

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes**

**Regular Meeting held December 7, 2006**

- Communications  
None.
- Minutes  
None.
- Treasurers Reports  
None.
- 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 Legal, Nominating, Public Relations and Personnel Committees.
- Unfinished Business  
Action to amend the By-laws.
- New Business  
Approved the following: the 2007 Depositories; 2007 Authorization to make Investments; rejected proposals received on Contracts #A0706 and #0713; TWA for Kenilworth; Appoint 2007 P.A.C.O.; 2007 Mileage Reimbursement; and 2007 Salary Increases.
- New Business (Cont'd.)  
Approved the following expenditures: Award Contract #0704 to Suplee Clooney & Co. in an amount of \$20,650.00; Award Contract #0705 to NW Financial in an amount of \$25,000.00; Payment of \$18,000.00 to PS&S for Flow Reports; Amend Contract #132E to PS&S in an amount of \$1,941.59; Amend Contract #147E to PS&S in an amount of \$1,914.64; Payment of \$28,000.00 to Woodbridge for Settlement of Fines; Award 2007 Consulting Engineering Contract to PS&S with a retainer of \$20,000.00; Award Contract #0702 to David Weber Oil, Inc. in an amount of \$47,355.70; Award Contract #0703 to David Weber Oil, Inc. in an amount of \$81,840.00; Award Contract #0707 to D2L Associates in an amount of \$29,120.00; Award Contract #0708 to QC Labs in an amount of \$9,620.00; Award Contract #0709 to QC Labs in an amount of \$36,326.00; Award

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes (Cont'd.)**

**Regular Meeting held December 7, 2006**

- New Business (Cont'd.)  
Contract #0710 to Environmental Compliance Associates in an amount of \$35,470.00; Award Contract #0712 to The Spi Group in an amount of \$15,000.00; Award Contract #0714 to Saul Ewing LLP in an amount of \$71,325.00; and Award Contract #0715 to McManimon & Scotland in an amount of \$45,000.00.
  
- Bills and Claims  
None.

**RAHWAY VALLEY SEWERAGE AUTHORITY**  
**Regular Meeting Minutes – December 7, 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 November 28, 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
Allen Chin	for the Town of Westfield
Charles Lombardo	for the Borough of Garwood
C. Clark Landale	for the Borough of Mountainside
* Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
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. Venturo	for the Borough of Roselle Park

\* Mr. Luban left the meeting early, prior to Unfinished Business.

The following members were absent:

James J. Kennedy	for the City of Rahway
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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

The following were also present (cont'd.):

Robert Valent	Superintendent
Dan Ward	Maintenance Manager
Anthony Gencarelli	Manager of Regulatory Compliance
Janet Thevenin	IPP Coordinator
Jean Manigold	Laboratory Supervisor
Thomas Macaluso	Asst. Laboratory Supervisor
Manny Parada	CCMS
Lino D'Almeida	CCMS
Robert Zullo, Staff Writer	Worrall Newspapers/Cranford Eagle

\* The Chairman requested that the regular order of business be suspended at this time, so that Commissioner Luban could move three motions and one resolution, as Mr. Luban needs to leave the meeting early.

The motions and resolution were acted on at this time, however, are listed in the minutes under New Business.

### **Communications**

The following letter addressed to the Board of Commissioners was received from Suplee Clooney & Co.:

“On behalf of all the members of the firm, I am pleased to offer warm wishes for a joyous and peaceful Holiday Season. We are truly honored and appreciative of being a part of your official family and eagerly look forward to maintaining our relationship for years to come.

Please be assured that we will exert every effort at continuing our well established tradition of providing sound professional service and technical advice. Should you have any questions or concerns or desire our assistance, please do not hesitate to contact us.

Thank you for your confidence and again warm wishes for the Holiday Season and the New Year.”

The following letter addressed to Michael J. Brinker, Interim Executive Director was received December 1, 2006 from John C. Mello, Chief, USEPA, Construction Grants Section, Water Programs Branch regarding Federal Grant #XP972614-06 for Contract #105:

“This is in response to your letter dated November 16, 2006 submitting bid material and supporting documentation for the above referenced construction contract. Please be advised that based upon our review of the material submitted, the procurement process and award of the following contract has been found to be in conformance with our 40 CFR Part 31 procurement regulations:

Contract #105 – Cogeneration/Sludge Drying Facility: To J.H. Reid, General Contractor, PO Box 324, 3230 Hamilton Blvd., South Plainfield, NJ 07080, for their low bid of \$17,133,295, all of which is eligible for Federal participation.

