

MINUTES OF THE 762nd MEETING
 THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY
 February 22, 2010
 (Rescheduled to March 1, 2010)

Minute 1 - Opening of Meeting

The 762nd Meeting of the Somerset Raritan Valley Sewerage Authority was called to order at 7:30 P.M. by the 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>	<u> </u>	Arthur Quade	<u>X</u>	<u> </u>	Peter Van Riper
<u>X</u>	<u> </u>	Alessandro Fischetti, Jr.	<u>X</u>	<u> </u>	Robert McCray
<u>X</u>	<u> </u>	Edward J. Machala	<u>X</u>	<u> </u>	Joseph J. Lifrieri
<u>X</u>	<u> </u>	Philip Petrone	<u>X</u>	<u>X</u>	William A. Poch, Sr.
<u>X</u>	<u> </u>	Peter F. Stires	<u>X</u>	<u> </u>	Gail Quabeck
<u> </u>	<u>X</u>	Alvin Florey	<u>7:32</u>	<u> </u>	Kenneth Lee
<u> </u>	<u>X</u>	Herbert Vollers	<u>X</u>	<u> </u>	Roger Guttschall

Professional Staff

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

Others

James F. Cosgrove, Omni Environmental
 Michael Trent, Wet End Supervisor

Minute 4 - Pledge of Allegiance

All in attendance saluted the flag.

4.A. Oath of Office

a. Gail Quabeck - Treasurer - Attorney Maraziti, Esq. administered the Oath of Office to Ms. Quabeck as Treasurer for FY 2010.

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

Minute 5 - Approval of Minutes

- a. 761st Meeting - January 25, 2010 - Regular Session
Rescheduled to February 1, 2010

Upon motion of Mr. Stires, second of Mr. Van Riper, the Minutes of the 761st Meeting were approved by the following roll call vote:

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

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

- b. Reorganization Meeting - February 1, 2010)

Upon motion of Mr. Van Riper, second of Mr. Machala, the Minutes of the Reorganization Meeting were approved by the following roll call vote:

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

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, Chairman Guttschall declared the Public Participation Portion of the meeting Closed.

Minute 8 - Resolutions for Consideration and Possible Formal Action

- a. Res. No. 10-0222-1 - Sewer Extension- Somerset County Joint Public Works Facility; Blocks 711 & 801, Lots 6 & 42; Bridgewater Township

Upon motion of Mr. Machala, 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	Yes
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes
Philip Petrone	Yes	William A. Poch, Sr.	Absent
Peter F. Stires	Yes	Gail Quabeck	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Roger Guttschall	Yes

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

- b. Res. No. 10-0222-2 - Resolution Awarding Bid For Removal, Inspection, Repair And Installation Of Two (2) Multi-Media Influent Pumps And Electric Motors

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

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

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

- c. Res. No. 10-0222-3 - Resolution Awarding Bid For Vacuum Truck Services

Upon motion of Mr. Machala, second of Mr. Stires, the above resolution was approved by the following roll call vote after a brief discussion:

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

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

Minute 9 - Board Committees

- a. Planning Committee (VAN RIPER, Florey, Poch, Quabeck, Stires)

- (1) Report on Construction Management/Surveillance Services Proposal submitted by CDM for the construction of the Redesigned Tunnel Project

Committee Chairperson Van Riper reported that the Planning Committee discussed the proposal submitted by CDM for Construction Management/Surveillance Services for the construction of the Redesigned Tunnel Project at the Planning Committee Meeting, and stated that the Committee is in agreement that CDM should be retained for this service.

- (a) Res. No. 10-0222-4 - Resolution Authorizing Camp Dresser & McKee To Provide Construction Management/Surveillance Services For The Redesigned Tunnel Project

Upon motion of Mr. Van Riper, second of Mr. Stires, the above resolution was approved by the following roll call vote after a discussion. Mr. Lifrieri had a question regarding the multiplier used by CDM in their cost proposal and stated that in today's economy the multipliers are not what they use to be. He was having difficulty reaching the multipliers used by CDM because he did not know what the fringe benefits were.

Engineer Brandes reported that CDM utilizes three multipliers in their billing; the first multiplier is for field services, the second multiplier is for general services and the last multiplier is for design services.

Arthur Quade	Yes	Peter Van Riper	Yes
Alessandro Fischetti, Jr.	Yes	Robert McCray	Yes
Edward J. Machala	Yes	Joseph J. Lifrieri	No

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

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

Chairman Guttschall requested that this information be gathered and forwarded to Mr. Lifrieri.

