

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes**

**Regular Meeting held October 19, 2006**

- Communications  
None.
- Minutes  
Approved the minutes of the Regular Meeting held September 21, 2006.
- Treasurers Reports  
Treasurer's reports for the month of September 2006 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 made by the Engineering, Finance, Personnel, Legal and Public Relations Committees.
- Unfinished Business  
None.
- New Business  
Approved the following: Late submission of the 2007 Budget; sale of Crown Victoria Car; TWA Permit Stipulation Settlement Agreement; First Reading of Ordinance to Change By-Laws; and one personnel related matter.
- New Business (Cont'd.)  
Approved the following expenditure: Engage CDM at a cost of \$7,500.00 for the Mayors Forum; Amend Contract #0611 with CDM for an additional \$8,500.00; Amend Contract #105-E with PS&S for an additional \$8,500.00; Amend Contract #105-E with PS&S for an additional \$15,500.00; and Amend Contract #145-E with PS&S for an additional \$28,881.09.

<u>Fund Description</u>	<u>Fund#</u>	<u>Amount</u>
OPERATING FUND	6-01	\$948,676.77
BUILDING & EQUIPMENT FUND	6-02	\$ 6,194,881.60
TOTAL ALL FUNDS:		\$7,143,558.37

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Regular Meeting Minutes – October 19, 2006**

The Chairman called the meeting to order at 8:00 p.m.

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

In accordance with the requirements of the Open Public Meeting Act, State of New Jersey, adequate notice of this meeting has been provided by the inclusion of the date, time and place in a Notice which was forwarded to the Star Ledger, the Home News Tribune and was filed with the Clerk of each of the eleven member municipalities on February 14, 2006.

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 for our servicemen and women overseas.

**Roll Call**

The following members were present:

Rosalie F. Berger	for the Township of Springfield
James J. Kennedy	for the City of Rahway
C. Clark Landale	for the Borough of Mountainside
Robert G. Luban	for the Township of Woodbridge
Thomas J. McHale	for the Borough of Kenilworth
James J. Murphy	for the Township of Cranford
Joan Papen	for the Township of Scotch Plains
* Attilio S. Ventura	for the Borough of Roselle Park
* Arrived after roll call.	

The following members were absent:

Allen Chin	for the Town of Westfield
Frank G. Mazzarella	for the Township of Clark
Charles Lombardo	for the Borough of Garwood

The following were also present:

Michael J. Brinker, Jr., P.E.	Interim Executive Director
Robert J. Materna	Secretary-Treasurer
Joanne Grimes	Office Administrator
James Wancho, P.E.	Consulting Engineer
Brian Hak, Esq.	Counsel

Robert Valent	Superintendent
Dan Ward	Maintenance Manager
Anthony Gencarelli	Manager of Regulatory Compliance
Janet Thevenin	IPP Coordinator
Thomas Macaluso	Asst. Laboratory Supervisor
Wayne Baker	The Westfield Leader

### **Communications**

None.

### **Approval of Minutes**

Mr. Chin made a motion, seconded by Mr. Kennedy, to approve the minutes of the Regular Meeting held August 10, 2006. The motion was unanimously approved.

### **Report of Treasurer**

The Treasurer's Reports for the month of September 2006 have been distributed to the Commissioners for review and attached to the Minutes.

### **Report of Interim Executive Director**

#### **Sewer Treatment Endorsements**

The following is a list of Sewer Treatment Endorsements processed between 9/18/06 and 10/17/06:

<u>Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Municipality</u>
901-06-RW	09/18/06	Laura Giacobbe	Rahway
902-06-RW	09/19/06	Lehrer/Gibilisco	Rahway
903-06-SF	09/19/06	Yaser Eldaly	Springfield
904-06-WB	09/26/06	Malgorzata Olszewski	Woodbridge
905-06-CL	09/27/06	Michael Juzefyk	Clark
906-06-RW	09/28/06	Adel/Tammuy Gedeon	Rahway
907-06-WB	10/04/06	Woodbridge LLC	Woodbridge
908-06-CL	10/04/06	Janusz Zamlynyy	Clark
909-06-WB	10/05/06	Knock on Wood	Woodbridge
910-06-WB	10/05/06	Knock on Wood	Woodbridge
911-06-CL	09/29/06	Robert Tarantino	Clark
912-06-WB	10/06/06	Dr. Priya Patel	Woodbridge
913-06-WB	10/10/06	Ramesh Raju	Woodbridge
914-06-WB	10/10/06	Desigline/FD Woodbridge	Woodbridge
915-06-WB	10/12/06	JT Magen Inc./Hirsch	Woodbridge

Monthly Reports

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

- PS&S Consulting Engineering
- CCMS - Contract #105 – Cogeneration Facility
- CCMS - Contract #155 – WWTP Upgrade
- CCMS - Contract #156 – Gravity Relief Sewer
- Weiner Lesniak - Monthly
- Murray Montgomery & O'Donnell – Monthly
- RVSA Superintendent – 2006 Summary Operations
- RVSA IPP Coordinator – IPP Activities for June 2006
- RVSA Superintendent – Monthly Grievances

Contract #0622 – Biosolids Hauling and Reuse/Disposal 5 Year Contract

CDM and staff members are continuing negotiation on this contract. Mr. Brinker added that he met with three vendors. Based on some of the proposed disposal methods, the Authority may have to build new loading docks because the haulers can't take the powder which will be produced in the new dryers in open trucks. Mr. Brinker added that these options and other options are still being negotiated.