We are also in receipt of your first (and final) payment request in the amount of \$238,950.00. We have reviewed your payment request and supporting documentation and have recommended to our Grants and Contracts Management Branch that your payment be processed as soon as possible. In addition, we have received and accepted the required forms in order to close out your grant agreement. Therefore, upon our processing of your final payment, we will proceed to close out the above referenced grant.

Should you have any questions, please feel free to contact me at 212-637-3836 or via email at [mello.john@epa.gov](mailto:mello.john@epa.gov).”

### **Approval of Minutes**

The Chairman stated that the minutes of the November 20, 2006 meeting are not finished and therefore, no action will be taken at this time.

### **Report of Treasurer**

The Treasurer’s Reports for the month of November 2006 are not yet available.

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

#### **Sewer Treatment Endorsements**

The following is a list of Sewer Treatment Endorsements processed between 11/16/06 and 12/07/06:

Number	Date	Applicant	Municipality
926-06-WB	11/21/06	Knock on Wood	Woodbridge
927-06-CL	11/27/06	Christopher Szymaczak	Clark
928-06-RW	11/27/06	SP Construction	Rahway
929-06-CL	11/29/06	Patrick Strano	Clark

#### **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 Superintendent – Monthly Grievances  
 RVSA IPP Coordinator – IPP Activities

Amend Contract #132-E Solids Dewatering Centrifuge #2 – Engineering Services

PS&S submitted a letter regarding additional services related to the close out of this contract. The letter dated November 21, 2006 requests an additional \$1,941.59, total amended contract amount of \$371,006.59. A copy of their letter was distributed to the Commissioners. I have reviewed the matter and recommend approval. A motion is on the agenda under New Business.

Amend Rehabilitation of Digesters #2 & #3, Engineering Design & Construction Services

PS&S submitted a letter regarding additional services related to out of scope work requested by the Authority. The letter dated December 1, 2006 requests an additional \$1,914.64, total amended contract amount of \$450,114.64. A copy of their letter was distributed to the Commissioners. I have reviewed the matter and recommend approval. A motion is on the agenda under New Business.

Settlement with Woodbridge on Contract #155

As discussed with the Commissioners at the August 10, 2006 Regular Meeting, Counsel negotiated with the Township of Woodbridge to reduce the amount of the fines issued in association with Contract #155. Unfortunately, the Board did not take formal action to approve settlement of this matter with the Township of Woodbridge. A representative from the Township has requested payment in the negotiated amount of \$28,000.00. I recommend that the Board approve this settlement and a motion is on the agenda under New Business.

2006 Flow Rights & User Charge Reports

PS&S submitted a letter to the Authority regarding their fees for the 2006 Flow Rights and User Charge Reports which are prepared monthly. The fee for these reports was not included in their proposal and retainer. They are seeking approval of payment for these services in an amount of \$18,000.00. A motion is on the agenda under New Business.

2007 Consulting Engineering Services

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 28, 2006, one proposal was received as follows:

Paulus, Sokolowski & Sartor Warren, NJ	\$20,000.00 retainer plus services billed per the rate schedule
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The proposal was reviewed by Counsel and found to be in order. PS&S is our present consultant

for these services. Their fee for 2006 was \$12,000.00; however, the 2007 retainer includes additional items which were not included in the 2006 retainer. Based on the quality of services that they have previously provided to the Authority, I recommend awarding the contract to them.

Contract #0702 – 2007 Furnishing & Delivering Lube Oil & Grease

Joanne Grimes, Office Administrator, sent a copy of the Notice to Bidders to various companies, posted the notice on the Authority's website and advertised it in the Star Ledger on November 9, 2006. Two companies picked up Bid Packages and the following bid was received on Tuesday, November 28, 2006:

David Weber Oil Carlstadt, NJ	\$47,355.70/total est. contract amount
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The 2006 contractor for this service was David Weber Oil at an estimated cost of \$44,125.51. The contract is made up of separate items with a total bid amount used for comparison purposes. Based on a total cost to total cost analysis this represents about a 7.3% increase above 2006.

Counsel reviewed the bid and found it to be in order. Based on the quality of services that they have previously provided to the Authority and in recognition of the escalation in energy (oil) costs, I recommend awarding the contract to them.

Contract #0703 – 2007 Furnishing & Delivering Bulk Lubricating Oil

Joanne Grimes, Office Administrator, sent a copy of the Notice to Bidders to various companies, posted the notice on the Authority's website and advertised it in the Star Ledger on November 9, 2006. Two companies picked up Bid Packages and the following bids were received on Tuesday, November 28, 2006:

David Weber Oil Carlstadt, NJ	\$6.82/gal. Gibraltar Gasguard 400 LA \$81,840.00/total estimated contract amount
US Lubes Carlstadt, NJ	\$7.99/gal. Citco Pacemaker GEO1740 \$95,880.00/total estimated contract amount

The 2006 contractor for this service was David Weber Oil at a cost of \$5.96/gal. The current bid reflects a 14.5% increase over the previous contract amount.

