. Mr. Meehan stated that the intention of the group was to come up with a methodology that was more representative to the towns. He explained that the sampling used in the current system lacks consistency and accuracy. In addition, grab sampling really only provides a snapshot, and therefore is not representative. Mr. Meehan stated that Mr. Lambe detailed in the report the many difficulties had with sampling; and also stated that residential wastewater does not fluctuate much. He added there are about 15 SIUs that are sampled periodically, and these will continue to be sampled and backed out of regular wastewater flow. Mr. Meehan explained that the plan is to take more accurate sampling at the head of the plant that will then be backed into the towns' flows, based on their flow; and the BOD and TSS will be shared proportionately, based on the flow that is recorded by the meters.

Mr. Lambe stated that at the end of the day, the Authority will be freeing up personnel for work that needs to be completed in other areas, such as CCTV work and I&I analysis.

Mr. Gelin asked about monetary savings and Mr. Meehan stated there will be a \$30,000 savings due to the reduced sampling, which is an added benefit and can also be put back into the system.

Mr. Meehan stated that the labor resources can be reallocated to doing work on the sewer lines, which was recommended by the EPA.

Mr. Gelin asked what will happen if a town sees a high spike under the new method.

Mr. Lambe stated that when a certain municipality's assessment is going up, it has very little to do with the methodology change and more to do with the flow. He explained that the change from the old methodology to the new methodology is nominal. Going forward, he stated, we should expect a steadier BOD and TSS loading, since one variable is being taken out of the picture.

To further on that point, Mr. Meehan added, when an anomaly occurs, the Authority has the ability to bring in a third-party vendor to find where the problem exists.

Mr. Gelin asked if Mr. Rothfelder's memo can be distributed to the municipal mayors and engineers; and Mr. Meehan replied that he will forward it to the Board members to modify and disburse to the appropriate parties. Mr. Rothfelder stated he would finalize the memo to be sent out the following morning and the other Commissioners are welcome to use the language.

Mr. Rothfelder thanked the working group, stating they put a lot of effort into this. He added that a lot of resources are put into sampling, which in turn does not provide the municipalities with more accurate bills. Therefore, the municipalities should be better off given they will not be putting resources into something that is not worth doing. Mr. Rothfelder stated he feels this methodology is the way to go.

Mr. Gelin asked if this will be voted on at the following week's meeting and Mr. Meehan confirmed. Mr. Meehan added that after further discussion, the working group has decided it would be best to cut off sampling immediately upon moving forward with this, rather than easing into the new methodology as discussed previously. He added that spot sampling can still be done at any time.

Mr. Gelin asked if the Authority will be obligated to finish out the term of the contract and Mr. Estis stated that more than likely, yes. Mr. Meehan stated he would take a look at the contract and go from there.

Mr. Gelin asked when the changes will go into effect, and Mr. Meehan stated once the sampling is cut off. Mrs. Musialowicz added the change will be seen in the 2020 assessments. Mr. Meehan explained that the data for the SIUs can be taken from the last ten months and combined with the new data going forward.

Mr. Lambe asked Ms. Thevenin if the rules and regulations would need to be amended. Ms. Thevenin replied that she is not aware of any changes that would be needed. She added that any changes would be considered minor and therefore the Authority would only need to notify the State; rather than waiting for approval, which would help to expedite things.

Mr. Gelin asked what the sampling procedure in the coming weeks will be. Mr. Meehan stated that the report outlines what will be done differently going forward; however the

issues needing to be cleared up are what will be done for the 2019 year, which should be put in writing; and also effective date of when sampling will be stopped.

Mr. Lambe stated that there will now be more responsibility passed on to Mr. Buonocore, since he would be given the opportunity to identify flow data going forward and alert the Commissioners if a problem has been identified. He stated that currently, the Commissioners are responsible for noticing problems with their flows and requesting that Mr. Buonocore review it. Under the new system, the Chief Engineer would be the one to identify such problems. Mr. Lambe stated that updating the language in the by-laws may be necessary. Mr. Estis agreed, stating that information that is subjective rather than objective could lead to problems.

Mr. Meehan mentioned a time limit on how long a town has to dispute data, if there is an issue with flow metering. Mr. Gencarelli proposed that this should be 90 days after the final bill has been sent. Mr. Buonocore added that reports are sent out on a monthly basis, which should give towns ample time to decide if there is an issue.

