

RAHWAY VALLEY SEWERAGE AUTHORITY
Engineering Committee Meeting Minutes – October 10, 2019

Michael Gelin, Engineering Committee Chairman, called the meeting to order at 7:05 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
------------------	----------------------------

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
Janet Thevenin	Environmental Compliance Supervisor
Dennis Estis, Esq.	General Counsel, Greenbaum, Rowe, Smith
Howard Matteson	Consulting Engineer, CDM Smith

New Business**Plant O&M**

Mr. Meehan stated that the dryer project is coming along. He stated that pressure testing is scheduled for early next week, and the project should be complete the following week. He noted the amount billed to date is close to what was anticipated; however the sludge hauling contract may have to be amended.

Mr. Furci asked if the Authority was able to recoup some of these expenses from the insurance company. Mr. Meehan stated that the insurance company has been given drawings and manuals; and Mr. Ward added that the insurance company hired an engineering firm, which has been requesting information from the Authority.

Mr. Gelin asked if this was an EUS Contract, and Mr. Meehan replied that the welding work was an EUS, however the residuals contract was not. He explained that the residuals contract has already been amended the 20 percent allowed but may need to be amended further. Mr. Meehan stated he will have more information next week to share with the Board.

Mr. Meehan stated that a meeting was held to discuss the new residuals contract; and Hawkins, Delafield & Wood is preparing a draft RFP. Mr. Furci asked for further elaboration. Mr. Meehan stated that there are a few ways to go about awarding this contract, but the RFP process was chosen to allow for negotiation. Mr. Mazzarella asked when this RFP will be issued; and Mr. Meehan stated it should be out within the next few weeks.

Mr. Meehan stated that the Authority's gas production is continuing to increase, which is very encouraging. Mr. Furci asked how far away the Authority is from reaching the point in production that the clean energy credits need to be shared with Waste Management. Mr. Meehan replied that the Authority is nearing that point; however the production needs to be consistent for a 30 day period.

Mr. Meehan noted that this project was awarded for one of the Best Recycling projects in the State by the NJDEP. He stated that Waste Management was given the award that day, and asked the Authority to join them in receiving it.

Collection System O&M

Mr. Meehan stated that he had a meeting with Ms. Thevenin, Mr. Gencarelli, and Mr. Buonocore, to discuss potential projects. He mentioned that he would like to concentrate more efforts on doing maintenance to the Authority's main, specifically re-lining about 800 feet. He added that a project of this type would carry a different type of assessment, as it does not get blended into the budget per the Municipal Agreement. He added that further research still needs to be done so this will not be presented to the Board for a few months. Mr. Gelin asked if this would require a TWA, and Mr. Lambe replied that it is possible, however it depends on several factors such as the

material and the size of the pipe. Mr. Matteson added that a determination can be requested from the NJDEP on whether or not this would be required.

Mr. Meehan added that \$30,000 to \$40,000 has been put aside for spot repairs, which will be included in the budget.

Contract #175 – Tomar Construction

Mr. Meehan stated that a meeting was held with Tomar Construction, and the contents should be discussed in closed session.

By-Laws

The second reading of the By-Laws update, regarding Agenda Work Sessions, will be placed on next week's agenda.

Personnel Matters

James Meehan to discuss personnel matters in closed session.

2020 Professional Service Contracts

The Authority received proposals for its 2020 Professional Services on October 7th, 2019. Upon receipt, the proposals were reviewed by the Purchasing Agent and found to be in order.

Firm	Contract #	Contract Name	Proposed Amount	% Change
Hawkins, Delafield & Wood	173-2020	PPP Legal Oversight Services	\$ 124,000.00	63.10%
Greenbaum, Rowe, Smith & Davis	2001	General Counsel Services	\$ 117,040.00	-1.89%
Hawkins, Delafield & Wood	2003	Bond Counsel Services	\$ 48,750.00	0.00%
NW Financial	2004	Financial Advisory Services	\$ 20,500.00	0.00%
Suplee, Clooney & Company	2005	Accountant Services incl. 2019 Audit	\$ 37,600.00	3.46%
CDM Smith	2006	Consulting Engineer Services	\$ 111,350.00	0.18%
Aqua Pro-Tech Laboratories	2008	Laboratory Services/NJPDES, SQAR, Misc.	\$ 58,608.00	1.77%
Optimum Controls Corporation	2009	Engineering/Programming for PLCs	\$ 54,000.00	16.67%
Premier Technology Solutions	2010	Computer Programming & Engineering	\$ 53,220.00	0.00%