Mr. Landale asked if we were aware of these issues is a year ago. Mr. Brinker replied we were not.

Contract #105 – Air Permitting Compliance on the Cogen

PS&S submitted a proposal to perform additional services related to the Title V Operating Permit. The services include preparing a Draft Minor Modification Compliance Plan and the Review of same upon receipt from the NJDEP. The proposed fee is \$8,500.00. A copy of their proposal letter was distributed to the Commissioners. I reviewed the proposal and recommend approval. The matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Engineering Project Support Services for NJ Clean Energy Grant & Finance Program

PS&S submitted a proposal to provide continued support for state funding for the digester gas cogeneration project through the NJBPU. PS&S outlined the proposed services in a proposal/letter dated October 10, 2006, a copy of which was distributed to the Commissioners for review. The proposed fee for these services is \$15,500.00. I reviewed the proposal and recommend approval. The matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

Contract #0611 - 2006 Admin. of Sludge Hauling & Reuse Contract

CDM submitted a letter requesting additional monies for this contract as negotiations for a short term contract as well as negotiations for a long term contract continue. CDM has requested an additional amount of \$8,500.00, amending their existing contract amount to \$49,000.00. A copy

of their proposal was distributed to the Commissioners for review. I reviewed the proposal and recommend approval. The matter was discussed at the Engineering Committee Meeting and a motion is on the agenda under New Business.

\* Mr. Ventura arrived at this time, 8:09 p.m.

#### Mayors Forum

The "Team" who is working on the Forum presentation has met several times. The team consists of members of the Finance Committee, Counsel, the Secretary Treasurer, the Office Administrator and myself. Additionally, the staff reached out to several firms seeking a facilitator or an individual who could present the operational side of Contract Operations. After speaking with several firms, the Team met on October 10<sup>th</sup> with Steve Kellogg of CDM who is able to provide the services. The Team suggested that this matter be discussed with the Commissioners at this evenings meeting. CDM will be providing a proposal for these services.

#### Annual Contracts

The RFP's for 2007 Professional and Extraordinary Unspecifiable Services as well as several annual supply contracts, have been posted on the Authority's website. Proposals are expected to be received later this month for consideration at the November meetings.

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

The following report to the Authority Board summarizes our activities for the period of September 16, 2006 through October 13, 2006.

#### JCO Compliance

PS&S issued the Annual I/I report to the NJDEP on September 29, 2006, which was prior to the October 1, 2006 milestone deadline. Information was received from all but three member municipalities. PS&S will forward any information received to the NJDEP as a follow-up letter.

#### Laboratory Renovation-Contract #145

General Counsel issued correspondence to the Contractor, WD Snyder, regarding intent to institute liquidated damages for failure to meet the contract completion date during the previous period. In response WD Snyder requested a meeting with the Authority to discuss. The meeting took place on October 4, 2006. WD Snyder sent a letter requesting relief from the liquidated damages prior to the Engineering Committee meeting. Direction was given at the Engineering Committee Meeting regarding potential negotiations with the contractor.

#### Administrative Appeals Re: Air Quality and TWA Permits

General Counsel has consolidated the NJPDES and TWA appeals. The key remaining issue is related to the design flow that will be utilized for the mass limit calculations in the NJPDES

permit. PS&S continues to coordinate activities with General Counsel and Special Counsel, Hall & Associates.

#### Trunk Sewer Rehabilitation-Contract #144

PS&S issued the Notice of Award to Marvec and received the submittal of contract documentation and the signed contracts. The documents were reviewed by General Counsel and PS&S. General Counsel found several issues with the submitted insurance certificate. A re-submittal by the Contractor still included some of the deficiencies identified by General Counsel and therefore PS&S sent a letter requiring a satisfactory insurance certificate by Monday October 16. If an acceptable insurance certificate is submitted the Contracts will require signature by the Board and then PS&S will set up a pre-construction meeting to kick-off construction activities.

#### Wastewater Management Planning

PS&S continues to provide assistance related to the Wastewater Management Plan (WMP), including issues related to the adoption by the NJDEP of the mapping and facilities table, and the revision of mapping based on previous amendments that were implemented by NJDEP pursuant to approved TWA permits endorsed by the Authority. Currently there is no WMP activity.