- (1) Report on review and discussion of Cost To Burn Study regarding future long-term sludge management methodology

Chairperson Van Riper stated that the Board has asked the SRVSA Staff if the Authority should continue to incinerate sludge or shut down its incinerator operation and ship its sludge to other locations as liquid or dewatered cake for disposal elsewhere. The Planning Committee has decided that the SRVSA should continue to handle its own sludge and that the staff should explore the availability of green grants and permitting issues for the burning of grease and the additional generational equipment on the incinerator stack and that the Cost to Burn Study has been turned over to the Finance Committee for their review.

Mr. Van Riper asked, on behalf of Mr. Poch, that the Financial Advisor put in writing the schedule to keep a constant Debt Service.

b. Chairperson

Mr. Guttschall, on the Board's behalf, presented Ms. Quabeck with the clock for her service as Chairperson to the Authority for the past two years.

Minute 10 - Reports

a. Executive Director's Report

- (1) Outfall Relocation Project - Redesigned Tunnel Project

Mr. Petruski requested that Mr. Anastasio update the Board on the Redesigned Tunnel Project.

Mr. Anastasio reported that the Authority has submitted to Conrail, through CDM, the tunnel shield and liner plate shop drawings for the Tunnel Project and that there has been a conference call to discuss Northeast Remsco's slow submission/progress to date and CDM has issued a letter to Northeast Remsco asking for their reassurance that everything is on schedule.

(2) Report on connection fee refund

Mr. Anastasio reported that the connection fee refund was requested by a property owner for his lot on Route 202/206 for the construction of a small office building, however, due to the economic conditions, the owner has decided not to proceed with this project and is, therefore, requesting a refund of his connection fee.

- (a) Res. No. 10-0222-5 - Resolution Authorizing A Refund Of A Connection Fee To Theodore Ark For A Proposed Commercial Office Building (Block 549, Lot 4) Bridgewater Township

Upon motion of Ms. Quabeck 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	Yes
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes
Philip Petrone	Yes	William A. Poch, Sr.	Absent
Peter F. Stires	Yes	Gail Quabeck	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Hebert Vollers	Absent	Roger Guttschall	Yes

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

(3) Update on pH variability study in the Raritan River (R4)

Mr. Petrauski reported that, as a part of the TMDL Study, it was found that there was a shift in pH in the Raritan River (R4) which is felt was due to productivity. However, it has not been possible for Omni Environmental's model to reproduce this.

Mr. Cosgrove, the Authority's Water Quality Engineering Consultant, reported that during his last visit to the Authority, he was authorized to do additional research without collecting any additional data. The disconnect that is troubling is that there are certain events where there are pH violations during times when you would not expect this to happen. Conversely, when you would expect there to be pH violations, this is not happening. With the new data, it was suggested that the model be revisited that was used for the TMDL Study that with the additional data it would be able to simulate things better. A determination has been made that conventional water quality science is not answering the questions; cannot get models to predict from event to event and that there is some phenomenon occurring out there that is not built into the models.

Additionally, Omni was directed to look for some of the less-than obvious things. It was hoped that when impacts were detected in the streams vs when there were no impacts, was the groundwater particularly high or particularly low thinking that there as a groundwater influence. What has happened with the collection of this data is that impacts are detected when groundwater is really low and when the groundwater is really high and that impacts are not detected when the groundwater is really high and that impacts are not detected when the groundwater is really low. It has been determined that the groundwater in the area is very high in Manganese and Iron and that they can influence productivity in the streams. However, looking at the data, there is nothing that suggests that these items are causing the source of the problem.

Mr. Cosgrove reported that additional in-stream work should be done over the next spring and summer season. And, finally, from a biological aspect, Mr. Cosgrove feels that the biology is changing in the stream over time. Noticed that the pH problems are seen after wet springs. Mr. Cosgrove stated that Omni is not totally done with their research. From a timing perspective, if there is anything important to sample, the time is coming up--late spring and summer. He feels that if indeed we do have a wet spring, this seems to have caused the issues that have been found periodically in the Raritan River.

Mr. Petruski asked whether Dr. Ferrara has ever seen anything like this in his years of experience in the field. Mr. Cosgrove replied that he had not. Mr. Cosgrove stated that if DEP knew what we know now, the DEP would declare the stream is impaired. A discussion ensued.

(4) Report on 4-Year Accident Free Workplace

Mr. Petruski reported that the Authority has experienced 4 years with no accidents and introduced Michael Trent who is the Supervisor responsible for the Authority Safety Program and responsible for the Authority safety record.

