

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Regular Meeting held October 18, 2007

- Minutes
Approved the minutes of the Regular Meeting held August 16, 2007.
Approved the minutes of the Regular Meeting held September 20, 2007.
- Communications
Communications were received from the Borough of Mountainside and the NJDEP.
- Treasurers Reports
Treasurer's reports for the month of August 2007 were received.
- Interim 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, Personnel and Legal Committees.
- Unfinished Business
Second Reading to adopt the By-Laws and Amendment to Resolution #07-05 changing award from Extraordinary Unspecificable Service to Professional Service.
- New Business
Approved the following: Purchase of Security; Late Budget to Trenton; TWA for the Town of Westfield; reject bids received on contracts #0811, #0812 and #0813; and Authorization to prepare and post the RFP for Special Counsel, Special Engineer and Special Financial Consultants for Public / Private Partnership.
- New Business (Cont'd.)
Approved the following expenditures: Award Contract #0803 to Suplee Clooney & Co. in an amount of \$21,600.00; Award Contract #0804 to NW Financial in an amount of \$25,000.00; Award Contract #0805 to Murray, Montgomery & O'Donnell in an amount of \$120,000.00; Award Contract #0802 to Weiner Lesniak with a retainer of \$8,800.00; Award Contract #0814 to Weiner Lesniak in an amount of \$36,750.00; Approved Contract #0815 to McManimon & Scotland in an amount of \$45,000.00; Amend Contract #144 A/E with PS&S for an additional \$50,847.00; Award Contract #0727 to Omni Environmental in an amount of \$3,000.00; Award Contract #0801 to PS&S with a retainer of \$20,000.00; Award Contract #0806 to Camp, Dresser & McKee in an amount of \$17,600.00; Award Contract #0807 to QC Labs in an amount of \$10,670.00; Award Contract #0808 to QC Labs in an

amount of \$39,612.00; Award Contract #0809 to D2L Associates in an amount of \$32,240.00; Award Contract #0810 to Avogadro in an amount of \$31,000.00.

- Bills and Claims

<u>Fund Description</u>	<u>Fund#</u>	<u>Amount</u>
OPERATING FUND	7-01	\$811,726.58
BUILDING & EQUIPMENT FUND	7-02	4,102,132.98
CONSTRUCTION FUND	7-04	<u>63,137.09</u>
TOTAL ALL FUNDS:		\$4,976,996.65

RAHWAY VALLEY SEWERAGE AUTHORITY

Regular Meeting Minutes – October 18, 2007

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 6, 2007 and again on October 16, 2007.

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:

Rosalie F. Berger	for the Township of Springfield
Allen Chin	for the Town of Westfield
Gregg F. David	for the Borough of Kenilworth
C. Clark Landale	for the Borough of Mountainside
Charles 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
Peter H. Pelissier	for the City of Rahway
Attilio S. Venturo	for the Borough of Roselle Park

The following were also present:

Michael J. Brinker, Jr., P.E.	Interim Executive Director
Robert J. Materna	Secretary-Treasurer
Joanne Grimes	Office Administrator/Board Secretary
James Wancho, P.E.	Paulus, Sokolowski & Sartor
Brian Hak, Esq.	Weiner Lesniak, LLP

The following were also present:

Manny Parada	CCMS, Construction Manager
Robert Valent	RVSA Superintendent
Bob Poltz	RVSA MIS Manager
Jean Manigold	RVSA Laboratory Supervisor
Thomas Macaluso	RVSA Asst. Lab Supervisor
Robert Safchinsky	RVSA Maintenance Coordinator
Gary DeGroat	RVSA Maintenance
James Thor	RVSA Utility Worker
Bob Puhak	Cranford Resident
Leo McManon	Cranford Resident
David Brown	Rahway City Councilman
Frank Ruggiero	CFO, City of Rahway
Hilda Judah	Rahway Resident
Alexander Parker	Rahway Resident
Brian Garland	Rahway Resident
Vladimir Calderon	Rahway Resident
James Heim	Rahway Resident
Shirly Fatiken	Rahway Resident
Andrew Zart	Rahway Resident
Bob Simon	Rahway Resident
Antonio Acevedo	Rahway Resident
Olga Riveres	Rahway Resident
Marcia Cox	Rahway Resident
Victor Pastor	Rahway Resident
John Ludington	United Water
Mary Guslafson	United Water
Wayne Baker	Westfield Leader Newspaper

Approval of Minutes

Mrs. Papen made a motion, seconded by Mr. Murphy, to approve the minutes of the Regular Meeting held August 16, 2007. The motion was approved. Mr. Chin and Mr. Mazarella abstained.

Mr. Chin made a motion, seconded by Mrs. Papen, to approve the minutes of the Regular Meeting held September 20, 2007. The motion was approved. Mr. Murphy abstained.

Communications

The following Resolution #140-2007 which was unanimously approved by the Mountainside Borough Council was received October 17, 2007, from Martha DeJesus, Borough Clerk for the Borough of Mountainside:

WHEREAS, the Borough of Mountainside is one of the 11 member municipalities of the Rahway Valley Sewerage Authority (RVSA), a regional sewerage authority created and

operating pursuant to the New Jersey Sewerage Authorities Law, N.J.S.A. 40:14A-1 et. seq.; and

WHEREAS, RVSA operates sewage treatment facilities constructed, maintained and operated with funds received from the taxpayers of the member municipalities, which facilities have cost hundreds of millions of dollars to construct and which are undergoing extensive capital projects intended to upgrade and make more efficient the operation of those facilities, the costs of which capital projects exceed \$175 million; and

WHEREAS, RVSA's annual operating costs are in excess of \$18 million annually, which costs are paid primarily by the member municipalities; and

WHEREAS, RVSA is responsible for the handling and treatment of the sanitary sewage for its 11 member municipalities in a cost efficient and environmentally sound manner; and

WHEREAS, as a member municipality whose taxpayers have paid and continue to pay significant amounts of money to the construction and operation of RVSA, Mountainside is concerned that RVSA be operated in a sound and cost-efficient manner; and

WHEREAS, over the past several years, various consultants for RVSA and some members of RVSA have suggested or recommended that RVSA consider entering into a privatization contract for part or all of its operations; and

WHEREAS, Mountainside and other members have expressed concerns regarding whether such privatization would actually result in better or more cost effective operation of RVSA; and

WHEREAS, despite such concerns made by Mountainside and other members, RVSA determined to undertake an investigation of privatization of a portion of its operations and retained various consultants to make recommendations to RVSA as to the appropriateness of moving forward to take actions to solicit request for qualifications for a privatization contract; and

WHEREAS, in response to concerns voiced by Mountainside and other members, RVSA determined to conduct a Mayors Forum to present to the Mayors and other representatives of the member municipalities the reasons why RVSA had decided to move forward to take actions to solicit requests for qualifications for a privatization contract; and

WHEREAS, on November 30, 2006, the RVSA held such a Mayor's Forum, at which it presented statements from the various consultants it had retained who had recommended to RVSA that it move forward with such privatization; and

WHEREAS, during this Mayors Forum, based on questions asked, concerns raised and information presented, RVSA's own consultants, including Steve Kellogg, Senior Vice

President of CDM, agreed that it was premature to consider whether privatization might be a sound and cost effective measure for RVSA, and agreed that the appropriate course was to await completion of the significant capital projects being undertaken at the RVSA facility, including the Comprehensive Strategic Plan (CSP) contracts, the Major Upgrades contracts, and the Cogeneration/Sludge Drying Facility contract and a sufficient time after such completion to be able to undertake an informed evaluation of how the RVSA facility was operating; and

WHEREAS, Mountainside and various other member municipalities welcomed these recommendations as a much sounder approach to the question of whether some form of privatization of RVSA's operations or facilities might be sound and/or cost effective; and

WHEREAS, despite the recommendations of its own consultants in November 2006, and despite the fact that the capital projects referred to at the November 30, 2006 Mayor's Forum have not all been completed and in operation, RVSA placed on its October 18, 2007 agenda a motion to solicit proposals for the services of 1) Special Counsel, 2) Special Engineer, and 3) Special Financial Advisor, to perform certain work related to the preparation of a Request for Qualifications on a privatization contract; and

WHEREAS, to solicit such proposals and to move forward with the process contemplated thereby will be a time consuming and costly process, and should not be considered, let alone undertaken, until the capital projects referred to at the November 30 Mayor's Forum have all been completed and in operation for a sufficient time to enable an informed evaluation of how the RVSA facility was operating; and

WHEREAS as recognized by RVSA previously, no such actions should be taken by RVSA toward possible privatization without first informing the Mayors and other municipal representatives of the basis for such action, and seeking the input of these important parties.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Mountainside hereby affirmatively and emphatically states its position that it is inappropriate and premature for RVSA to solicit proposals for the services of 1) Special Counsel, 2) Special Engineer and/or 3) Special Financial Advisor to perform any work related to the preparation of a Request For Qualifications on a privatization contract or to take any other actions to move forward with the process contemplated thereby. As previously recognized by RVSA's own consultants and represented to the public at the November 30 2006 Mayors Forum, no further consideration should be given to the actions taken toward possible privatization until the capital projects referred to at the November 30 Mayors Forum have all been completed and in operation for a sufficient time to enable an informed evaluation of how the RVSA facility was operating.

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Rahway Valley Sewerage Authority, to the Governing Body of each member municipality and to the Newspapers that regularly cover meetings of this Governing Body and meetings of the Rahway Valley Sewerage Authority.

The following letter was received October 17, 2007 from Dennis Hart, Executive Director for the New Jersey Environmental Infrastructure Trust (the Trust):

I'm pleased to inform you that the Trust's 2007 Bond Refunding on September 12, 2007 will save **\$2,577,682.88** on your **2004 Loan**. Because the original loan remains in place, these savings will be applied as credits to the debt service for each loan. This refunding was conducted at no cost to you.

The Trust routinely monitors bond market conditions to identify opportunities for savings on its outstanding loans. This service ensures that your financing will remain at the most cost effective rate.

