

MINUTES OF THE 773rd MEETING
 THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY
 January 24, 2011

Minute 1 - Opening of Meeting

The 773rd 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> </u>	<u> X </u>	Arthur Quade	<u> </u>	<u> X </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> </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> X </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

Bruce Radcliffe, Regulatory Compliance Officer
 Anthony Tambasco, Maintenance Supervisor

Minute 4 - Pledge of Allegiance

All in attendance saluted the flag.

Minute 5 - Approval of Minutes

a. 772nd Meeting - December 16, 2010 - Regular Session

Upon motion of Mr. Poch, second of Mr. Stires the Minutes of the 772nd Meeting (Regular Session) were approved by the following roll call vote:

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

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

b. 772nd Meeting - December 16, 2010 - Closed Session

Upon motion of Mr. Stires, second of Mr. Lifrieri, the Minutes of the 772nd Meeting (Closed Session) were approved by the following roll call vote:

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

Chairman Guttschall asked for a motion to open the Public Hearings on the IPP Permits for several participants.

Upon motion of William A. Poch, Sr., second of Mr. Machala, the Public Hearings were opened by the following roll call vote:

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

Chairman Guttschall listed the four (4) Participants and asked if anyone wished to be heard on this matter.

Upon motion of Ms. Quabeck, second of Mr. Poch, and unanimous consent, the Public Hearings were Closed.

Chairman Guttschall asked for a Consent Agenda Resolution (Res. No. 11-0124-A-Resolution Authorizing Consent Resolution) to adopt the following four (4) resolutions Res. No. 11-124-1, Res. No. 11-0124-2, Res. No. 11-0124-3 and Res. No. 11-0124-4) at one time.

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

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

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

Mr. Lifrieri asked if there was an ending point for groundwater remediation permits. Mr. Petrauski stated that it is water that may be treated or not treated that is sent to us. Mr. Petrauski stated that the State sets the standards for groundwater remediation.

Chairman Guttschall asked what percentage of flows is represented by the groundwater dischargers. A brief discussion ensued.

Upon motion of Mr. Poch, second of Mr. Machala, Res. No. 11-124-1, Res. No. 11-0124-2, Res. No. 11-0124-3 and Res. No. 11-0124-4 were approved by the following roll call vote:

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

Copies of all four (4) resolutions are attached hereto and made part of the Official Minutes.

- a. Public Hearing - Request by CBS Operations Inc. to reissue a Groundwater Discharge Permit for the groundwater remediation site located at Taylor Forge (Block 9, Lot 28)
- b. Res. No. 11-0124-1 - Resolution Reissuing A Groundwater Discharge Permit To CBS Operations Inc. For The Groundwater Remediation Site At Taylor Forge
- c. Public Hearing - Request by Ethicon, Inc., Bridgewater to Reissue A Non-Domestic Wastewater Discharge Permit
- d. Res. No. 11-0124-2 - Resolution Reissuing A Non-Domestic Wastewater Discharge Permit to Ethicon, Inc., Bridgewater
- e. Public Hearing - Request by ImClone Systems Inc. (Bldg. 50), Branchburg to Reissue A Non-Domestic Wastewater Discharge Permit
- f. Res. No. 11-0124-3 - Resolution Reissuing A Non-Domestic Wastewater Discharge Permit to ImClone Systems Inc. (Bldg. 50), Branchburg
- g. Public Hearing - Request by Ortho McNeil Janssen Pharmaceutical to modify its Categorical Wastewater Discharge Permit
- h. Res. No. 11-0124-4 - Resolution Modifying The Categorical Wastewater Discharge Permit Of Ortho McNeil Janssen Pharmaceutical

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. 10-1122-5 - Resolution Authorizing The Wire Transfer Of Funds From TD Bank SRVSA Connection Fee Account To The TD Bank Construction Checking Account In The Amount Of (\$1,300,000.00) For The Short Term Loan Of Funds Necessary To Pay For Implementation Of Various Capital Projects

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

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

- (1) **REORGANIZATION MEETING
MONDAY, FEBRUARY 7, 2011 (7:00 P.M.)
AUTHORITY'S CONFERENCE ROOM**

Chairman Guttschall reminded Board Members of the upcoming Reorganization Meeting being held on Monday, February 7, 2011 at 7:00 P.M.

Minute 10 - Reportsa. **Executive Director's Report**

- (1) Outfall Relocation Project - Tunnel Project

Mr. Anastasio reported that the Tunnel Portion of the Outfall Project has been completed and that currently the contractor is grouting the pipe within the pipe. Facility Engineer Antastasio went on to report that the only requirement of the railroad was that the Authority continue to monitor the soil movement for one week. Mr. Anastasio stated that additional information was contained in his monthly report. A brief discussion ensued.