Counsel reviewed the bids and found them both to be in order. Based on the quality of services that David Weber Oil has previously provided to the Authority and in recognition of the escalation in energy (oil) costs, I recommend awarding the contract to them.

Contract #0704 – Accountant Services for 2007

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, one proposal was received as follows:

Suplee Clooney & Co.	\$21,400.00 (Original Proposal)
Westfield, NJ	\$20,650.00 (Negotiated Amount)

At the November Regular meeting, Commissioner Venturo requested that any contract with an increase in excess of 3.5% be negotiated. Based on that request, I contacted Suplee Clooney who agreed to lower their fee to \$20,650.00 which reflects a 3.5% increase over their 2006 fee. The proposal was reviewed by Counsel and found to be in order. Suplee Clooney & Co. is our present consultant for these services. Based on the quality of services that they have previously provided to the Authority, I recommend awarding the contract to them.

Contract #0705 – 2007 Financial Advisory Services

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, one proposal was received as follows:

NW Financial Group, LLC	\$25,000.00 plus 1/10 of 1% on any
Jersey City, NJ	financing issuances.

The proposal was reviewed by Counsel and found to be in order. NW Financial Group is our present consultant for these services. Their fee for 2006 was \$30,000.00 plus 1/10 of 1% on any financing. The proposed fee for 2007 reflects a 16.7% decrease from the 2006 fee. Based on the quality of services that they have previously provided to the Authority, I recommend awarding the contract to them.

Contract #0706 – 2007 Administration of the Authority's Biosolids Hauling and Reuse Contract

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, one proposal was received as follows:

Camp Dresser & McKee	\$18,000.00
Edison, NJ	

The proposal was reviewed by Counsel and found to have non-waivable deficiencies. Therefore, there is a motion on the agenda to reject the proposal and re-advertise for these services.

Contract #0707 – 2007 Metering System Sampling, Analysis and Inspection Services

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, one proposal was received as follows:

D2L Associates, Inc.	\$29,120.00
Cedar Grove, NJ	

The proposal was reviewed by Counsel and found to be in order. D2L is our present consultant for these services. Their fee for 2007 remains unchanged from 2006. Based on the quality of



service that they have previously provided to the Authority, I recommend awarding the contract to them.

Contract #0708 – 2007 Laboratory Services (Bioassay, NJPDES, etc.)

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, two proposals were received as follows:

QC Labs Southampton, PA	\$9,620.00
Cosper Environmental Bohemia, NY	\$34,650.00

The proposals were reviewed by Counsel and both were found to be in order. Cosper Environmental is our present consultant, however, QC Labs' proposal reflects a much lower fee; a 72.7% decrease in cost from last year. Anthony Gencarelli verified their qualifications and provided a report which indicates a favorable response. Based on their qualifications and proposed cost, I recommend awarding the contract to QC Labs.

Contract #0709 – 2007 Laboratory Services (SQAR, NJPDES, etc.)

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, two proposals were received as follows:

QC Labs Southampton, PA	\$36,326.00
Lancaster Laboratories Lancaster, PA	\$61,808.00

The proposals were reviewed by Counsel and QC Labs' proposal was found to be in order. Lancaster's proposal had incurable deficiencies. Lancaster Laboratories is our present consultant, however, QC Labs' proposal reflects a much lower fee; a 9% decrease in cost from last year. Anthony Gencarelli verified their qualifications and provided a report which indicates a favorable response. Based on their qualifications and proposed cost, I recommend awarding the contract to QC Labs.

Contract #0710 – 2007 Engineering Services related to Air Permitting

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, three proposals were received as follows:

Environmental Compliance Associates Basking Ridge, NJ	\$35,470.00
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O'Brien & Gere Edison, NJ	\$36,905.00
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Birdsall Engineering Eatontown, NJ	\$42,600.00
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The proposals were reviewed by Counsel and Environmental Compliance Associates proposal was found to be in order. Environmental Compliance Associates is our present consultant for these services. Their fee reflects a 15% decrease from their 2006 Contract amount of \$41,750.00. Based on the quality of services that they have previously provided to the Authority and their reduced fee, I recommend awarding the contract to them.

Contract #0712 – 2007 Public Relations Services

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, one proposal was received as follows:

The Spi Group Fairfield, NJ	\$22,280.00
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The proposal was reviewed by Counsel and found to be in order. The Spi Group is our present consultant for these services. Their fees are the same as proposed in 2006; however, the Board awarded their contract with a total not to exceed amount of \$15,000.00. Based on the quality of services that they have previously provided to the Authority, I recommend awarding the contract to them, at the lower fee of \$15,000 as was done in 2006.