#### Cogeneration Funding

PS&S continues to track the status of the BPU Office of Clean Energy Renewable Energy Advanced Power Program grant application and have been responding to NJBPU questions. PS&S has conducted several conference calls with the representatives of NJBPU to discuss their latest request for information. In response, PS&S has provided updated project costs and has developed a revised economic spreadsheet based solely on digester gas. The NJBPU has responded, requesting a meeting to discuss the grant award amount.

#### Cogeneration Facility- 4th Engine Design/Permitting

PS&S has now reviewed three versions of the pre-draft permit for the Title V permit modification related to the 4th engine. PS&S is still awaiting issuance of the final draft permit which starts the public comment period of the permit. At the request of NJDEP, PS&S was asked to prepare, on behalf of the NJDEP, the Compliance Plan document. After notifying and obtaining direction to proceed from the Authority of the request and in order to expedite the permit process PS&S proceeded with the work. During contact with NJDEP it was discovered that Draft Title V Permit contains emissions numbers that are not consistent with the application and the three sets of comments sent to NJDEP. Contacts with the NJDEP permit reviewer and request to correct this before the draft Operating Permit goes out for public comment were unsuccessful. PS&S continues to track the permit application process.

#### Digester Brick Replacement-Contract #157

PS&S has completed the design drawings and the specifications for the project. Copies of the drawings were sent to the Interim Executive Director for review and the resulting comments

were incorporated. The “front end” was sent to General Counsel for review and PS&S has incorporated the resulting comments. PS&S will issue the documents for bid in October or November so that receipt of bids and the issuance of a Notice to Proceed will occur when the weather is better suited to this type of construction.

#### General Consulting

PS&S worked with RVSA staff to prepare an application to the USEPA for reimbursement of approved grant money. Application was finalized and submitted on June 14, 2006. PS&S continues to follow-up with the USEPA.

PS&S was requested by the Interim Executive Director to assist with a structural evaluation of the Sludge Dewatering Facility to prepare for installation of new Centrisys centrifuges. PS&S continues to assist the Authority as needed.

#### User Charge and Flow Rights Reports

The September User Charge and Flow Rights reports, covering August 2006, were finalized and submitted during the last period. October reports covering September 2006 will be finalized and submitted when the data is available. The Authority is currently questioning some of the data obtained and summarized by Severn Trent the previous metering vendor and is holding the bond obtained as part of the Severn Trent contract. RVSA has engaged a new metering vendor, CSL, and PS&S is assisting with coordinating the report preparation and provided data to CSL.

#### 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 20, 2006 through October 17, 2006.

#### CSP Improvements & related issues

##### Contract #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: Air Quality Permit and Treatment Works Approval

We have been working with the Authority’s consultants and co-counsel on appealing conditions of the Air Quality Permit and Treatment Works Approval that have been issued for the CSP Project. A hearing date has been scheduled for January 2007 regarding the Air Quality Permit appeal. We have been having discussions with NJDEP on resolving the remaining issues on appeal with respect to this permit.

With respect to the Treatment Works Approval, there will be a resolution on the agenda for the October 19, 2006 Regular meeting authorizing the execution of a Stipulation of Settlement with NJDEP resolving two (2) of the three (3) remaining issues in the appeal. The third issue will be consolidated with the appeal that was filed regarding the Authority's NJPDES permit.

#### Barnett Street Acquisitions

A surveying error has caused the pipe for the gravity relief sewer to be laid slightly off course and outside of the public right-of-way necessitating the acquisition of two (2) relatively small easements from two private property owners. With the assistance of the contractor, we are preparing the necessary documents for the acquisition of the easements. The contractor will reimburse the Authority for all legal costs incurred. We have communicated with the two affected property owners and they are cooperating in conveying to the Authority the required easements.

#### Miscellaneous

##### Methane Gas from City of Linden Landfill

The City's consultant has recently presented its report and calculations to the City Engineer and we have been provided with those calculations along with the report and have shared them with RVSA staff. RVSA staff has been reviewing the documentation in order to determine the level of the Authority's interest in entering into an agreement with the City for the methane gas given the quantity of gas that exists as reflected in the pump test calculations. We have been once again contacted by the City's consultant and engineer and a full report regarding the quality and quantity of gas has been presented to the Interim Executive Director for review and recommendation.

Mr. Brinker noted that he just received the report which was dated March 2006. He added that there is a lot of the gas in the landfill, and based on their findings it should last about 10 years. Mr. Brinker asked if we should have Counsel meet with the Town officials one more time. Mr. Ventura stated that if it's not going to benefit us, don't incur the legal fees and just let it go. Mr. Kennedy added that we shouldn't waste a lot of time on it.

Mr. Ventura also asked about the methane gas that we are burning off. He noted that gas can be brokered and that he would be willing to provide a name of a brokerage firm. Mr. Wancho responded that it is a viable option and said the Authority should look into it.

