

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Regular Meeting held May 15, 2008

- Minutes
None.

- Communications
An OPRA Request from Lawrence Bodine regarding the City of Rahway's 1st Assessment payment.

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

- Executive Director
Sewer Connections and the status of various contracts.

- Consulting Engineer
Overview of contracts; flow rights and user charge reports.

- Counsel
Overview of legal matters.

- Committees
Reports were given by the Engineering, Finance, and Personnel Committees.

- Unfinished Business
None.

- New Business
Approved the following: Security Purchase; TWA for the Township of Clark; A time Extension on Contract #0721 with Hatch Mott MacDonald; and approved an Agreement with the NJBPU regarding a Grant.

- New Business (Cont'd.)
Approved the following expenditure: Amend Contract #144-A/E with PS&S for an additional \$36,300.00; Approve \$7,500 for a study by PS&S on Repairs for the Outfall Line; and approved an amendment to Contract #105-C with CCMS in an amount of \$17,078.69.

- Bills & Claims

OPERATING FUND	8-01	\$1,250,232.36
BUILDING & EQUIPMENT FUND	8-02	1,441,082.67
CONSTRUCTION FUND	8-04	<u>24,535.00</u>
TOTAL ALL FUNDS:		\$2,715,850.03

RAHWAY VALLEY SEWERAGE AUTHORITY

Regular Meeting Minutes – May 15, 2008

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 19, 2008 and again April 8, 2008.

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

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

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

Roll Call

The following members were present:

* Maria A. Abram	for the Township of Springfield
Allen Chin	for the Town of Westfield
C. Clark Landale	for the Borough of Mountainside
Richard LoForte	for the Borough of Kenilworth
Charles P. Lombardo	for the Borough of Garwood
Robert G. Luban	for the Township of Woodbridge
Frank G. Mazzarella	for the Township of Clark
James J. Murphy	for the Township of Cranford
Joan Papen	for the Township of Scotch Plains
Peter H. Pelissier	for the City of Rahway
Attilio S. Venturo	for the Borough of Roselle Park

* Ms. Abram left the meeting early, at 8:45 p.m.

The following were also present:

Michael J. Brinker, Jr., PE	Executive Director
Robert J. Materna	Secretary-Treasurer
Donna Corris	Payroll & Benefits Administrator
James Wancho, P.E.	Paulus, Sokolowski & Sartor
Brian Hak, Esq.	Weiner Lesniak, LLP
Manny Parada	CCMS

The following members of the public were present:

Dan Ward	RVSA Manager of Plant Maintenance
Thomas Watters	RVSA Utility Worker

Approval of Minutes

The Chairman stated that the minutes of the April 17, 2008 meeting are not done and therefore will not be acted on tonight.

Communications

- An OPRA Request from Lawrence Bodine regarding the City of Rahway's 1st Assessment payment.

Report of Treasurer

The Treasurer's Reports for the month of March 2008 have been distributed to the Commissioners for review and will be spread on the Minutes. So ordered.

Report of Executive Director

Sewer Treatment Endorsements

The following is a list of Sewer Treatment Endorsements processed between 4/16/08 and 5/13/08, and a copy of the log sheet with additional information has been distributed for your reference:

<u>Number</u>	<u>Date</u>	<u>Applicant</u>	<u>Municipality</u>
1044-08-WB	04/18/08	Exxon Mobil c/o Berlin Eng.	Woodbridge
1045-08-RW	04/25/08	Alternative Solutions	Rahway
1046-08-WB	04/06/08	Thomas McGover c/o Fletcher Eng.	Woodbridge

Monthly Reports

The following reports were received and distributed to the Commissioners:

- PS&S Monthly and Outfall Inspection
- CCMS - Contract #105 – Cogeneration Facility *
- CCMS - Contract #155 – WWTP Upgrade Cogeneration Facility *
- Weiner Lesniak – Monthly Update
- RVSA Contractors & Engineers Claims for Payment
- RVSA Purchase Orders in Excess of \$1500
- RVSA Operations
- RVSA Grievance Update
- RVSA IPP Monthly Activities

* These items were discussed at the Engineering Committee Meeting.

Union Negotiations

Guidelines for the 2008 Union Negotiations were discussed at the Personnel Committee Meeting held earlier this evening.

Encroachment on the Authority's Trunk Sewer

Agreement with Garwood

As reported at several previous meetings, Counsel is providing a copy of a "model" agreement to be entered into with the Borough of Garwood. A resolution to approve and endorse this agreement is still pending. The "model" will be utilized in future issues involving right-of-way encroachment or construction over RVSA's sewers.

