

RAHWAY VALLEY SEWERAGE AUTHORITY

Summary of Minutes

Regular Meeting held September 18, 2008

- Minutes
Approved Minutes of Regular Meeting held August 21, 2008.
- Communications
None.
- Treasurers Reports
The Treasurers Reports for July 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
A report was given by the Finance Committee.
- Unfinished Business
None.
- New Business
Approved the following: A TWA for Woodbridge.
- New Business (Cont'd.)
Approved the following expenditures: Amendment to CCMS Contract #105-C in an amount of \$32,022.27; Award Contract #0824 to AXYS Analytical Services in an amount of \$30,850.00; and Award of Contract #159-C to PS&S in an amount of \$53,800.00.
- Bills & Claims

OPERATING FUND	8-01	\$1,044,252.10
BUILDING & EQUIPMENT FUND	8-02	1,093,747.80
CONSTRUCTION FUND	8-04	<u>810.00</u>
TOTAL ALL FUNDS:		\$2,138,809.90

RAHWAY VALLEY SEWERAGE AUTHORITY

Regular Meeting Minutes –September 18, 2008

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

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

In accordance with the requirements of the Open Public Meeting Act, State of New Jersey, adequate notice of this meeting has been provided by the inclusion of the date, time and place in a Notice which was forwarded to the Star Ledger, the Home News Tribune and was filed with the Clerk of each of the eleven member municipalities on February 19, 2008 and again September 16, 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:

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
Joan Papen	for the Township of Scotch Plains
Paul M. Sefranka	for the City of Rahway
Attilio S. Ventura	for the Borough of Roselle Park

The following members were absent:

Maria A. Abram	for the Township of Springfield
James J. Murphy	for the Township of Cranford

The following were also present:

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

Approval of Minutes

Mr. Chin made a motion, seconded by Mr. Lombardo, to approve the minutes of the Regular Meeting held August 21, 2008. The motion was approved by those present with the exception of Messer's Luban, Mazzarella and Venturo who abstained. Ms. Abram and Mr. Murphy were absent.

Communications

None.

Report of Treasurer

The Treasurer's Reports for the month of July 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 8/18/08 and 9/18/08, 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>
1066-08-CL	08/25/08	Bladimiro Jaruczyk	Clark
1067-08-WB	08/26/08	Debra Lawrence / In Style Salon	Woodbridge
1068-08-KW	09/04/08	Elshiekh Enterprises, LLC	Kenilworth

Monthly Reports

The following reports were received and distributed to the Commissioners:

- PS&S Engineering & Monthly
- CCMS - Contract #105 – Cogeneration Facility
- CCMS - Contract #155 – Cogeneration Facility
- Weiner Lesniak – Monthly Update
- RVSA Purchase Orders in Excess of \$1500
- RVSA Operations
- RVSA IPP Monthly Activities

Personnel

Union Negotiations are ongoing. The Board has been advised of the current status.

BPU Grant

The BPU has advised the Authority that it has approved the Authority's modified application and is still in the process of finalizing the agreement for execution of the Grant.

TWA – Woodbridge

A Treatment Works Sewer Connection Application was submitted by the Township of Woodbridge on behalf of Paul J. Sansone, Sr./Sansone Auto Mall for property located on Rt. 1 in the Township of Woodbridge. The Application is for the construction of a sanitary sewer to service 20,281 sf of retail space and 36 additional service bays at their existing facility. The new flow generated from this project will be approximately 3,828 gpd. I reviewed the application, found it to be in order and recommend approval.

Contract #105-C Construction Oversight Services

As previously discussed, Contract Amendments will be processed monthly for work being performed by CCMS. CCMS's August invoice is in the amount of \$32,022.27, total amended contract amount of \$2,276,787.92. A motion is on the agenda under New Business.

Contract #155 – Treatment Plant Upgrade

Manny Parada of CCMS made a presentation at the Engineering Committee Meeting regarding a possible Change Order to Contract #155 regarding the elimination of the Tunnel. CCMS and PS&S have both been asked to provide their cost estimates regarding this change. A motion is on the agenda, but no action should be taken if the cost estimates are not received by this evening.

Contract #0824 – Contract Laboratory Services For PCB Analysis

A Notice to Bidders was sent to four companies, published in the Star Ledger and posted on the Authority's website. Two companies picked up bid packages and the following bid was received on Friday, September 12, 2008.