Contract #0713 – 2007 Lobbyist Services

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, one proposal was received as follows:

Murray, Montgomery & O'Donnell Washington, DC	\$10,000.00/Monthly Retainer
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The proposal was reviewed by Counsel and found to have non-waivable deficiencies. Therefore, there is a motion on the agenda to reject the proposal and re-advertise for these services.

Contract #0714 – 2007 Legal Services on Regulatory Matters

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, three proposals were received as follows:

Maraziti, Falcon & Healy Short Hills, NJ	\$61,600.00 \$175 - \$220/Hourly Rates
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Saul Ewing, LLP Princeton, NJ	\$71,325.00 \$185 - \$350/Hourly Rates
Hall & Associates Washington, DC	\$96,600.00 \$240 – \$345/Hourly Rates

The proposals were reviewed by Counsel who found the two lowest proposals to be in order. The proposal submitted by Hall & Associates, our present consultant for these services, had non-waivable deficiencies in it. The Legal Committee met prior to this meeting and will make a recommendation to the Board. Should the Commissioners decide to award to either of the two proposers, then a transition allowance would also have to be established for Hall & Associates for work on which they are presently spending time.

#### Contract #0715– 2007 Bond Counsel Services

A Request For Proposal was posted on the Authority's website and a copy was sent to our present consultant. On Thursday, November 16, 2006, two proposals were received as follows:

McManimon & Scotland, LLC Newark, NJ	\$45,000.00 +\$1.10/per thousand on bond issuance \$105 - \$315/Hourly Rates \$205.00/Blended hourly rate
Connell Foley Roseland, NJ	\$150,000.00 +\$1.00/per thousand on bond issuance \$215.00/Hourly Rate

The proposals were reviewed by Counsel and the proposal from McManimon & Scotland was found to be in order. The proposal from Connell Foley our present consultant for these services was found to have non-waivable deficiencies. Based on the price from McManimon & Scotland, I recommend that the contract be awarded to them.

#### Treatment Works Connection Endorsement – Kenilworth

A Treatment Works Connection Endorsement Application was submitted by Chong Tae Yi for property located at 2480 Rt. 22 East in the Borough of Kenilworth for the retrofit of 6,000 sq. ft. existing space which was previously occupied by a furniture store with 600 gpd of flow and will now house a 52 unit Laundromat with an anticipated discharge of 2,627 gpd, net new flow of 2,027 gpd. I reviewed the application and the performance of the plant for the last 90 days, and I recommend approval.

#### Linden Landfill

At the last meeting, the Commissioners made a recommendation that the Authority make one last telephone call to the City of Linden with regard to the methane gas from the Linden Landfill. Mr. Brinker noted that the call was made after the November meeting and that a City official got

back to him today to advise that will sell the gas to the Authority at \$2.00 BTU with a minimum of \$.20/therm which mirrors the market on put or pay. Mr. Brinker noted however, that the City is not interested in any of the capital costs involved for the Authority to obtain the gas.

After further discussion, the Commissioners asked that Counsel and the Interim Executive Director make one more call to the City and report back to the Board.

### **Report of Consulting Engineer**

The following report to the Authority Board summarizes our activities for the period of November 16, 2006 through December 1, 2006.

#### JCO Compliance

Only minor follow-up work related to the Annual I/I report was required during this period. The fourth quarter report is due at the end of January 2007.

#### Laboratory Renovation-Contract #145

PS&S is currently working with the contractor to close out the project including the implementation of a contract credit covering the settlement amount.

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

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. After several re-submittals by the Contractor still included some of the deficiencies identified by General Counsel it appears that all the issues with the insurance certificate have been worked out but we are awaiting a formal re-submittal of the complete insurance certificate. 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. PS&S was requested to contact EKA Associates regarding several WMP Amendment requests related to the RVSA WMP document that they have been pursuing. Based on direction EKA received from the NJDEP, the RVSA

WMP service area map needed to be updated. PS&S contacted the NJDEP to determine what their requirements were and are currently updating the mapping.

#### 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 responded to several information requests based on our meeting with the NJBPU and at it appears that the application is on track for approval at their December 20th Board meeting.

