

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Regular Meeting held October 16, 2008

- Minutes
Approved Minutes of Regular Meeting held September 18, 2008.
Approved Minutes of Special Meeting held September 26, 2008.

- Communications
None.

- Treasurers Reports
The Treasurers Reports for August 2008 were received and are attached.

- 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, Personnel and Public Relations Committees.

- Unfinished Business
Rescind approval of Change Order #1 on Contract #155.

- New Business
Approved the following: Security Purchase; and Authorize Caterpillar to continue testing engines in Cogeneration Facility.

- New Business (Cont'd.)
Approved the following expenditures: Amendment to CCMS Contract #105-C in an amount of \$33,140.31; Change Order #2 on Contract #157 to Agia Mason in a decreased amount of \$3,850.00; Award Contract #158E to PS&S for Engineering Services related to Outfall Line Repairs in an amount of \$68,000.00; and Authorize an amount not to exceed \$600.00 for Saul Ewing to review Legal Proposals received.

- Bills & Claims

OPERATING FUND	8-01	\$912,715.66
BUILDING & EQUIPMENT FUND	8-02	1,110,547.70
CONSTRUCTION FUND	8-04	<u>1,080.00</u>
TOTAL ALL FUNDS:		\$2,024,343.36

RAHWAY VALLEY SEWERAGE AUTHORITY
Regular Meeting Minutes –October 16, 2008

The Chairman called the meeting to order at 7:30 p.m.

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

In accordance with the requirements of the Open Public Meeting Act, State of New Jersey, adequate notice of this meeting has been provided by the inclusion of the date, time and place in a Notice which was forwarded to the Star Ledger, the Home News Tribune and was filed with the Clerk of each of the eleven member municipalities on February 19, 2008.

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

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

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

Roll Call

The following members were present:

Maria A. Abram	for the Township of Springfield
C. Clark Landale	for the Borough of Mountainside
Richard LoForte	for the Borough of Kenilworth
Charles P. Lombardo	for the Borough of Garwood
Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
James J. Murphy	for the Township of Cranford
Joan Papen	for the Township of Scotch Plains
Paul M. Sefranka	for the City of Rahway
* Attilio S. Ventura	for the Borough of Roselle Park
* Arrived after roll call, at 7:36 p.m.	

The following members were absent:

Allen Chin	for the Town of Westfield
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The following were also present:

Michael J. Brinker, Jr., PE	Executive Director
Robert J. Materna	Secretary-Treasurer
Joanne Grimes	Office Admin./Board Secretary
James Wancho, P.E.	Paulus, Sokolowski & Sartor
Brian Hak, Esq.	Weiner Lesniak, LLP
Manny Parada	CCMS
Robert Valent	Superintendent
Wayne Baker	Westfield Leader Newspaper

Approval of Minutes

Mr. Sefranka made a motion, seconded by Mr. Lombardo, to approve the minutes of the Regular Meeting held September 18, 2008. The motion was approved by those present with the exception of Ms. Abram and Mr. Murphy who abstained. Mr. Chin and Mr. Venturo were absent.

Mr. Mazzarella made a motion, seconded by Mr. Luban, to approve the minutes of the Special Meeting held September 26, 2008. The motion was approved by those present with the exception of Mr. LoForte who abstained. Mr. Chin and Mr. Venturo were absent.

Communications

None.

Report of Treasurer

The Treasurer's Reports for the month of August 2008 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 9/18/08 and 10/14/08, and a copy of the log sheet with additional information has been distributed for your reference:

<u>Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Municipality</u>
1069-08-KW	09/18/08	Paparatto Construction	Kenilworth
1070-08-CL	09/22/08	Richard Ortega	Clark
1071-08-WB	09/30/08	Dinakar Navaneetha	Woodbridge
1072-08-WB	10/02/08	Avenel St. Plaza c/o Bonsi Consultants	Woodbridge
1073-08-CR	10/06/08	Madden Properties	Cranford
1074-08-CR	10/06/08	Madden Properties	Cranford
1075-08-RW	10/08/08	North Arlington Construction	Rahway

Monthly Reports

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

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

Personnel

Union Negotiations are ongoing.

Contract #105-C Construction Oversight Services

As discussed at the Engineering Committee Meeting, Contract Amendments will be processed monthly for work being performed by CCMS. CCMS's September invoice is in the amount of \$33,140.31, total amended contract amount of \$2,309,928.23. A motion is on the agenda under New Business.

Contract #105- Cogeneration/Sludge Drying Facilities

J.H. Reid General Contractors and Caterpillar attended the Engineering Committee Meeting at which time they provided the Authority with a status report and identified what they believe is the problem they are having with the engines. They will continue testing, with confidence that they have solved the problem.