<u>Company</u>	<u>Amount</u>
AXYS Analytical Services Ltd. Sydney, BC, Canada	\$30,850.00

The bid was provided to Counsel and Anthony Gencarelli, Manager of Regulatory Compliance, for review. Both have reviewed the bid, found it to be in order and recommend award. A motion is on the agenda under New Business.

Report of Consulting Engineer

The following report to the Authority Board summarizes our activities for the period of August 16, 2008 through September 12, 2008.

JCO Compliance

The second quarter report was prepared and submitted on July 28, 2008, prior to the end of month deadline. On July 17, 2008, PS&S issued letters to all member municipalities seeking information for the annual Infiltration and Inflow (I/I) status report which is due on October 1, 2008. To date, PS&S has received I/I status information from the Townships of Clark, Springfield, Kenilworth and Woodbridge.

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.

To date, the NJDEP has not taken any of the necessary steps to implement the negotiated settlement from the October 25, 2007 Settlement Conference. Therefore, on July 25, 2008, Counsel wrote a letter to the DAG notifying them that RVSA intends to proceed pursuant to the Order Granting Sanctions, entered by ALJ Jones on February 27, 2007, which will allow the RVSA to continue the use of DSN 003 and 004 for emergency discharges.

Trunk Sewer Rehabilitation - Contract #144

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

Cogeneration Funding

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

Air Permitting

PS&S and the Authority are proceeding with the preparation of an additional Title V 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 final input from the Authority regarding natural gas/digester gas ratio limits for this modification application, and is working with the Authority in modifying and optimizing certain Title V Operating Permit compliance plan requirements. PS&S is assisting the Authority with regard to emissions testing issues for the Multi-Stage Scrubber and Sludge Dryer. This emission testing protocol has been submitted to NJDEP for review and approval. NJDEP has given approval to the Cogeneration engines emission testing protocol.

Digester Brick Replacement - Contract #157

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

Cogeneration/Sludge Drying Facility – Engine Investigation

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

Review of correspondence.

Review of work progress.

Inspection and coordination efforts associated with load and load rejection testing of all four engines to include synchronizing the bus to the cogeneration switchgear; operating in parallel with PSE&G; programming CAT supplied voltage regulators; troubleshooting engine failures occurred during testing, repair and retesting; and routine exercise of the stand-by generator sets.

User Charge and Flow Rights Reports

The August 2008 flow rights and user charge reports covering July 2008 were issued prior to the August Board meeting. The September reports covering August 2008 will be finalized and submitted when the data has been received.

Report of Counsel

The following is a summary of all General Counsel Services that have been provided by this office to the Rahway Valley Sewerage Authority for the time period covering August 19, 2008 through September 8, 2008.

CSP Improvements & related issues

Contract #155

We continue to monitor and evaluate potential delay claims being asserted by the

contractor/electrical subcontractor with respect to Contract #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.

On August 14, 2008 we received renewal Certificates of Insurance with endorsements which we have reviewed and have approved and, therefore, the contractor continues to maintain the levels of insurance that are required by the contract.

Administrative Appeals Re: Treatment Works Approval

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

Cogeneration Facility

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

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

Miscellaneous

NJPDES Permit Appeal

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

As discussed in Executive Session on August 21, 2008, on September 5, 2008 this office filed a Notice of Appeal with the Appellate Division of the Superior Court of New Jersey based upon the agency inaction of the NJDEP and the Office of Administrative Law ("OAL"). Simultaneously, we also filed a Motion to join the OAL as a party Respondent as well as a Motion to accelerate the appellate schedule. Further discussion of this matter may be discussed with the Board in Executive Session.

Trunk Sewer conflicts

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

Contract #144-Trunk Sewer Rehabilitation

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

Flow Rights Exceedence 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 exceedence hearing procedure set forth in the service agreement.

Pay to Play

In order to ensure compliance with the Pay to Play law, we have prepared a letter along with forms to be sent to vendors who have been awarded contracts under a Non-Fair and Open Procedure the purchases from whom are about to exceed the \$17,500 threshold amount set forth in the statute.

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 September 11, 2008, at which time several items were discussed. Items that 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. Lombardo stated that Personnel Committee Meetings were held September 11, 2008 and again earlier this evening at which time the ongoing union negotiation and other personnel matters were discussed. No action needs to be taken at this time.