Contract #173-2020 for PPP Legal Oversight Services includes an increase to 400 estimated labor hours, as opposed to the 150 hours requested for 2019. We requested additional hours in anticipation of a potential project on the adjacent property. Also, the firm's blended rate has increased from \$305/hour to \$310/hour. Mr. Meehan added that the hours have increased substantially due to a new project that is being looked into for the adjacent property, specifically to inject gas back into the pipeline, which can be a huge benefit to the Authority.

Mr. Lambe asked if this project would affect the Authority's liability and cause an increase in insurance costs. Mrs. Musialowicz replied that this has not been explored at this point as the project is only in the preliminary stages. Mr. Meehan added that the Authority's gas production has doubled in only the second year of this project and will continue to increase; therefore there is a lot of potential to bring money back to the ratepayer and make the Authority more efficient.

Mr. Mazzarella asked about the cost of the new project, and Mr. Meehan replied that this still has to be looked into. Mr. Meehan stated that the energy companies have showed interest since this is a very clean source of energy, which can help them meet their energy credit needs. He added that a lot of positive feedback has been received early on, which is very encouraging. Mr. Mazzarella asked if a cost benefit analysis will be presented to the Board before this is finalized; and Mr. Meehan confirmed.

Mr. Rothfelder stated there are projects in New York that are injecting into utility pipelines. Mr. Meehan agreed, stating the guidelines that will be put into effect in New Jersey are going to mirror those in New York.

Contract #2009 for Engineering & Programming for PLCs also saw an increase due to the need for more hours at the Senior PLC Programmer Rate.

The Executive Director has reviewed the proposals and recommends award. If the Commissioners concur, action will be placed on the Regular Meeting agenda.

RFPs for Contract #2002 – Labor Counsel Services, and Contract #2007 – As-Needed Special Projects Engineer, are on the Authority's website for download; and proposals are due October 21, 2019.

Mr. Gelin stated he would like more information on what firms proposed for these contracts. Mr. Meehan stated that the proposals received were from our current professionals, on a Non-fair and Open basis. He added that proposals for Labor Counsel and Special Projects Engineer were being solicited on a Fair and Open basis, and proposals are due on October 21st. Mr. Gelin asked for clarification on the Special Projects Engineer contract and Mr. Meehan replied that this is for an alternate engineer if needed.

Contract #1927 – Natural Gas – Plant

The Authority participated in a reverse online auction for the purchase of commodity natural gas. The auction was held on September 25, 2019 for the Authority's plant meters. A contract has been entered into with UGI Energy Services, Inc. for the plant meters, with a fixed rate of \$0.3910/therm for a 24-month period. This represents a 9.16% increase from the previous contract. Action for the Board to ratify the award will be placed on the Regular Meeting agenda.

Contract #1928 – Natural Gas – Cogen Facility

The Authority participated in a reverse online auction for the purchase of commodity natural gas. The auction was held on September 25, 2019 for the Authority's cogeneration meter. A contract has been entered into with UGI Energy Services, Inc. for the Cogen meter, with a fixed rate of \$0.3469/therm for a 24-month period. This represents a decrease of 5.42% from the previous contract. Action for the Board to ratify the award will be placed on the Regular Meeting agenda.

Sewer Connection

The Authority received a Treatment Works Application (TWA) from the Township of Scotch Plains/EKA Associates, P.A., for property located on Emil Place in Scotch Plains. The application is for a three-lot subdivision and the subsequent construction of (3) three-bedroom dwellings. The proposed discharge from the property is 900 gpd (0.0009 mgd) of flow. The application was reviewed by John Buonocore, Chief Engineer, who found it to be in order. If the Engineering Committee concurs, the application will be placed on the Regular Meeting agenda for action.