Mr. Brinker noted that J.H. Reid and Caterpillar were advised of this on October 10th and are expected back at the plant the week of October 27th.

Contract #157 – Digester Bldg. Rehabilitation

Agia Mason has completed the work on this contract and has submitted their documentation for final payment. The Consulting Engineer has reviewed the documentation, received the Maintenance Bond and O&M Manuals, and has approved close out of the contract. There is an amount of \$3,850.00 of unused allowance remaining on the contract and therefore, a Change Order to reduce the total contract amount needs to be acted upon; total amended contract amount of \$590,650.00. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Agia Mason provided a Maintenance Bond for the full amount of the Contract, however, the Bond only needs to be for 10% of the Contract and therefore, they will need to supply the Authority with a revised bond, prior to close out of the contract.

Contract #155-C Plant Upgrade

As previously discussed, we are nearing completion of the plant upgrade. I recommended that the Construction Manager, CCMS, bring in the design team to go over the entire plant in order to prepare the final documentation including punch lists.

Also, as discussed at the Engineering Committee Meeting, there is a need to rescind a motion which approved Change Order #1 on Contract #155. Action is on the agenda under Unfinished Business.

Contract #159 – CSP - Chemical Handling and Feed Systems

PS&S prepared the bids documents for the Chemical Handling and Feed Systems for the Headworks and RDT facilities as discussed at the September meetings. Notice to Bidders was published in the Star Ledger and is posted on the Authority's website. Bids will be accepted on November 13, 2008.

Contract #158 – Outfall Line Repairs

PS&S provided a report including the Thrust Analysis and related recommendation for repairs to the Outfall Line. Mr. Wancho of PS&S discussed this with the Commissioners at the Engineering Committee Meeting. A motion is on the agenda under New Business for PS&S to prepare the bid documents and provide related services for the necessary repairs to be completed.

Contract #0721- User Charge System Evaluation

Hatch Mott MacDonald has finalized their work on this contract and submitted an updated report. They also provided the final municipal adjustment figures to the respective municipalities and to PS&S to be implemented into the year end calculations.

Contracts #0901 through #0915 (noted below)

Requests For Proposals for the 2009 Professional Service Contracts were sent out to various firms and posted on the Authority's website. Proposals were received on Friday, October 10, 2008. The proposals were sent to Counsel for review and recommendation. Preliminary information on the proposals was also distributed to the Commissioners for review. Based on forthcoming recommendations and in concurrence with the Board, these contracts will be acted on at the November meeting.

<u>Contract</u>	<u>Contract Name</u>
#0901	2009 Consulting Engineering Services
#0902	2009 General Counsel Services
#0903	2009 Accountant Services including 2008 Audit
#0904	2009 Financial Advisory Services
#0905	2009 Admin. of Sludge Hauling & Reuse Contract
#0906	2009 Laboratory Services/Bioassay & NJPDES.
#0907	2009 Laboratory Services/NJPDES, SQAR, Misc. Other
#0908	2009 Metering System Sampling/Analysis & Inspection
#0909	2009 Engineering Services for Air Permit Compliance
#0910	2009 Air Emission Testing
#0911	2009 Public Relations Services
#0912	2009 Web Site Hosting & Maintenance
#0913	2009 Legal Services - Regulatory Matters
#0914	2009 Legal Services – Labor Counsel
#0915	2009 Bond Counsel Services

BPU Grant

As previously reported, the BPU advised the Authority that it had approved the Authority's modified application. The BPU is still in the process of finalizing the agreement for execution of the Grant.

Report of Consulting Engineer

The following report to the Authority Board summarizes our activities for the period of September 13, 2008 through October 10, 2008.

JCO Compliance

PS&S prepared and submitted the annual Infiltration and Inflow (I/I) status report prior to the October 1, 2008 milestone date. The report included I/I status information provided by the Townships of Clark, Scotch Plains, Springfield and Woodbridge, and the Boroughs of Kenilworth and Mountainside. A supplemental report including status information for the Town of Westfield was submitted to NJDEP on October 2, 2008. Information from Garwood was also received.

Administrative Appeals Re: NJPDES/TWA Permits

PS&S continues to coordinate activities with General Counsel and Special Counsel, Hall & Associates related to the follow-up from the Settlement Conference at the Office of Administrative Law on October 25, 2007, to discuss the NJPDES and TWA permit appeals. A general water quality justification document was prepared during previous period summarizing the argument for temporarily suspending the maximum weekly mass loading limits for CBOD and TSS during high flow events and the recommended flow that should be used by NJDEP to trigger suspension of the maximum weekly mass loading limits. If this information is accepted by NJDEP it will settle the NJPDES appeal. To date, the NJDEP has not taken any of the necessary steps to implement the negotiated settlement from the October 25, 2007 Settlement Conference.