#### Cogeneration Facility- 4<sup>th</sup> Engine Design/Permitting

PS&S has been tracking this Title V air permit significant modification application on behalf of the RVSA since it was originally submitted to NJDEP Bureau of Operating Permits (BOP) on October 13, 2005. The purpose of the modification was to add the 4th engine generator and revise the equipment details and emissions for the gas engines based on data provided by the various equipment vendors during the facility construction. On or about October 31, 2006 the draft permit was finally issued for public comment with comments due by December 6, 2006. PS&S has reviewed and developed comments on the draft permit. One item to note is that the PM-10 (particulate) emission rate contained in the permit has not been updated based on comments provided by PS&S/RVSA to NJDEP on the 3 previous pre-draft permits. The limit currently contained in the draft is problematic for the engines to comply with. PS&S will continue to follow up on this issue with the NJDEP.

#### 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 November or December 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. PS&S will continue to assist the Authority as required.

PS&S was requested to provide assistance with the presentation for the Mayors Forum and assisted the Interim Executive Director with this effort. PS&S compiled and edited the Forum presentation and provided the printed versions for the meeting. PS&S also attended the Forum to assist with the presentation.

#### User Charge and Flow Rights Reports

The Authority and PS&S have been following up on issues related to the user charge reports to

determine if some recent trends in the data are valid. Some of these trends were discussed at the November Board Meeting. PS&S continues to work with the Interim Executive Director evaluating flow, TSS and BOD data. December reports covering November 2006 will be finalized and submitted when all required data has been received.

### **Report of Construction Management Consultant**

Mr. Parada of CCMS gave a report on the status of Contracts #105, #155 and #156. He noted that contracts #155 and #156 are progressing as anticipated or better. He noted, however, that they seem to be encountering problems on Contract #105 and requested that the matter be discussed in closed session. Counsel concurred.

### **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 November 21, 2006 through December 4, 2006.

#### **CSP Improvements & related issues**

##### **Contracts #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 was 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.

Our office, RVSA staff and the consulting engineer had a conference call with the City's consultants at which time it was discussed that they would provide an approximate price for the gas.

Mr. Hak noted that this was discussed under the Interim Executive Directors report and they will reach out to the City of Linden one more time.

#### 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. We have also reviewed the draft contract with the selected contractor, Gary Gray Trucking.

We have reviewed all of the responses to the RFP's for the various professional services contracts that were recently advertised by the Authority for the 2007 year and have issued reports on same to the Interim Executive Director.

We have reviewed bid documents with respect to Contract #'s 0702 and 0703 and have made recommendations on same to the Interim Executive Director.

#### 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. A meeting was held with the ad hoc committee on November 20, 2006. Attended the Mayor's Forum that was held on November 30, 2006.

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 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 Mazzarella, Chairman)

No report.

Finance Committee (Charles Lombardo, Chairman)

No report.

Personnel Committee (Robert G. Luban, Chairman)

Mr. Luban stated that a Personnel Committee Meeting was held earlier this evening; items which require action are on the agenda 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 earlier this evening; items which require action are on the agenda under New Business.

Nominating Committee (Robert G. Luban, Chairman)

Mr. Lombardo stated that a Nominating Committee Meeting will be held in January prior to the Regular Meeting.

Public Relations Committee (Joan Papen, Chairwoman)

Mrs. Papen stated that the fall 2006 Newsletters were distributed.

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.

\* Mr. Luban left the meeting at this time.

**Unfinished Business**

Mrs. Papen stated that an amendment to the By-Laws was approved on first reading at the October meeting, however, the Commissioners wish to make a change to the amendment, and therefore, she is again offering the amendment to the By-Laws on first reading for approval.

The following Resolution #06-50 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mrs. Berger, and unanimously approved with the exception of Mr. Venturo who voted against.

RESOLUTION #06-50

Second Reading –Adoption

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 9. shall be amended to add the following:

“All Commissioners in attendance at any Committee Meeting may participate in the discussion of any item, however, only committee members vote on recommendations to be made to the full Board of Commissioners. The Committee Chairperson may ask for a general consensus from all Commissioners in attendance. Recommendations from all Committees are to be made at the Regular Public Meeting of the Authority for discussion and vote by all Commissioners.

Article 10. shall read as follows:

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

### **New Business**

The following Resolution #06-66 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin, and unanimously approved.

#### **RESOLUTION #06-66**

WHEREAS, the State of New Jersey Statutes provide that a Resolution be adopted by Public Bodies each year designating depositories for funds.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the following bank be designated as the depository of funds of the said organization for the year 2007 and any other qualified bank hereafter named, will be named in an amendment to this resolution:

Wachovia Bank  
Summit, NJ

The following Resolution #06-67 was offered by Mr. Lombardo, on motion of Mr. Lombardo,

seconded by Mr. Chin, and unanimously approved.

