

MINUTES OF THE 761st MEETING
 THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY
 January 25, 2010
 (Rescheduled to February 1, 2010)

Minute 1 - Opening of Meeting

The 761st Meeting of the Somerset Raritan Valley Sewerage Authority was called to order at 7:00 P.M. by the Vice Chairman, Roger Guttschall.

Minute 2 - Open Public Meetings Announcement - Executive Director

The Open Public Meetings Announcement was read by Glen D. Petruski.

Minute 3 - Roll Call

<u>Present</u>	<u>Absent</u>		<u>Present</u>	<u>Absent</u>	
<u>X</u>	_____	Arthur Quade	<u>X</u>	_____	Peter Van Riper
<u>X</u>	_____	Alessandro Fischetti, Jr.	<u>X</u>	<u>X</u>	Robert McCray
<u>X</u>	_____	Edward J. Machala	<u>X</u>	_____	Joseph J. Lifrieri
<u>X</u>	_____	Philip Petrone	<u>X</u>	_____	William A. Poch, Sr.
<u>X</u>	_____	Peter F. Stires	<u>X</u>	_____	Roger Guttschall
_____	<u>X</u>	Alvin Florey	<u>X</u>	_____	Kenneth Lee
_____	<u>X</u>	Herbert Vollers	_____	<u>X</u>	Gail Quabeck

Professional Staff

<u>X</u>	_____	Glen D. Petruski, Executive Director
<u>X</u>	_____	John S. Thompson, Plant Superintendent
<u>X</u>	_____	James L. Brandes, P.E., CDM, Consulting Engineer
<u>X</u>	_____	Joseph J. Maraziti, Jr., Esq. MFH, General Counsel
<u>X</u>	_____	Ronald Anastasio, P.E., Facility Engineer
<u>X</u>	_____	Norma A. Smullen, Office/Human Resources Manager
<u>X</u>	_____	Peter Wozniak, Chief Financial Officer

Others

Minute 4 - Pledge of Allegiance

All in attendance saluted the flag.

4.A. Oath of Office

- a. Arthur Quade, Commissioner, Township of Branchburg
- b. Dr. Joseph J. Lifrrieri, P.E., Commissioner, Township of Bridgewater

Attorney Maraziti, Esq. administered the Oath of Office to Mr. Quade as the new Commissioner for the Township of Branchburg and to Mr. Lifrrieri as the new Commissioner for the Township of Bridgewater.

4.B. Expression of thanks to outgoing Board Member

- a. Res. No. 10-0125-1 - Resolution Acknowledging And Thanking Conrad King For His Time And Service As A Commissioner

Upon motion of Mr. Machala, second of Mr. Van Riper, the above referenced resolution was approved by the following roll call vote:

Arthur Quade	Yes	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Yes	Robert McCray	Absent
Edward J. Machala	Yes	Joseph J. Lifrrieri	Yes
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Roger Guttschall	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Gail Quabeck	Absent

A copy of the resolution is attached hereto and made part of the Official Minutes.

Minute 5 - Approval of Minutes

- a. 760th Meeting - December 17, 2009 - Regular Session

Upon motion of Mr. Van Riper, second of Mr. Machala, the Minutes of the 760th Meeting of December 17, 2009 were approved by the following roll call vote:

Arthur Quade	Abstain	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Abstain	Robert McCray	Absent
Edward J. Machala	Yes	Joseph J. Lifrrieri	Abstain
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Roger Guttschall	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Gail Quabeck	Absent

A copy of the Minutes are attached hereto and made part of the Official Minutes.

- b. 760th Meeting - December 17, 2009 - Closed Session

Upon motion of Mr. Stires, second of Mr. Poch, the Minutes of the 760th Meeting (Closed Session) were approved by the following roll call vote:

Arthur Quade	Abstain	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Abstain	Robert McCray	Absent
Edward J. Machala	Yes	Joseph J. Lifrieri	Abstain
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Roger Guttschall	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Gail Quabeck	Absent

A copy of the Minutes are attached hereto and made part of the Official Minutes.

- c. 759th Meeting - November 23, 2009 - Closed Session
(Rescheduled to November 30, 2009)

Upon motion of Mr. Van Riper, second of Mr. Stires, the Minutes of the 759th Meeting (Closed Session) were approved by the following roll call vote:

Arthur Quade	Abstain	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Abstain	Robert McCray	Absent
Edward J. Machala	Yes	Joseph J. Lifrieri	Abstain
Philip Petrone	Yes	William A. Poch, Sr.	Abstain
Peter F. Stires	Yes	Roger Guttschall	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Gail Quabeck	Absent

A copy of the Minutes are attached hereto and made part of the Official Minutes.

Minute 6 - Public Hearing(s) - (Including Public Notice/Support Information) - None

Minute 7 - Public Participation - Seeing no one from the public, Vice Chairman Guttschall declared the Public Participation Portion of the meeting Closed.

Minute 8 - Resolutions for Consideration and Possible Formal Action - Vice Chairman Guttschall announced there were no resolutions for consideration.

