

MINUTES OF THE 765th MEETING
 THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY
 May 24, 2010

Minute 1 - Opening of Meeting

The 765th Meeting of the Somerset Raritan Valley Sewerage Authority was called to order at 7:30 P.M. by the Vice Chairman, Peter Van Riper.

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>	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>	_____	Gail Quabeck
<u>X</u>	_____	Alvin Florey	<u>X</u>	_____	Kenneth Lee
<u>X</u>	_____	Herbert Vollers	_____	<u>X</u>	Roger Guttschall

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., Assistant Executive Director/Facility Engineer
<u>X</u>	_____	Norma A. Smullen, Office/Human Resources Manager
<u>X</u>	_____	Peter Wozniak, Chief Financial Officer

Others

Brent Carney, Esq., MFH, General Counsel

Minute 4 - Pledge of Allegiance

All in attendance saluted the flag.

Minute 4 A. - Oath of Office

Attorney Carney administered the Oath of Office to Herbert Vollers as Commissioner representing the Township of Branchburg. A copy of the Oath of Office is attached hereto and made part of the Official Minutes.

Minute 5 - Approval of Minutes

a. 764th Meeting - April 26, 2010 - Regular Session

Upon motion of Mr. Poch, second of Mr. Lee, the Minutes of the 764th Meeting were 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	Abstain
Philip Petrone	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Abstain	Roger Guttschall	Absent

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

b. 764th Meeting - April 26, 2010 - Closed Session

Upon motion of Mr. Poch, second of Ms. Quabeck, the Minutes of the 764th Meeting (Closed Session) were 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	Abstain
Philip Petrone	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Abstain	Roger Guttschall	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, the Public Participation portion of the meeting was Closed.

Minute 8 - Resolutions for Consideration and Possible Formal Action

- a. Res. No. 10-0524-1 - Sewer Extension - Sri Venkateswara Temple; 780 Old Farm Road along Routes 202-206 and Brown Ave.; Lot 2 & 12.02, Block 483

Upon motion of Ms. Quabeck, second of Mr. Lifrieri, 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	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Yes	Roger Guttschall	Absent

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

- b. Res. No. 10-0524-2 - Resolution Awarding The Bid For The Fabrication And Installation Of An Elbow In The No. 2 Incinerator Exhaust Gas Piping

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

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

- c. Res. No. 10-0524-3 - Resolution Awarding The Bid For Sluice Gate Actuator Upgrade Project

Upon motion of Ms. Quabeck, second of Mr. Poch, the above resolution was approved by the following roll call vote. Mr. Machala stated that he would be abstaining because of knowing the contractor.

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

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

Mr. Van Riper reported that it was important to get the sluice gate actuator upgrade done. Mr. Anastasio stated that the gates would probably be received in September and they would be installed upon receipt. Facility Engineer stated that there is a fair amount of work involved and should take approximately one month to complete.

d. Res. No. 10-0524-4 - Resolution Cancelling Bid For
Electrical Equipment Maintenance And Repair

Upon motion of Mr. Poch, second of Mr. Machala, the above resolution was approved by the following roll call vote. Mr. Van Riper complimented Mr. Wozniak on his report.

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

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

Minute 9 - Board Committees

No Committee Reports

Minute 10 - Reports

a. Executive Director's Report

(1) Outfall Relocation Project - Tunnel Project

Mr. Anastasio reported that Conrail is still reviewing the submittals. In March/April CSX reported that they would not have to do any pre-construction review and to just build the tunnel according to the plans. However, the second week of May a letter was received from CSX's consulting engineer stating that they wanted to do a full review prior to construction. Currently, we do not have the results of this review. A brief discussion ensued. Mr. Petrauski reported that the contract has both an Administrative Mobilization and a Construction Mobilization. Attorney Carney stated that the time frames given in the contract are estimates.

Mr. Petrauski reported that Conrail is doing a review and they will bill the Authority for their review time and their inspection. CDM estimated this charge to be approximately \$50,000 and an allowance was in the contract for this. The estimate from Conrail is \$190,000 and they may want an escrow account, however, the Authority wants to pay them for the review fees as they go along.

Mr. Anastasio stated that authorization was needed to agree to this estimate to finalize the shop-drawing review. A brief discussion ensued.

(2) Update on pH in Raritan River

Mr. Petruski reported that a good meeting was held with the DEP and they concurred that something strange is going on in the Raritan River. Mr. Petruski stated that the Authority would like the right answer and that if something needs to be done the Authority will correct it. Mr. Petruski went on to report that the DEP does not know when they will be able to review the Work Plan as prepared by Mr. Cosgrove.

Ms. Quabeck asked if they do not approve the Work Plan, then what the Authority plans to do may not be what the DEP wants; be cautious as to what we are going to do. A brief discussion ensued regarding the model.

Mr. Van Riper stated that he read that OMNI is part of the newly-created science board (consultants) to the DEP on scientific issue.

Ms. Quabeck asked the cost of the project. Mr. Petruski stated that the rough estimate would be \$175,000 and the laboratory fee would be \$95,000.