Counsel has filed a Notice of Appeal with the Appellate Division of the Superior Court of New Jersey based upon the agency inaction of the NJDEP and the Office of Administrative Law ("OAL"). They also filed a Motion to join the OAL as a party Respondent as well as a Motion to accelerate the appellate schedule.

Trunk Sewer Rehabilitation - Contract #144

PS&S continues to dispute the remaining contractor claims related to the contractor's assertion that he was delayed, and discussing same with the Authority and General Counsel. General Counsel sent a letter to the contractor rejecting his claims and instituting liquidated damages. No response to the letter has been received from the Contractor. The Contractor has submitted a time extension request which has been responded to by the Executive Director. Payment for remaining completed work items continues to be reviewed.

Cogeneration Funding

A NJBPU Office of Clean Energy-Renewable Energy Advanced Power Program grant has been

awarded to the Authority in the amount of \$500,000. The Authority met with a representative of the NJBPU during a previous period to discuss the agreement and provide invoice documents for their review of eligibility against the loan. The Authority is awaiting a response from the NJBPU regarding eligible costs. The Executive Director received indication that the grant was approved at a July NJBPU meeting. RVSA continues to wait for a draft agreement from NJBPU to finalize the grant conditions.

Air Permitting

PS&S and the Authority are proceeding with the preparation of an additional Title V Modification application to modify certain permit required monitoring and record-keeping requirements and to address some potential variability in digester gas characteristics. PS&S has prepared revised emissions calculations based on the most recent digester gas reduced sulfur compound analysis, and preliminary decisions regarding the Authority's desired fuel blending scenarios. PS&S is waiting on final input from the Authority regarding natural gas/digester gas ratio limits for this modification application, and is working with the Authority on modifying and optimizing certain Title V Operating Permit compliance plan requirements. PS&S is assisting the Authority with regard to emissions testing issues for the Multi-Stage Scrubber and Sludge Dryer. This emission testing protocol has been submitted to NJDEP for review and approval. NJDEP has given approval to the Cogeneration engines emission testing protocol.

Digester Brick Replacement - Contract #157

The contractor, Agia Mason, has completed the contract work on the digesters and the extra work on the Pump and Blower building fascia and the Administration Building roof. Some minor site work involving removal of soil remains. PS&S will work with the contractor to have the soil removed so that the contract can be closed out. PS&S received the project O&M manual and maintenance bond. These are under review.

Cogeneration/Sludge Drying Facility – Engine Investigation

PS&S continues to assist the Authority and CCMS in follow-up activities related to the engine “backfire” events associated with engines #1 and #3. During the last period PS&S was involved with the following activities associated with all four engines:

Review of correspondence.

Review of work progress.

Inspection and coordination efforts associated with load testing of all four engines to include synchronizing to bus of the cogeneration switchgear; load sharing and load shedding; operating in parallel with PSE&G; mapping all four engines on blended fuel and natural gas; programming CAT supplied voltage regulators; troubleshooting engine failure that occurred during testing on 100% digester gas; repair and retesting; and routine exercise of the stand-by generator sets.

Contract #159 Chemical Feed System Improvements

At the September Board meeting a decision was made to remove proposed work on the Headworks

and Pump and Blower Buildings chemical feed systems from the Contract #155 project and bid the work as a separate contract. PS&S has worked with CDM and M&E since the Board meeting to develop the contract documents for bidding. A set of documents was delivered to RVSA on October 9th for review. Contract documents were printed for bidding, with an advertisement date of October 14th and a bid opening date of November 13th.

General Consulting Services

PS&S provided a follow-up evaluation letter related to the Outfall Repair. A recommendation was made to repair the existing deteriorated joints and to monitor the condition of the outfall "bends" on a more frequent basis to assess whether any movement is occurring.

PS&S provided survey services related to the easement issue in Clark.

PS&S provided copies of aerial photography to the Spi Group for their use in developing the Newsletter.

User Charge and Flow Rights Reports

The September reports covering August 2008 were finalized and submitted after the September Board meeting. The October reports, covering September 2008 will be finalized when the data has been received.

* Mr. Ventura arrived at this time, 7:36 p.m.

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 September 9, 2008 through October 6, 2008.