##### NJPDES 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. We are attempting to have the case consolidated with the TWA appeal so that all remaining issues from both appeals may be considered together.



Miscellaneous Contracts

Performed legal research and had several meetings and telephone conferences with Mike Brinker and CDM regarding issues involving the biosolids reuse and hauling contract. We have reviewed the proposals from the four (4) contractors that have responded to the RFP for a contract to be negotiated and have made recommendations to the Interim Executive Director.

Received and reviewed bonds and insurance documents for Contract #144.

Privatization/Contract Operations

We will be coordinating with the Authority's financial consultant and bond counsel regarding preparation for the presentation to be made at the Mayor's forum to be held in November. We have also met with the ad hoc forum committee on two occasions to discuss the format of the presentation.

Occidental Chemical/Tierra Solutions – Potential litigation

We attended a presentation on July 12, 2006 with Mike Brinker and Bob Materna regarding the Notices of Potential Lawsuit that the Authority recently received from Occidental and Tierra.

Contract #145 – Renovation of old laboratory/administration annex building

Consulted with Woodbridge Township officials regarding the issuance of a certificate of occupancy. Pursuant to the Board's direction at the September 14, 2006 Engineering Committee meeting, sent letter to W.D. Snyder regarding liquidated damages and engineering costs associated with the delay in the completion date. This was discussed in executive session with the Board at the last Engineering Committee meeting held on October 12, 2006.

Committee Reports

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

Engineering Committee (Frank Mazarella, Chairman)

Mr. Kennedy stated that an Engineering Committee Meeting was held on October 12, 2006 at which time several items were discussed. Items which require action are on the agenda under New Business.

Finance Committee (Charles Lombardo, Chairman)

Mrs. Papen stated that a Finance Committee Meeting was held earlier this evening, at which time the Bills and Claims were reviewed. Necessary action will be taken later in the meeting.

\* Mr. Luban arrived at this time, 8:09 p.m.

Personnel Committee (Robert G. Luban, Chairman)

Mr. Luban stated that a Personnel Committee Meeting was held on October 12, 2006 at which

time several items were discussed. Items which require action will be address under New Business.

Commissioner Handbook Committee (Thomas J. McHale, Chairman)

No report.

Computer Committee (C. Clark Landale, Chairman)

No report.

Insurance Review Committee (Allen Chin, Chairman)

No report.

Legal Committee (Joan Papen, Chairwoman)

Mrs. Papen stated that a Legal Committee Meeting was held on October 12, 2006 at which time a change in the By-Laws was discussed. Action on this matter is on the agenda under New Business.

Nominating Committee (Robert G. Luban, Chairman)

No report.

Public Relations Committee (Joan Papen, Chairwoman)

Mrs. Papen stated that the photographer took some pictures this evening for the Fall newsletter. She noted that a draft of the newsletter was distributed to the Commissioners and asked that if anyone had any comments to provide them to Mrs. Grimes as soon as possible.

Retreat Committee (Allen Chin, Chairman)

No report.

Search Committee (Allen Chin, Chairman)

No report.

Security Committee (James J. Kennedy, Chairman)

No report.

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

No one addressed the Board.

**Unfinished Business**

None.

**New Business**

The following Resolution #06-45 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. McHale, and unanimously approved.

**RESOLUTION #06-45**

WHEREAS, the Rahway Valley Sewerage Authority will not be able to approve the Year 2007 budget for submission to Trenton until after its meeting scheduled for December 21, 2006; 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 1<sup>st</sup> of each year.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority hereby requested a postponement of the submission of its 2007 Budget from November 1, 2006, to as soon as possible thereafter.

Mrs. Papen made a motion, seconded by Mrs. Berger, approving the staff to engage the services of Camp, Dresser & McKee to make a presentation at the Mayors Forum at a cost of \$7,500.00, as recommended by the Interim Executive Director. The motion was unanimously approved with the exception of Mr. Venturo who voted against.

Mrs. Papen made a motion, seconded by Mrs. Berger, authorizing the staff to auction the 2001 Ford Crown Victoria car which was used by the former Executive Director, per N.J. Statutes, as recommended by the Interim Executive Director. The motion was unanimously approved.

The following Resolution #06-46 was offered by Mr. Kennedy, on motion of Mr. Kennedy, seconded by Mr. Luban, and unanimously approved.

**RESOLUTION #06-46**

WHEREAS, the Rahway Valley Sewerage Authority (the "Authority") requested an administrative hearing to contest three provisions included in its Treatment Works Approval ("TWA") No. 04-0453 issued by the New Jersey Department of Environmental Protection ("Department"); and

WHEREAS, the Authority and the Department have reached an amicable settlement of two of the three provisions contained in the TWA; and

WHEREAS, by way of this settlement the Authority has also preserved its right to appeal

the remaining provision which was of concern to the Authority; and

WHEREAS, the Authority and the Department desire to memorialize their understanding by entering into a Stipulation of Settlement setting forth the agreed upon terms and conditions in this matter.