Moody's Investors Services, Standard & Poor's Corporation and Fitch Inc. have each awarded our 2007 Series Refunding Bonds their highest possible rating. The bonds were sold to refund the remaining outstanding balances for loans from the 2001A, 2002A, 2004A and 1996B Financing Programs. The Trust sold Refunding Bonds worth \$131 million and provided a total savings of \$35 million to all participating borrowers.

If you have any questions about the refunding on your future financing needs, please do not hesitate to contact us.

The following letter was received October 17, 2007 from Dennis Hart, Executive Director for the New Jersey Environmental Infrastructure Trust (the Trust):

I'm pleased to inform you that the Trust's 2007 Bond Refunding on September 12, 2007 will save **\$109,555.98** on your **2002 Loan**. Because the original loan remains in place, these savings will be applied as credits to the debt service for each loan. This refunding was conducted at no cost to you.

The Trust routinely monitors bond market conditions to identify opportunities for savings on its outstanding loans. This service ensures that your financing will remain at the most cost effective rate.

Moody's Investors Services, Standard & Poor's Corporation and Fitch Inc. have each awarded our 2007 Series Refunding Bonds their highest possible rating. The bonds were sold to refund the remaining outstanding balances for loans from the 2001A, 2002A, 2004A and 1996B Financing Programs. The Trust sold Refunding Bonds worth \$131 million and provided a total savings of \$35 million to all participating borrowers.

If you have any questions about the refunding on your future financing needs, please do not hesitate to contact us.

Report of Treasurer

The Treasurer's Reports for the month of August 2007 have been distributed to the Commissioners and will be included in the Minutes.

Report of Interim Executive Director**Sewer Treatment Endorsements**

The following is a list of Sewer Treatment Endorsements processed between 9/14/07 and 10/16/07, 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>
996-07-WB	09/19/07	Vincent DeRosa	Woodbridge
997-07-GW	09/19/07	Alfonso Ciullo c/o Marquis Homes	Garwood
998-07-WB	09/21/07	FM Hamada LLC	Woodbridge
999-07-CL	09/24/07	Francola, Inc/Antonio Mastrocola	Clark
1000-07-CL	09/25/07	Ginesi Builders	Clark
1001-07-CL	09/25/07	Ginesi Builders	Clark
1002-07-WB	09/27/07	DMR Investments /Bargain Auto Service	Woodbridge
1003-07-WB	10/01/07	Clark Place/314 Goodwin Homes LLC	Woodbridge
1004-07-WB	10/02/07	B. Jhaveri/Sankalk Dosa House	Woodbridge
1005-07-		VOID	
1006-07-		VOID	
1007-07-		VOID	
1008-07-		VOID	
1009-07-WB	10/09/07	Gales Const. Co./United Health Group	Woodbridge
1010-07-SF	10/11/07	Antonio Goncalves	Springfield

Monthly Reports

The following monthly reports were received and distributed to the Commissioners:

PS&S Monthly*
 CCMS - Contract #105 – Cogeneration Facility*
 CCMS - Contract #155 – WWTP Upgrade*
 Murray Montgomery & O'Donnell – Update*

* These items were discussed at the Engineering Committee Meeting.

Contract #105 – Cogeneration/Sludge Drying Facility

A representative from J.H. Reid Construction attended the Engineering Committee meeting and addressed the Commissioners. A copy of a letter from CCMS regarding Reid's request for a contract extension was forwarded to the Commissioners for review. A copy of the J.H. Reid's justification for a contract extension was also distributed to the Commissioners. This matter was

discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #105 – Cogeneration/Sludge Drying Facility – Fire Alarm System

This matter was discussed at the last two meetings. I provided the Commissioners with an update at the Engineering Committee Meeting held October 11. I also spoke with the Avenel Fire Department who recommended that I speak to someone from the Woodbridge Building Department. The matter is ongoing.

Contract #144 A/E-Trunk Sewer Rehabilitation

PS&S submitted a letter dated October 9, 2007 regarding the additional services required on this contract due to unforeseen circumstances. PS&S is seeking an amendment to their contract in an amount of \$50,847.00, for a total amended contract amount of \$148,182.00. A copy of the letter was provided to the Commissioners for review. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0721- User Charge System Evaluation

At the September meeting it was reported that there were several items that needed to be completed with regard to this contract. Hatch Mott MacDonald (HMM) sent a memo to the Interim Executive Director which has been forwarded to the Commissioners indicating the following:

- HMM received and reviewed six responses to their letter regarding municipal adjustments. Please note the following with regard to those responses:
- Some questions were answered but many remain.
- Very little data was provided on water use for non-residential structures in the adjustment areas.
- Some responses were better and more thorough than others.
- Some towns disagree on where certain homes discharge to.
- Responses still have not been received from Cranford, Westfield, Roselle Park, Springfield or Mountainside.

Since the municipal adjustment issue has been previously questioned and these adjustments are important for calculating the final percentages of usage during the monitoring year, the Board needs to provide direction on how to proceed in order to finalize this study.

After brief discussion at the Engineering Committee Meeting, the Committee Chairman advised that the Commissioners must follow up with their municipality in order to bring this matter to a close.

Amend Contract #0722- NJHDG Nutrients Reduction Cost Estimation Study

At the September 20, 2007 Regular Meeting the Board took action on this matter, however,

Commissioner Pelissier requested a written recommendation from Mr. Gencarelli. That recommendation was prepared and a copy was forwarded to the Commissioners for reference.

Contract #0723- NJHDG Phase V PCB Study

The Authority, as a member of the NJHDG, took formal action in February 2007 to award their portion of this contract. Subsequently, the Linden Roselle Sewerage Authority (LRSA) has advised that all of the members of the group must adopt similar resolutions to award their portion of the contract. Some members awarded it as an EUS and others as a Professional Service. LRSA has requested that we amend our Resolution #07-05 which awarded this contract as an EUS to be that of a Professional Service. A resolution is on the agenda under Unfinished Business to amend Resolution #07-05.

Contract #0726 – Settlement Conference Support Services

Based on a request from Counsel, I solicited a proposal from Mr. Tim Bradley (formerly of Metcalf & Eddy) of Omni Environmental to provide professional services to the Authority during an upcoming Settlement Conference on October 25, 2007, with the NJDEP regarding the Authority's Appeal of its NJPDES and Treatment Works Approval Permits.

Mr. Bradley was previously involved with the design of the new plant and very familiar with the proposed rerating that we will be requesting from NJDEP. Omni Environmental submitted a proposal for services to be billed on a time and material basis of \$225.00 per hour. An approximate upset limit with a not to exceed limit of \$3,000.00 is estimated for Mr. Bradley's time for the "Expert Services". This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0801 - 2008 Consulting Engineering Services

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, proposals were received as follows:

<u>Company</u>	<u>Amount</u>
PS&S Warren, NJ	\$20,000 Retainer \$180 Principal \$134 Engineer X
Alaimo Engineering Mt. Holly, NJ	\$24,000 Retainer \$190 Principal \$185 Associate \$180 Sr. Project Eng.
Hammerhead Process Engineering Flemington, NJ	\$36,000 Retainer \$150 Engineering Principal \$150 Professional Engineer \$125 Other Engineers

The proposals were forwarded to Counsel for review. PS&S is our present Consultant for these services. Their retainer fee for 2007 was \$20,000.00 and remains unchanged. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0802 – 2008 General Counsel Services

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
Weiner Lesniak, LLP	\$8,800.00 Retainer
Parsippany, NJ	\$175.00/hr. Partners
	\$145.00/hr. Associates

The proposal was forwarded to Saul Ewing Associates for review and was found to be in order. Weiner Lesniak is our present consultant for these services. The 2008 fee remains unchanged from their 2007 fee. This matter was discussed at the Legal Committee Meeting and a motion is on the agenda under New Business.

Contract #0803 – 2008 Accountant Services

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
Suplee Clooney & Co.	\$21,600.00
Westfield, NJ	

The proposal was forwarded to Counsel for review. Suplee Clooney & Co. is our present consultant for these services. Their fee for 2008 reflects a 4.6% increase over their 2007 fee. This matter was discussed at the Finance Committee Meeting and a motion is on the agenda under New Business.

Contract #0804 – 2008 Financial Advisory Services

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposals were received:

<u>Company</u>	<u>Amount</u>
NW Financial	\$25,000.00
Jersey City, NJ	\$180.00/hr Partner
	\$175.00/hr President
	\$170.00/hr Managing Director
	\$155.00/hr Vice President

ACACIA	\$75,000.00 NTE
Marlton, NJ	\$225.00/hr Managing Director
	\$200.00/hr Vice President
	\$175.00/hr Asst. VP

The proposals were forwarded to Counsel for review. NW Financial is our present consultant and their fees for 2008 remain unchanged from 2007. This matter was discussed at the Finance Committee Meeting and a motion is on the agenda under New Business.

Contract #0805– 2008 Lobbyist Services

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
Murray, Montgomery & O'Donnell	\$10,000.00/month / \$120,000.00/yr.
Washington, DC	\$600.00/travel expenses

The proposal was forwarded to Counsel for review. Murray, Montgomery & O'Donnell is our present lobbyist and their fee for 2008 remains unchanged from 2007. This matter was discussed at the Finance Committee Meeting and a motion is on the agenda under New Business.