CSP Improvements & related issues

Contract #155

We continue to monitor and evaluate potential delay claims being asserted by the contractor/electrical subcontractor with respect to Contract No. 155. We previously provided the Executive Director with detailed legal memoranda evaluating the merits of same and making recommendations with respect to actions to be taken by the Authority.

We have performed research and advised the Executive Director on an issue regarding the responsibility of the contractor to maintain builder's risk insurance on portions of the facilities.

Administrative Appeals Re: Treatment Works Approval

With respect to the Treatment Works Approval, the final issue on appeal has been consolidated with the appeal that was filed regarding the Authority's NJPDES permit. (See discussion of NJPDES Permit Appeal- item #1 under "Miscellaneous").

Cogeneration Facility

We have conducted extensive legal research with respect to potential change orders that have been submitted by the contractor, including its recent request for additional overhead, and have provided the Executive Director with a detailed legal memorandum evaluating the merits of same and making recommendations with respect to actions to be taken by the Authority. We have also evaluated the Authority's claims for liquidated damages against the contractor.

We also continue to monitor the progress of the claim that has been submitted by the contractor to its builder's risk insurance carrier for the payment of the Authority's legal fees associated with the Caterpillar engine explosions.

Finally, we are currently researching issues relative to the Authority's recourse with respect to the most recent engine failure.

MiscellaneousNJPDES Permit Appeal

On October 26, 2007 a settlement conference was held at the Office of Administrative Law at which time a resolution of the remaining two (2) issues in the case (an emergency bypass and the required loading limits) was discussed with NJDEP. The parties at that time had reached an agreement in principle; however, NJDEP has since failed to finalize the proposed settlement. By letter dated June 4, 2008 we requested that the Administrative Law Judge re-list our motion for sanctions that we previously filed on behalf of the Authority. After several follow-up telephone calls to the Judge and still not having received any response to our June 4, 2008 letter, we sent a follow-up letter to the Judge dated June 23, 2008 which also has gone unanswered.

As discussed in Executive Session on August 21, 2008, on September 5, 2008 this office filed a Notice of Appeal with the Appellate Division of the Superior Court of New Jersey based upon the agency inaction of the NJDEP and the Office of Administrative Law ("OAL"). Simultaneously, we also filed a Motion to join the OAL as a party Respondent as well as a Motion to accelerate the appellate schedule. On October 3, 2008 NJDEP responded by filing a Motion to Dismiss the Authority's appeal to which we are currently in the process of preparing response papers.

Trunk Sewer conflicts

We have prepared an agreement with Bank of America for purposes of establishing the bank's responsibilities with respect to an encroachment on the Authority's trunk sewer line by a proposed branch bank building in Cranford. The proposed agreement was recently forwarded to Bank of America's counsel for review and execution. We are also in the process of preparing a similar agreement with the Breathless Go-Go bar in Rahway regarding a similar issue. Finally, we are in the process of preparing an Easement Agreement and offer letter with respect to the Leonardis property in Clark in accordance with the authorization that was made by the Board in Executive Session on August 21, 2008.

Contract #144-Trunk Sewer Rehabilitation

We have had several discussions with the Executive Director and the Consulting Engineer regarding the contractor's potential change orders (claims) as well as the Authority's claims for liquidated damages and credits being asserted against the contract. In addition, we have conducted extensive legal research with respect to the issues surrounding the contractor's two largest claims which was the subject of a detailed legal memorandum previously provided to the Executive Director. On May 15, 2008 we sent a letter to the contractor's counsel denying the contractor's claims and making a demand for liquidated damages and credits against the contract to which the Authority is entitled. The contractor's counsel responded by letter dated June 18, 2008 whereby he requested that if the claims could not be resolved in the near future that the Authority designate its desired alternate dispute resolution (ADR) procedure and that the matter proceed in accordance with such ADR. We responded by letter dated June 23, 2008 requesting certain information from the contractor which, to date, has not been provided. By letter dated September 4, 2008 the Contractor made a formal request for an extension of time from June 11, 2007 to December 11, 2007, a time period of 153 days. We prepared a response to the Contractor's request for an extension of time on behalf of the Executive Director.

Flow Rights Exceedance Hearings

We are in the process of formulating a recommended policy for the reinstatement, at the Executive Director's recommendation, of the Peak Flow Rights exceedance hearing procedure set forth in the service agreement.

Mrs. Papen asked how far along Mr. Hak was with preparing the policy. Mr. Hak responded that we just need to advise the municipalities who are non-compliant that we have scheduled a hearing that they must attend. He added that the hearings should be held in November or December.