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

1. The Authority authorizes the execution of the Stipulation of Settlement set forth under Administrative Law Docket No. EWR 12193-2004N previously executed on June 16, 2006 by Caroline K. Stahl, Deputy Attorney General on behalf of the Department a copy of which is annexed hereto as Exhibit "A".
2. The Authority's 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 including the execution of the Stipulation of Settlement.
3. Nothing in this Resolution shall be construed to create a waiver, estoppel or release of any other claim/issue that the Authority has or may have in this matter.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately and/or as required by law.

The following Resolution #06-47 was offered by Mr. Kennedy, on motion of Mr. Kennedy, seconded by Mrs. Berger, and unanimously approved with the exception of Mr. Venturo who voted against.

RESOLUTION #06-47

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #05-72 and #06-30 and related Agreements for the purpose of engaging Camp, Dresser & McKee Inc. (CDM), 100 Crossways Park West, Suite 415, Woodbury, NY 11797 for Professional Services specifically related to Contract 0611 - Administration of the Sludge Hauling & Reuse Contract; and

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

WHEREAS, CDM submitted documentation reflecting the need for additional monies related to the contract; and

WHEREAS, the additional amount to be authorized for this Contract is \$8,500.00; 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 2006 Annual Budget.

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolution and related Agreement with Camp, Dresser & McKee, Inc. in an amount of \$40,500.00 be and are hereby amended to provide for the increased contract amount of \$8,500.00 resulting in a total contract not to exceed \$49,000.00; 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.

The following Resolution #06-48 was offered by Mr. Kennedy, on motion of Mr. Kennedy, and seconded by Mrs. Berger.

RESOLUTION #06-48

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolution #01-102, #03-63, #04-18, #04-34, #06-12 etc. and related Agreements for the purpose of engaging Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ, for Professional Services specifically related to Contract #105E, Cogeneration/Sludge Drying Facility; and

WHEREAS, the Authority has determined that there is a need to amend this agreement to provide for Engineering Services related to Additional Air Permitting Services and NJDEP Emissions Testing Protocol; and

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

WHEREAS, the additional amount to be authorized for this Contract is \$8,500.00; 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 2006 Annual Budget.

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with Paulus, Sokolowski & Sartor in an amount of \$1,511,579.00 be and are hereby amended to provide for the increased contract amount of \$8,500.00 resulting in a total contract not to exceed \$1,520,079.00; 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. Venturo stated that they should have foreseen all of this work and avoided these cost overruns. Mr. Wancho responded that the changes are related to new requirements implemented by the NJDEP. Mr. Venturo asked if this would be the final cost or would there be requests for more money. Mr. Wancho responded that he could not answer that.

After brief discussion, the motion was unanimously approved with the exception of Mr. Venturo who voted against.

The following Resolution #06-49 was offered by Mr. Kennedy, on motion of Mr. Kennedy, seconded by Mrs. Papen, and unanimously approved with the exception of Mr. Venturo who voted against.

RESOLUTION #06-49

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolution #01-102, #03-63, #04-18, #04-34, #06-12, #06-48 etc. and related Agreements for the purpose of engaging Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ, for Professional Services specifically related to Contract #105E, Cogeneration/Sludge Drying Facility; and

WHEREAS, the Authority has determined that there is a need to amend this agreement to provide for Engineering Services related to NJ Office of Clean Energy Renewable Energy Projects Grants and Financing Program Services; and

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

WHEREAS, the additional amount to be authorized for this Contract is \$15,500.00; 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 2006 Annual Budget.

WHEREAS Professional Services have been determined to be exempt from public

bidding under Title 40A.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with Paulus, Sokolowski & Sartor in an amount of \$1,520,079.00 be and are hereby amended to provide for the increased contract amount of \$15,500.00 resulting in a total contract not to exceed \$1,535,579.00; 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.

The following Resolution #06-50 was offered on First Reading by Mrs. Papen, on motion of Mrs. Papen, and seconded by Mrs. Berger.

RESOLUTION #06-50

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 10. shall read as follows:

"The parliamentary authority adopted by this body shall be "Roberts Rules Of Order" (latest edition)."

Mr. Venturo stated that the present rules allow all Commissioners to attend all meetings, voice their opinions and provide their expertise on certain matters. He noted that if the Authority changes from Demeter's to Roberts Rules, this will no longer be allowed as under Roberts Rules only the Committee Members attend Committee Meetings to formulate the recommendation to the Board. Mr. Venturo added that this Authority was formulated on the basis that everyone could bring their expertise to the table.

As there was no further discussion, the Chairman called the question. The motion to approve the

change on First Reading was unanimously approved with the exception of Mr. Venturo.

The following Resolution #06-51 was offered by Mr. Luban, on motion of Mr. Luban, and seconded by Mrs. Berger.