Contract #0806 – 2008 Admin. of Sludge Hauling & Reuse Contract

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
Camp, Dresser & McKee (CDM)	\$17,600.00
Edison, NJ	

The proposal was forwarded to Counsel for review. CDM is our present consultant for these services. The 2008 fee remains unchanged from their 2007 fee of \$17,600.00. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0807 – 2008 Laboratory Services/Bioassay & NJPDES Study/TRE

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
QC Laboratories	\$10,670.00
Southampton, PA	

The proposal was forwarded to Counsel for review. QC Laboratories is our present consultant for these services. Their fee for 2007 was \$9,620.00. The 2008 fee reflects a 10.9% increase. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0808 – 2008 Laboratory Services/NJPDES, SQAR, Misc. Other

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
QC Laboratories Southampton, PA	\$39,612.00

The proposal was forwarded to Counsel for review. QC Laboratories is our present consultant for these services. Their fee for 2007 was \$36,326.00. The 2008 fee reflects a 9% increase. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0809 – 2008 Metering System Sampling/Analysis & Inspection

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
D2L Associates Cedar Grove, NJ	\$32,240.00

The proposal was forwarded to Counsel for review. D2L Associates is our present consultant for these services. Their fee for 2007 was \$29,120.00. The 2008 fee reflects an increase of \$3,120.00; however, two more stations and two more sampling locations have been added for the additional monitoring at Roselle Park, thus the unit price per location week remains the same at \$62.00. Mr. Gencarelli recommended awarding this contract to D2L. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0810 – 2008 Emissions Stmt., Diesel Eng. Audit, Various Air Permit Renewals

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposals were received:

<u>Company</u>	<u>Amount for Tasks 1-6</u>
Avogadro Easton, PA	\$31,000.00
Hammerhead Process Engineering Flemington, NJ	\$37,500.00*

Environmental Compliance Assoc. \$41,790.00
 Basking Ridge, NJ

The proposals were forwarded to Counsel for review. Environmental Compliance Associates is our present consultant for these services. Their fee for 2007 was \$35,470.00. Mr. Gencarelli recommended awarding this contract to Avogadro. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0811 – 2008 Air Emission Testing

A Request For Proposals was posted on the Authority’s website and a copy was sent to our present consultant. On October 11, 2007, proposals were received as follows:

<u>Company</u>	<u>Amount</u>	<u>Tasks 1-4</u>
Peregrine Technical Services	\$20,520	
Quakertown, PA	11,740	
	1,850	
	1,735	
	\$35,845	
Avogadro	\$32,000	
Easton, PA	15,200	
	3,250	
	2,600	
	\$53,050	

The proposals were forwarded to Counsel for review. Avogadro is our present consultant for these services. Their fee for 2007 was \$31,200.00. Mr. Gencarelli recommended that the proposals be rejected and to re-solicit proposals at a later date. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0812 – 2008 Public Relations Services

A Request For Proposals was posted on the Authority’s website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
The Spi Group	\$22,280 for various items
Fairfield, NJ	

The proposal was forwarded to Counsel for review, however, was not in order; therefore, must be rejected and new proposals must be solicited. A motion is on the agenda under New Business

Contract #0813 – 2008 Legal Services on Regulatory Matters

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant, Saul Ewing Associates. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
Hall & Associates Washington, DC	\$70,000.00 for Tasks 1-5

The fee is based on the Tasks outlined in the RFP as follows:

- Task 1 – Treatment Works Approval/Wastewater Management Plan Issues - Assume 40 Hours
- Task 2 – Air Permit Review - Assume 40 Hours
- Task 3 – Permit Litigation (Emergency Outfall) - Assume 40 Hours
- Task 4 – Permit Litigation (Mass Limitations For DSN-001 And DSN-002) - Assume 40 Hours
- Task 5 – Miscellaneous Consulting Services - Assume 120 Hours

The proposal was forwarded to Counsel for review, however, was not in order; therefore, must be rejected and new proposals solicited. A motion is on the agenda under New Business.

Contract #0814 – 2008 Labor Counsel Services

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
Weiner Lesniak, LLP Parsippany, NJ	\$36,750.00 Tasks 1-3 \$150.00/hr. all services

The fee is based on the Tasks outlined in the RFP as follows:

- Task 1 – General Labor Counsel Services Assume 100 Hours
- Task 2 – Harassment Training - Assume 45 Hours
- Task 3 – Contract Negotiations - Assume 100 Hours

The proposal was forwarded to Saul Ewing Associates for review and was found to be in order. Weiner Lesniak is our present consultant for these services. The 2008 fee remains unchanged from their 2007 fee. The matter was discussed at the Legal Committee Meeting and a motion is on the agenda under New Business.

Contract #0815 – 2008 Bond Counsel Services

A Request For Proposals was posted on the Authority's website and a copy was sent to our present consultant. On October 11, 2007, the following proposal was received:

<u>Company</u>	<u>Amount</u>
McManimon & Scotland	\$45,000.00
Newark, NJ	\$1.10 per issue
	\$205.00/hr blended rate

The proposal was forwarded to Counsel for review. McManimon & Scotland is our present consultant for these services. The 2008 fee remains unchanged from their 2007 fee. The matter was discussed at the Legal Committee Meeting and a motion is on the agenda under New Business.

Request For Proposals

At the September meeting, Commissioner Pelissier requested that the Authority solicit proposals for the services of 1) Special Counsel, 2) Special Engineer and 3) Special Financial Advisor to perform certain work related to the preparation of a Request For Qualifications for a privatization contract related to the wastewater treatment plant and cogeneration/sludge drying facilities. The matter was deferred to the Engineering Committee for discussion.

After lengthy discussion the Engineering Committee recommended that this matter not be considered any further. Mr. Pelissier disagreed and requested that it be placed on the regular meeting agenda for action. A motion is on the agenda under New Business.

Request For Proposals (RFP) for Regulatory Compliance Services

At the September meeting, Commissioner Pelissier requested that an RFP be prepared for the Authority to solicit proposals for Regulatory Compliance Services. This matter was deferred to the Engineering Committee for discussion and the Committee recommended that it not be pursued any further.

Sale of Equipment

The Authority has various equipment at the plant, which is no longer needed in its operations. The equipment is 1) Parts for Superior Diesel Engines with an estimated value of \$500.00 and 2) a 1981 GMC Dump Truck with an estimated value of \$500.00. The Authority would like to offer this equipment for auction via sealed bids, and requires authorization from the Board to do so. The Engineering Committee concurred and a motion is on the agenda under New Business.

Sewer Connection - Westfield

A Treatment Works Application was submitted by the Town of Westfield for the construction of 223 lf of sewer on Brandt Court in the Town of Westfield. The connection will service four new single family homes, with an anticipated discharge of 1,200 gpd new flow. I reviewed the application and recommend approval. This matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Report of Consulting Engineer

The following report to the Authority Board summarizes our activities for the period of September 15, 2007 through October 12, 2007.

JCO Compliance

PS&S prepared the Annual Infiltration/Inflow report and submitted it to the NJDEP prior to the October 1st deadline. The report summarizes any investigative and remediation work that may have been conducted within the member municipalities during the past year. PS&S forwarded the information received from Woodbridge, Springfield, Clark, Scotch Plains, Westfield and Kenilworth. Information was received after the NJDEP submittal from Rahway. A follow-up submittal to NJDEP will be prepared when the remaining municipal information is received.

The Commissioners agreed to get their respective municipality to provide the information.

Laboratory Renovation - Contract #145

The contract is currently in the Maintenance Period. No activity this period.

Administrative Appeals Re: Air Quality and NJPDES/TWA Permits

PS&S continues to coordinate activities with General Counsel and Special Counsel, Hall & Associates. General Counsel has been attempting to coordinate a follow-up meeting with the NJDEP.

Trunk Sewer Rehabilitation - Contract #144

At the end of July the Contractor encountered a problem in the field. While test pitting to identify the location of a slip lining insertion point it was discovered that the actual location of the trunk sewer is not consistent with the as-built drawings. This is a major problem. PS&S directed the contractor to continue excavation of the trunk sewer to determine the extent of the "misalignment".

In order to better define the pipe alignment the television inspection work was conducted in the entire length scheduled for rehabilitation. After review of the inspection video and report it appeared that the majority of the slip lining work could proceed. The contractor immediately proceeded with the slip lining of over 200 linear feet of pipe from the vicinity of manhole 39 to the river. The second insertion pit was then installed and the contractor completed the next run of slip lining which is over 300 linear feet.

In order to proceed with the next insertion pit, the road closure provisions were put in place and the Union County police were notified to provide traffic direction. PS&S had been trying to assist the contractor with coordination of the traffic control and road opening permit with the County. The County Road Department required an additional road opening permit and bond from the contractor to proceed with the next insertion pit. After some discussions, the road opening permit was issued and the work on the next insertion pit is currently underway.

PS&S continues to keep the County advised as to the status and activities required in the park. The contractor now has approximately 600 linear feet of slip lining pipe stored in the park and the County has indicated that they need access to the parking lot the contractor is using to store it for a recycling day scheduled for October 21st.

PS&S is currently evaluating options for the "bend" sections that cannot be slip lined. Several options are being evaluated and we will have a better estimate of the cost to rehabilitate these sections when proposals are received from the vendors.

The television inspection did indicate that the section of 36" pipe under the Rahway River appears to be in good shape and therefore does not need to be rehabilitated. The contract includes an allowance item of \$180,000 for rehabilitation of this section.

The project completion date (June 11, 2007) has been exceeded and the Contractor has requested an extension of time. PS&S is in the process of reviewing this request in light of the current situation. PS&S continues to provide construction observation of the contractor's activities.

Mr. Wancho stated that they are investigating three different possibilities on a 75' section of pipe, including insituform, a spray on technique and also pint immersion in short sections.

Mr. Mazzarella asked about the cost differential. Mr. Wancho responded that there will be an offset on the installation of pipe and also if the contractor does not have to go under the river, however, the contractor has advised that he will be putting in a claim for delay of job. Mr. Wancho noted that his firm would try to work within the parameters of the contract and not exceed the contract amount.

Wastewater Management Planning

PS&S continues to provide services related to the Authority Wastewater Management Plan (WMP) on an as needed basis.

Cogeneration Funding

The NJBPU Office of Clean Energy-Renewable Energy Advanced Power Program grant has been awarded to the Authority in the amount of \$500,000. PS&S has responded to all the NJBPU questions concerning the use of the digester gas and the blending system since the original grant documentation pre-dated the inclusion of the blender. The NJBPU forwarded the draft agreement to the Authority for review. The Authority met with a representative of the NJBPU during the last period to discuss the agreement and provide invoice documents for their review of eligibility against the loan.

Cogeneration Facility- Air Permitting

PS&S and the Authority are proceeding with the preparation of an additional Title V Significant Modification application to modify certain permit required monitoring and recordkeeping

requirements and to address some potential variability in digester gas characteristics. In addition, PS&S has drafted an emission test protocol for reduced sulfur emission testing from the Sludge Dryer. PS&S is assisting RVSA in assessing potential emissions test method issues with regard to the Cogeneration engine emissions testing methodologies, and has prepared a response to NJDEP comments regarding testing methods for particulate matter (PM and PM-10).