- (5) Discussion relating to Carbro Constructors Corp.
Complaint **(CLOSED SESSION) - LITIGATION**
- (6) Update on discussions with Pfizer/Wyeth regarding
carbon towers **(CLOSED SESSION) - NEGOTIATIONS**
- (7) Update on repairs to Incinerator No. 2 and
Insurance Claim **(CLOSED SESSION) - PENDING LITIGATION**

Items (5), (6), and (7) will be discussed in Closed Session.

b. Engineer/Consultants

- (1) James L. Brandes, P.E. (CDM) Engineer's Report for February 2010 - Engineer Brandes did not have anything additional to report.

c. Attorney - Joseph J. Maraziti, Jr., Esq., Maraziti, Falcon & Healey, LLP

Attorney Maraziti reported on the Governor's Executive Order and went to explain that the Executive Order is not applicable to the SRVSA but is applicable to State Authorities. However, Attorney Maraziti stated that the focus on the Passaic Valley Sewerage Authority is an attempt to raise an awareness with the general public.

d. Department Reports

- | | |
|----------------|----------------------------|
| (1) Operations | (3) Maintenance/Electrical |
| (2) Laboratory | (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 January 21, 2010; Re: Reporting Period December 2009
- b. NJDEP, Division of Water Quality; Residuals DMR; dated January 21, 2010; Re: November 2009
- c. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated December 21, 2010; Re: Reporting Period November 2009
- d. NJDEP, Division of Water Quality; Residuals Transfer Report; dated January 21, 2010; Re: Reporting Period November 2009
- e. NJDEP, Biomonitoring Report; dated January 11, 2010; Re: Chronic Toxicity Tests December 14, 2009-December 21, 2009
- f. NJDEP, Wolfgang Skacel, Assistant Commissioner; dated January 29, 2010; Re: Water Quality Inspection Summary Report (2/5/2010 Weekly Mailing)

- g. Carbro Constructors Corp. v. Somerset Raritan Valley Sewerage Authority; dated January 21, 2010; Re: Complaint (2/5/2010 Weekly Mailing)
- h. NJDEP; dated January 15, 2010; Re: Final Report of Environmental Protection Transition Subcommittee (2/5/2010 Weekly Mailing)
- i. Douglas McKenna, Chief; dated February 5, 2010; Re: Annual Report of POTW's (2/5/2010 Weekly Mailing)
- j. "Christie to sewer agency: Lobbyists won't quiet me"; February 5, 2010 *Newark Star Ledger* (2/5/2010 Weekly Mailing)
- k. Brent T. Carney, Esq.; dated February 3, 2010; Re: Acknowledgment of Service (2/12/2010 Weekly Mailing)
- l. *The Star-Ledger*, dated February 5, 2010; Re: Lawmakers taking aim at high-spending commission (2/12/2010 Weekly Mailing)
- m. AEA; dated February 8, 2010; Re: E-Newsletter for Regular/Municipal Members (2/12/2010 Weekly Mailing)
- n. *The Sunday Star-Ledger*; dated February 7, 2010; Editorial: Aiming at authorities (2/12/2010 Weekly Mailing)
- o. Brent Carney, Esq.; dated February 9, 2010; Re: SRVSA/Carbro Constructors Corp. (2/19/2010 Weekly Mailing)
- p. Ronald S. Anastasio; dated February 11, 2010; Re: 2010 NJPDES Permit Fee Calculation (2/19/2010 Weekly Mailing)
- q. E-mails; dated February 12, 2010 and February 16, 2010; Re: SRVSA v. Carbro Constructors Corp. (2/19/2010 Weekly Mailing)
- r. E-mails dated February 12, 2010 and February 16, 2010; Re: SRVSA v. Carbro Constructors Corp. (2/19/2010 Weekly Mailing)
- s. *Newark Star Ledger*; "Embattled Sewer Agency Chief To Quit \$313K Post" (2/19/2010 Weekly Mailing)
- t. Joseph J. Maraziti, Jr., Esq.; dated February 23, 2010; Re: Appointment of Joseph J. Lifrieri

No questions/comments regarding the communications.

Minute 12 - Payroll (Res. No. 10-0222-6)

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

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. 10-0222-7)

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

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

Minute 15 - Motion to Adjourn to Closed Session

Upon motion of Mr. Van Riper, second of Mr. Stires the meeting was adjourned to Closed Session at 8:12 P.M. to discuss Carbro, the Incinerator and Carbon (Litigation, Negotiations and Pending Litigation) by the following roll call vote:

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

Minute 16 - Closed Session

Minute 17 - Motion To Reconvene in Regular Session

Upon motion of Mr. Van Riper, second of Ms. Quabeck and unanimous consent, the meeting was reconvened in Regular Session at 8:47 P.M.

Minute 18 - Adjournment

Upon motion of Ms. Quabeck, second of Mr. Van Riper and all in favor, the meeting was adjourned at 7:47 P.M.