Public Relations Committee (Attilio Venturo, Chairman)

No report.

Sludge Management Committee (Frank Mazzarella, Chairman)

No report.

Unfinished Business

Mr. Brinker stated that at the August 21st meeting there was discussion about the removal of the tunnel from the Plant Upgrade Project, which includes the chemical feed system to several of the plants facilities.

Mr. Brinker asked if Mr. Parada and Mr. Wancho had a presentation ready for the Board. They responded that they did.

Mr. Parada stated he tried to break out the costs for the chemical feed systems to the Headworks and the Pump and Blower Buildings. Mr. Parada distributed a report to the Commissioner and referred to it during his presentation. Mr. Parada stated that the estimated cost for the chemical feed system for both facilities will be approximately \$1,015,311.00. He stated that E.E. Cruz had provided a number of \$1,048,667.00 just for the headworks building and also included

Cruz's extended overhead that would take them to January 15, 2010 at an additional cost of \$5,969,170.00.

Mr. Brinker asked how they get to the January 15, 2010 date; if the tanks only take 14 weeks to get here. Mr. Parada stated that the letter from Cruz reflects what Cruz projects it will cost to undertake the Change Order to the Contract.

Based on the foregoing, Mr. Parada and Mr. Wancho are recommending that this work be separated from Contract #155 and put out to bid separately.

Mr. Lombardo asked how we are going to respond to this letter from E.E. Cruz.

Mr. Wancho stated it will depend on what action the Board decides to take.

Mr. Lombardo stated that prior to the meeting this evening; several Commissioners took a tour of the plant. He noted that there is a lot of work out there that still needs to be completed; that is without even considering the work related to change orders. Mr. Lombardo stated that he would like to see a Milestone Chart reflecting everything from now through the end of the contract, separated by building, and include all outstanding items and when CCMS thinks that the work is going to be done. A copy would then be provided to Mr. Materna to come up with a cost so that we know what the end figure is going to be.

Mr. Sefranka noted that we need to know what the Authority is facing. He added that there is the issue of the additional work vs. the completion of the contract without any changes.

Mr. Wancho stated that the contractor is going to be looking for his \$12,000+/- dollars per day from now through the end of the contract, so we have to get a handle on what's left; what delays were caused by the Authority and what is the contractor's responsibility.

Mr. Sefranka stated that we realize that there is some validity between \$1 and \$12,000 and we need to figure out what that is.

Mr. Lombardo asked if all the drawings are done. Mr. Parada and Mr. Wancho said yes. Mr. Sefranka stated that there has been on going discussion regarding ordering these tanks for a couple of months and the hold up has been blamed on the lack of drawings – so something isn't adding up. Mr. Brinker said that the final drawings for the chemical feed systems for the Rotary Drum Thickener and Pump & Blower Buildings have not been received. Mr. Wancho said as far as he knows, they have. Mr. Parada stated that if it's to be given to Cruz, it's done. If it's to be bid separately, then no, they are not and the reason for that has to do with "as built" conditions in that building that are being changed right now, as if it is going out to bid to be done by another contractor. Cruz knows he has both these conditions. The drawings we have right now do not include the "as built" as we did not think it was necessary. We directed CDM to revise the drawings to reflect separating the systems from the "as built".

Mr. Sefranka asked if the level of the drawings for the drums, are at the point that the drums can't be built and can't be ordered, or are they where we can get the initial order entered such that the materials can be order and then it's a matter of fabrication and finalization.

Mr. Parada responded that CDM came back with a list of 13 items. Four of the items are serious and require direction, one of which is the RTP1 Certification. The Authority checked with its insurance carrier and the insurance carrier has advised that the RTP1 stamp is not necessary and will result in a \$70,000 savings in premium. CDM stated that they are insisting that this stamp be put on the tank. CCMS has directed CDM to move forward without the stamp.

Mrs. Papen asked Counsel for his opinion. Mr. Hak stated that since Mr. Parada has directed CDM, and they should be following his directive.