Digester Brick Replacement -Contract #157

A preconstruction meeting was held on September 12, 2007. At the meeting the contractor requested to perform the work in accordance with bid alternate "A" instead of bid alternate "B" for which he was the low bidder. After some discussion the contractor, Agia Mason Inc., agreed to proceed with bid alternate "A" for the same price. The revised bonds and insurance were resubmitted by the contractor and the Notice to Proceed has been issued effective October 22nd. The contractor still must comply with one administrative issue related to the insurance certificate.

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 related to engine nos. 1 and 3. PS&S in addition to participating in project conference calls was involved with the following activities:

- Review of the Caterpillar test report for the engines.
- Electrical assistance/coordination related to provision of stand-by power, including meetings and coordination with the contractor.
- Follow-up with the NJDEP regarding the Title V modification application to cover installation and operation of the temporary generators.

User Charge and Flow Rights Reports

October reports covering September will be finalized and submitted when all the data has been received.

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 18, 2007 through October 15, 2007.

CSP Improvements & related issues

Contract Nos. 155 & 156

Continued to follow up with CCMS regarding insurance coverage expirations. CCMS has provided an updated insurance certificate showing renewals of its general and excess liability insurance policies. All policies are now current.

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 - under "Miscellaneous").

Cogeneration Facility

Reviewed and discussed with Interim Executive Director propriety of potential change orders submitted by contractor, including its recent request for additional overhead, and performed legal research relative to same.

Caterpillar Engines Explosion Issue

Had numerous discussions with the Interim Executive Director, CCMS and PS&S relative to the issues associated with the explosions of Engines #1 and #3. Performed extensive legal research with respect to legal recourse that the Authority may have against the various parties. Also have had ongoing discussions and dialog with counsel for J.H. Reid relative to the contractor's obligation to perform the repair work under the contract. On August 14, 2007 this office sent a letter to the contractor's surety informing it of the situation and indicating that action may be taken against the bond in the event that work does not progress in a timely manner. Further details with respect to this matter may be discussed with the Board in executive session. Counsel added that he will be sending a letter tomorrow, October 19, 2007, to J.H. Reid asking for a definitive time schedule.

MiscellaneousNJPDES Permit Appeal

Met with NJDEP and have been able to resolve most of the outstanding issues and have made significant progress on the remaining issues. The case has now been consolidated with the TWA appeal and, therefore, all remaining issues from both appeals will be considered together.

We have recently received from NJDEP its outstanding answers to interrogatories and have provided a response to NJDEP indicating that many of its responses are non-compliant with previous court orders. As a result, another motion for sanctions against NJDEP has been filed by this office. The Administrative Law Judge has required that the parties meet in court sometime in October in order to attempt to resolve the matter. A tentative date for such a settlement conference has been set for October 25, 2007.

Miscellaneous Contracts

We have reviewed proposals submitted in response to the requests for proposal recently advertised by the Authority for various professional services. We will have recommendations for the Board's consideration at the October 18th Regular meeting.

Garwood/Trunk Sewer conflict

Reviewed documents received from the Interim Executive Director and performed legal research regarding a conflict with Garwood's DPW garage and the Authority's trunk sewer line. A title search has been ordered and we are in the process of preparing an agreement to be executed between the Authority and Garwood.

Contract #144-Trunk Sewer Rehabilitation

Had numerous discussions with Authority staff and consultants relative to various permits and plan approvals that the contractor requires from the County.

Contract #157-Digester Brick Replacement

We have been working with the contractor on revising its performance bond and insurance documents. All documents are now acceptable subject to receipt by this office of an endorsement to the contractor's liability insurance policy evidencing that the Authority is an additional insured on same.

Committee Reports

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

Engineering Committee (C. Clark Landale, Committee Chair)

Mr. Landale stated that an Engineering Committee Meeting was held on October 11, 2007, at which time several items were discussed. Items which require action are on the agenda under New Business.

Finance Committee (Charles Lombardo, Chair)

Mr. Lombardo stated that a Finance Committee Meeting was held earlier this evening at which time the Bills and Claims were reviewed and other items were discussed. Items which require action are on the agenda under New Business and Bills and Claims.

Personnel Committee (Joan Papen, Chair)

Mrs. Papen stated that a Personnel Committee Meeting was held on October 11, 2007, at which time the Committee discussed an additional item for the Commissioner Handbook. The Committee will continue to work on this item. No action is necessary at this time.

Sludge Management Committee (Frank Mazarella, Chair)

No report.

Legal Committee (Joan Papen, Chair)

Mrs. Papen stated that a Legal Committee Meeting was held earlier this evening at which time the several items were discussed. Items which require action are on the agenda under New Business.

Public Relations Committee (Rosalie Berger, Chair)

No report.

Insurance Review Committee (Allen Chin, Chair)

No report.

Unfinished Business

The following Resolution #07-43 was offered on Second Reading by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Lombardo and unanimously approved.

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

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

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

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

Article 5. The regular meetings of the Commissioners shall be held on the third Thursday of each month at 7:30 p.m. meeting.

Article 6. The order of business at all meetings, unless suspended by two-thirds vote of the Commissioners present, shall be:

- 1.) Roll Call
- 2.) Approval of Minutes
- 3.) Communications
- 4.) Reports of Staff
- 5.) Reports of Consultants
- 6.) Reports of Committees
- 7.) Unfinished Business
- 8.) New Business
- 9.) Bills and Claims

- 10.) Open the Floor to the Public *
- 11.) Closed Session (Only if necessary)
- 12.) Adjournment

* There shall be a time limit of 5 minutes per person.

Article 9. Standing Committees: The Chairman, as soon after his/her election as may be convenient shall appoint various Standing Committees not to exceed four Commissioners each, as well as such other committees as the Commissioners shall authorize and designate. There shall be four basic Standing Committees, to wit:

- 1.) Finance
- 2.) Engineering
- 3.) Legal
- 4.) Personnel

The following Resolution #07-44 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Murphy and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Linden Roselle Sewerage Authority (LRSA), on behalf of the New Jersey Harbor Dischargers Group (NJHDG) from Aquatic Sciences Consulting 15751 Bushy Park Road, Woodbine, MD 21797, for Services, specifically to perform Phase V of the ongoing PCB Trackdown Study, Contract #0723; and

WHEREAS, the contract was approved by the Authority at its February 2007 meeting on Resolution #07-05 as an Extraordinary Unspecifiable Service (EUS); and

WHEREAS, LRSA on behalf of NJHDG has advised that this contract should have been awarded as a Professional Service not an EUS.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority that Resolution #07-05 be and hereby is amended to reflect that the Authority's Contract #0723 is for Professional Services, engaging Aquatic Sciences Consulting to perform the aforementioned services at a total cost of \$199,900.00 of which the Authority's share is 7.43% or \$14,853.00; and

BE IT FURTHER RESOLVED that a Professional Service Contract for the services described herein be entered into between the LRSA on behalf of the NJHDG and Aquatic Sciences Consulting; and

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

New Business

The following Resolution #07-45 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin and unanimously approved.

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 December 19, 2007:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$4,000,000.00	5.00%	JP Morgan Chase

The following Resolution #07-46 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin and was approved with the exception of Mr. Pelissier who voted against.

WHEREAS, the Rahway Valley Sewerage Authority will not be able to approve the Year 2008 budget for submission to Trenton until after its meeting scheduled for November 19, 2007; and

WHEREAS, the State of New Jersey, Department of Community Affairs, Division of Local Government Services, requires that a budget be filed with them by November 1st of each year.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority hereby requested a postponement of the submission of its 2008 Budget from November 1, 2007, to as soon as possible thereafter.

The following Resolution #07-47 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Suplee Clooney & Company, 308 East Broad Street, Westfield, NJ 07090, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Accountant Services related to performing the 2007 Audit in the 2008 calendar year; Contract #0803; and

WHEREAS, Professional Services of this nature have been determined to be exempt from public bidding under Title 40A; however, RFP's were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq.; and

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority received a proposal from Suplee Clooney & Company on October 11, 2007 reflecting a total not to exceed \$21,600.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Suplee Clooney & Company to perform the services described herein at a cost not to exceed \$21,600.00 for a period of one year commencing on January 1, 2008; and

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

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

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

The following Resolution #07-48 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from NW Financial Group LLC, 10 Exchange Place, Jersey City, NJ 07302 for 2008 Financial Advisory Services, Contract #0804; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without bidding, however, RFP's were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq.

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that funds for said contract will be budgeted for in the 2008 Annual Budget; and

NOW, THEREFORE, BE IT RESOLVED that based on the proposal received from NW Financial Group LLC, the Rahway Valley Sewerage Authority engage their firm to perform the services described herein at an estimated cost of \$25,000.00, plus 1/10 of 1% of any issuances, plus out of pocket expenses; and

BE IT FURTHER RESOLVED that the contract being awarded is for the period January 1 through December 31, 2008; and

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

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

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

The following Resolution #07-49 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin and approved with the exception of Mr. Mazarella who voted against and Mr. Luban who abstained.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Murray, Montgomery & O'Donnell, 101 Constitution Avenue, NW, Suite 900, Washington, DC 20001 for Extraordinary Unspecifiable Services, specifically to serve as Lobbyist to the Authority, Contract #0805; and

WHEREAS, said proposal included the necessary Financial Disclosure Form, however, said form needs to be amended; and

WHEREAS, the Authority has a need to engage a consultant to perform these services; and

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

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that funds for said contract will be budgeted for in the 2008 Annual Budget; and

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Murray, Montgomery & O'Donnell to perform the services described herein at a cost not to exceed \$10,000.00 per month or \$120,000.00 for a period of through December 31, 2008; and

BE IT FURTHER RESOLVED that the contract shall be pending received of an amended Financial Disclosure Form as recommended by Counsel; 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.