RFP Responses

Mr. Hak also noted that his firm has received numerous Proposals from the Authority in response to the RFP's, which they are currently reviewing.

Committee Reports

The Chairman asked if there were reports from any of the following Committees:

Engineering Committee (Allen Chin, Chairman)

Mr. Landale stated that an Engineering Committee Meeting was held October 9, 2008, at which time several items were discussed. Items that require action are on the agenda under Unfinished and New Business.

Finance Committee (Charles Lombardo, Chairman)

Mr. Lombardo stated that a Finance Committee Meeting was held earlier this evening at which time the Bills and Claims and the third quarter Budget Tracking Report were reviewed. Action is on the

agenda under Bills and Claims.

Legal Committee (Clark Landale, Chairman)

Mr. Landale stated that proposals were received for Contracts #0901 through #0915 on October 10, 2008. The proposals were sent to Counsel for review and recommendations for action at the November meeting. Proposals for two contracts, #0902 and #0914, were not sent to Counsel, as Weiner Lesniak is one of the proposers on each of these contracts. These proposals should be sent to another firm for review and recommendation. A motion is on the agenda under New Business.

The Chairman stated that three proposals were received for Contract #0901 - 2009 Consulting Engineering Services and four proposals for Contract #0902 – 2009 General Counsel Services. She stated that she wanted a copy of each proposal sent to all Commissioners for review and to have the firms scheduled to come before the Board for interviews.

After brief discussion, the Commissioners agreed. Mrs. Grimes stated she would provide the copies and schedule the meetings and the interviews.

Personnel Committee (James Murphy, Chairman)

Mr. Murphy stated that a Personnel Committee Meeting was held October 9, 2008 at which time the ongoing union negotiations and other personnel matters were discussed. Mr. Brinker will provide another update to the Commissioners later in the meeting under Closed Session.

Public Relations Committee (Attilio Venturo, Chairman)

Ms. Grimes, the Office Administrator, has been working with the Public Relations Firm on the Fall 2008 Newsletter. Once the draft copy is ready, it will be sent to the Commissioners for review.

Sludge Management Committee (Frank Mazzarella, Chairman)

No report.

Unfinished Business

The Chairman stated that at the August 21, 2008 meeting the following motion was made by Mr. Landale, seconded by Mrs. Papen and unanimously approved by the members present. “Motion to approve Change Order #1 on Contract #155 – Treatment Plant Upgrade, to E.E. Cruz of Holmdel, NJ in an amount of \$377,192.00, total amended contract amount of \$137,514,192.00, as recommended by CCMS”.

The Chairman added that it is necessary to rescind this motion as E.E. Cruz has advised that they will not do this work. Additionally, it has been determined that the control room should be moved to another building and the work may be done by the staff, thus saving the Authority most of the \$377,192.00. She then asked for a motion.

Mr. Lombardo made a motion to rescind the approval of Change Order #1 on Contract #155 to E.E.

Cruz, thereby reducing the total contract amount back to the original amount of \$137,137,000.00, as recommended by the Executive Director. The motion was seconded by Mr. Sefranka and unanimously approved by the members present. Mr. Chin was absent.

New Business

The following Resolution #08-50 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Murphy and unanimously approved by the members present; Mr. Chin was absent.

RESOLUTION #08-50

BE IT RESOLVED that the officers of the Rahway Valley Sewerage Authority be and are hereby authorized to invest the following for the Operating Fund, to mature on November 20, 2008:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$2,500,000.00	2.65%	JP Morgan Chase

The following Resolution #08-51 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Lombardo and unanimously approved by the members present; Mr. Chin was absent.

RESOLUTION #08-51

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #03-89, #07-16, #07-23 and #08-23, #08-31, #08-32 , #08-44, #08-46 and related Agreements for Contract #105-C, for the purpose of engaging Consolidated Construction Management Services (CCMS), for Professional Services specifically to serve as the Construction Manager on Contract #105-Cogeneration/Sludge Drying Facility; and

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

WHEREAS, CCMS submitted documentation reflecting the need for a contract extension and additional monies related to their work on Contract #105-C; and

WHEREAS, the additional amount to be authorized for this Contract is \$33,140.31; and

WHEREAS, the Secretary-Treasurer of the Authority, who is the Chief Financial Officer, hereby certifies that the necessary funds for said contract are available in the 2008 Annual Budget.