Clark

Subsequent to the forgoing matter of Garwood having built their DPW garage over the Authority's Trunk Sewer, a resident in Clark is seeking endorsement from the Authority to build a residential garage adjacent to or over the Authority's 60" Trunk Sewer which runs through his property. Mr. Brinker after reviewing historical records of property acquisitions has requested Counsel to have a title search performed. The Authority is awaiting the outcome of this title search.

TWA – Clark

A Treatment Works Application was submitted by the Township of Clark on behalf of Vanasse, Hangen & Brustlin, Inc./Clark Developers Inc. for a project known as Proposed Residential Development. The Application is for the construction of 4 high density residential dwellings, including 86-1 bedroom units and 214-2 bedroom units. The new flow generated from this project will be approximately 0.061050 mgd (or 61,050 gpd). I have reviewed the application, find it to be in order and recommend approval. A motion is on the agenda under New Business.

Contract #0721 – User Charge System Evaluation

Hatch Mott MacDonald (HMM) has submitted a request for a time extension on this contract. The Agreement with HMM dated April 19, 2007 specifies a one year time period, however, due to the lack of timely responses from and ongoing exchanges with certain municipalities, it is recommended that the agreement be extended for six more months. A motion is on the agenda under New Business.

Contract #105C – Construction Management Services on Cogeneration/Sludge Drying Facility

CCMS submitted a letter dated May 12, 2008 requesting an additional \$163,020.00 for their services during the extended contract period through July, 2008 at which time the contract should be closed out. The amended contract amount is \$2,340,483.61. A motion is on the

agenda under New Business.

Contract #144 A/E – Trunk Sewer Rehabilitation

PS&S submitted a letter dated May 6, 2008 requesting an additional \$36,300.00 for their services during the extended contract period through June 13, 2008 at which time the contract should be closed out. The amended contract amount is \$274,433.00. A motion is on the agenda under New Business.

Contract #147 Trunk Sewer Rehab

ISCO a supplier to Marvec had submitted a Lien Claim on this contract. The Authority has received a Release of Lien as the lien has been settled.

Contract #158-A/E RVSA Outfall Repairs

In conjunction with the annual outfall inspection report, PS&S submitted a proposal at my request dated May 8, 2008. The proposal is for Engineering services for the Design Phase, Bid Phase and Construction Service Phase work for the necessary repairs to the RVSA Outfall Line. Their proposal is in an amount of \$75,500.00. A copy of their proposal has been distributed to the Commissioners and a motion is on the agenda under New Business.

Allen Street Brook Siphon, City of Rahway

The County of Union sent the RVSA a letter dated April 1, 2008 regarding the maintenance and repair work required on the above referenced stormwater siphon which is located in Rahway Park. The Authority and the County have exchanged correspondence several times since then. Copies of all communications have been provided to the Commissioners for review. The Executive Director is seeking direction from the Commissioners regarding this matter and will be addressed under New Business.

Mr. Brinker distributed pictures of the site to the Commissioners for their review. He also noted that there aren't any agreements between the Authority and the County which require the Authority to maintain the Counties siphons or anything related to stormwater.

Agreement with BPU regarding Grant

A resolution has been prepared for adoption by the Board, regarding the Grant for \$500,000 from the BPU related to the Cogeneration Facility. Action is on the agenda under New Business.

Report of Consulting Engineer

The following report to the Authority Board summarizes our activities for the period of April 12, 2008 through May 9, 2008.

JCO Compliance

On April 4, 2008, PS&S transmitted to NJDEP all I/I documentation received after our original submittal in September 2007.

The first quarter report was submitted at the end of April.

Administrative Appeals Re: NJPDES/TWA Permits

PS&S continues to coordinate activities with General Counsel and Special Counsel, Hall & Associates related to the follow-up from the Settlement Conference at the Office of Administrative Law on October 25, 2007, to discuss the NJPDES and TWA permit appeals. A general water quality justification document was prepared during previous period summarizing the argument for temporarily suspending the maximum weekly mass loading limits for CBOD and TSS during high flow events and the recommended flow that should be used by NJDEP to trigger suspension of the maximum weekly mass loading limits. If this information is accepted by NJDEP it will settle the NJPDES appeal. Counsel has continued to pursue a response from NJDEP and the DAG.

The Executive Director has had discussions with the Union County Parks Department and the NJDEP Green Acres group regarding the continued use of the 004 outfall as an emergency outfall and at this point it does not appear feasible. An alternate emergency discharge location is being explored.

There has been no recent activity by PS&S.

Trunk Sewer Rehabilitation - Contract #144

The Contractor has performed additional clean up and restoration in the Park and has completed the same on Bedford Street area of work. Final paving in the road and parking lot is still required. We continue to interact with the County regarding the completion of work.