Mr. Ventura stated that he did not understand CCMS's involvement in all of this. Mr. Parada stated that he is the Construction Manager on the site for the Authority. Mr. Ventura stated that the Construction Manager's job is to ensure that the construction is done based on the plans and specifications provided by the design team and subsequently approved by the town's construction department. Mr. Parada stated that is correct. Mr. Ventura wanted to know how CCMS has gotten involved in all the plans, the drawings, etc. He added that CCMS should be overseeing the construction based on the plans provided to the Authority, for a plant that operates properly. That is a state law. Mr. Ventura stated that CCMS has failed. Mr. Parada stated that they have not failed. Mr. Ventura said that CCMS has failed because the final phase has not been reached in the amount of time that was designated, and added that the Authority is coming into all these big money extras, and asked where is the Authority going to get all this money?

Mr. Ventura further stated that he thinks we should stop the construction at this point, bring in some experts, go to court to see what happens, and forget about paying all this money when we may not be getting what we paid for.

Mr. Luban stated he would have to refute the statement by Mr. Ventura that CCMS has failed. He stated that he thinks they are doing their job.

Mr. Sefranka stated that he would like to stay on the tank issue. He asked, how do we take it to the point where either Cruz orders the tanks or the Authority gets the drawings and orders them, so that the Authority can keep this moving forward.

Mr. Parada stated that CDM only responded yesterday. Mr. Brinker asked how long CDM has been working on this design. Mr. Brinker noted that the Authority lost 14 weeks because there was a break down or delay, which is going to cost us.

Mr. Parada stated that CCMS tracks everything. He added that he estimates CDM took about two months and noted that the entire team has a turn around time of 21 days. Therefore CDM took much longer.

PS&S would have to draw up specifications for "Installation of Owner Furnished" tanks. Mr. Parada stated that he will make a call tomorrow morning in order to go over the changes with CDM and to get the tanks into fabrication.

Mr. Chin asked Mr. Brinker that when the tunnel was eliminated, had the chemical feed system plan been set up. Mr. Brinker responded that the chemical feed system was originally going to be piped through the tunnel to the various buildings (tanks, pumps and piping). When the tunnel

was eliminated, we needed to revise the drawings and plans to reflect new plans for the chemical feed systems for the various facilities.

In December 2006, when it was determined to take the tunnel out of the plans, CDM was told to prepare revised drawings. Unfortunately our project got overlooked in CDM's Edison, NJ, office and was kicked backed to their Long Island Office but was put aside due to their workload.

Mr. Landale asked Mr. Brinker for his recommendation. Mr. Brinker responded that he thinks we should separate this part of the contract, remove it from Cruz's contract, and go out to bid for the installation of the chemical feed systems by another contractor.

The Chairman stated that we will act on this later in the meeting.

New Business

The following Resolution #08-46 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Lombardo and unanimously approved by the members present; Mrs. Abram and Mr. Murphy were absent.

RESOLUTION #08-46

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolutions #03-89, #07-16, #07-23 and #08-23, #08-31, #08-32 , #08-44 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 & #155 Plant Upgrade; 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 \$32,022.27; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that the previously adopted Resolutions and related Agreements with CCMS in an amount of \$2,244,765.65 be and are hereby amended to provide for the increased contract amount of \$32,022.27 resulting in an amended contract amount not to exceed

\$2,276,787.92; 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, seconded by Mr. Landale, to award Contract #0824 – Contract Laboratory Services for PCB Analysis to the sole bidder AXYS Analytical Services Ltd. of Sydney, BC, Canada, in the amount of \$30,850.00, as recommended by Anthony Gencarelli in concurrence with Counsel. The motion was unanimously approved by the members present. Mrs. Abram and Mr. Murphy were absent.

Mr. Chin made a motion, seconded by Mr. Landale, to approve a Change Order on Contract #155, whereby the Chemical Handling and Feed Systems for the Headworks and RDT facilities would be removed from Contract #155, and bid separately, as discussed with and recommended by both CCMS & PS&S. The motion was approved by the members present with the exception of Mr. Venturo who abstained. Mrs. Abram and Mr. Murphy were absent.

Mr. Chin made a motion, seconded by Mr. Lombardo, to authorize PS&S to prepare bid documents for the solicitation of bids for Contract #159, Chemical Handling & Feed Systems for the Headworks and Rotary Drum Thickener Facilities to be prepared by the October 9, 2008 Engineering Committee Meeting.