RESOLUTION #06 -51

WHEREAS, on May 13, 2004 the membership of the Rahway Valley Sewerage Authority (hereinafter the "Authority") rescinded in its entirety a Resolution (hereinafter the "1985 Resolution") dated June 20, 1985 which vested the Executive Director with the sole authority to appoint and discharge all employees of the Authority without the approval of the membership of the Authority except for the Secretary/Treasurer, Consulting Engineers, Authority Legal Counsel, and Authority Auditor; and

WHEREAS, the membership of the Authority after careful consideration of the personnel issues involved therein now desires to reinstate and amend the 1985 Resolution and rescind other personnel resolutions as being in the best interests of the Authority with respect to the Executive Director's authority to appoint, promote, and discharge certain Authority personnel and in certain cases to facilitate the same with the participation of the membership of the Authority; and

NOW, THEREFORE, BE IT RESOLVED, by the Membership of the Rahway Valley Sewerage Authority as follows:

The Executive Director is hereby authorized, without the approval of the membership of the Authority, to make such decisions as he shall deem most appropriate and proper in making personnel changes within the Authority which shall include the engaging of such personnel and the discharging of such personnel as he shall deem to be in the best interest of the Authority, except that such authority shall not apply to the appointment or discharge of the

- a. Secretary/Treasurer
- b. Chief Engineer of the Authority
- c. Consulting Engineers
- d. Authority Counsel
- e. Authority Auditor and such other contract professionals that may be engaged by the membership of the Authority.

The Executive Director shall determine all warranted staff increase and/or reduction in accordance with the authority vested in him by this Resolution but shall consult with the Chairman of the Authority's Board of Commissioners and the Chair of the Personnel Committee of the Authority who shall review and discuss all such matters.

The Executive Director, Chairman and the Chair of the Personnel Committee shall unanimously agree to the Executive Director's decision regarding the addition and/or reduction of personnel; otherwise the matter shall proceed to the full membership of the



Authority which shall vote on the same after hearing the positions of the each of the former with respect to such issues that each deem appropriate.

This Resolution shall become part of the job description of the Executive Director and shall continue in full force and effect until such time as the provisions hereof are repealed or modified by resolution of the membership of the Authority.

The following resolutions are rescinded in their entirety: Resolution #04-20 dated May 13, 2004, Resolution #04-53 dated October 21, 2004, and Resolution #06-33 dated July 20, 2006.

All appropriate personnel are hereby authorized and directed to perform such tasks and execute such documents, if any, as are necessary to implement the intent and letter of this Resolution.

This Resolution shall take effect immediately.

As there was no discussion, the Chairman called for a vote.

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

As the vote was four to three, the motion passed.

**Bills and Claims**

Mrs. Papen made a motion, seconded by Mr. Kennedy, that the following bills and claims previously audited by the Finance Committee be ordered paid. The motion was unanimously approved.

**BUILDING & EQUIPMENT FUND**

<b>CHECK #</b>	<b>DATE</b>	<b>VENDOR</b>	<b>LINE/ACCT#</b>	<b>AMOUNT</b>
2177	10/19/06	ARGENT ASSOCIATES LLC	140.2/7/8	1,260.00
2178	10/19/06	CONSOLIDATED CONSTRUCTION MGT.	140.2/7/8	327,039.62
2179	10/19/06	EE CRUZ COMPANY INC.	140.7	5,685,819.33
2180	10/19/06	J.H. REID, GENERAL CONTRACTOR	140.2	171,958.25
2181	10/19/06	PAULUS, SOKOLOWSKI & SARTOR	140.1/2	8,804.40

**Total Building & Equipment Fund Checks: 5**  
**Total Void Checks: 0**  
**Total Amount Void: \$0.00**  
**Total Amount Paid: \$6,194,881.60**