PS&S continues to provide observation of the contractor's activities.

PS&S continues to dispute the remaining contractor claims related to the contractor's assertion that he was delayed, and discussing same with the Authority and General Counsel. PS&S has prepared additional responses using analysis of the timeline as well as the contract requirements for use by General Counsel. PS&S had previously prepared a letter to the contractor detailing credits that are due to the RVSA for contract work and the issuance of liquidated damages. This letter and the amount of liquidated damages have been updated for use by General Counsel and additional back-up of the engineering damages has been prepared.

Wastewater Management Planning

On behalf of the RVSA, PS&S is moving forward with the adoption of the WMP document. The WMP adoption will require endorsement resolutions from all of the member municipalities and other affected entities, and the RVSA. A Public Notice was posted in the New Jersey Register

and published in three newspapers on March 17, 2008, and a Public Hearing was held on May 5, 2008 at the Middlesex County Administration Building. There were no public attendees or comments presented at the Public Hearing.

Cogeneration Funding

A NJBPU Office of Clean Energy-Renewable Energy Advanced Power Program grant has been awarded to the Authority in the amount of \$500,000. The Authority met with a representative of the NJBPU during a previous period to discuss the agreement and provide invoice documents for their review of eligibility against the loan. The Authority is awaiting a response from the NJBPU regarding eligible costs. The Executive Director had a meeting with the NJBPU on Friday April 18, 2008 to discuss the status the grant at which time additional documentation of expenditures was requested.

Air Permitting

PS&S and the Authority are proceeding with the preparation of an additional Title V Significant Modification application to modify certain permit required monitoring and recordkeeping requirements and to address some potential variability in digester gas characteristics. PS&S is waiting on input from the Authority regarding natural gas/digester gas ratio limits for this modification application. In addition, PS&S has drafted an emission test protocol for reduced sulfur emission testing from the Sludge Dryer. This emission testing protocol has been submitted to NJDEP for review and approval. NJDEP has given approval to the Cogeneration engines emission testing protocol.

There has been no recent activity.

Digester Brick Replacement - Contract #157

The contractor, Agia Mason, has completed the contract work on the digesters. Some minor site work remains. Agia Mason has also completed the Pump and Blower building fascia work. PS&S will be closing this contract out in the next few weeks.

Cogeneration/Sludge Drying Facility – Engine Investigation

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

Review of correspondence.

Review of work progress.

Inspection and coordination efforts associated with breeching insulation, rupture disc installation and breeching system repair requested by Foley and ITG.

General Consulting

Review of documents from NJDOT regarding their ongoing work on Routes 1&9 in the vicinity of the Authority's trunk sewer in East Hazelwood Avenue.

Field observation of repair to the Pump and Blower Building roof and flashing. Work essentially complete.

User Charge and Flow Rights Reports

The May 2008 flow rights and user charge reports covering April 2008 were finalized and distributed.

Outfall Line Damage – Presentation

Mr. Wancho stated that he had a presentation showing the Outfall Line and related damage, for the Commissioners review and discussion. He noted that they pieced together tax maps of the area that the Outfall Line goes through to show the location of the line. In order to do any work on this line, it most likely will require Army Corps of Engineer and NJDEP wetlands permits. Mr. Wancho noted that to be proactive, it will take months to obtain these permits and suggested that the Authority file for those permits now; so that the necessary repairs can be made before it is an emergent nature when a leak occurs.

Mr. Ventura asked if this water is potable. Mr. Brinker and Mr. Wancho stated that it is not. Mr. Ventura stated that he had been advised that this water was in fact potable.

Mr. Wancho noted that the work is not significant, however, accessing the site will be challenging. He added that this pipe has never been TV'd because it would have to be drained to TV and that at the other end of the 3-1/2 mile pipe, it dips down below sea level and would be impossible to TV.

Mr. Ventura stated that repairs that have been done on the line as shown in the presentation, utilized incorrect material. He noted that you need to use a rubberized tar and fiberglass reinforcement compound and subsequently after that is dry, you should use flashing cement.

Mr. Murphy stated that he would rather wait until we have a cost estimate prior to awarding this contract to PS&S for \$75,000 of Engineering Services.

The Chairman stated that action is on the agenda under New Business and it can be discussed further then.

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 April 8, 2008 through May 12, 2008.

CSP Improvements & related issuesContract #155 & #156

We continue to monitor and evaluate potential delay claims being asserted by the contractor/electrical subcontractor with respect to Contract #155. We previously provided the Executive Director with detailed legal memoranda evaluating the merits of same and making recommendations with respect to actions to be taken by the Authority.