The following Resolution #07-50 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Weiner Lesniak, LLP, 629 Parsippany Road, PO Box 438, Parsippany, NJ 07054, for Professional Services, specifically to serve the Authority as General Counsel for the period January 1 through December 31, 2008, Contract #0802; and

WHEREAS, the Authority has a need to engage a consultant to perform these services; and

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

WHEREAS, the proposal from Weiner Lesniak, LLP reflects hourly billable rates of \$175.00 for Partners; \$145.00 for Associates and a retainer of \$8,800.00 for attendance at monthly meetings; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage the firm of Weiner Lesniak, LLP, and its designee Mr. Brian Hak, to serve as General Counsel to the Authority and to perform the services described in the RFP at hourly billable rates of \$175.00 for Partners; \$145.00 for Associates and a retainer of \$8,800.00 for attendance at monthly meetings; and

BE IT FURTHER RESOLVED that the Retainer Fee will be paid in twelve monthly installments, and includes attendance at all Engineering Committee and Regular Meetings, preparation of 12 monthly reports to be presented at each Regular Meeting which are to be electronically transmitted to the Authority beforehand; and

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

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

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

Mrs. Papen made a motion to reject the proposal received from Hall & Associates of Washington, DC, on Contract #0813 – Legal Services for Regulatory Matters, as their proposal was found to be non-conforming; and to re-solicit RFP's. The motion was seconded by Mr. Lombardo and unanimously approved.

The following Resolution #07-51 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Lombardo and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Weiner Lesniak, LLP, 629 Parsippany Road, PO Box 438, Parsippany, NJ 07054, for Professional Services, specifically to serve the Authority as Labor Counsel, Contract #0814 for the period January 1 through December 31, 2008; and

WHEREAS, the Authority has a need to engage a consultant to perform these services; and

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

WHEREAS, the proposal from Weiner Lesniak, LLP reflects a blended hourly billable rate of \$150.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage the firm of Weiner Lesniak, LLP, and its designee Ms. Margaret Miller, to serve as Labor Counsel to the Authority and to perform the services described in the RFP at a blended hourly billable rate of \$150.00, estimated contract not to exceed \$36,750.00; and

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

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

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

The following Resolution #07-52 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Lombardo and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from McManimon & Scotland, LLC of One Riverfront Plaza, Fourth Floor, Newark, NJ 07102-5408, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Legal Services specifically to serve as Bond Counsel, Contract #0815; and

WHEREAS, Professional Services of this nature have been determined to be exempt from public bidding under Title 40A; however, RFP's were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq.; and

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority received a proposal from McManimon & Scotland on October 11, 2007, reflecting a blended hourly billable rates from \$205, with a total estimated contract amount of \$45,000.00 plus \$1.10 per thousand of bonds issued and further outlined in their proposal; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage McManimon & Scotland to perform the services described herein at an estimated cost of \$45,000.00 for a period of one year commencing on January 1, 2008; and

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

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

therein, this Resolution shall be void and services shall be forthwith terminated; and

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

Mrs. Berger made a motion to reject the proposal received from The Spi Group of Fairfield, NJ, on Contract #0812 – Public Relations Services, as their proposal was found to be non-conforming; and to re-solicit RFP's. The motion was seconded by Mr. Chin and unanimously approved.

The following Resolution #07-53 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Lombardo and unanimously approved.

WHEREAS, the Town of Westfield has filed a Treatment Works Application on behalf of EKA Associates and Michael Mahoney LLC for a project known as Brandt Court Estates for property located at 649 and 655 Fourth Avenue in the Town of Westfield, State of New Jersey; and

WHEREAS, the application is for construction of a sanitary sewer extension of 223 lf and lateral extensions to serve four new single family homes with an anticipated discharge of 1200 gpd; and

WHEREAS, the flow from foregoing will not cause the Authority to exceed its permitted flow of 40 mgd; and

WHEREAS, the application has been reviewed by Michael J. Brinker, Jr., P.E., Interim Executive Director/Chief 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 #07-54 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin.

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #03-50 and #07-25 and related Agreements for Contract #144A/E, for the purpose of engaging Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ, for Professional Services specifically related to Contract #144 Trunk Sewer Rehabilitation; and

WHEREAS, the Authority has determined that there is a need to amend this agreement to provide for Engineering Services related to the extended period of time associated with the work on this contract; and

WHEREAS, Paulus, Sokolowski & Sartor submitted documentation reflecting the need for additional monies related to the additional scope on this contract; and

WHEREAS, the additional amount to be authorized for this Contract is \$50,847.00; 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 2007 Annual Budget.

WHEREAS Professional Services have been determined to be exempt from public bidding under N.J.A.C. 40A:11-1 et. seq.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with Paulus, Sokolowski & Sartor in an amount of \$97,335.00 be and are hereby amended to provide for the increased contract amount of \$50,847.00 resulting in a total contract not to exceed \$148,182.00; 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. Mazzarella asked if this is related to field work. Mr. Wancho stated that this amendment is to cover extra time needed for inspection services for the problems encountered. Mr. Mazzarella stated that he is not in favor of this because the problems should have been incorporated into the design and contract.

Mr. Chin asked if the "as built" drawing were wrong. Mr. Wancho stated that the "as built drawings" did not show the bends in the line and that when they TV'd the line, the camera floated because the line was full and it didn't show any bends in the pipe.

After brief discussion the Chairman asked for a vote. The resolution was approved with the exception of Mr. Mazzarella and Mr. Pelissier who voted against.

The following Resolution #07-55 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Omni Environmental, 321 Wall Street, Research Park, Princeton, NJ 08540, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Settlement

Conference Engineering Support Services; Contract #0727; and

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

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority received a proposal from Omni Environmental on October 5, 2007 reflecting an hourly rate of \$225.00, estimated cost of \$3,000.00; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract will be budgeted for in the 2007 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Omni Environmental to perform the services described herein at an estimated cost of \$3,000.00 for a period of one year; and

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

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

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

The following Resolution #07-56 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Paulus, Sokolowski & Sartor, LLC, 67A Mountain Blvd. Extension, Warren, NJ 07059, for Professional Engineering Services to serve at the pleasure of the Authority as Consulting Engineer, Contract #0801 at an annual retainer fee of \$20,000.00 for the year commencing January 1, 2008, said fee payable in equal quarterly installments; and

WHEREAS, the consulting services include attendance at Regular Board and Engineer Committee Meetings, preparation of monthly Engineering reports, an annual inspection of the Authority's treatment and collection/outfall system with a report on the maintenance and operation of same, a review of the annual budget and advice on engineering related questions that arise at the aforementioned meetings; and

WHEREAS, the retainer agreement shall also include preparation and submission of

Monthly User Charge and Flow Rights Reports, as well as Year End User Charge and Flow Reports to be used for calculating the annual member municipal assessments, and Professional Engineering Services to the Authority on all matters that may arise during the normal course of business which require an Engineers expertise, as requested by the Board, Executive Director or designated personnel.

WHEREAS it is necessary to engage a Professional Engineer to perform such services; and

WHEREAS, Professional Services of this nature have been determined to be exempt from public bidding under title 40A.

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Paulus, Sokolowski & Sartor, LLC to perform the services described herein at a cost not to exceed \$20,000.00, all other services will be billed per their hourly rate schedule as noted below; and

BE IT FURTHER RESOLVED that all other services performed by Paulus, Sokolowski & Sartor, LLC will be per the Rate Schedule of Fees as follows:

<u>Classification</u>	<u>Rate/Hour</u>	
Principal	\$180.00	
Engineer X	\$134.00	
Engineer IX	\$120.00	
Engineer VIII	\$114.00	
Engineer VII	\$108.00	
Engineer VI	\$94.00	
Engineer V	\$88.00	
Engineer IV	\$80.00	
Engineer III	\$75.00	
Engineer I/ II	\$72.00	
Designer III	\$76.00	
Designer II	\$74.00	
Designer I	\$70.00	
Draftsman II	\$70.00	
Draftsman I	\$66.00	
Word Processor	\$48.00	
3 Person Survey Crew	\$155.00	
2 Person Survey Crew	\$125.00	
Expenses:	Mileage	\$0.485/per mile

Reproduction \$0.10/per 8-1/2 x 11 sheet
Outside Printing At Cost

BE IT FURTHER RESOLVED that this agreement is for a period of one year commencing January 1, 2008 however, the Authority has the right to terminate this agreement notwithstanding anything otherwise contained in the contract upon 30 days written notice to Paulus, Sokolowski & Sartor, LLC; and

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

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

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

The following Resolution #07-57 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Camp, Dresser & McKee, 100 Crossways Park West, Suite 415, Woodbury, NY 11797 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Engineering Services specifically related to Contract #0806, Administration and Oversight of the Biosolids Hauling and Reuse Contract (Contract #0622); and

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

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority has received a proposal from Camp, Dresser & McKee dated October 11, 2007, reflecting an amount not to exceed \$17,600.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Camp, Dresser & McKee to perform the services described herein at a cost not to exceed \$17,600.00 for a period of one year commencing on January 1, 2008; and

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

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

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

Mr. Pelissier stated that he does not think contracts of this nature should have a "not to exceed" amount. He stated that the bid is the bid. He asked if the contractor exceeds the proposed amount, they will ask for additional funds.

Mr. David asked how the contractor is paid on this contract. Mr. Brinker responded that they are paid for the services they provide based on the hourly rate. Mr. Brinker added that this past year, although the contract amount was also \$17,600.00 we paid them approximately \$3,500.00. Mr. David stated that if you change the language in the proposal to "at a cost of \$17,600.00", you are saying that you will pay them that amount, no matter what services they provide. Not to exceed means that they can't bill more than the \$17,600.00.

Mr. Pelissier stated that he stands corrected to the Mayor and withdraws his objection.