Discussion regarding PS&S obtaining the drawings from CDM to prepare the specifications, was held. After continued discussion it was recommended by Counsel that the motion be rescinded until after closed session, where the matter could be discussed further.

Mr. Chin moved to rescind the motion, seconded by Mr. Lombardo.

The following Resolution #08-47 was offered by Mr. Luban, on motion of Mr. Luban, seconded by Mr. Chin and unanimously approved by the members present; Mrs. Abram and Mr. Murphy were absent.

RESOLUTION #08-47

WHEREAS, the Township of Woodbridge submitted a Treatment Works Sewer Connection Application on behalf of Paul J. Sansone, Sr./Sansone Auto Mall, for a project located at 100 Rt. 1 North in the Township of Woodbridge, State of New Jersey; and

WHEREAS, the application is for the connection of 20,280.64 sf of retail space and an additional 36 service bays to their existing facility, with a proposed flow of 3,828 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.

The following Resolution #08-48 was offered by Mr. Luban, on motion of Mr. Luban, seconded by Mr. Lombardo and unanimously approved by the members present; Mrs. Abram and Mr. Murphy were absent.

RESOLUTION #08-48

WHEREAS, the Rahway Valley Sewerage Authority previously approved Resolution #08-43 and related Treatment Works Application for Abbington Associates Inc./Autumn Hill Estates for a project to be located in the Township of Woodbridge, State of New Jersey; and

WHEREAS, this application was incorrectly submitted to and approved by the Rahway Valley Sewerage Authority as the property is not within the Authority's service area.

NOW, THEREFORE, BE IT RESOLVED by the Rahway Valley Sewerage Authority that it does hereby rescind Resolution #08-43 and related TWA Form WQM-003.

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 and Mr. Murphy were absent.

BUILDING & EQUIPMENT FUND

CHECK #	DATE	VENDOR	ACCT/LINE #	AMOUNT
2321	09/08/08	RAHWAY VALLEY SEWERAGE AUTH.	127/140.7	83,177.17
2322	09/18/08	ARGENT ASSOCIATES LLC	140.7	1,017.50
2323	09/18/08	CONSOLIDATED CONSTRUCTION MGT.	140.2/7	196,239.24
2324	09/18/08	EE CRUZ COMPANY INC.	140.7	808,306.39
2325	09/18/08	PAULUS, SOKOLOWSKI & SARTOR	140.9	4,920.00
2326	09/18/08	WEINER LESNIAK LLP	140.9	87.50

Total Building & Equipment Fund Checks: 6

Total Void Checks: 0

Total Amount Void: \$0.00

Total Amount Paid: \$1,093,747.80

CONSTRUCTION FUND

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
1182	09/18/08	PAULUS, SOKOLOWSKI & SARTOR	140.4	810.00

Total Construction Fund Checks: 1
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$810.00

MANUAL OPERATING FUND

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
161	09/08/08	NJ STATE HEALTH BENEFITS	03/04	66,698.16

Total Manual Operating Fund Checks: 1
Total Void Checks: 0
Total Amount Void: \$0.00
Total Amount Paid: \$66,698.16

OPERATING FUND

<u>CHECK</u>	<u>DATE</u>	<u>VENDOR</u>	<u>ACCT/LINE#</u>	<u>AMOUNT</u>
35213	08/27/08	CANON FINANCIAL SERVICES, INC.	16	1,299.72
35214	08/27/08	ELIZABETHTOWN GAS	22	7,816.96
35215	08/27/08	PITNEY BOWES, INC.	16	164.00
35216	08/27/08	PSE&G COMPANY	19	48,066.84
35217	08/27/08	RAHWAY VALLEY SEWERAGE AUTH.	01/02	175,318.30
35218	08/27/08	SAFETY-KLEEN CORP.	32	275.26
35219	08/27/08	UNITED PARCEL SERVICE	48	24.07
35220	08/27/08	WOODRUFF ENERGY	22	41,514.41
35221	09/02/08	DELTA DENTAL PLAN OF NJ	03	6,468.95
35222	09/02/08	HOLISTIC CARE HOSPICE	18	100.00
35223	09/02/08	PURCHASE POWER	48	871.14
35224	09/02/08	STANDARD INSURANCE COMPANY	03	2,209.74
35225	09/02/08	UNITED PARCEL SERVICE	48	43.14
35226	09/02/08	VISION SERVICE PLAN	03	1,234.87
35227	09/08/08	HESS CORPORATION	19	149,404.38
35228	09/08/08	HOME DEPOT CREDIT SERVICES	32	143.02
35229	09/08/08	NEVES JEWELERS	18	175.00
35230	09/08/08	STAPLES CREDIT PLAN	13/27	91.01
35231	09/18/08	A TOUCH OF ITALY	49	110.00
35232	09/18/08	ADP, INC.	03	170.28
35233	09/18/08	ADP, INC.	16	1,887.01
35234	09/18/08	ADVANCED SPECIALTY SALES	32	366.00
35235	09/18/08	AIRGAS SAFETY, INC.	31	392.43
35236	09/18/08	ALL AMERICAN SEWER SERVICE	32	15,201.00