Administrative Appeals Re: Treatment Works Approval

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

Cogeneration Facility: We have conducted extensive legal research with respect to potential change orders that have been submitted by the contractor, including its recent request for additional overhead, and have provided the Executive Director with a detailed legal memorandum evaluating the merits of same and making recommendations with respect to actions to be taken by the Authority. We have also evaluated the Authority's claims for liquidated damages against the contractor. Most recently we have had discussions with the contractor's counsel and a meeting has been scheduled with the contractor and its counsel for May 2, 2008 in order to further discuss the claims.

MiscellaneousNJPDES Permit Appeal

On October 26, 2007 a settlement conference was held at the Office of Administrative Law at which time a resolution of the remaining two (2) issues in the case (an emergency bypass and the required loading limits) was discussed with NJDEP. The parties at that time had reached an agreement in principle; however, NJDEP has since failed to finalize the proposed settlement. Therefore, we are writing to the Administrative Law Judge requesting that our motion for sanctions that we previously filed on behalf of the Authority be relisted for consideration.

Garwood/Trunk Sewer conflict

We have prepared an agreement with Garwood for purposes of establishing Garwood's responsibilities with respect to the Authority's trunk sewer line which has been forwarded to Garwood's counsel for review and execution.

Contract #144-Trunk Sewer Rehabilitation

We have had several discussions with the Executive Director and the Consulting Engineer regarding the contractor's potential change orders (claims) as well as the Authority's claims for liquidated damages and credits being asserted against the contract. In addition, we have conducted extensive legal research with respect to the issues surrounding the contractor's two

largest claims which was the subject of a detailed legal memorandum previously provided to the Executive Director. Currently, we are drafting a letter to the contractor's counsel denying the contractor's claims and making a demand for liquidated damages and credits against the contract to which the Authority is entitled. This item may be discussed in further detail in Executive session.

Flow Rights Exceedances Hearings

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

Industrial User Discharges/Changes in Rules and Regulations

NJDEP requires that the Authority make changes to its rules and regulations in connection with the grace period allowed in cases of a discharge violation. We have assisted the Authority in modifying the regulations which have been preliminarily approved by NJDEP and a formal adoption process will commence in the near future.

* Mrs. Abram left the meeting at this time, 8:45 p.m.

Committee Reports

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

Engineering Committee (Allen Chin, Chairman)

Mr. Chin stated that an Engineering Committee Meeting was held earlier this evening, at which time several items were discussed. Items which require action are on the agenda under New Business.

Finance Committee (Charles Lombardo, Chairman)

Mr. Lombardo stated that a Finance Committee Meeting was held earlier this evening at which time the Bills and Claims were reviewed. Action is on the agenda under Bills and Claims.

Insurance Review Committee (Robert Luban, Chairman)

No report.

Legal Committee (Clark Landale, Chairman)

No report.

Personnel Committee (James Murphy, Chairman)

Mr. Murphy stated that a Personnel Committee Meeting was held earlier this evening at which

time personnel matters were discussed. No action is necessary at this time.

Public Relations Committee (Attilio Venturo, Chairman)

No report.

Sludge Management Committee (Frank Mazzarella, Chairman)

Mr. Mazzarella stated that he has been speaking with the Rutgers Agricultural Department regarding pelletizing the Authority’s sludge. Unfortunately, Rutgers has indicated that it doesn’t look promising but will be forwarding some information.

Unfinished Business

None.

New Business

The following Resolution #08-18 was offered by Mr. Lombardo, on motion of Mr. Lombardo, seconded by Mr. Chin and unanimously approved by the members present. Mrs. Abram was absent.

RESOLUTION #08-18

BE IT RESOLVED that the officers of the Rahway Valley Sewerage Authority be and are hereby authorized to invest the following for the Operating Fund, to mature on July 15, 2008:

<u>Amount</u>	<u>Rate</u>	<u>Bank</u>
\$2,000,000.00	2.65%	JP Morgan Chase

The following Resolution #08-19 was offered by Mr. Mazzarella, on motion of Mr. Mazzarella, seconded by Mr. Lombardo and unanimously approved by the members present. Mrs. Abram was absent.

RESOLUTION #08-19

WHEREAS, the Township of Clark has submitted a Treatment Works Application for a project known as Proposed Residential Development, to be located on Terminal Avenue in the Township of, State of New Jersey; and

WHEREAS, the application is for the connection of 900 lf of 8” gravity sewer to provide service to four high density residential buildings consisting of 86-1 bedroom units and 214-2 bedroom units, with a proposed flow of .061050 mgd (or 61,050 gpd); and

WHEREAS, the flow from the foregoing connection 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., 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.