The following Resolution #07-58 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from QC Labs Inc., 1205 Industrial Blvd. PO Box 514, Southampton, PA 18966 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Laboratory Services (Bioassay, NJPDES Compliance, etc.), Contract #0807; and

WHEREAS, Professional Services of this nature have been determined to be exempt from public bidding under Title 40A; however, RFP's were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq.; and

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority has received a proposal from QC Labs Inc. on October 11, 2007 with an estimated contract amount of \$10,670.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage QC Labs, Inc. to perform the services described herein at an estimated cost of \$10,670.00 for a period of one year commencing on January 1, 2008; and

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

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

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

The following Resolution #07-59 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from QC Labs Inc., 1205 Industrial Blvd. PO Box 514, Southampton, PA 18966 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Laboratory Services (SQAR, NJPDES Compliance, etc.), Contract #0808; and

WHEREAS, Professional Services of this nature have been determined to be exempt from public bidding under Title 40A; however, RFP's were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq.; and

WHEREAS, said services require knowledge of an advanced type in a field of learning acquired by a prolonged training period; and

WHEREAS, the Authority has received a proposal from QC Labs Inc. on October 11, 2007 with an estimated contract amount of \$39,612.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage QC Labs, Inc. to perform the services described herein at an estimated cost of

\$39,612.00 for a period of one year commencing on January 1, 2008; and

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

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

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

The following Resolution #07-60 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from D2L Associates, 109 Pompton Avenue, Cedar Grove, NJ 07009, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Field Analytical Services related to sampling at 20 locations, Contract #0809; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without public advertising for bids; however, RFP's were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20.5, et. seq.; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that funds for said contract will be budgeted for in the 2008 Annual Budget; and

NOW, THEREFORE, BE IT RESOLVED that based on the proposal received from D2L Associates, the Rahway Valley Sewerage Authority hereby engage D2L Associates to perform the services described herein at a cost not to exceed \$32,240.00; and

BE IT FURTHER RESOLVED that the contract being awarded is for the period of one year commencing on January 1, 2008; and

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

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

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

The following Resolution #07-61 was offered by Mr. Landale, on motion of Mr. Landale, seconded by Mr. Chin and unanimously approved.

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Avogadro Environmental Corporation, 1350 Sullivan Trail, Suite A, Easton, PA 18040, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to prepare the 2008 Emissions Stmt., Diesel Eng. Audit, and Various Air Permit Renewals, Contract #0810; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without bidding, however, RFP’s were received for the award of this contract through a fair and open process in accordance with N.J.S.A. 19:44A-20, et. seq.

WHEREAS, the Authority received a proposal from Avogadro Environmental Corporation on October 11, 2007, in an amount of \$31,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Avogadro Environmental Corporation to perform the services described herein at a cost not to exceed \$31,000.00 for a one year period; 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. Landale made a motion to reject both proposals received on Contract #0811 – 2008 Air Emissions Testing Services, as both proposals did not comply with the requirements as outlined in the RFP as recommended by the Manager of Regulatory Compliance; and to re-solicit RFP’s.

The motion was seconded by Mr. Chin and unanimously approved.

Mr. Landale made a motion authorizing the Authority staff to sell at public auction by receipt of sealed bids for the disposal of equipment and a 1981 Dump Truck which are no longer needed for the operation at the RVSA treatment plant, as discussed and recommended by the Engineering Committee. The motion was seconded by Mr. Chin and unanimously approved.

The following Resolution #07-62 was offered by Mr. Pelissier, on motion of Mr. Pelissier, seconded by Mr. Mazzarella.

RESOLUTION #07-62

WHEREAS, the Rahway Valley Sewerage Authority (Authority) seeks the assistance of certain professionals to explore entering into a public/private partnership for the operation of its wastewater treatment plant and all other facilities as authorized pursuant to the N.J.S.A. 58:27-1 through 18 also known as the Wastewater Treatment Privatization Act and under N.J.S.A. 58:19 through 27 also known as the New Jersey Wastewater Treatment Public/Private Contracting Act; and

WHEREAS, all notices for services outlined herein shall be solicited in a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et. seq.

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

The Authority hereby authorizes the publication of Requests For Proposals on its official website from legal service professionals, engineering professionals and financial consultants in connection with all activities associated with the Authority's efforts to explore public/private partnership for the operation of all of its facilities.

The Authority Interim Executive Director, Secretary/Treasurer and all of the Authority's other officials, employees and professionals are authorized and directed to execute those documents and perform those tasks that will affect the purposes of this Resolution.

BE IT FURTHER RESOLVED that this resolution shall take effective immediately and/or as required by law.

The Chairman asked for comments.

Mr. Luban stated that he spoke with Mayor McCormack and noted that the Mayor had no objection to the Authority soliciting proposals and exploring the privatization of the operations.

Mr. Murphy said that he corresponded with Cranford's Deputy Mayor via email, and added that as stated at the Engineering Committee Meeting, the Cranford Council would like to meet with him, prior to him voting on this matter. Mr. Murphy continued on to say that as he understands

this matter and feels that this is just to put a RFP on the website asking for proposals and will not cost the Authority any money. Mr. Murphy added the Authority will not encumber any costs until it receives the proposals, considers them and then if it acts on them, at that time the Authority will then encumber costs.

Mr. Chin stated that he disagreed. Mr. Chin added that we will be spending money on legal, technical and financial professionals in order to prepare this RFP.

Mr. Pelissier stated that is not correct. He added that Mr. Murphy is correct in that we are seeking proposals in a fair and open process for those professionals who have experience in preparing a Request For Qualifications/Proposals for a Public Private Partnership. At this time, this resolution authorizes RVSA to go out for bids for attorneys, engineers and consultants from which we will select one of each for the next process. Then we will incur costs based on those bids (proposals).

Mr. David stated that one of the key clauses in this resolution that Mr. Pelissier presented stated that most of the Authority's staff is involved in preparing the first step RFP. It authorizes and directs the entire authority to work on this RFP. We are spending money at this time. Mr. David added that to say we're not is incorrect.

Mrs. Berger said she feels it can't hurt to get proposals.

Mrs. Papen stated that she has heard this before. A couple of years ago it came up and they said the same thing then, "it won't cost us anything, lets just check into it". Well when we stopped the process, we had already spent \$50,000. Then we had the Mayors Forum and the majority of the mayors agreed that it was too early to consider this. Mrs. Papen stated you're jumping the gun. She wanted to know what the rush is.

Mr. Landale, Commissioner from Mountainside, read the following statement into the record:

The idea of privatizing the RVSA or some portion of its operations was discussed and considered at great length during 2006. At that time certain members insisted on pressing ahead, despite the views of many of the members and many of the member municipalities that no one had presented any sound reasons for such a radical change in the operation of the RVSA, and that the significant costs in time and money in even soliciting privatization proposals simply could not be justified.

In what frankly appeared initially to be an attempt to placate the member municipalities, the members and consultants who were leading the privatization charge agree to hold a Mayors Forum to explain to the benefits of privatization. Many of us were skeptical of the sincerity of the willingness of the privatization proponents to actually accept input from the municipalities, and the manner in which the November 30, 2006 Mayors Forum was put together seemed skewed toward a commitment to proceed full speed ahead. Much of the presentation that was made, including the Power Point presentation, appeared to extol the alleged benefits of privatizing facilities such a RVSA.

However, what then occurred at the Mayors Forum testified to the benefit of putting this

type of question before the elected officials of the 11 member municipalities. As those of you who attended will recall, based on the thoughtful input from and questions raised by various mayors and other municipal representatives, RVSA's own experts agreed that it was premature to determine whether privatization might be a sound and cost-effective measure for RVSA. They all agreed that the appropriate course was to await completion of the significant capital projects being undertaken at the RVSA facility, including the Comprehensive Strategic Plan (CSP) contracts, the Major Upgrades contracts, and the Cogeneration/Sludge Drying Facility contract and a sufficient time after such completion to be able to undertake an informed evaluation of how the RVSA facility was operating. Those experts included Steve Kellogg, Senior Vice President, CDM, who RVSA touted as the key, experienced privatization consultant, agreed that any further consideration of whether any form of privatization might be beneficial should await actual experience with the completed facilities. The reasons to wait are obvious, and include the fact that until the projects are complete and operating, there is not basis for speculating that the existing public structure of RVSA cannot operate the upgraded plant in a cost-effective manner. Moreover, until the RVSA has experience in operating the capital improvement, there is not benchmark against which to measure any alleged benefits of privatization.

Today we are still a couple of years away from completion of these major capital projects, and obviously even further from having sufficient experience with operation of the upgraded facility to assess whether there might be any benefits to considering further exploration of the benefits of some form of privatization. Yet certain members and certain of RVSA's consultants are again insisting the privatization steamroller move forward. Until it is time to evaluate whether some form of privatization makes sense for the RVSA, there is absolutely no sound reason to "solicit proposals for the services of 1) Special Counsel, 2) Special Engineer and 3) Special Financial Advisor to perform certain work related to the preparation of a Request For Qualifications on a privatization contract" as is now being requested by the proposed resolution. When everyone left the Mayors Forum last November, there was a good faith consensus that we would wait until the plant construction was complete and then re-evaluate, in light of the newly upgraded plant and sufficient experience with its operations, what areas, if any, consideration of some form of privatization might make sense. None of the objectively considered facts have changed since then. The construction continues; the uncertainty as to whether ultimately any of areas of operations could benefit from privatization remains. The only thing that appears to have changed is the resolve of certain members and of certain of RVSA's consultants move forward with the privatization process.

And this is not simply a theoretical exercise. If the Authority were to approve the solicitation of proposals for these three categories of "Special" consultants, someone is going to spend legal fees and consultants fees, and RVSA's staff will be required to spend its time, in preparing these solicitations. We are then going to be receiving proposals in response, which will have to then be reviewed and evaluated, and, no doubt, interview conducted, again at additional expense. It is also apparent that those who are pushing this process are then going to urge that these three "Special" consultants be retained to prepare an RFQ for a privatization contract. Clearly those consultants will demand significant compensation. All of this time and money, how much no one has

even hinted at, is intended to lead to putting out an RFQ for a privatization contract -- despite the fact that less than a year ago RVSA's self-proclaimed experts agreed that it was far too premature to consider privatizing any portion of RVSA's operation.