Policy on Commissioners' Computers

Mr. Meehan stated he was approached by a Commissioner about the possibility of amending the current Policy on Commissioners' Computers. It was discussed that paper usage could be reduced if the Commissioners were given laptops or tablets to access meeting documents; so the Commissioners should discuss if there is further interest in revisiting this policy.

Mr. Gelin stated that it is not a bad idea, and should be optional for whoever wants them; however the computer should be property of the Authority. Mr. Meehan stated that the last policy allowed the Commissioners to purchase the computers from the Authority after owning them for a certain period of time. Mr. Meehan added that this policy was eliminated, and now Commissioners have the option to receive reimbursement for their internet expenses. Mr. Beiner suggested that Commissioners should give up their internet reimbursements if they elect to be given a computer. Mr. Furci noted that the Commissioners got rid of this policy because it was not saving paper.

Mr. Rothfelder shared his concern that the upkeep with the Commissioners' computers would be burdensome to certain members of the Authority's staff, and also Commissioners might forget to bring them to meetings; therefore this is not an easy decision to make. Mr. Meehan stated that the prior policy dealt with desktop computers, so a staff member would have to travel to troubleshoot any issues; however laptops can be dropped off at the office for troubleshooting at the MIS Manager's convenience. Mr. Rothfelder also added that the cost of software could be quite expensive; however Mr. Buonocore stated that the Authority has enterprise licensing and therefore does not need to purchase separate licenses for each computer.

Mr. Lambe agreed with Mr. Beiner, stating the Commissioners should choose to receive a computer or the internet reimbursement.

Mr. Gelin stated that most people have smartphones and therefore the ability to pull up the meeting documents on their phones if needed; but he thinks this should be optional for any Commissioner who does not have a smartphone or a laptop.

Mr. Lambe asked if all information on the laptops would be discoverable via OPRA requests; and Mr. Estis answered yes.

Mr. Rothfelder suggested that instead, perhaps other expenses, such as computer and cellphone usage, can be reimbursed; however many municipalities do not receive these types of perks, and therefore he would vote against any additional perks.

Mr. Gelin stated that the Commissioners should not represent their respective municipalities for the money, and he would vote against an increase in the Commissioner Stipend. Mr. Harms added that he agrees with Mr. Gelin, stating he enjoys what he does for the Authority and it is not done for the money. He added that he already has several computers and does not need another; and is satisfied with the Commissioner Stipend.

Mr. Meehan suggested tabling this subject to be discussed at next month's meeting. Mr. Rachlin stated he would not feel comfortable asking for anything more from the Authority, and Mr. Lambe agreed. Mr. Furci reminded that the last policy did not save paper and did not add any convenience for anyone.

Report of Consulting Engineer

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

1. Retainer Services
During the period, CDM Smith prepared the monthly report for September 2019 and attended the September 2019 Board Meeting.
2. Miscellaneous Engineering Services
During the period, CDM Smith performed the following:
 - Coordinated with staff on scope of work for the replacement of the weigh scale at the truck dewatering building. CDM Smith will be helping the Authority develop a technical specification for this work.

Mr. Matteson stated that this equipment is dated and showing signs of wear. He explained that there is a hole in the concrete which is a safety concern. Mr. Meehan added that this is also tied to controls, so dewatering cannot be properly done without it.
3. Digester Gas Treatment System Design – Construction Services
No work during the period. Mr. Matteson added that the record drawings are complete and will be forwarded to Mr. Buonocore.
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. Matteson stated that Mr. Buonocore had a meeting with Tomar which will be discussed further in closed session. He also mentioned that proof of AIS compliance is needed from Tomar, which was conveyed to the Contractor from the start of the job, but still has not been received. Mr. Matteson stated that a letter is being drafted to Tomar to specify which certifications are adequate and exactly what further information is needed. He added that the purchase orders supplied by Tomar as backup information do not contain the requirements for AIS compliance and the contractor may have depended on suppliers to read the specifications. However, this information is in the front end of the contract and therefore it is the contractor's obligation to see that these requirements are met. Mr. Gelin asked if there is reason to believe the contractor substituted goods; and Mr. Matteson replied that he does not believe this was done on purpose but it has been difficult to tell, based on the large amount of suppliers that were used. Mr. Matteson stated that the Contractor will receive one letter in regard to the AIS requirements and another in regard to substantial completion; and once all necessary requirements are met, the project can be closed out.