35237	09/18/08	AMALGAMATED GENERAL AGENCIES	17	1,770.58
35238	09/18/08	AMERICAN INDUSTRIAL SUPPLY	32	323.56
35239	09/18/08	AMERICAN WEAR	32	1,426.00
35240	09/18/08	APPLIED ANALYTICS, INC.	32/38	2,365.00
35241	09/18/08	ASSOCIATED AUTO PARTS	35	195.00
35242	09/18/08	ATLAS LICENSE COMPANY	31	810.00
35243	09/18/08	AVOGADRO ENVIRONMENTAL CORP.	41	1,137.50
35244	09/18/08	JAVIER BAEZ	31	150.00
35245	09/18/08	BALCO INDUSTRIES INC.	31	384.00
35246	09/18/08	BOWCO LABORATORIES, INC.	32	63.00
35247	09/18/08	HECTOR L. CARTAGENA	04	289.20
35248	09/18/08	CARUS CORPORATION	32	10,127.04
35249	09/18/08	CDW GOVERNMENT, INC.	27	38.90
35250	09/18/08	ALLEN CHIN	49	46.50
35251	09/18/08	CITY OF RAHWAY UNITED WATER	33	13,689.39
35252	09/18/08	COGENT COMMUNICATIONS, INC.	27	674.00
35253	09/18/08	COOPER ELECTRIC SUPPLY CO.	32	125.46
35254	09/18/08	CSL SERVICES, INC.	30	15,331.88
35255	09/18/08	D2L ASSOCIATES, INC.	42	3,720.00
35256	09/18/08	DELL MARKETING L.P.	27	2,906.36
35257	09/18/08	LOUIS DUPLESSIS	04	289.20
35258	09/18/08	EASTERN SHEET METAL&PLATE WORKS	32	2,536.78
35259	09/18/08	EATON ELECTRICAL, INC.	16	3,600.00
35260	09/18/08	ELIZABETHTOWN GAS	22	5,410.16
35261	09/18/08	ENVIRONMENTAL RESOURCE ASSOC.	40	149.95
35262	09/18/08	ELIZABETHTOWN GAS	22	9,036.52
35263	09/18/08	FEDEX	48	25.29
35264	09/18/08	FISHER SCIENTIFIC	40	545.22
35265	09/18/08	FRED VACHINO & SONS	32	7,963.00
35266	09/18/08	ANTHONY GENCARELLI	31	150.00
35267	09/18/08	GODWIN PUMPS OF AMERICA, INC.	32	2,829.00
35268	09/18/08	W.W. GRAINGER, INC.	32	538.37
35269	09/18/08	GARY W. GRAY TRUCKING, INC.	25	77,529.28
35270	09/18/08	HACH COMPANY	40/43	2,405.70
35271	09/18/08	HALL & ASSOCIATES	08	2,147.24
35272	09/18/08	HATCH MOTT MACDONALD	08	2,018.22
35273	09/18/08	INST. FOR PROFESSIONAL DEV.	31	198.00
35274	09/18/08	JACOBSON DISTRIBUTING CO.	32/40/41	1,984.00
35275	09/18/08	JCI JONES CHEMICALS, INC.	29	16,509.12
35276	09/18/08	JERSEY ELEVATOR COMPANY INC.	32	182.71
35277	09/18/08	JOHNSTONE SUPPLY	32	1,433.34
35278	09/18/08	JWC ENVIRONMENTAL	32	747.09
35279	09/18/08	LAB SAFETY SUPPLY, INC.	31	687.61
35280	09/18/08	C. CLARK LANDALE	49	133.92
35281	09/18/08	LIBERTY MUTUAL INSURANCE GROUP	17	14,195.00
35282	09/18/08	RICHARD LoFORTE	49	99.00
35283	09/18/08	CHARLES P. LOMBARDO	49	98.97
35284	09/18/08	ROBERT G. LUBAN	49	137.85