Mr. Chin made a motion, seconded by Mr. Lombardo, approving a six month time extension through October 2008 on Contract #0721-User Charge Evaluation with Hatch Mott MacDonald of Millburn, NJ, as recommended by the Executive Director. The motion was unanimously approved by the members present. Mrs. Abram was absent.

The following Resolution #08-20 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Luban and unanimously approved by the members present. Mrs. Abram was absent.

RESOLUTION #08-20

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #03-50, #07-25, #07-54, #07-74 and #08-05 and related Agreements for Contract #144A/E, for the purpose of engaging Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ, for Professional Services specifically related to Contract #144 Trunk Sewer Rehabilitation; and

WHEREAS, the Authority has determined that there is a need to amend this agreement to provide for Engineering Services related to the additional unforeseen work associated with this contract; and

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

WHEREAS, the additional amount to be authorized for this Contract is \$36,300.00; 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 2008 Annual Budget.

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with Paulus, Sokolowski & Sartor in an amount of \$238,133.00; be and are hereby amended to provide for the increased contract amount of \$36,300.00 resulting in a total contract not to exceed \$274,433.00; and

BE IT FURTHER RESOLVED that the Chair 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 #08-21 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Lombardo.

RESOLUTION #08-21

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal from Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ, for Professional Engineering Services, specifically for design, bid and construction phase services related to necessary repairs on the RVSA Outfall Line, Contract #158A/E; and

WHEREAS, the Authority has a need to engage an Engineer to perform these services and intends to utilize the services of its Consulting Engineer; 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 the Consulting Engineers annual contract through a fair and open process in accordance with N.J.S.A. 19:44A-20, et. seq.

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage Paulus, Sokolowski & Sartor to perform the services described herein at a cost not to exceed \$75,500.00 for a one year period; and

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

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

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

Mr. Mazzarella stated that he was not in favor of this resolution and felt that Mr. Wancho should do more research and report back to the board.

Mr. Murphy stated that he too feels that we need a cost estimate for the work to be done before

we commit to spending \$75,000.00 on Engineering Services.

Mr. Wancho stated that he will have to prepare a design in order to get bidding costs and a construction cost estimate.

After brief discussion, Mr. Mazzarella moved to table the motion. The motion to table was seconded by Mr. Pelissier. The motion to table was unanimously approved by those present. Mrs. Abram was absent.

Mr. Chin then made a motion authorizing an amount of \$7,500.00 based on PS&S's Consulting Engineering Fee Schedule (Contract #0801) to PS&S of Warren, NJ, to do preliminary engineering design and perform an initial cost estimate for the work and accessibility to the site. The motion was seconded by Mr. Lombardo and unanimously approved by the members present. Mrs. Abram was absent.

The following Resolution #08-22 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Lombardo and unanimously approved by the members present. Mrs. Abram was absent.

RESOLUTION #08-22

WHEREAS, on April 7, 2005, the Rahway Valley Sewerage Authority ("RVSA") submitted a proposal to the State of New Jersey, Board of Public Utilities ("BPU") for the construction of a Cogeneration/Sludge Drying Facility from BPU's Renewable Energy Advanced Power ("REAP") Program pursuant to the provisions of the Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. (the "Act"); and

WHEREAS, REAP funds provided by the BPU for the Project are established to encourage the development of renewable energy projects to provide for alternate electrical supply technologies which are viable alternatives to traditional electrical supply methods; and

WHEREAS, BPU Order, Docket No. E006020117 ("Order"), dated February 7, 2007, approved funding in the amount of \$500,000 (the "REAP Funds") for the Cogeneration/Sludge Drying Facility to be located at the Rahway Valley Sewerage Authority (the "Project"); and

WHEREAS, an Agreement ("Agreement") is required to be entered into between the State of New Jersey, Board of Public Utilities, whose address is Two Gateway Center, Newark, New Jersey 07102 ("Board," "BPU," "State", or "State of New Jersey"); and the Rahway Valley Sewerage Authority, whose address is 1050 East Hazelwood Avenue, Rahway, NJ 07065 ("RVSA"), to provide for the terms under which the RVSA shall receive grant funds pursuant to BPU Order, Docket No. E006020117 that approved the awarding of funds related to the RVSA's Cogeneration/Sludge Drying Facility to Energy Project.

NOW, THEREFORE, BE IT RESOLVED, that the Rahway Valley Sewerage Authority

accept the approved funding in the amount of \$500,000 from the BPU's "REAP" Program; and

BE IT FURTHER RESOLVED, that the Executive Director be and hereby is authorized to execute the Agreement with the New Jersey Board of Public Utilities on behalf of the Rahway Valley Sewerage Authority.

The following Resolution #08-23 was offered by Mr. Chin, on motion of Mr. Chin, and seconded by Mr. Luban.