- (2) Update on repairs to Incinerator No.2

Mr. Tambasco reported that IFCO is currently working on the upper gas ring and that there are 10 courses left to install in the transition section and that the completion date for the work is still scheduled for the end of February.

Executive Director Petrauski reported that, at the recommendation of the Authority's Thermal Engineer, a request for a Change Order will be forthcoming to repair the two (2) sprays at the top of the incinerator that come on when the temperature reaches 1600° which spray in water to cool it. Mr. Anastasio reported that the Change Order should cost approximately \$57,000. A brief discussion ensued.

Mr. Guttschall asked whether we have heard from the insurance company, and Mr. Petrauski reported that the Authority sent them a letter and that we have received a letter stating that they are reviewing the information. A brief discussion ensued.

- (3) Recommendation of Professional Staff for 2011 in response to Request for Qualifications (RFQ's) in accordance with State Regulations (Pay to Play Law)

Mr. Petruski reported that the Request for Qualifications were posted on the website and that the Board discussed the Professional Staff at the November meeting and felt that they were satisfied, and Executive Director Petruski stated that his recommendation was to stay with our current Professional Staff. Mr. Petruski stated that no action was necessary at this time and that the Professionals would be reappointed at the Reorganization Meeting.

Mr. Lifrieri stated that he had a concern with the multiplier of 3.5 times their salary presented by Chavond-Barry Engineering in their proposal. Mr. Petruski stated that they are a highly-specialized firm. Mr. Guttschall asked whether anyone else expressed an interest. Mr. Petruski reported that no other proposals had been received and there wasn't anyone else he would recommend. Ms. Quabeck went on to concur that we have not received a proposal from any other Thermal Engineer. Mr. Lifrieri stated that the other professionals seemed to be in the 2.9 range which seemed reasonable.

(4) Report on the demolition of the Calco Dam

Mr. Petruski reported that El Paso Corporation has worked out all of the details with the NJDEP whereby they will take care of removing the Calco Dam with no cost to the Authority. He went on to state that this is the first dam in a series of dams that will be removed. Mr. Guttschall questioned the importance to the Authority. Mr. Petruski stated that it removes the maintenance factor for the Authority and that the Authority would be subject to higher standards for phosphorus. A brief discussion ensued.

Attorney Maraziti went on to report that the agreement protects the Authority from liability and that El Paso Corporation has been very forthcoming in accepting the changes recommended by the Authority.

(a) Res. No. 11-0124- - Resolution Authorizing
Transfer Of Ownership Of The Calco Dam
To El Paso Corp. In Association With The
Agreement Between El Paso Corp. and the DEP
For Its Demolition

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

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

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

- (5) Report on Connection Fee Refund to 101 North Gaston Corp.

Mr. Anastasio reported that the permit was taken out three (3) years ago for new construction; bakery, café, office space and several apartment units. The Authority has been notified by the engineer that the project has been cancelled due to the economy and they are due a refund of the connection fee.

- (a) Res. No. 11-0124-7 - Resolution Authorizing A Connection Fee Refund To 101 North Gaston Corp.

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

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

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

- (6) Report on recommendation to dispose of surplus items at County Used and Excess Public Sale

Mr. Petruski stated that the following resolution would authorize the Authority to dispose of used and excess equipment.

- (a) Res. No. 11-0124-8 - Resolution Declaring Three Vehicles, One Gator and One Copier As Used and Excess Equipment

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

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

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

- (7) Update on status of pH at R4 of Raritan River -
(CLOSED SESSION) NEGOTIATIONS