**OPERATING FUND**

<b>CHECK #</b>	<b>DATE</b>	<b>VENDOR</b>	<b>LINE/ACCT#</b>	<b>AMOUNT</b>
32443	09/27/06	ALEXANDER BIEL	31	243.00
32444	09/27/06	ELIZABETHTOWN GAS	22	12,092.12
32445	09/27/06	DAVID PATRICK, JR.	31	65.00
32446	09/27/06	RAHWAY VALLEY SEWERAGE AUTHORITY	01/02	82,700.46
32447	09/27/06	DONALD STUART	03	21.34
32448	09/27/06	TRUMP TAJ MAHAL CASINO RESORT	15/49	1,524.00
32449	09/27/06	WOODRUFF ENERGY	22	46,320.12
32450	10/02/06	CANON FINANCIAL SERVICES, INC.	16	953.20
32451	10/02/06	COGENT COMMUNICATIONS, INC.	27	674.00
32452	10/02/06	DELTA DENTAL PLAN OF NJ	03	5,672.39
32453	10/02/06	PSE&G	19/42	32,808.81
32454	10/02/06	RELIANT ENERGY SOLUTIONS	19	56,112.72
32455	10/02/06	STANDARD INSURANCE COMPANY	03	2,119.65
32456	10/02/06	UNITED PARCEL SERVICE	48	38.92
32457	10/02/06	VERIZON	11/30	272.17
32458	10/02/06	VERIZON WIRELESS	11	472.56
32459	10/02/06	VISION SERVICE PLAN	03	1,046.50
32460	10/19/06	A TOUCH OF ITALY	49	106.95
32461	10/19/06	ADP, INC.	03	165.32
32462	10/19/06	ADP, INC.	16	1,414.53
32463	10/19/06	ADVANCED SPECIALTY SALES, INC.	32	890.68
32464	10/19/06	AIRGAS SAFETY, INC.	31	1,187.95
32465	10/19/06	ALL AMERICAN SEWER SERVICE, INC.	47	4,590.00
32466	10/19/06	ALL INDUSTRIAL-SAFETY PRODUCTS	31	1,730.90
32467	10/19/06	AMERICAN INDUSTRIAL SUPPLY CORP.	32	210.83
32468	10/19/06	AMERICAN WEAR UNIFORMS	32	2,278.16
32469	10/19/06	APPLIED ANALYTICS, INC.	32	9,596.00
32470	10/19/06	APPLIED INDUSTRIAL TECHNOLOGIES	32	149.27
32471	10/19/06	ARCH WIRELESS	11	11.19
32472	10/19/06	ASSOCIATED AUTO PARTS	32	673.00
32473	10/19/06	JAVIER BAEZ	31	150.00
32474	10/19/06	BOWCO LABORATORIES, INC.	47	63.00
32475	10/19/06	MICHAEL J. BRINKER, JR.	31	48.23
32476	10/19/06	CAMP, DRESSER & MCKEE, INC.	06	5,278.50
32477	10/19/06	CANON BUSINESS SOLUTIONS-EAST	13	256.45
32478	10/19/06	CENTRAL JERSEY SUPPLY COMPANY	38	1,960.96
32479	10/19/06	UNITED WATER C/O CITY OF RAHWAY	33	6,871.51
32480	10/19/06	COGZ SYSTEMS, LLC.	27	654.00
32481	10/19/06	COMPUSA	27	709.43
32482	10/19/06	COSPER ENVIRONMENTAL SERVICES, INC.	41	1,100.00
32483	10/19/06	CSL SERVICES, INC.	30	28,800.00
32484	10/19/06	CYCLE CHEM INC.	40	638.25
32485	10/19/06	D2L ASSOCIATES, INC.	42	2,240.00
32486	10/19/06	DATASTREAM SYSTEMS, INC.	27	2,444.19
32487	10/19/06	DAVID WEBER OIL COMPANY	34	7,877.30
32488	10/19/06	DELL MARKETING L.P.	32	799.20
32489	10/19/06	DESIGN PLASTIC SYSTEMS	32	1,540.48
32490	10/19/06	EDIBLE ARRANGEMENTS-WOODBRIDGE	18	286.50
32491	10/19/06	ELECTRONIC DRIVES & CONTROLS	32	2,136.50