RESOLUTION #06-67

WHEREAS, the Rahway Valley Sewerage Authority (Authority) is a corporate public body created pursuant to N.J.S.A. 40:14A-1 et seq.; and

WHEREAS, the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq., permits public entities including sewerage authorities to invest monies in their possession by the purchase of certain types of securities as described in N.J.S.A. 40A:5-15.1; and

WHEREAS, N.J.S.A. 40A:5-15.1 requires that no securities be purchased unless authorized by resolution adopted by a majority vote of all of the members of the Authority; and

WHEREAS, the Authority seeks to empower its Secretary-Treasurer annually with the power to make such purchases, i.e. investments that are in the best interest of the Authority and are permitted by New Jersey law.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that it hereby authorizes the Secretary-Treasurer of the Authority to make investments on behalf of the Authority by only purchasing securities permitted to be purchased under N.J.S.A. 40A:5-15.1, Sections 105, 508, and utilizing monies that are in the possession of the Authority and available for such purpose of the applicable items; and

BE IT FURTHER RESOLVED that this resolution shall be for the period January 1, 2007

The following Resolution #06-68 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mrs. Berger, and unanimously approved.

RESOLUTION #06-68

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 2006 Audit in the 2007 calendar year; Contract #0704; 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 November 16, 2006 reflecting a total not to exceed \$21,400.00 and said proposed amount was subsequently negotiated to an amount of \$20,650.000; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract have been budgeted for in the 2007 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 \$20,650.00 for a period of one year commencing on January 1, 2007; 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 #06-69 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin, and unanimously approved.

RESOLUTION #06-69

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from NW Financial Group LLC, 10 Exchange Place, Jersey City, NJ 07302 for 2007 Financial Advisory Services, Contract #0705; 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 have been budgeted for in the 2007 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 a cost not to exceed \$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, 2007; 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.

Mr. Lombardo made a motion, seconded by Mrs. Papen, to reject the sole proposal received from Murray, Montgomery & O'Donnell on Contract #0713 – Lobbyist Services, as their proposal had non-curable deficiencies; and authorize re-advertising for these services. The motion was unanimously approved.

Mr. Mazarella made a motion, seconded by Mr. Lombardo, to approve payment in the amount of \$18,000.00 to Paulus, Sokolowski & Sartor of Warren, NJ, the Authority's Consulting Engineer for necessary services required to prepare the Flow Rights and User Charge Reports for the year 2006, as outlined in a letter from PS&S dated November 29, 2006 which was distributed to the Commissioners. The motion was unanimously approved.

The following Resolution #06-70 was offered by Mr. Mazarella, on motion of Mr. Mazarella, seconded by Mr. Lombardo, and unanimously approved.

RESOLUTION #06-70

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #00-19, #02-21, #03-09, #04-75 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 #132 - Solids Dewatering Centrifuge; and

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

WHEREAS, PS&S submitted documentation reflecting the need for additional monies related to the contract; and

WHEREAS, the additional amount to be authorized for this Contract is \$1,941.59; 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 PS&S in an amount of \$369,065.00 be and are hereby amended to provide for the increased contract amount of \$1,941.59 resulting in a total contract not to exceed \$371,006.59; 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 #06-71 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, seconded by Mr. Lombardo, and unanimously approved.

RESOLUTION #06-71

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolution #02-75, #05-35 and related Agreements for the purpose of engaging Paulus, Sokolowski & Sartor LLC (PS&S) of 67A Mountain Blvd. Extension, Warren, NJ 07059, for Professional Services specifically related to Contract #147 – Rehabilitation of Digesters #2 and #3; and

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

WHEREAS, PS&S submitted documentation reflecting the need for additional monies related to the contract; and

WHEREAS, the additional amount to be authorized for this Contract is \$1,914.64; 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 PS&S in an amount of \$448,200.00 be and are hereby amended to provide for the increased contract amount of \$1,914.64 resulting in a total contract not to exceed \$450,114.64; 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 made a motion, seconded by Mrs. Berger, approving payment to the Township of Woodbridge as per the Settlement Agreement reached with them on fines associated with Contract #155, in the amount of \$28,000.00, as recommended by Counsel and previously discussed with the Commissioners. The motion was unanimously approved.

The following Resolution #06-72 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, seconded by Mr. Lombardo, and unanimously approved.

RESOLUTION #06-72

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 at an annual retainer fee of \$20,000.00 for the year commencing January 1, 2007, 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 a Year End User Charge and Flow Report 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 have been budgeted for in the 2007 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	\$175.00
Engineer X	\$130.00
Engineer IX	\$118.00
Engineer VIII	\$110.00
Engineer VII	\$105.00
Engineer VI	\$90.00
Engineer V	\$85.00
Engineer IV	\$78.00
Engineer III	\$72.00
Engineer I/ II	\$70.00
Designer III	\$74.00
Designer II	\$70.00
Designer I	\$68.00
Draftsman II	\$68.00
Draftsman I	\$64.00
Word Processor	\$45.00
3 Person Survey Crew	\$150.00
2 Person Survey Crew	\$120.00
Expenses: Mileage	\$0.445/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, 2007 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.