Minute 9 - Board Committees

- a. Nominating Committee (POCH, Fischetti, Guttschall, Van Riper)
(1) Report on revised Slate of Officers for 2010

Mr. Poch reported that the Nominating Committee was recommending the following revised Slate of Officers for 2010:

Chairman:	Roger Guttschall	Treasurer:	Gail Quabeck
Vice Chairman:	Peter Van Riper	Secretary:	Peter F. Stires

c. Chairperson - No additional comments.

Minute 10 - Reports

a. **Executive Director's Report**

(1) Report on AEA 2010 Annual Spring Conference

Mr. Petruski stated that the resolution would be approving to send Mr. Fischetti, Mr. Poch, Mr. Anastasio and himself to the conference. Prior to adopting the resolution Mr. Petruski distributed paperwork that was submitted on behalf of the Authority and nominating the Authority for the Wave Forward Thinking Award From AEA. Mr. Petruski stated that the application/document outlines what the Authority has done from 1994 to the present where the Comprehensive Strategic Plan (CSP) was laid out and what has been accomplished in those 15 years. Mr. Petruski went on to report that nearly everything that was in the CSP has been implemented and that it will be necessary to start thinking about going through the process for the next 20-year cycle (2014 will be the end of this cycle). Currently, we are good for 30 MGD but what do we do if we go above that number. It will be necessary for the Authority to put together a concept plan that can guide the Authority.

Mr. Guttschall asked who put the document together for submittal to the AEA. Mr. Petruski responded that the document was the work of Mr. Maraziti, Mr. Cosgrove, Mr. Carney and Ms. Alexander.

(a) Res. No. 10-0125-2 - Resolution Authorizing Two Commissioners, The Executive Director and The Assistant Executive Director/Facility Engineer To Attend The AEA 2010 Annual Spring Conference In Atlantic City

Upon motion of Mr. Poch, second of Mr. Van Riper, the above Resolution was approved by the following roll call vote:

Arthur Quade	Yes	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Yes	Robert McCray	Absent
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Roger Guttschall	Yes

Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Gail Quabeck	Absent

A copy of the resolution is attached hereto and made part of the Official Minutes.

- (2) Recommendation of Professional Staff for 2010 in response to Request for Qualifications (RFQ's) in accordance with State Regulations (Pay to Play Law)

Mr. Petrauski stated that the Authority posted the RFQ's and the Board has a listing of those who applied and his recommendations. For the benefit of the new commissioners, Mr. Petrauski stated that in November the Board is given the opportunity to do a review of its professionals in Closed Session to determine if the Board is satisfied/dissatisfied with the services being provided by the professional staff. The reason is that it gives the Authority time to seek someone else prior to the appointment of the professional staff at the Reorganization Meeting in February.

- (3) Report on PL 141 (A2748 McKeon, Malone)

Mr. Petrauski asked Attorney Maraziti to report on PL 141 (Citizen Service Act) since it deals with absences on local boards.

Mr. Maraziti stated that the bill is an attempt of the legislature to keep track of individuals appointed to the various local boards. He went on to state that a majority of the bill deals with the municipality. The part that affects the Authority is that the statute provides a number of ways that a seat can become vacant and the most common way is through attendance at meetings. For the Board, if four (4) consecutive regular board meetings are not attended, the absence can be excused by the Authority. Absences due to illness must be excused. If a member has unexcused absences for four (4) consecutive meetings, then the Authority is responsible for notifying the community making the appointment and the seat can be filled by someone else. Mr. Petrauski stated that if the Board accepts the absence, it needs to be done by resolution.

Additionally, the Chairman is now able to administer an Oath of Office.

A brief discussion ensued.

- (4) Update on Wastewater Management Plan

Mr. Anastasio stated that the five (5) maps included in the Board Book have been posted on the County Planning Department website for the Wastewater Management Plan.

Engineer Anastasio went on to report that two of the maps are from the SRVSA Service Area; namely, Branchburg and Hillsborough and the other three (3) are from Montgomery, Franklin and Bernards Township. He commented that the County Planning Department's goal is to finalize the plan for the June 2010 submittal.

Mr. Petruski stated that he was distributing a copy of the Governor's Transition Team Report on the NJDEP. He went on to state that it was interesting reading.

- (5) Report on finalization of settlement with NJDEP regarding air emission settlement

Mr. Petruski reported that the State is fining the Authority \$11,300.00 for Incinerator No. 1 for using more oil than the permit allows for. The second is for a penalty against our contractor who forgot to do something while doing RATA testing, and we were able to negotiate the fine down to \$5,475.00. Mr. Petruski stated that these are technical violations; they are revenue.

- (6) Update on mediation with Carbro Constructors

Attorney Maraziti reported, for the benefit of the new Commissioners, that the Authority has been engaged in a dispute with a contractor who has performed part, but not all, of the extension of the outfall to the Raritan River, and we have been engaged in negotiations, through mediation, for his claims of millions of dollars worth of extra items. Mr. Maraziti went on to state that mediation is a process that is required by statute to be included in construction contracts and requires that one party can sue the other party and that there must be provision for mediation first. Carbro Constructors Corp. initiated that portion of the contract.