WHEREAS Professional Services have been determined to be exempt from public bidding under Title 40A.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with CCMS in an amount of \$2,276,787.92 be and are hereby amended to provide for the increased contract amount of \$33,140.31 resulting in an amended contract amount not to exceed \$2,309,928.23; and

BE IT FURTHER RESOLVED that the Chairman and Secretary are authorized to execute an amendment to the Professional Service Contract previously entered into; and

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

Mr. Landale made a motion, seconded by Mr. Sefranka, as discussed at the October 9, 2008 Engineering Committee Meeting whereby it was agreed to allow the subcontractor/supplier, Caterpillar, to continue the testing on the four Caterpillar Model 3608 Engines in the Cogeneration Facility, on digester gas, as outlined in the Contract (#105) with J.H. Reid General Contractors. The motion was approved with the exception of Mrs. Papen and Mr. Venturo who voted against and Mr. Chin who was absent.

Mr. Landale made a motion, seconded by Mr. Lombardo, approving Change Order #2 on Contract #157 – Digester Bldg. Rehabilitation, to Agia Mason of Farmingdale, NJ, in a decreased amount of \$3,850.00 for an unused allowance remaining on the contract, final total contract amount of \$590,650.00, as recommended by the Consulting Engineer. The motion was unanimously approved by the members present. Mr. Chin was absent.

The following Resolution #08-52 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Lombardo and approved with the exception of Mrs. Papen, Mr. Murphy and Mr. Venturo who voted against; and Mr. Chin was absent.

RESOLUTION #08-52

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Paulus, Sokolowski & Sartor, 67A Mountain Blvd. Ext., Warren, NJ 07059 for Engineering Services related to repairs to the Outfall Line, Contract #158; and

WHEREAS, the Authority received the proposal from Paulus, Sokolowski & Sartor on May 12, 2008, reflecting an amount of \$75,500.00 plus the cost for printing the bids at which time the Authority approved an initial amount of \$7,500.00 for a study related to this contract; and

WHEREAS, the Authority wishes to have the proceed with this contract and therefore, has a need to engage a consultant to provide Engineering Services on Contract #158 – Outfall Line Repairs, specifically to prepare bid specifications and provide construction oversight services; and

WHEREAS, Services of this nature have been determined to be exempt from public bidding under Title 40A; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract have been budgeted for in the 2008 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Paulus, Sokolowski & Sartor to perform the additional services described herein at a cost of \$68,000.00 total amended contract amount of \$75,500.00; and

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

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

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

Mr. Lombardo made a motion, seconded by Mr. Sefranka, authorizing the staff to engage Saul Ewing Associates to review the proposals received on Contracts #0902 and #0914 for Legal Services and provide a recommendation on the proposals completeness, at a cost not to exceed \$600.00. The motion was unanimously approved by the members present. Mr. Chin was absent.

Bills and Claims

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

BUILDING & EQUIPMENT FUND

CHECK #	DATE	VENDOR	ACCT/LINE #	AMOUNT
2327	10/15/08	RAHWAY VALLEY SEWERAGE AUTH.	140.7	200.00
	10/15/08	VOID		
2328	10/15/08	RAHWAY VALLEY SEWERAGE AUTH.	140.7	200.00
	10/15/08	VOID		
2329	10/15/08	TREASURER - MIDDLESEX COUNTY	140.7	200.00
2330	10/15/08	TREASURER - MIDDLESEX COUNTY	140.7	500.00
2331	10/16/08	AGIA MASON INC.	140.2	11,813.00
2332	10/16/08	ARGENT ASSOCIATES LLC	140.7	912.50
2333	10/16/08	CONSOLIDATED CONSTRUCTION MGT.	140.2/7	175,434.51
2334	10/16/08	EE CRUZ COMPANY INC.	140.7	785,791.74
2335	10/16/08	J.H. REID, GENERAL CONTRACTOR	140.2	123,992.20
2336	10/16/08	PAULUS, SOKOLOWSKI & SARTOR	140.02/9	10,626.25
2337	10/16/08	WEINER LESNIAK LLP	140.9	1,277.50