As a member of RVSA and as the representative from Mountainside, I am quite disturbed by this new insistence on pushing forward with privatization. When I advised my municipality that RVSA would be considering this motion to re-start the privatization train, the Mountainside Governing Body promptly adopted a resolution opposing such an action. I have provided a copy of this resolution and ask that it be made part of the record. I also want to read the conclusion reached by Mountainside:

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Mountainside hereby affirmatively and emphatically states its position that its is inappropriate and premature for RVSA to solicit proposals for the services of 1) Special Counsel, 2) Special Engineer and/or 3) Special Financial Advisor to perform any work related to the preparation of a Request For Qualifications on a privatization contract or to take any other actions to move forward with the process contemplated thereby. As previously recognized by RVSA's own consultants, and represented to the public at the November 30, 2006 Mayors Forum, no further consideration should be given to or actions take toward possible privatization until the capital projects referred to at the November 30 Mayor's Forum have all been completed and in operation for a sufficient time to enable an informed evaluation of how the RVSA facility was operating.

We should all be asking why the question of privatization is now being re-introduced by certain members of the RVSA? Why are the Mayors and Governing Bodies, once courted by the RVSA for their opinions on the issue, now being summarily disenfranchised from the process? Why are RVSA members and some RVSA consultants so enthralled with the prospect of spending more RVSA and taxpayers money for privatization when everyone agreed it was premature to go do this path at this time?

I do not know the full answers to these questions, but I am very disturbed by the appearance that people are acting in ways to further or protect their own interests rather than to further and protect the interests of RVSA, and more importantly, of the member municipalities whose taxpayers ultimately have to pay the price for these decisions. Mr. Pelissier, who has spearheaded this renewed effort to steamroll privatization through, is under investigation for collecting a State pension while serving as a consulting for Rahway doing the same work that he was before his retirement. Now he has been re-hired by Rahway, at a reported combined salary of \$226,000. I am very concerned that his position as a highly paid employee of Rahway, serving once again as its Business Administrator and as the Director of its Redevelopment Agency, creates a conflict or the appearance of a conflict in his duties as a member of this Authority.

I am also concerned that with a similar conflict or appearance of conflict that arises from the fact that the Clark representative, Frank G. Mazzarella, was just recently appointed to be the Director of the Department of Public Works in Rahway. Certainly his

employment by Rahway, on member of the RVSA with its own set of interest and priorities, creates a legitimate concern that Mr. Mazarella will be influenced, even if subconsciously, but the wishes of his employer, Rahway, when he acts on RVSA matters. His undivided loyalty should be to Clark, not to Rahway or any other member municipality.

To me, these conflicts are obvious, and are highlighted by this privatization question, given the fact that one of the entities what has been actively pushing for RVSA to consider a privatization contract is United Water, with whom Rahway has had a privatization contract for a number of years. My concern is heightened by the fact that Rahway's Mayor, James Kennedy, has been a vocal spokesman for United Water.

At our May 2007 meeting, Mr. Pelissier argued that there will be no actual cost to RVSA in going through the privatization procurement process, because "those costs may be reimbursed if and when we decide to enter into a [privatization] partnership." There are at least three fatal flaws in such an argument. First, it ignores the fact that RVSA's own experts agreed less than one year ago that, until the new projects are completed and RVSA has actual experience in the operation of the completed facilities, it is premature to consider any privatization. Secondly, by this logic, one does not recoup these costs unless one actually enters into a privatization contract -- thus, by this logic if we start the process, we had better finish it by committing to a contract. Finally, the concept of "recouping" these costs ignores the fact that there is no free lunch -- if an eventual privatization partner "reimburses" these costs, they will surely be rolled into the amount that that contractor will eventually be paid.

I am also concerned that some of the RVSA consultants who have been pushing privatization of RVSA are doing so because they or their other clients may benefit from RVSA moving forward with this process. These are not considerations that would bear on what is the best course of action for RVSA.

Unless this body intends to ignore the input from the member municipalities that it invited, and to ignore the consensus voiced at the Mayors Forum held last November, it should not vote to approve restarting the privatization process. We should abide by that consensus -- that any further consideration of whether any form of privatization might be beneficial should await actual experience with the completed facilities. We are a long way from that benchmark.

Mr. Pelissier stated that he has no comments to the emotional remarks made by Mr. Landale, but to my personal affairs, they have nothing to do with this board and I say to the board that I have done nothing illegal, I have not been charged with anything. Everything I've done has been transparent and will protect my reputation and take what ever legal steps possible and that the people who elect to slander me and make remarks, will be dealt with. Mr. Pelissier went on to say that he commends Mr. Landale on putting together an organized statement and also getting his governing body to adopt a resolution setting forth their concerns.

Mr. Pelissier noted however, that what Mr. Landale neglected to say that the local tax levy for

Mountainside for 2005 was \$4,883,000 and for 2010 it will be \$5,543,000. A \$660,000 increase that's been created only by the RVSA and relates to 13.5% increase. If the residents of Mountainside aren't concerned with that increase, and aren't concerned with reducing costs, than that's Mountainside. But the City I represent is concerned with their costs and their tax base will go up 17.3 tax points. To wait years before doing anything is not acting responsible. If we get the proposals from experienced professionals, and we select proficient professionals, I would recommend that they be retained to move forward. I have figured out the costs associated for all of the municipalities of Rahway, Mountainside, Kenilworth, Scotch Plains and Westfield. He stated that Chairman I didn't figure out your town because after a lengthy conversation we had on the telephone at one point, you told me you were in favor of privatizing and now you've changed mind, so I didn't figure yours out. I think those costs are significant. I don't know the answer to the privatization and I'm not necessarily for privatization, it works in some cases and doesn't in others. But I am for the research, coming up with a number to cost operate this facility, and furthermore it does cost money to have surveys and studies done. The information alone itself could prove valuable. So with that being said, I think it is important to move forward without all the unfortunate slanderous comments that were made that have nothing to do with this organization. I rest my case.

Mr. Venturo said to Mr. Pelissier that we did have a conversation and added that he said that he approved of everyone's right to be heard in regard to this because that is the American way, however, noted he never said that he was in favor of privatization. Most people know that I am in favor of the continuance of operation as we have it. As Chairman I will give you my opinion in regard to this. He stated that we have a good group of people working here and that is why the Authority is efficiently run and very well maintained. He continued on to say that the Authority is a public entity that exists for the purpose of treating human waste. We are not here to make a profit; we are an entity of the towns that own us. You have to remember that with privatization, the bottom line is that they are not here to do you a favor; they are here to make a buck. If they can't make a buck, they'll throw this thing right back in your lap. He added that to have someone come in and run this facility after its upgraded is not in our interest, because they will ignore all maintenance since they only think of the bottom line. No doubt they will think of the bottom line or their share holders will not participate in that company.

As there were no further comments, the Chairman requested a roll call vote.

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

As the vote was 6 to 5, the resolution was approved.

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 approved with the exception of Mr. Venturo who voted against.

Mr. Lombardo noted that to date, \$124,503.38 has been invoiced back to J.H. Reid Construction for expenses incurred on the Contract #105 mishaps.

BUILDING & EQUIPMENT FUND

CHECK #	DATE	VENDOR	LINE/ACCT#	AMOUNT
2244	10/18/07	ARGENT ASSOCIATES LLC	140.7	1,282.50
2245	10/18/07	CONSOLIDATED CONSTRUCTION MGT.	140.2/7/9	214,813.61
2246	10/18/07	EE CRUZ COMPANY INC.	140.7	3,826,896.90
2247	10/18/07	J.H. REID, GENERAL CONTRACTOR	140.2	44,045.61
2248	10/18/07	PAULUS, SOKOLOWSKI & SARTOR	140.2/9	6,870.96
2249	10/18/07	WEINER LESNIAK	140.9	8,223.40

Total Checks: 6
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$4,102,132.98

CONSTRUCTION FUND

CHECK #	DATE	VENDOR	LINE/ACCT#	AMOUNT
1164	10/18/07	MARVEC CONSTRUCTION CORP.	140.4	52,754.87
1165	10/18/07	PAULUS, SOKOLOWSKI & SARTOR	140.4	10,382.22

Total Checks: 2
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$63,137.09

OPERATING FUND

CHECK #	DATE	VENDOR	LINE/ACCT#	AMOUNT
33904	09/24/07	TRUMP TAJ MAHAL CASINO RESORT	15/49	1,397.00
33905	09/26/07	A TOUCH OF ITALY	49	105.00
33906	09/26/07	CANON FINANCIAL SERVICES, INC.	16	1,299.72
33907	09/26/07	CDW GOVERNMENT, INC.	13	291.95
33908	09/26/07	COGENT COMMUNICATIONS, INC.	27	674.00
33909	09/26/07	ELIZABETHTOWN GAS	22	36.18
33910	09/26/07	PITNEY BOWES, INC.	16	324.00
33911	09/26/07	POLAND SPRING WATER COMPANY	46	287.70
33912	09/26/07	PSE&G COMPANY	19	36,364.90
33913	09/26/07	RAHWAY VALLEY SEWERAGE AUTHORITY	01/02	166,381.40
33914	09/26/07	STAPLES BUSINESS ADVANTAGE	32	529.77
33915	09/26/07	VERIZON	11/30	923.47
33916	09/26/07	WOODRUFF ENERGY	22	16,120.29
33917	10/09/07	DELTA DENTAL PLAN OF NJ	03	5,971.72
33918	10/09/07	VISION SERVICE PLAN	03	1,193.01