Mr. Maraziti reported that talks have been engaged with CDM in discussing the number the judge mentioned and went on to report that a courtesy copy of a Complaint had been received late that afternoon filed by Carbro stating they wish to file a lawsuit rather than to pursue the mediation.

Attorney Maraziti reported that their firm will be vigorously defending the lawsuit, and stated that although statute and the contract allows for mediation, Carbro Constructors Corp. has chosen to file the lawsuit. Mr. Maraziti stated that this was a unilateral termination of the mediation and that more details would be forthcoming at the February Board Meeting.

- b. Engineer/Consultants

- (1) James L. Brandes, P.E. (CDM) Engineer's Report for December 2009 - Engineer Brandes did not have anything additional to report.
- c. Attorney - Joseph J. Maraziti, Jr., Esq., Maraziti, Falcon & Healey, LLP - Attorney Maraziti, Esq. did not have any additional comments.
- d. Department Reports
 - (1) Operations
 - (2) Laboratory
 - (3) Maintenance/Electrical
 - (4) Special Projects
- e. Facility Engineer Reports
 - (1) Capacity Allocation
 - (2) Capacity Assurance
 - (3) Monthly Flow Report
 - (4) Facility Engineer's Monthly Report
- f. Budget Reports

No comments on the above referenced reports.

Minute 11 - Communications

- a. NJDEP, Division of Water Quality; Surface Water Discharge Monitoring Report; dated December 22, 2009; Re: Reporting Period November 2009
- b. NJDEP, Division of Water Quality; Residuals DMR; dated December 22, 2009; Re: Reporting Period October 2009
- c. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated December 22, 2009; Re: Reporting Period October 2009
- d. NJDEP, Division of Water Quality; Residuals Transfer Report; dated December 22, 2009; Re: Reporting Period October 2009
- e. Albert I. Telsey; dated December 16, 2009; Re: Wyeth-Carbon Towers/USTs (12/23/2009 Weekly Mailing)
- f. Peter Cipparulo, III; dated December 18, 2009; Re: Hillsborough Municipal Utilities Authority (12/23/2009 Weekly Mailing)
- g. Joseph J. Maraziti, Jr., Esq.; dated December 29, 2009; Re: Inter-Municipal Cooperation Agreement (1/8/2010 Weekly Mailing)
- h. *Courier News*; dated January 1, 2010; Re: Waste Charges to Change (Explanation due at Plainfield Hearing) (1/8/2010 Weekly Mailing)

- i. Department of Community Affairs, Division of Local Government Services; dated January 5, 2010; Re: SRVSA 2010 Budget
- j. New Jersey Business; dated January 2010; "Coping with Regulations" (1/8/2010 Weekly Mailing)
- k. James F. Cosgrove, Jr., P.E.; dated January 8, 2010; Re: Effluent Mercury Monitoring Requirements-Second Round Update ((1/22/2010 Weekly Mailing)
- l. Cari Zimmerman; dated January 2010; Re: WEFTEC 2010 in New Orleans (1/22/2010 Weekly Mailing)
- m. NJDEP, Division of Water Quality; dated January 5, 2010; Re: 2009 Pretreatment Program Annual Report (1/22/2010 Weekly Mailing)
- n. NJDEP, Division of Water Quality; dated January 12, 2010; Re: 2009 Pretreatment Program Annual Report (1/22/2010 Weekly Mailing)
- o. E-Mail from Ellen Gulbinsky; dated January 25, 2010; Re: Governor Christy's Executive Orders and Transition Team Reports (1/29/2010 Weekly Mailing)
- p. Joseph Buhler; dated January 21, 2010; Re: SRVSA Outfall Relocation Project, NJAW Use of Residuals Handling Area

No questions/comments regarding the communications.

Minute 12 - Payroll (Res. No. 10-0125-3)

Upon motion of Mr. Poch, second of Mr. Van Riper, the above resolution was approved by the following roll call vote:

Arthur Quade	Yes	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Yes	Robert McCray	Absent
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Roger Guttschall	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Gail Quabeck	Absent

A copy of the resolution is attached hereto and made part of the Official Minutes.

Minute 13 - Cancellation of Checks - None

Minute 14 - Bills (Res. No. 10-0125-4)

Upon motion of Mr. Poch, second of Mr. Van Riper, the above resolution was approved by the following roll call vote:

Arthur Quade	Yes	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Yes	Robert McCray	Absent
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes

Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Roger Guttschall	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Gail Quabeck	Absent

A copy of the above-referenced resolution is attached hereto and made part of the Official Minutes.

Minute 15 - Motion to Adjourn to Closed Session

Minute 16 - Closed Session - None

Minute 17 - Motion To Reconvene in Regular Session

Minute 18 - Adjournment

Upon motion of Mr. Van Riper, second of Mr. Poch and all in favor, the meeting was adjourned at 7:25 P.M.