Mr. Mazzarella made a motion, seconded by Mr. Chin, to award Contract #0702-Rebid #1-Furnish & Deliver Lube Oil & Grease to the sole bidder, David Weber Oil Co. of Carlstadt, NJ, in an estimated amount of \$47,355.70 as recommended by the Interim Executive Director. The motion was unanimously approved.

Mr. Mazzarella made a motion, seconded by Mr. Chin, to award Contract #0703-Rebid #1-Furnish & Deliver Bulk Lubricating Oil to the low bidder, David Weber Oil Co. of Carlstadt, NJ, in an amount of \$6.82/gallon, total estimated amount of \$81,840.00 as recommended by the Interim Executive Director. The motion was unanimously approved.

Mr. Mazzarella made a motion, seconded by Mr. Chin, to reject the sole proposal received from Camp, Dresser & McKee on Contract #0706 – Administrative Oversight of the Biosolids Contract, as their proposal had non-curable deficiencies; and authorize re-advertising for these services. The motion was unanimously approved.

The following Resolution #06-73 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, seconded by Mr. Chin, and unanimously approved.

RESOLUTION #06-73

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

WHEREAS, the Authority has a need to engage a consultant to provide Field Analytical Services related to sampling at 18 locations, Contract #0707; 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 have been budgeted for in the 2007 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 \$29,120.00; and

BE IT FURTHER RESOLVED that the contract being awarded is for the period of one year commencing on January 1, 2007; 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 #06-74 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, seconded by Mr. Chin, and unanimously approved.

RESOLUTION #06-74

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 #0708; 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 November 16, 2006, in response to RFP Request #2 with an estimated contract amount of \$9,620.00; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract have been budgeted for in the 2007 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 \$9,620.00 for a period of one year commencing on January 1, 2007; 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 #06-75 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, seconded by Mr. Chin, and unanimously approved.

RESOLUTION #06-75

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 #0709; 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 November 16, 2006, in response to RFP Request #2 with an estimated contract amount of \$36,326.00; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract have been budgeted for in the 2007 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 \$36,326.00 for a period of one year commencing on January 1, 2007; 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 #06-76 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, seconded by Mr. Chin, and unanimously approved.

RESOLUTION #06-76

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Environmental Compliance Assistance, LLC with its principal office at 479 Lyons Road, Basking Ridge, NJ 07920, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Professional Engineering Services related to Air Permitting Compliance, Contract #0710; 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 Environmental Compliance Assistance, LLC on November 16, 2006, reflecting an hourly billable rate of \$140.00/hr. for Principal; \$120.00/hr. for Associates; \$105.00/hr. for Sr. Scientist Eng.; \$80.00/hr. for Proj. Scientist Eng.; \$65.00/hr. for Scientist; \$55.00/hr. for Technician and \$40.00/hr. for Draftsman, total contract not to exceed \$35,470.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Environmental Compliance Assistance, LLC to perform the services described herein at a cost not to exceed \$35,470.00 for a period commencing January 1, 2007; 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 #06-77 was offered by Mrs. Papen, on motion of Mrs. Papen, seconded by Mr. Chin, and unanimously approved.

RESOLUTION #06-77

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from The Spi Group, 165 Passaic Avenue, Fairfield, NJ 07004 for Year 2007 Public Relations Services, Contract #0712; and

WHEREAS, pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5, contracts of this nature may be awarded without 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 have been budgeted for in the 2007 Annual Budget; and

NOW, THEREFORE, BE IT RESOLVED that based on the proposal received from The Spi Group, the Rahway Valley Sewerage Authority hereby engages The Spi Group to perform the services described herein at a cost not to exceed \$15,000.00; and

BE IT FURTHER RESOLVED that the contract being awarded is for the period January 1, 2007 through December 31, 2007; 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 #06-78 was offered by Mrs. Papen, on motion of Mrs. Papen, and seconded by Mr. Chin.

**RESOLUTION #06-78**

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Saul Ewing, LLP Attorneys At Law of 750 College Road East, Suite 100, Princeton, NJ 08540-6617, for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Legal Services on Regulatory matters, Contract #0714; 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 Saul Ewing, LLP on November 16, 2006, reflecting hourly billable rates as follows: \$350.00 for Partners, \$295.00 for Special Counsel and \$185.00 for Associates, with a total estimated contract amount of \$71,325.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Saul Ewing, LLP to perform the services described herein at an estimated cost of \$71,325.00 for a period of one year commencing on January 1, 2007; 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. Venturo stated that in his opinion, the contract should be awarded to Maraziti, Falcon & Healey as they are excellent attorneys, their proposed cost is \$10,000 less than the firm of Saul Ewing, LLP and they are very involved in Environmental law.