35285	09/18/08	FRANK G. MAZZARELLA	49	128.85
35286	09/18/08	MCMASTER-CARR SUPPLY CO.	32	1,605.04
35287	09/18/08	MECHANICAL SERVICE CORP.	32	297.00
35288	09/18/08	MIDDLESEX WATER COMPANY	33	1,048.00
35289	09/18/08	MOTION INDUSTRIES, INC.	32	350.84
35290	09/18/08	ROBERT MRASZ	04	289.20
35291	09/18/08	JAMES J. MURPHY	49	137.85
35292	09/18/08	MURRAY, MONTGOMERY, O'DONNELL	09	15,000.00
35293	09/18/08	NJ MANUFACTURERS INSURANCE CO.	17	18,085.00
35294	09/18/08	NJ STATE LEAGUE OF MUNIC.	31	45.00
35295	09/18/08	O'JOHNNIES, INC.	13	180.45
35296	09/18/08	ONE CALL SYSTEMS, INC.	32	70.20
35297	09/18/08	JOAN PAPAN	49	640.01
35298	09/18/08	PAULUS, SOKOLOWSKI & SARTOR	05/06	7,282.00
35299	09/18/08	EDMUND PETROSKY	04	289.20
35300	09/18/08	PITNEY BOWES, INC.	13	81.58
35301	09/18/08	POLAND SPRING	46	138.29
35302	09/18/08	POLYDYNE INC.	23	18,400.00
35303	09/18/08	PRECISION ELECTRIC MOTOR WORKS	32	385.00
35304	09/18/08	PSE&G COMPANY	19/42	68.88
35305	09/18/08	PASSAIC VALLEY SEWERAGE	41	1,595.22
35306	09/18/08	QC LABORATORIES	41	3,638.00
35307	09/18/08	RAHWAY VALLEY SEWERAGE AUTH.	01/02	149,782.92
35308	09/18/08	RAHWAY ELECTRIC SUPPLY CO.	32	2,086.91
35309	09/18/08	RARITAN SUPPLY COMPANY	32	1,985.98
35310	09/18/08	RVSA PETTY CASH	14	278.75
35311	09/18/08	SAFETY-KLEEN CORP.	32	273.61
35312	09/18/08	COLONEL SATTERWHITE	04	289.20
35313	09/18/08	PAUL SEFRANKA	49	90.99
35314	09/18/08	WILLIAM SEIBOTH	04	289.20
35315	09/18/08	STAR LEDGER	12	168.00
35316	09/18/08	DONALD STUART	04	289.20
35317	09/18/08	GEORGE SZOTAK	04	578.40
35318	09/18/08	TELEDYNE ISCO	41	765.00
35319	09/18/08	UNITED PARCEL SERVICE	48	23.75
35320	09/18/08	UNITED STATES PLASTIC CORP.	40	208.84
35321	09/18/08	US FILTER/SIEMENS WATER TECH.	40	1,301.00
35322	09/18/08	USA BLUEBOOK	41	173.36
35323	09/18/08	ATTILIO S. VENTURO	49	89.97
35324	09/18/08	VERIZON	11/30	2,019.18
35325	09/18/08	VERIZON WIRELESS	11	628.27
35326	09/18/08	WEINER LESNIAK LLP	07/08	49,934.10
35327	09/18/08	921-GTS-WELCO GASES	32/40	332.43
35328	09/18/08	WHITEMARSH CORPORATION	32	1,333.00
35329	09/18/08	WIDMER TIME RECORDER CO., INC.	13	152.50
35330	09/18/08	WOODBRIIDGE MACHINE & TOOL INC.	43	208.00
35331	09/18/08	WOODRUFF ENERGY	22	31,542.63
35332	09/18/08	ARTHUR M. WRIGHT, JR.	04	289.20