RESOLUTION #08-23

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

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

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

WHEREAS, the additional amount to be authorized for this Contract is \$163,020.00; 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 2008 Annual Budget.

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolution and related Agreement with CCMS in an amount of \$2,177,463.61 be and are hereby amended to provide for the increased contract amount of \$163,020.00 resulting in an amended contract amount not to exceed \$2,340,483.61; 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. Chin made a motion to amend Resolution #08-23 to reflect an increased amount of

\$17,078.69 (as opposed to \$163,020.00) which covers through their latest invoice. The motion to amend was seconded by Mr. Lombardo.

RESOLUTION #08-23 AS AMENDED

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

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

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

WHEREAS, the additional amount to be authorized for this Contract is \$17,078.69.; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolution and related Agreement with CCMS in an amount of \$2,177,463.61 be and are hereby amended to provide for the increased contract amount of \$17,078.69 resulting in an amended contract amount not to exceed \$2,194,542.30; 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 amendment was approved by those members present with the exception of Mr. Venturo who voted against. Mrs. Abram was absent.

The resolution as amended was approved by those members present with the exception of Mr. Venturo who voted against; and Mrs. Abram was absent.

The Executive Director requested direction from the Commissioners with regard to requests from the County of Union to clean their Allen Street Brook Siphon.

The Commissioners stated that they did not want to be involved with the responsibility of cleaning the siphons belonging to a municipality or county. Mr. Mazzarella stated that he knew the County Engineer working on this project and would report back to him on behalf of the Authority.

Bills and Claims

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

BILLS & CLAIMS

BUILDING & EQUIPMENT FUND

CHECK #	DATE	VENDOR	ACCT/LINE #	AMOUNT
2296	05/15/08	AGIA MASON INC.	140.2	81,193.00
2297	05/15/08	ARGENT ASSOCIATES LLC	140.7	1,530.00
2298	05/15/08	CONSOLIDATED CONSTRUCTION MGT.	140.7	198,722.32
2299	05/15/08	EE CRUZ COMPANY INC.	140.7	1,047,849.71
2300	05/15/08	J.H. REID, GENERAL CONTRACTOR	140.2	16,166.19
2301	05/15/08	NATIONAL POWER EQUIPMENT CO.	140.7	3,700.00
2302	05/15/08	PAULUS, SOKOLOWSKI & SARTOR LLC	140.2/7/9	19,908.88
2303	05/15/08	TAYLOR OIL COMPANY	140.7	12,027.99
2304	05/15/08	VERIZON SELECT SERVICES	140.7	59,984.58

Total Checks: 9

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$1,441,082.67

CONSTRUCTION FUND

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
1176	05/15/08	MARVEC CONSTRUCTION CORP.	140.4	18,975.00
1177	05/15/08	PAULUS, SOKOLOWSKI & SARTOR LLC	140.4	5,560.00

Total Checks: 2

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$24,535.00

OPERATING FUND

CHECK	DATE	VENDOR	ACCT/LINE#	AMOUNT
34741	04/28/08	A TOUCH OF ITALY	49	173.00
34742	04/28/08	COGENT COMMUNICATIONS, INC.	27	674.00
34743	04/28/08	ELIZABETHTOWN GAS	22	1,737.27
34744	04/28/08	ELIZABETHTOWN GAS	22	120,040.25
34745	04/28/08	FEDEX	48	27.31
34746	04/28/08	JEAN MANIGOLD	40	20.64
34747	04/28/08	MIDDLESEX WATER COMPANY	33	858.06
34748	04/28/08	PITNEY BOWES, INC.	48	324.00
34749	04/28/08	POLAND SPRING WATER COMPANY	46	119.19