33919	10/15/07	BALLYS HOTEL & CASINO	15	1,422.00
33920	10/15/07	HOME DEPOT CREDIT SERVICES	32	429.46
33921	10/15/07	STAPLES CREDIT PLAN	13	54.99
33922	10/18/07	A TOUCH OF ITALY	49	95.00
33923	10/18/07	AAF INTERNATIONAL	38	399.46
33924	10/18/07	ADP, INC.	03	170.28
33925	10/18/07	ADP, INC.	16	1,786.35
33926	10/18/07	ADVANCED SPECIALTY SALES, INC.	32	454.00
33927	10/18/07	AIRGAS SAFETY, INC.	31	1,507.40
33928	10/18/07	ALL AMERICAN SEWER SERVICE INC.	32	9,604.00
33929	10/18/07	ALLIED FILTER COMPANY	32	416.70
33930	10/18/07	AMALGAMATED GENERAL AGENCIES	17	221.49
33931	10/18/07	AMERICAN INDUSTRIAL SUPPLY CORP.	32/38	2,787.14
33932	10/18/07	AMERICAN WEAR	32	1,152.00
33933	10/18/07	APPLIED ANALYTICS, INC.	32	2,214.10
33934	10/18/07	APPLIED INDUSTRIAL TECH, INC.	38	832.77
33935	10/18/07	ASSOCIATED AUTO PARTS	32	492.90
33936	10/18/07	AVENEL REFRIGERATION	40	100.00
33937	10/18/07	B & B DISPOSAL	32	750.00
33938	10/18/07	BOWCO LABORATORIES, INC.	32	63.00
33939	10/18/07	MICHAEL J. BRINKER, JR.	31	69.99
33940	10/18/07	CANON BUSINESS SOLUTION	13	375.00
33941	10/18/07	CARUS PHOSPHATES, INC.	32	2,617.89
33942	10/18/07	CDW GOVERNMENT, INC.	13/27	926.78
33943	10/18/07	CENTRAL FORKLIFT, INC.	32	980.00
33944	10/18/07	CITY OF RAHWAY, UNITED WATER RES.	33	10,018.77
33945	10/18/07	COOPER ELECTRIC SUPPLY COMPANY	32	659.68
33946	10/18/07	DELL MARKETING L.P.	27	812.40
33947	10/18/07	DUNFORD REFRIGERATION, HEATING	43	587.00
33948	10/18/07	ELIZABETHTOWN GAS	22	6,770.18
33949	10/18/07	EMED CO., INC.	31	865.21
33950	10/18/07	ELIZABETHTOWN GAS	22	8,596.20
33951	10/18/07	EVEREADY EXPRESS	48	48.18
33952	10/18/07	EDWARD FARYNA	15	90.21
33953	10/18/07	FLUID COMPONENTS	38	674.29
33954	10/18/07	FEDEX	48	124.73
33955	10/18/07	FISHER SCIENTIFIC	40	2,141.35
33956	10/18/07	NAIM FRANKLIN	31	29.67
33957	10/18/07	W.W. GRAINGER, INC.	32/40	1,595.30
33958	10/18/07	GARY W. GRAY TRUCKING, INC.	26	3,104.84
33959	10/18/07	GREENWOOD PRODUCTS, INC.	40	452.52
33960	10/18/07	HACH COMPANY	40	1,131.80
33961	10/18/07	HAYES PUMP INC.	38	4,000.00
33962	10/18/07	HESS CORPORATION	19	77,412.75
33963	10/18/07	JDV EQUIPMENT CORPORATION	38	1,800.00
33964	10/18/07	JERSEY ELEVATOR COMPANY INC.	32	174.00
33965	10/18/07	EDWARD KOCHICK	15/31	168.16
33966	10/18/07	LABCHEM INC.	40	457.27
33967	10/18/07	LIBERTY MUTUAL INSURANCE GROUP	17	40,076.06
33968	10/18/07	LONGO ELECTRICAL-MECHANICAL, INC.	32	1,000.00
33969	10/18/07	THOMAS MACALUSO	15	29.10
33970	10/18/07	MCMASTER-CARR SUPPLY CO.	32	1,194.41

33971	10/18/07	MICHAEL RICHARD WASTEWATER	41	350.00
33972	10/18/07	MIDDLESEX WATER COMPANY	33	2,358.42
33973	10/18/07	MOTION INDUSTRIES, INC.	32/38	665.16
33974	10/18/07	MULTI-CARE HEALTH CENTER	50	250.00
33975	10/18/07	MURRAY, MONTGOMERY & O'DONNELL	09	10,000.00
33976	10/18/07	NATIONAL POWER EQUIPMENT CO.	32	6,020.00
33977	10/18/07	O'JOHNNIES, INC.	13	392.99
33978	10/18/07	ONE CALL SYSTEMS, INC.	32	37.44
33979	10/18/07	PAULUS, SOKOLOWSKI & SARTOR	06	3,132.50
33980	10/18/07	ROBERT POLTZ	31	149.99
33981	10/18/07	POLYDYNE INC.	23	17,351.20
33982	10/18/07	PSE&G COMPANY	19/42	399.79
33983	10/18/07	QC LABORATORIES	41	3,217.00
33984	10/18/07	RAHWAY VALLEY SEWERAGE AUTHORITY	01/02	239,290.77
33985	10/18/07	RAHWAY ELECTRIC SUPPLY	32	187.46
33986	10/18/07	RICHARD LUCAS CHEVROLET	35	15.85
33987	10/18/07	PETTY CASH	14	260.42
33988	10/18/07	ROBERT SAFCHINSKY	15	22.31
33989	10/18/07	SANDY'S FRUIT BASKETS & FLORIST	18	60.00
33990	10/18/07	SIEMENS WATER TECHNOLOGIES/US FILTER	40	553.00
33991	10/18/07	SIMPLEX GRINNELL LP	31	683.75
33992	10/18/07	SMITH TRACTOR & EQUIPMENT INC.	35	43.44
33993	10/18/07	STAPLES BUSINESS ADVANTAGE	13	449.04
33994	10/18/07	STAR LEDGER	12	370.50
33995	10/18/07	THE CABINET SHOP	13	1,279.14
33996	10/18/07	THE SPI GROUP, LLC	27	50.00
33997	10/18/07	THOMAS SCIENTIFIC	40	487.68
33998	10/18/07	UNITED PARCEL SERVICE	48	76.85
33999	10/18/07	UNITED STATES PLASTIC CORP.	40	179.93
34000	10/18/07	UNIVAR USA INC.	29	42,151.55
34001	10/18/07	US FILTER/SIEMENS WATER TECH.	40	588.00
34002	10/18/07	USA BLUEBOOK	43	220.67
34003	10/18/07	USA MOBILITY WIRELESS, INC.	11	8.53
34004	10/18/07	VERIZON	11/30	1,256.81
34005	10/18/07	WEINER LESNIAK	07/08	31,169.62
34006	10/18/07	921-WELCO-CGI GAS TECH LLC	32/40	345.88
34007	10/18/07	WOODRUFF ENERGY	22	21,775.52
34008	10/18/07	MARCIN ZIOBRON	15	38.48

Total Checks: 105
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$811,726.58

Total Checks: 113
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$4,976,996.65

OPERATING FUND	7-01	\$ 811,726.58
BUILDING & EQUIPMENT FUND	7-02	4,102,132.98
CONSTRUCTION FUND	7-04	<u>63,137.09</u>

TOTAL ALL FUNDS:**\$4,976,996.65****Open the floor to the Public for questions or comments**

The Chairman asked if there was anyone from the public who wished to address the Board.

Mr. Bob Puhak, Deputy Mayor for the Township of Cranford addressed the Board. Mr. Puhak read the following statement:

“Why the push to start a privatization effort that has not received approval yet? Especially in light of the vocal opposition from constituent towns, including resolutions. Not to mention that last November mayors of constituent towns and related experts asked that consideration for privatization be held off until current construction is complete and the facility has had the chance to be operational for one year under the current system to address the unknowns.

Ramming this through now does not appear to serve the interest of the residents. It sets off a process with a goal that has not yet been appropriately sanctioned. Clearly, discussion is still out regarding whether or not privatization could actually increase rates that residents pay and detrimentally affect the service they receive. Recent reports indicate a number of communities, large and small, near and far, that have rejected privatization in favor of public control.

Apparently Bergen County Utilities Authority, the Passaic Valley Sewerage Commission, and the Joint Meeting of Essex and Union Counties have all investigated the possibility of privatizing their wastewater treatment facilities and ultimately rejected that move. Have their engineers and attorneys been questioned? Has related documentation been considered here before prematurely moving ahead? My understanding is that the answer is “no”. Your silence here seems to verify that.

Privatization of any given entity has pros and cons that require careful consideration. Downsides include a lack of transparency and a lack of access to important documents. Ultimately the goal is to turn a profit for private interests, as opposed to optimal public service. At the very least, it is troubling to note that due diligence has not had an adequate chance in this case. We must ask where will this RFP process lead and why the push?

Although initial RFP costs may not be costly, it sets off a series of events that could ultimately sustain highly substantial costs to the constituent communities. Reports indicate that procurement costs are expected to cost up to and perhaps exceed \$500K. That's before any contract is executed.

It is highly distressing that this Board has voted to move forward here when it knows that a substantial number of mayors, councils, and communities are generally against starting this process at this time.” Mr. Puhak asked the Board to reconsider its actions and thanked them for their time.

Mr. Leo McMann, resident of Cranford, addressed the Board. Mr. McMann stated that he can't conceive of embarking on this venture. He added that Atlantic County MUA did a study on household cost ratio and ranked RVSA 5th out of 25. Mr. McMann added that this Authority will have increased plant capacity, low rates, will run independent of electric companies, and it will be good for the environment. Why turn it over to a private firm who will only be in it for a profit. He asked that the Commissioners give this greater consideration and think more about the public for taking any further actions.

Ms. Tina Renna of the Union County Watchdog Commission addressed the Board. She stated that she finds it extremely difficult to believe that every member of this board voted as directed by their municipal council. She added that she thinks this is a bad decision and added that she will be keeping a close eye on the Authority and each Commissioner.

Mr. David Brown Councilman for the City of Rahway addressed the Board. He added that as a Rahway resident from the 4th Ward, they have put up with enough. He noted that his concern is for the people of Rahway and that Rahway has done a lot for Union County with hosting the garbage incinerator and the sewerage plant. The people in the rest of the county don't know what the air is like in the summer. He stated that he applauds the Commissioners on their 6-5 vote.

Mr. Venturo asked if there were any other comments. There being none, Mr. Venturo thanked the members of the public for attending.

Closed Session

None.

Adjournment

As there was no further business, on motion of Mr. Luban, seconded by Mr. David, the meeting adjourned at 9:32 p.m. The motion was unanimously approved.

Robert J. Materna, Secretary-Treasurer

JG/jg
Attachments