32492	10/19/06	ELIZABETHTOWN GAS	22	1,832.26
32493	10/19/06	EMEDCO	31	352.47
32494	10/19/06	EMSL ANALYTICAL INC.	41	3,622.00
32495	10/19/06	ENVIRONMENTAL RESOURCE ASSOCIATES	40	270.85
32496	10/19/06	FACTORY DIRECT PIPELINE	32	301.76
32497	10/19/06	FEDEX	48	69.28
32498	10/19/06	W.W. GRAINGER, INC.	32/40	1,697.37
32499	10/19/06	GARY W. GRAY TRUCKING, INC.	26	5,070.85
32500	10/19/06	GREAT LAKES ENVIRONMENTAL	41	196.87
32501	10/19/06	H & D LINDEN MOTORS	32	226.70
32502	10/19/06	HACH COMPANY	40	1,394.40
32503	10/19/06	HALL & ASSOCIATES	08	330.57
32504	10/19/06	HOME DEPOT CREDIT SERVICES	27	220.38
32505	10/19/06	IDEXX DISTRIBUTION INC.	40	92.91
32506	10/19/06	INTERNATIONAL SALT COMPANY	32	1,180.65
32507	10/19/06	JERSEY ELEVATOR COMPANY INC.	32	164.31
32508	10/19/06	JOHNSTONE SUPPLY	32	337.94
32509	10/19/06	EDWARD KOCHICK	31	147.50
32510	10/19/06	LABCHEM INC.	40	134.38
32511	10/19/06	LIBERTY MUTUAL INSURANCE GROUP	17	17,660.00
32512	10/19/06	LONGO ELECTRICAL-MECHANICAL, INC.	32	891.00
32513	10/19/06	MAINSTREAM MECHANICAL SALES	38	2,592.00
32514	10/19/06	MAX L. BROWN HARDWARE CO., INC.	32/42	514.55
32515	10/19/06	MCMASTER-CARR SUPPLY CO.	31/32	2,510.54
32516	10/19/06	METALS USA PLATES & SHAPES NORTH	32	557.00
32517	10/19/06	MOTION INDUSTRIES, INC.	32	237.43
32518	10/19/06	MULTI-CARE HEALTH CENTER	50	260.00
32519	10/19/06	NATIONAL FUEL OIL, INC.	20/24	24,478.88
32520	10/19/06	NJ BUSINESS & INDUSTRY ASSOCIATION	13	15.00
32521	10/19/06	NJ STATE LEAGUE OF MUNICIPALITIES	15/49	405.00
32522	10/19/06	O'JOHNNIES, INC.	13	596.38
32523	10/19/06	ONE CALL SYSTEMS, INC.	32	74.42
32524	10/19/06	PAULUS, SOKOLOWSKI & SARTOR LLC	06	760.00
32525	10/19/06	POLAND SPRING WATER COMPANY	46	83.50
32526	10/19/06	POLYDYNE INC.	23	18,841.60
32527	10/19/06	PSE&G	19	325.40
32528	10/19/06	RAHWAY VALLEY SEWERAGE AUTHORITY	01/02	286,314.26
32529	10/19/06	RAHWAY GLASS SHOPPE	13	1,100.00
32530	10/19/06	RAHWAY ELECTRIC SUPPLY COMPANY	32	337.44
32531	10/19/06	RELIABLE ELECTRIC MOTOR REPAIR	32	2,166.36
32532	10/19/06	RVSA PETTY CASH	14	128.15
32533	10/19/06	SCALES INDUSTRIAL TECHNOLOGIES	32	72.51
32534	10/19/06	SMITH TRACTOR & EQUIPMENT INC.	32	371.73
32535	10/19/06	SPECTRASERV INC.	25	97,739.32
32536	10/19/06	STAR LEDGER	12	97.50
32537	10/19/06	THE SPI GROUP, LLC	27	50.00
32538	10/19/06	THOMAS SCIENTIFIC	40	87.77
32539	10/19/06	TURTLE & HUGHES INC.	32	1,532.91
32540	10/19/06	UNITED PARCEL SERVICE	48	24.06
32541	10/19/06	UNITED STATES PLASTIC CORP.	40	212.28
32542	10/19/06	UNIVAR USA INC.	29	42,106.46
32543	10/19/06	SIEMENS WATER TECHNOLOGIES	40	772.00

32544	10/19/06	VERIZON	11/30	1,011.59
32545	10/19/06	WEINER LESNIAK	07/08	94,749.59
32546	10/19/06	WELCO GAS TECHNOLOGIES	32	217.62
32547	10/19/06	921-WELCO-CGI GAS TECH LLC	32/40	261.90
32548	10/19/06	WIDMER TIME RECORDER CO., INC.	13	168.00
32549	10/19/06	WOODBRIIDGE PRINTING CENTER	12	261.80
32550	10/19/06	WOODRUFF ENERGY	22	451.13

**Total Operating Fund Checks: 108**

**Total Void Checks: 0**

**Total Amount Void: \$0.00**

**Total Amount Paid: \$948,676.77**

**Total All Checks: 113**

**Total Void Checks: 0**

**Total Amount Void: \$0.00**

**Total Amount Paid: \$7,143,558.37**

<b>FUND DESCRIPTION</b>	<b>FUND #</b>	<b>AMOUNT</b>
OPERATING FUND	6-01	\$948,676.77
BUILDING & EQUIPMENT FUND	6-02	<u>6,194,881.60</u>
<b>TOTAL ALL FUNDS:</b>		<b>\$7,143,558.37</b>

**Closed Session**

Mr. Luban made a motion to go into closed session at this time, 9:01 p.m. to discuss matters related to pending and/or anticipated litigation based on Attorney/Client privilege. The motion was seconded by Mrs. Berger and unanimously approved.

Mr. Luban made a motion to return to the regular order of business at this time, 9:10 p.m. The motion was seconded by Mr. Luban and unanimously approved.

Mr. Kennedy made a motion authorizing an amendment to the Professional Service Contract with PS&S on Contract #145 for an additional \$28,881.09 providing a mechanism to PS&S for the additional services provided on this contract. The motion was seconded by Mrs. Papen and unanimously approved.

**Adjournment**

As there was no further business, on motion of Mr. Luban, seconded by Mrs. Berger, the meeting adjourned at 9:11 p.m. The motion was unanimously approved.

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Robert J. Materna, Secretary-Treasurer

/jg

AttachmentsS:\Joanne Grimes\Document Files\MINUTES\2006 MINUTES\Minutes 10-19-06.doc