34750	04/28/08	UNITED PARCEL SERVICE	48	51.38
34751	04/28/08	VERIZON	11/30	1,889.94
34752	04/28/08	VERIZON WIRELESS	11	638.85
34753	04/28/08	WOODRUFF ENERGY	22	3,802.40
34754	04/30/08	RAHWAY VALLEY SEWERAGE AUTH.	01/02	230,063.23
34755	04/30/08	STANDARD INSURANCE COMPANY	03	3,674.03
34756	05/06/08	CANON FINANCIAL SERVICES, INC.	16	1,299.76
34757	05/06/08	DELTA DENTAL PLAN OF NJ	03	5,672.39
34758	05/06/08	HOME DEPOT CREDIT SERVICES	27/32	77.64
34759	05/06/08	PURCHASE POWER	48	18.55
34760	05/06/08	STANDARD INSURANCE COMPANY	03	2,149.25
34761	05/06/08	STAPLES CREDIT PLAN	13	73.53
34762	05/06/08	VISION SERVICE PLAN	03	1,276.73
34763	05/12/08	CASH (VEHICLE TOWING/STORAGE)	35	600.00
34764	05/12/08	NJ MOTOR VEHICLE COMMISSION	35	45.00
34765	05/15/08	ADP, INC.	03	170.28
34766	05/15/08	ADP, INC.	16	1,941.20
34767	05/15/08	AGIA MASON INC.	32	8,800.00
34768	05/15/08	ALL AMERICAN SEWER SERVICE INC.	32	2,520.00
34769	05/15/08	ALLIED FILTER COMPANY	32	922.80
34770	05/15/08	AMALGAMATED GENERAL AGENCIES	17	297.69
34771	05/15/08	AMERICAN INDUSTRIAL SUPPLY CORP.	32	433.72
34772	05/15/08	AMERICAN WEAR	32	1,451.88
34773	05/15/08	AQUATIC SCIENCES CONSULTING	41	333.33
34774	05/15/08	ASSOCIATED AUTO PARTS	35	386.32
34775	05/15/08	AVOGADRO ENVIRONMENTAL CORP.	41	3,151.25
34776	05/15/08	BAYWAY LUMBER	32	379.80
34777	05/15/08	BIRD CONTROL SERVICES, INC.	32	17,450.00
34778	05/15/08	BOWCO LABORATORIES, INC.	32	63.00
34779	05/15/08	MICHAEL J. BRINKER, JR.	15/31	130.52
34780	05/15/08	CHRISTOPHER J. BRINKER	31	69.99
34781	05/15/08	CDW GOVERNMENT, INC.	13/27	1,859.27
34782	05/15/08	CHARLES F. CONNOLLY DIST. CO.	38	966.70
34783	05/15/08	CHROMATE INDUSTRIAL CORP.	32	310.25
34784	05/15/08	CITY OF RAHWAY, UNITED WATER	33	14,447.63
34785	05/15/08	CSL SERVICES, INC.	30	15,331.88
34786	05/15/08	ELIZABETHTOWN GAS	22	52,840.68
34787	05/15/08	ENVIRONMENTAL RESOURCE ASSOC.	40	140.40
34788	05/15/08	ELIZABETHTOWN GAS	22	8,328.50
34789	05/15/08	FISHER SCIENTIFIC	40	858.00
34790	05/15/08	FLEXLINE	32	325.77
34791	05/15/08	FLUID DYNAMICS INC.	38	402.00
34792	05/15/08	FREDERICK T. GEARDINO	31	44.99
34793	05/15/08	ANTHONY GENCARELLI	15	365.88
34794	05/15/08	GENSERVE INC.	32	443.34
34795	05/15/08	W.W. GRAINGER, INC.	32/40	3,626.89
34796	05/15/08	GARY W. GRAY TRUCKING, INC.	25	96,041.85
34797	05/15/08	GREAT LAKES ENVIRONMENTAL	41	132.07
34798	05/15/08	H & D LINDEN MOTORS	35	1,181.22
34799	05/15/08	HACH COMPANY	40	1,180.65
34800	05/15/08	HALL & ASSOCIATES	08	261.31