Total Building & Equipment Fund Checks: 11

Total Void Checks: 2

Total Amount Void: \$400.00

Total Amount Paid: \$1,110,547.70

CONSTRUCTION FUND

CHECK #	DATE	VENDOR	ACCT/LINE #	AMOUNT
1183	10/16/08	PAULUS, SOKOLOWSKI & SARTOR	140.4	1,080.00

Total Construction Fund Checks: 1

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$1,080.00

OPERERATING FUND - MANUAL CHECK

CHECK #	DATE	VENDOR	ACCT/LINE #	AMOUNT
163	10/09/08	NJ STATE HEALTH BENEFITS	03	66,484.44

Total Operating Fund Manual Checks: 1

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$66,484.44

OPERATING FUND

CHECK #	DATE	VENDOR	ACCT/LINE #	AMOUNT
35334	09/19/08	DARREN SCHIPPE	31	199.50
35335	09/24/08	A.C. NEWMAN & COMPANY	17	1,305.00
35336	09/24/08	RAHWAY VALLEY SEWERAGE AUTH.	01/02	166,050.53
35337	09/24/08	ROBERT SAFCHINSKY	20	263.01
35338	09/24/08	TRUMP TAJ MAHAL CASINO RESORT	49	1,143.00
35339	10/06/08	BALLY'S ATLANTIC CITY	15	540.42
35340	10/06/08	DELTA DENTAL PLAN OF NJ	03	5,568.48
35341	10/09/08	HOME DEPOT CREDIT SERVICES	32	989.33
35342	10/09/08	STANDARD INSURANCE COMPANY	03	2,209.74
35343	10/09/08	STAPLES BUSINESS ADVANTAGE	13	756.17
35344	10/09/08	VISION SERVICE PLAN	03	1,193.01
35345	10/09/08	ALL AMERICAN SEWER SERVICE.	32	15,201.00
35346	10/10/08	OFFICE DEPOT	12	444.04
35347	10/16/08	A TOUCH OF ITALY	49	231.00
35348	10/16/08	ACCUSPEC INC.	32	1,200.00
35349	10/16/08	ADP, INC.	03	170.28
35350	10/16/08	INC ADP, INC.	16	1,892.90
35351	10/16/08	ADVANCED SPECIALTY SALES, INC.	32	2,256.26
35352	10/16/08	ALL AMERICAN SEWER SERVICE	32/21	2,140.00
35353	10/16/08	ALLIED FILTER COMPANY	32	164.00
35354	10/16/08	AMERICAN INDUSTRIAL SUPPLY CORP.	32	1,287.76
35355	10/16/08	AMERICAN WEAR	32	1,137.00
35356	10/16/08	APPLIED ANALYTICS, INC.	32	2,197.00
35357	10/16/08	AQUATIC SCIENCES CONSULTING	41	914.00

35358	10/16/08	ASSOCIATED AUTO PARTS	35	161.10
35359	10/16/08	ATLANTIC ANALYTICAL LABORATORY	32	1,050.00
35360	10/16/08	BALCO INDUSTRIES INC.	31	1,884.00
35361	10/16/08	BOWCO LABORATORIES, INC.	32	138.00
35362	10/16/08	CANON FINANCIAL SERVICES, INC.	16	1,299.72
35363	10/16/08	CDW GOVERNMENT, INC.	27	130.99
35364	10/16/08	RAHWAY UNITED WATER RESOURCES	33	10,484.14
35365	10/16/08	CLEAN AIR TECHNOLOGIES	32	1,800.00
35366	10/16/08	D2L ASSOCIATES, INC.	42	1,480.00
35367	10/16/08	DAVID WEBER OIL COMPANY	32	655.60
35368	10/16/08	GARY DEGROAT	31	150.00
35369	10/16/08	DELL MARKETING L.P.	27	460.16
35370	10/16/08	EASTERN SHEET METAL & PLATE	32	1,968.75
35371	10/16/08	ELIZABETHTOWN GAS	22	937.35
35372	10/16/08	FACTORY DIRECT PIPELINE	32	29.55
35373	10/16/08	FISHER SCIENTIFIC	40	2,220.43
35374	10/16/08	W.W. GRAINGER, INC.	32	1,538.99
35375	10/16/08	GARY W. GRAY TRUCKING, INC.	25	88,014.17
35376	10/16/08	GREAT LAKES ENVIRONMENTAL	41	697.80
35377	10/16/08	GREENWOOD PRODUCTS, INC.	43	375.20
35378	10/16/08	HACH COMPANY	40	384.79
35379	10/16/08	HALL & ASSOCIATES	08	1,735.87
35380	10/16/08	HESS CORPORATION	19	114,875.36
35381	10/16/08	INDUSTRIAL RUBBER COMPANY	32	454.62
35382	10/16/08	JCI JONES CHEMICALS, INC.	33	4,155.99
35383	10/16/08	JERSEY ELEVATOR COMPANY INC.	32	182.71
35384	10/16/08	EDWARD KOCHICK	15	25.86
35385	10/16/08	LIBERTY MUTUAL INSURANCE GROUP	17	1,577.00
35386	10/16/08	THOMAS MACALUSO	15	40.95
35387	10/16/08	VASUDEV N. MAKHIJA, M.D.	50	8,165.00
35388	10/16/08	MARIDO SERVICES INC.	32	999.84
35389	10/16/08	MCMASTER-CARR SUPPLY CO.	31/32	1,071.29
35390	10/16/08	MIRUS INTERNATIONAL INC.	32	869.75
35391	10/16/08	MODERN HANDLING EQUIP. OF NJ	32	619.81
35392	10/16/08	MODERN EQUIPMENT SALES	32	1,478.00
35393	10/16/08	MOTION INDUSTRIES, INC.	32	433.00
35394	10/16/08	NATIONAL FUEL OIL, INC.	24	1,958.53
35395	10/16/08	NJ MFG. INSURANCE COMPANY	17	18,085.00
35396	10/16/08	NJ MOTOR VEHICLE COMMISSION	35	151.00
35397	10/16/08	NJ WATER ENVIRONMENT ASSOC.	31	501.00
35398	10/16/08	ONE CALL SYSTEMS, INC.	32	34.27
35399	10/16/08	DAVID PATRICK, JR.	31	119.99
35400	10/16/08	PAULUS, SOKOLOWSKI & SARTOR	06	25,073.07
35401	10/16/08	PITNEY BOWES, INC.	48	82.00
35402	10/16/08	POLAND SPRING	46	131.79
35403	10/16/08	POLYDYNE INC.	23	18,988.80
35404	10/16/08	PSE&G COMPANY	19/42	45,537.55
35405	10/16/08	PSE&G COMPANY	42	4.31