Mr. Vollers asked why we don't just test the river where we discharge. Mr. Petruski answered that it is necessary to know what happens above our discharge as well as below our discharge. Mr. Petruski reported that the issue is finding the Limiting Nutrient—which is the nutrient that has just enough to cause growth or if you control it, it would not cause growth.

Ms. Quabeck asked whether Stony Brook is going to participate as well and Mr. Petruski stated that there is a good possibility that they will join our efforts.

Mr. Petruski stated that at this point his concern is getting the data.

(3) Update on discussions with Pfizer/Wyeth regarding carbon towers

Mr. Petruski stated that a meeting is scheduled with Pfizer/Wyeth to try to resolve this issue.

(4) Update on discussions with Somerville regarding upstream overflow

Mr. Petruski reported that a meeting was held with Mr. Cole, Mr. Van Riper and Mr. Stires and that some of the misconceptions were resolved and that Somerville was going to do some initial surveying work to determine the elevations.

Mr. Van Riper reported that a meeting was held with Somerville's Mayor and Mr. Cole, and the Mayor authorized certain work to be done; specifically the elevations.

Mr. Petruski stated that it looks like progress is going to be made. A brief discussion ensued.

- (5) Discussion relating to Carbro Constructors Corp.
(CLOSED SESSION) LITIGATION
- (6) Update on repairs to Incinerator No.2 and Insurance Claim **(CLOSED SESSION) PENDING LITIGATION**

Mr. Petruski stated that Items (5) and (6) would be addressed in Closed Session.

b. Engineer/Consultants

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

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

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 April 22, 2010; Re: Reporting Period March 2010
- b. NJDEP, Division of Water Quality; Residuals DMR; dated April 22, 2010; Re: Reporting Period February 2010
- c. NJDEP, Division of Water Quality; Residuals DMR; dated April 22, 2010; Re: Reporting Period March 2010

- d. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated April 22, 2010; Re: Reporting Period January 2010
- e. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated April 22, 2010; Re: Reporting Period February 2010
- f. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated April 22, 2010; Re: Reporting Period March 2010
- g. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated April 22, 2010; Re: Reporting Period March 2010
- h. NJDEP, Division of Water Quality; Residuals Transfer Report; dated April 22, 2010; Re: Reporting Period February 2010
- i. NJDEP Biomonitoring Report-Chronic Toxicity Tests; dated; April 8, 2010; Re: March 23, 2010 to March 29, 2010
- j. Mr. Joseph M. Mikulka, Chief; dated April 22, 2010; Re: Comprehensive Strategic Plan-Status Report No. 15 (4/30/2010 Weekly Mailing)
- k. Ellen Gulbinsky; dated April 27, 2010; Re: Commissioner Martin Unveils Vision Plan To Protect New Jersey's Environment, Names New Leadership Team
- l. Brent T. Carney, Esq., dated May 3, 2010; Re: Carbro Constructors Corp. v. SRVSA (5/7/2010 Weekly Mailing)
- m. Richard M. Salsburg, Esq; dated May 5, 2010; Re: Relocated Plant Outfall, Notice of Audit Request (5/14,2010 Weekly Mailing)
- n. Andrew M. Brewer, Esq.; dated May 7, 2010; Re: Date of Loss: 6/1/09 (5/14/2010 Weekly Mailing)
- o. Brent T. Carney, Esq.; dated May 7, 2010; Re: Notice of Audit Request (5/14/2010 Weekly Mailing)

No comments regarding the communications.

Minute 12 - Payroll (Res. No. 10-0524-5)

Upon motion of Ms. Quabeck, second of Mr. Poch, 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	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Yes	Roger Guttschall	Absent

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

Minute 13 - Cancellation of Checks (Res. No. 10-0524-6)

Upon motion of Mr. Poch, second of Mr. Quade, 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	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Yes	Roger Guttschall	Absent

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

Minute 14 - Bills (Res. No. 10-0524-7)

Upon motion of Ms. Quabeck, second of Mr. Poch, 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	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Yes	Roger Guttschall	Absent

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. Poch, second of Ms. Quabeck, the meeting was adjourned to Closed Session at 8:03 P.M. to discuss Carbro and the Incinerator (Anticipated Litigation and Pending Litigation) by unanimous consent.

Minute 16 - Closed SessionMinute 17 - Motion To Reconvene in Regular Session

Upon motion of Mr. Fischetti, second of Mr. Poch, the meeting was reconvened in Regular Session at 8:15 P.M. 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	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Yes	Roger Guttschall	Absent

Minute 18 - Adjournment

Upon motion of Ms. Quabeck, second of Mr. Lifrieri, the meeting was adjourned at 8:15 P.M. 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	Absent	William A. Poch, Sr.	Yes
Peter F. Stires	Absent	Gail Quabeck	Yes
Alvin Florey	Yes	Kenneth Lee	Yes
Herbert Vollers	Yes	Roger Guttschall	Absent