34801	05/15/08	HAYES PUMP INC.	38	1,486.00
34802	05/15/08	HESS CORPORATION	19	238,440.57
34803	05/15/08	HEWLETT-PACKARD PUBLIC SECTOR	27	312.00
34804	05/15/08	INDEPENDENT OVERHEAD DOOR CO., INC.	32	225.00
34805	05/15/08	JCI JONES CHEMICALS, INC.	29	24,491.37
34806	05/15/08	JERSEY ELEVATOR COMPANY INC.	32	182.71
34807	05/15/08	MAGELLAN BEHAVIORAL HEALTH	03	550.83
34808	05/15/08	JEAN MANIGOLD	15	85.87
34809	05/15/08	MCMASTER-CARR SUPPLY CO.	32	1,780.48
34810	05/15/08	MOTION INDUSTRIES, INC.	38	129.74
34811	05/15/08	MULTI-CARE HEALTH CENTER	50	250.00
34812	05/15/08	MURRAY, MONTGOMERY & O'DONNELL	09	20,000.00
34813	05/15/08	NJBIA	52	525.00
34814	05/15/08	NJ MANUFACTURERS INSURANCE CO.	17	16,767.90
34815	05/15/08	NJ MOTOR VEHICLE COMMISSION	35	151.00
34816	05/15/08	NORTH FLAGS	32	809.78
34817	05/15/08	O'JOHNNIES, INC.	13	52.90
34818	05/15/08	ONE CALL SYSTEMS, INC.	32	51.48
34819	05/15/08	PAULUS, SOKOLOWSKI & SARTOR	06	9,486.00
34820	05/15/08	PEREGRINE TECHNICAL SERVICES	41	2,435.00
34821	05/15/08	PITNEY BOWES INC.	48	6.79
34822	05/15/08	ROBERT POLTZ	27	87.00
34823	05/15/08	POLYDYNE INC.	23	18,970.40
34824	05/15/08	PSE&G COMPANY	19/42	49,447.73
34825	05/15/08	PUMPING SERVICES, INC.	32	4,205.00
34826	05/15/08	QC LABORATORIES	41	3,118.00
34827	05/15/08	RAHWAY VALLEY SEWERAGE AUTH.	01/02	157,565.86
34828	05/15/08	RAHWAY ELECTRIC SUPPLY	32	2,624.09
34829	05/15/08	RAHWAY POLICE DEPARTMENT	18	1,220.00
34830	05/15/08	RELIABLE ELECTRIC MOTOR REPAIR	32	884.44
34831	05/15/08	ROZANO SIGNS	35	250.00
34832	05/15/08	RVSA PETTY CASH	14	248.54
34833	05/15/08	SAFETY-KLEEN CORP.	32	248.89
34834	05/15/08	SIMPLEX GRINNELL LP	32	683.75
34835	05/15/08	SPECTRASERV INC.	26	5,318.52
34836	05/15/08	STAR LEDGER	12	25.50
34837	05/15/08	STORR TRACTOR COMPANY	35	126.95
34838	05/15/08	SUPLEE, CLOONEY & COMPANY	10	21,600.00
34839	05/15/08	THE SPI GROUP, LLC	27	200.00
34840	05/15/08	JANET THEVENIN	15/31	215.99
34841	05/15/08	TURTLE & HUGHES INC.	32	961.50
34842	05/15/08	UNITED PARCEL SERVICE	48	47.83
34843	05/15/08	UNITED STATES PLASTIC CORP.	40	185.11
34844	05/15/08	UNIVERSAL ELECTRIC MOTOR SERVICE	32	1,248.00
34845	05/15/08	US FILTER/SIEMENS WATER TECH.	40	983.00
34846	05/15/08	USA BLUEBOOK	32	1,846.83
34847	05/15/08	VERIZON	11/30	398.47
34848	05/15/08	THOMAS WATTERS	31	50.00
34849	05/15/08	WEINER LESNIAK	07/08	42,548.48
34850	05/15/08	921-GTS-WELCO	32/40	333.92
34851	05/15/08	WIRELESS GUYS	27	100.14

34852	05/15/08	WOODRUFF ENERGY	22	3,105.63
34853	05/15/08	ZEP MANUFACTURING COMPANY	32	264.91

Total Operating Fund Checks: 113
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$1,250,232.36

Total All Checks: 124
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$2,715,850.03

OPERATING FUND	8-01	\$1,250,232.36
BUILDING & EQUIPMENT FUND	8-02	1,441,082.67
CONSTRUCTION FUND	8-04	<u>24,535.00</u>
TOTAL ALL FUNDS:		\$2,715,850.03

Open the Floor to the Public

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

Closed Session

None.

Return to Regular Order of Business

Mrs. Papen stated that Mr. Pelissier requested the floor.

Mr. Pelissier stated that during the past year and half that he was on the Board, the Executive Director has shown that he is incredibly knowledgeable and professional; the Administrative and Professional staff has also shown that they are very knowledgeable and also very professional when it comes to working with the Board itself. He added that he and some of the Commissioners had some great debates, some more contentions than others, nevertheless, it moved progress at the Authority forward.

Mr. Pelissier then stated that this would be his last meeting as the Commissioner from the City of Rahway.

He wished to extend to Mrs. Grimes a speedy recovery and to everyone else good health and God speed. He thanked everyone for the opportunity to serve on the Board with them and said it has been a very interesting and rewarding experience. He added that not many people get an opportunity to see the intricacies of an Authority that operates like this and also to understand the complexity of what goes along with the construction of a facility.

Mrs. Papen thanked Mr. Pelissier for his service. She added that they did not always agree but

noted that “we don’t always agree with our best friends”. She continued on to say it’s been very interesting having Mr. Pelissier on the Board, his knowledge has been very helpful. She added that she was shocked by the announcement, and didn’t know what else to say, but wished him luck.

Adjournment

As there was no further business, on motion of Mr. Lombardo, seconded by Mr. Chin, the meeting adjourned at 9:04 p.m. The motion was unanimously approved by the members present. Mrs. Abram was absent.

Robert J. Materna, Secretary-Treasurer

JG/jg
Attachments