35406	10/16/08	PUBLIC EMPLOYEES' RET. SYS.	04	33.81
35407	10/16/08	QC LABORATORIES	41	2,848.00
35408	10/16/08	RADWELL INTERNATIONAL, INC.	32	850.50
35409	10/16/08	RAHWAY VALLEY SEWERAGE AUTH.	01/02	162,441.00
35410	10/16/08	RAHWAY STEEL DRUM COMPANY.	32	1,401.10
35411	10/16/08	RAHWAY ELECTRIC SUPPLY CO.	32	606.34
35412	10/16/08	RARITAN SUPPLY COMPANY	32/38	2,481.28
35413	10/16/08	RUTGERS, THE STATE UNIVERSITY	31	450.00
35414	10/16/08	PETTY CASH	14	229.47
35415	10/16/08	SHALLCROSS BOLT & SPECIALTIES	32	130.00
35416	10/16/08	SIMPLEX GRINNELL LLP	31	724.88
35417	10/16/08	SPECTRASERV INC.	26	8,630.14
35418	10/16/08	STORR TRACTOR COMPANY	32	9,920.00
35419	10/16/08	MAHENDRA SURUJNATH	31	150.00
35420	10/16/08	TREASURER - STATE OF NJ	40	79.20
35421	10/16/08	TURTLE & HUGHES INC.	32/38	13,769.34
35422	10/16/08	UNITED PARCEL SERVICE	48	132.59
35423	10/16/08	US FILTER/SIEMENS WATER TECH.	40	670.00
35424	10/16/08	VERIZON CONFERENCING	11	87.62
35425	10/16/08	VERIZON	11/30	2,419.24
35426	10/16/08	WEARGUARD/ARAMARK	32	660.25
35427	10/16/08	WEINER LESNIAK LLP	07/08	64,360.43
35428	10/16/08	921-GTS-WELCO	32/40	332.43
35429	10/16/08	WOODRUFF ENERGY	22	157.07

Total Operating Fund Checks

Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$846,231.22

Total All Checks: 109
Total Void Checks: 2
Total Amount Void: \$400.00
Total Amount Paid: \$2,024,343.36

OPERATING FUND	8-01	912,715.66
BUILDING & EQUIP FUND	8-02	1,110,547.70
CONSTRUCTION FUND	8-04	1,080.00
TOTAL ALL FUNDS:		<u>2,024,343.36</u>

Open the Floor to the Public

The Chairman asked if there was anyone from the public who wished to address the Board. No one did.

Closed Session

Mr. Luban made a motion to go into closed session at this time, 7:55 p.m., to discuss matters related to personnel matters. The motion was seconded by Mr. Lombardo and unanimously approved by the members present. Mr. Chin was absent.

Mr. Luban made a motion to return to the regular order of business at this time, 8:11 p.m. The motion was seconded by Mr. Lombardo and unanimously approved by the members present. Mr. Chin was absent.

Return to Regular Order of Business**Adjournment**

As there was no further business, on motion of Mr. Lombardo, seconded by Mr. Murphy, the meeting adjourned at 8:11 p.m. The motion was unanimously approved by the members present; Mr. Chin was absent.

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

JG/jg
Attachments