5. Riverwalk Siphon Rehabilitation

During the period, CDM Smith received the draft survey from the surveyor and began our preliminary review. Mr. Matteson added that he would have some comments on the way the sewer was laid out since the sewer is out of the ordinary in that it has bends upstream of manholes, which probably was not expected by the surveyor.

Report of General Counsel

Dennis Estis, General Counsel from the firm Greenbaum, Rowe, Smith & Davis, presented the following report for the period September 12, 2019 through October 10, 2019.

1. General

A. Flow Rights

The resolution regarding Rahway, Springfield and Clark was transmitted to each of those municipalities. In addition, the resolution related to changes in billing practices was sent to all municipal clerks.

B. Local Contracts Law/Open Public Meetings Act

The resolution amending the bylaws was passed on first reading and must be passed on second reading by a two-thirds vote of the entire membership, i.e. 8, next week. A reverse auction was conducted and EMEX was a successful bidder for electric power. I provided comments to the contract that was submitted by EMEX.

- C. QDI Monitoring
We have sent a copy of the prestige report to QDI's LSRP. I am still waiting for QDI's response.
- D. License for US Health Property
No change.
2. Siphon – Rahway – Union County Park
I revised the agreement in accordance with Mr. Campbell's request, which was approved by Mr. Meehan. A resolution will be on the agenda next week authorizing execution of the agreement. He added that Mr. Matteson updated the Board on the status of the metes and bounds description.
3. Occidental Chemical
No change.
4. Industrial User Compliance
Metro has still failed to pay the civil penalty of \$10,000.00. A meeting was held on October 1st at the plant with the principal of Metro III. Present at that meeting were Janet Thevenin and Stephanie Reckord of my office. The owner of the business claimed that he did not have the money necessary to pay the penalty. He also indicated that he and his wife were leaving the country for two weeks, but they would fill out a permit application prior to leaving the country. To my knowledge, they did not. On October 2nd, they communicated with Janet Thevenin claiming surprise at the fact that RVSA's counsel was present at the meeting the day before. They advised Janet that their lawyer would be in touch with my office. He or she has not. Janet is preparing the necessary documentation to enable us to commence a civil action.
- Mrs. Musialowicz asked if anyone has tried putting a lien on the property for the collection of the fines. Mr. Lambe stated that he has tried to do this in the past but was unable to do so.
- Mr. Gelin asked if the business can be taken to court, and Mr. Estis replied that this is what is probably going to happen.
5. Water Research Foundation
No change.
6. Personnel
I am working with the Personnel Committee to prepare a new Contract for the Executive Director. Mr. Estis added that a draft should be ready for next week's meeting.

Mr. Mazzarella asked if an analysis has begun on exceedances. Mr. Meehan replied that a Legal Committee Meeting was held earlier in which this was discussed. Mr. Meehan stated the Legal Committee recommended that Mr. Estis draft a letter to the municipalities who have exceeded their flow right limits. In addition, he stated, the Committee will work on recommendations for how flow rights are measured.

Mr. Estis explained that these letters would indicate the number of exceedances in the last year, and waive the requirement for excess flow hearings, provided the municipalities agree to submit evidence of I&I work that has been completed. He stated this would eliminate the need for the towns' mayors and engineers to come to the Authority to justify their work.

Mr. Rothfelder asked if the towns would need to have a hearing if they failed to submit the required documentation; Mr. Estis confirmed.

Mr. Mazzarella asked if all towns are still required to have a hearing. Mr. Estis replied that as long as the Authority and the municipality agree to waive the hearing, there is no requirement. He added that if a town would like to have a hearing, they can have a hearing. Mr. Mazzarella stated that per the Agreement, the towns are required to come before the Board. Mr. Estis replied that while the requirement is acknowledged, the Authority is willing to waive the need for the hearing, so long as the municipality agrees to waive the hearing, and provides the necessary documentation. He added that this is not varying from the requirements of the Agreement.