Mr. Mazzarella asked to clarify that it will be incumbent upon Mr. Buonocore to notify the communities of anomalies in the data, and not the other way around. Mr. Meehan replied that it can still be done both ways.

Mr. Rothfelder stated that the 90-day deadline will need to be worked out. Mr. Estis suggested beginning the 90-day period on the date that the monthly report is sent out.

Mr. Rothfelder asked if changes will also need to be made regarding the flow by September, and Mr. Lambe replied that they are not tied to one another.

Mr. Lambe stated with the Engineer will now have the ability to ask what is going on with the flow and this will help the towns by giving them a heads up. He added that the system is actually already working, as Mr. Buonocore had identified similar problems earlier in the year which the towns then had to investigate.

Mr. Rothfelder stated his concern about the timeframe of the challenges and mentioned he will not be ready to vote on it in September. Mr. Meehan replied that this will not be married to the change in methodology that is voted on.

Mr. Lynes of Scotch Plains mentioned that the last time there was an anomaly; he had to go back through almost three years of data to find out that a meter was not working correctly. He stated that having only 90 days to find that out would be very challenging and limiting. Mr. Estis replied that Mrs. Musialowicz needs to figure out the allocations for each town for the budget year and would not be able to go back and change the allocations once established. Mr. Buonocore added that when anomalies were found in the past, they were corrected in the present year, and historical data was not changed; and that is how it would be going forward as well.

Mr. Lambe asked if the bills can be adjusted if a town finds out their user charges are incorrect. Mr. Estis explained that the towns need to know this amount in order to calculate their budgets, therefore if more money ends up being needed, they will not have the money budgeted for. Mrs. Musialowicz added that it would be the responsibility of the towns to transfer the funds amongst one another, and that the budget cannot be amended retroactively.

Mr. Meehan stated that another month will be needed to figure this out, so it will be best to keep this issue separate from the billing methodology.

As there were no further questions, the municipal representatives left the meeting at this time.

Plant Operations

Mr. Meehan stated that when the cogeneration engines are running, 60% of the Authority's energy needs are being produced by biogas, and this is only the second year of the contract. He mentioned that there are some challenges within the gas flow systems, however this is very encouraging.

He also stated that the welding is going well on the dryer, and an RVSA staff member is working as an attendant to keep an eye on the progress. He added that the welding is about ten days in, and the project may not be complete within the 21 days as originally projected.

In regard to the rest of the plant, Mr. Meehan noted that things are running smoothly and the plant's effluent is spectacular.

Mr. Furci asked how much longer the dryer will be down, and Mr. Meehan replied that the staff is pushing to have this project done within the next two to three weeks.

Contract #175 – Tomar Construction

Mr. Buonocore stated that at last month's meeting with Tomar, they asked him to evaluate the total value of the contract. He explained that based on their final number, it will be decided if it is worth sitting down with them.

Mr. Rothfelder asked for a formal written report on this once the situation is figured out, and Mr. Meehan said he will make sure that happens.

Participation in PFAS Study

James Meehan was contacted by Stantec, an engineering firm, requesting the Authority's participation in a study on Per- and Poly-fluoroalkyl Substances (PFAS). The project is sponsored by the Water Research Foundation; and its objective is to evaluate

PFAS occurrence in U.S. wastewater treatment plants and determine the fate of PFAS compounds during wastewater treatment. Mr. Meehan pointed out that the Authority is committing time and resources to participate in this study, such as phone conference participation, data entry and discussions. He noted that RVSA is one of the only wastewater treatment plants that have agreed to participate. He also added that the reporting of data will be blind, and therefore the firm will not disclose anything specifically about the Authority in their results unless we ask them to. Mr. Meehan stated that he felt it was important to participate. Mr. Gelin asked who is paying for the study, and Mr. Meehan stated that we are only paying in resources and not cutting a check to anyone.

Mr. Meehan added that the Authority has also been asked to participate in a feedstock codigestion survey, which is also a Water Resource Foundation project, and the Authority will probably participate in this as well.