35333 09/18/08 YOUR TOPS, INC. 32 182.50

Total Operating Fund Checks: 121
 Total Void Checks: 0
 Total Amount Void: \$0.00
 Total Amount Paid: \$977,553.94

Total All Funds: 129
 Total Void Checks: 0
 Total Amount Void: \$0.00
 Total Amount Paid: \$2,138,809.90

OPERATING FUND	8-01	\$1,044,252.10
BUILDING & EQUIPMENT FUND	8-02	\$1,093,747.80
CONSTRUCTION FUND	8-04	\$810.00
TOTAL ALL FUNDS:		<u>\$2,138,809.90</u>

Open the Floor to the Public

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

Closed Session

Mr. Chin made a motion to go into closed session at this time, 8:30 p.m., to discuss matters related to pending and/or anticipated litigation based on Attorney/Client privilege. The motion was seconded by Mr. Lombardo and unanimously approved by the members present. Mrs. Abram and Mr. Murphy were absent.

Mr. Luban made a motion to return to the regular order of business at this time, 8:45 p.m. The motion was seconded by Mr. Sefranka and unanimously approved by the members present. Mrs. Abram and Mr. Murphy were absent.

Return to Regular Order of Business

The Chairman asked for action on matters that were discussed in Closed Session.

The following Resolution #08-49 was offered by Mr. Chin, on motion of Mr. Chin, seconded by Mr. Sefranka and unanimously approved by the members present; Mrs. Abram and Mr. Murphy were absent.

RESOLUTION #08-49

WHEREAS, the Rahway Valley Sewerage Authority (Authority) received a proposal

from Paulus, Sokolowski & Sartor (PS&S), 67A Mountain Blvd. Ext., Warren, NJ 07059 for Professional Services; and

WHEREAS, the Authority has a need to engage a consultant to provide Engineering Services specifically for Design, Bidding and Construction Oversight on Contract #159 - CSP - Chemical Handling & Feed Systems for the Headworks and RDT Facilities; and

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

WHEREAS, the Authority received the proposal from PS&S, reflecting a cost of \$53,800.00, plus the cost of printing of the bid documents; and

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

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage PS&S to perform the services described herein at a cost not to exceed for a period through the end of construction; 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 asked to address the Board. The Chairman agreed.

Mr. Mazzarella stated that he has been reviewing the flow reports every month, specifically the data from Meter #11 which is located at the end of Clark and beginning of Rahway. He noted that many times when Clark's flow is low, Rahway's flow is high and vice versa. He questioned these anomalies. Mr. Brinker stated that this meter is located in the park just up stream of where the construction was recently done on the Authority's line. Mr. Brinker added that a short distance downstream from this meter, the line runs under the river and continues on through the City of Rahway. Mr. Brinker suggested that a "test meter" be installed for 30 to 60 days, downstream in that line, to verify the data coming from Meter #11.

Mr. Brinker also noted that Hatch Mott MacDonald (HMM) is finishing up their work on the inter-municipal adjustments and will be providing a report within the next month. He added that HMM has suggested that the Authority go to more "composite" sampling as opposed to "grab" samples. Mr. Brinker noted that he recently had the staff perform extra "composite" samples to

verify HMM's recommendation and agrees with them based on the outcome of the samples.

After further discussion, Mr. Mazarella made a motion, seconded by Mr. Chin, authorizing the Executive Director to have a test meter installed in the trunk line downstream of Meter #11 for verification of data and also to switch to more composite sampling as opposed to grab samples, as recommended by both HMM and the Executive Director. The motion was unanimously approved.

Mr. Mazarella stated that he had recently read an article whereby the Hightstown Borough had installed solar panels in its Sewer and Water Utility facility at a cost of approximately \$5 Million. He noted that they will recoup all of the cost through energy credits and will then be entitled to royalties after the initial cost has been offset. Mr. Mazarella suggested that the Authority look into similar ways of offsetting energy costs and also going "green".

The Commissioners agreed and requested that Mr. Brinker look into some of the alternative energy methods and report to the Engineering Committee his findings.

Adjournment

As there was no further business, on motion of Mr. Luban, seconded by Mr. Lombardo, the meeting adjourned at 8:55 p.m. The motion was unanimously approved by the members present; Mrs. Abram and Mr. Murphy were absent.

JG/jg
Attachments

Robert J. Materna, Secretary-Treasurer