Mrs. Papen stated that the proposals were discussed during the Legal Committee Meeting held earlier in the evening. The committee felt that the proposal from the firm of Saul Ewing, LLP was better in that Maraziti's proposal stated that they would utilize the staff and other

professionals to accomplish the specified tasks which would help keep their cost down. The committee felt this was not in the best interest of the Authority.

After brief discussion, the Chairman requested a roll call vote.

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

As the vote was eight to one, the motion passed.

The following Resolution #06-79 was offered by Mrs. Papan, on motion of Mrs. Papan, seconded by Mr. Mazzarella and unanimously approved.

RESOLUTION #06-79

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 #0715; 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 McManimon & Scotland on November 16, 2006, reflecting hourly billable rates from \$105 to \$315, however, have agreed to a blended hourly rate of \$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 have been budgeted for in the 2007 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, 2007; 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 #06-80 was offered by Mr. McHale, on motion of Mr. McHale, seconded by Mr. Mazzarella and unanimously approved.

RESOLUTION #06-80

WHEREAS, the Borough of Kenilworth has filed a Treatment Works Sewer Connection Endorsement application on behalf of Chong Tae Yi for property located at 2480 Rt. 22 East in the Borough of Kenilworth, State of New Jersey; and

WHEREAS, the application is for the retrofit of 6,000 sq. ft. existing space which was previously occupied by a furniture store with 600 gpd of flow and will now house a 52 unit Laundromat with an anticipated discharge of 2,627 gpd, net new flow of 2,027 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 four items were acted on earlier in the meeting, as Mr. Luban had to leave early. The action taken is as follows:

The following Resolution #06-81 was offered by Mr. Luban, on motion of Mr. Luban, seconded by Mr. Lombardo and unanimously approved.



RESOLUTION #06-81

WHEREAS, the Rahway Valley Sewerage Authority is required by the State of New Jersey, Department of the Treasury, Division of Contract Compliance and Equal Employment Opportunity Public Contracts, to annually appoint a Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, said Officer shall be the official liaison with the Department of the Treasury, Division of Contract Compliance for matters concerning Public Law 1975, c. 127 (N.J.A.C. 17:27) and shall have the authority to recommend the appropriate procedural corrections to the Rahway Valley Sewerage Authority; and

WHEREAS, Robert J. Materna, Secretary-Treasurer, presently serves the Authority as its Equal Employment Opportunity Officer and Public Agency Compliance Officer (P.A.C.O.) and is familiar with the regulation of P.L. 1975, c. 127.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority, that it hereby appoints Robert J. Materna, to again serve as its Public Agency Compliance Officer (P.A.C.O.) for the year 2007 and that said appointment shall be confirmed to the State of New Jersey, Department of the Treasury, by January of each ensuing year as required by law.

Mr. Luban made a motion, seconded by Mrs. Berger, approving the mileage reimbursement be amended from \$0.445 to \$0.485 effective January 1, 2007, as per the IRS tax guidelines, as recommended by the Interim Executive Director. The motion was unanimously approved.

Mr. Luban made a motion approving a salary increase pool of up to 3.5% of the year 2006 salaries, of which there will be a 2% base salary increase granted to each salaried employee, and the Interim Executive Director will have the remainder available to allocate at his discretion to salaried employees based on the results of performance evaluations which will be completed during the months of January and February 2007; any additional 2007 salary increases granted based on these performance evaluations shall be retroactive to the first payroll of 2007, as recommended by the Personnel Committee. The motion was seconded by Mrs. Berger and unanimously approved.

Mr. Luban made a motion approving a 3% salary increase to be given to the Interim Executive Director, to be applied to his salary of that when his title was Chief Engineer, and that no change shall be made to the amount of his stipend, as recommended by the Personnel Committee. The motion was seconded by Mrs. Berger and unanimously approved.

**Bills and Claims**

The December bills and claims will be acted on at a Special Meeting which will be held via telephone conference at 10:00 a.m. on Thursday, December 21, 2006.

**Closed Session**

Mrs. Papen made a motion to go into closed session at this time, 8:55 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. Lombardo made a motion to return to the regular order of business at this time, 9:58 p.m. The motion was seconded by Mr. Mazzarella and unanimously approved.

**Adjournment**

As there was no further business, on motion of Mrs. Papen, seconded by Mr. Landale, the meeting adjourned at 9:59 p.m. The motion was unanimously approved.

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Robert J. Materna, Secretary-Treasurer

/jg

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