2020 Professional Service Contracts

A memo was sent to the Board from the Purchasing Agent in regard to the 2020 Professional Service Contracts. The Commissioners must advise if they approve of the solicitation of proposals under a Non-Fair and Open process. A motion will be on the Regular Meeting agenda for action.

Mr. Meehan stated that there has been talk about hiring an additional engineering firm as an alternate for specific projects. He also stated that the Labor Counsel contract had to go out for bid due to political contributions. Mr. Meehan asked if there are any other professional services that should go out for proposals since we have not done that in many years.

Contract #1924 – Furnish & Deliver Split Seal Assemblies

Bids were received on Tuesday, September 10, 2019 for Contract #1924, Furnish & Deliver Split Seal Assemblies. One bid was received as follows:

<u>Company</u>	<u>Amount</u>
Komline-Sanderson Corporation Peapack, NJ	\$51,710.00

The bid was reviewed and found to be in order, and the Purchasing Agent recommends award of this contract to Komline-Sanderson. If the Commissioners concur with the recommendation, action will be on the Regular Meeting agenda.

Report of General Counsel

Dennis Estis, General Counsel from the firm Greenbaum, Rowe, Smith & Davis, presented the following report for the period August 15, 2019 through September 12, 2019.

1. GeneralA. Flow Rights

Tonight, we will be discussing what sanctions, if any, will be placed upon Rahway, Springfield and/or Clark. John Buonocore will provide his input based upon the 1995 Agreement among all the municipalities and the 1994 Agreement with Clark. As it relates to changes in billing practices as recommended by the Special Committee, we received input from Clark disagreeing with my interpretation that there is no requirement for municipal approval of the change. I have not seen any written explanation from Clark explaining its contrary position and I have not changed my opinion.

B. Local Contracts Law/Open Public Meetings Act

A special meeting was held telephonically last month in order to approve the amendment to the EUS resolution.

C. QDI Monitoring

I have sent an e-mail to QDI's attorney asking why we have not heard from its LSRP. I have also asked Mr. Mehta to reach out to the new LSRP.

D. License for US Health Property

In light of the amendment to the earlier resolution, I prepared an amendment to the Parking License contract.

2. Siphon – Rahway – Union County Park

I have e-mailed Mr. Campbell again and I am waiting for a return response. I would ask John Buonocore to advise us as to the status of obtaining the metes and bounds description.

3. Occidental Chemical

No change.

4. Industrial User Compliance

For the last 2 months, I have reported on violations by Metro III Fuel and penalties being assessed. Metro has failed to pay the civil penalties. On August 27th, my office sent a letter to Metro and gave it 5 business days to pay the \$10,000 penalty and satisfy the other requirements. As of this past Monday, Metro had still failed to respond and we are working with Janet Thevenin with regard to the next step.

5. Water Research Foundation

Jim Meehan was asked by the Foundation to participate in a study involving PFAS compounds (Perfluorinated Alkyl Substances). I have reviewed the materials that were submitted and I found them to be appropriate, subject to the Commissioners' review. Jim Meehan will be providing you with more detail.

Mr. Lambe asked if Metro is refusing the Authority access. Ms. Thevenin replied that they are not refusing access; they are just failing to pay the penalties assessed. She added that they are currently in compliance but the issue is regarding the penalty and maintaining compliance, which they had a very low pH. Mr. Meehan added that this was found in one of the IPP Department's spot checks.

Closed Session

Mr. Rachlin made a motion to close the meeting at this time, 8:08 p.m., for the discussion of excess flows and an update on the Union Contract. The motion was second by Mr. Harms and approved by those present.

Regular Order of Business

Mr. Harms made a motion, second by Mr. Tomaine, to return to the Regular Order of Business at 8:45 p.m. The motion was approved by those present.

Mr. Gelin stated that as discussed at the August meeting, he would like for the title "Engineering Committee Meeting" to be changed, as this meeting typically covers more than just engineering matters. Mr. Estis stated that the name can be changed to "Agenda Work Sessions" and he would prepare a resolution for Board action at the next meeting.

Adjournment

As there was no further business, on motion of Mr. Harms, second by Mr. Rachlin, the meeting adjourned at 8:53 p.m. The motion was approved by those present.

Chairman

Andrea De Carlo
Andrea DeCarlo, Board Secretary