Mr. Mazzarella stated that when his town was required to come before the Board, there was no leverage on whether or not this was required. Mr. Estis stated that the question on waiving the requirement for a hearing never came up. Mr. Mazzarella repeated that in the past, when a community had an exceedance, there was no leverage, and the community was required to have a hearing. He stated that Mr. Estis' opinion on whether or not the Agreement must be adhered to may not be correct. Mr. Estis stated that both parties can waive the need for the hearing; and if both parties do not waive the need, the hearing is mandatory.

Mr. Rothfelder stated that Mr. Estis will bring a resolution to the Board in November and if the towns do not agree, they are welcome to vote against it; however he feels the measure is a good idea.

Mr. Gelin asked Mr. Mazzarella if his concern is because Clark had to come before the Board earlier in the year. Mr. Mazzarella confirmed, stating that per Mr. Estis, Clark, Rahway, and Springfield were required to have a hearing and there was no leverage. Now, however, Mr. Estis is stating there is leverage which is conflicting with what he said at that time. Mr. Mazzarella added that he is concerned about altering the language in the Agreement. Mr. Estis replied that this is similar to a jury trial, a trial is mandatory for all criminal actions; however, if the defendant wants to waive his or her right to a jury trial and the judge agrees, the trial can be waived.

Mr. Rothfelder stated that the Board had asked the Legal Committee to find another way, and this is the solution the Committee came up with. He added that it will come before the Board and Mr. Mazzearella can vote against it.

Mr. Mazzearella asked why this option was not given to Clark, Rahway, and Springfield; and Mr. Estis replied that nobody ever asked if the requirement could be waived.

Mr. Gelin stated that this matter can be discussed further at the following week's Regular Meeting if Mr. Mazzearella can be present.

Mr. Tomaine stated that the hearing provision in the Agreement is not being repealed; what Mr. Estis is explaining is an opportunity for both parties to waive it in a particular instance. Mr. Mazzearella asked if this is legal and Mr. Estis replied that this is his opinion. Mr. Mazzearella stated that Clark's attorney will have a look at it and will get back to Mr. Estis if there are any objections. Mr. Estis reminded Mr. Mazzearella that this would be to his Town's benefit.

Mr. Mazzearella replied that in the past, his Town was not given any option on whether or not to come before the Board and there was no leverage or information given on the possibility of waiving said hearing. Mr. Mazzearella added that Mr. Estis was strict about this requirement.

Mr. Rothfelder stated that this is the solution the Committee has come up with going forward; and Clark can either not waive the right to a hearing or waive it. He added that even if things were done incorrectly in the past, this does not mean things should be done wrong going forward.

Mr. Mazzearella replied that this plan to move forward may not be right. Mr. Rothfelder replied that the opinion from Counsel states this is lawful and it is consistent with Mr. Rothfelder's way of interpreting the law as well. He stated that if both parties waive the right to a hearing and there is no one to object to that, there is no problem. Mr. Mazzearella stated that while he understands this, his concern is that there was no other leverage or consideration that was made stating that there may have been an alternate way of doing this in the past.

Mr. Estis stated that there were instances in the past in which the Authority agreed to not having any hearings.

Mr. Mazzearella stated he is only voicing his objections based on what had transpired in the past, and that is his opinion.

Closed Session

Mr. LaCosta made a motion to close the meeting at this time, 8:17 p.m., for the discussion of Contract #175 and an update on the Union Contract. The motion was second by Mr. Rachlin and approved by those present.

Regular Order of Business

Mr. Harms made a motion, second by Mr. Rachlin, to return to the Regular Order of Business at 8:29 p.m. The motion was approved by those present.

Adjournment

As there was no further business, on motion of Mr. LaCosta, second by Mr. Rachlin, the meeting adjourned at 8:29 p.m. The motion was approved by those present.

Chairman

Andrea De Carlo

Andrea DeCarlo, Board Secretary