- (8) Review and discussion of revised settlement with Pfizer/Wyeth regarding carbon units (**CLOSED SESSION) NEGOTIATIONS**
 - (a) Res. No. 11-0124- - Resolution Authorizing Execution of Settlement Agreement With Pfizer/Wyeth Regarding Carbon Units
 - (9) Update on status of litigation with Carbro Constructors Corp. (**CLOSED SESSION) LITIGATION**
 - (10) Discussion of request by the Borough of Somerville to amend the current Service Agreement to remove the Assured Minimum requirement (**CLOSED SESSION) NEGOTIATIONS/ANTICIPATED LITIGATION**
- b. Engineer/Consultants
- (1) James L. Brandes, P.E. (CDM) Engineer's Report for January - Engineer Brandes did not have anything additional to report.
- c. Attorney - Joseph J. Maraziti, Jr., Esq., Maraziti, Falcon & Healey, LLP - Attorney Maraziti stated that his comments would be reserved for Closed Session.
- d. Department Reports
- | | |
|----------------|----------------------------|
| (1) Operations | (3) Maintenance/Electrical |
| (2) Laboratory | (4) Special Projects |
- No additional comments regarding Department Reports.
- e. Facility Engineer Reports
- (1) Capacity Allocation
 - (2) Capacity Assurance
 - (3) Monthly Flow Report
 - (4) Facility Engineer's Monthly Report
- No questions or comments regarding the Facility Engineer's Reports.
- 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 20, 2010; Re: Reporting Period November 2010
- b. NJDEP, Division of Water Quality; Residuals DMR; dated December 20, 2010; Re: Reporting Period November 2010

- c. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated December 20, 2010; Re: Reporting Period November 2010
- d. NJDEP, Division of Water Quality; Residual Transfer Report; dated December 20, 2010; Re: Reporting Period November 2010
- e. Karl Monninger, CBE; EPA Docket Center; dated November 29, 2010; Re: Comments of the SRVSA on the Proposed Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units (12/17/2010 Weekly Mailing)
- f. Brent T. Carney, Esq., MFH; dated December 15, 2010; Re: Carbro Constructors Corp. v. SRVSA-New Counterclaim (12/17/2010 Weekly Mailing)
- g. NJDEP; dated December 15, 2010; Re: DEP To Hold Public Meeting On Proposed Draft Sewer Service Area Map In Somerset (12/17/2010 Weekly Mailing)
- h. Anton L. Lendor; Esq., MFH; dated December 14, 2010; Re: Carbro Constructors Corp. v. SRVSA-Demand For Production of Documents (12/17/2010 Weekly Mailing)
- i. Christopher Bolka; dated December 22, 2010; Re: Affirmative Defense, NJPDES Permit No. NJ0024864
- j. Rick Epstein; *The Messenger-Gazette*; dated January 5, 2011; Re: Somerville Mayor Brian Gallagher reveals his new-year agenda (1/7/2011 Weekly Mailing)
- l. Dan Mullin; dated December 1, 2010; Re: 2010 Environmental Joint Insurance Fund (EJIF) Audit
- m. Andrew Brewer; dated November 30, 2010; Re: SRVSA Claim Nos. E2 588482 and E2 588037 (12/10/2010 Weekly Mailing)

No comments regarding communications.

Minute 12 - Payroll (Res. No. 11-0124-9)

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

Arthur Quade	Absent	Peter Van Riper	Absent
Alessandro Fischetti, Jr.	Yes	Robert McCray	Yes
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Gail Quabeck	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Herbert 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 (Res. No. 11-0124-10)

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

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

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

Minute 14 - Bills (Res. No. 11-0124-11)

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

Arthur Quade	Absent	Peter Van Riper	Absent
Alessandro Fischetti, Jr.	Yes	Robert McCray	Yes
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Gail Quabeck	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Herbert 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. Poch, second of Mr. Machala, the Meeting was adjourned to Closed Session at 7:50 P.M. as reported by Attorney Maraziti for Contract Negotiations regarding issue concerning Ph at R-4 in the Raritan River; the issue concerning the Pfizer matter will be carried over to the February Meeting; with respect to litigation, the update on litigation with Carbro and lastly under contract negotiations or anticipated litigation as requested by the Borough of Somerville by the following roll call vote:

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

Minute 16 - Closed Session

Minute 17 - Motion to Reconvene in Open Session

Upon motion of Mr. Stires, second of Mr. Poch and unanimous consent, the meeting was reconvened in Regular Session at 8:22 P.M.

Prior to adjournment, upon motion of Mr. Stires, second of Mr. Machala, Res. No. 11-0124-12 (Resolution Authorizing 2011 Amendment To Service Agreements To Remove All References To The Assured Minimum Annual Flow And The Minimum Annual Service Charge) was approved by the following roll call vote:

Arthur Quade	Absent	Peter Van Riper	Absent
Alessandro Fischetti, Jr.	Yes	Robert McCray	Yes
Edward J. Machala	Yes	Joseph J. Lifrieri	No
Philip Petrone	Yes	William A. Poch, Sr.	Yes
Peter F. Stires	Yes	Gail Quabeck	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Herbert Vollers	Absent	Roger Guttschall	Yes

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

Attorney Maraziti reported that another issue has to do with proportional representation on the Board which would be based on financial payments made to the Authority. He went on to report that this issue is handled by State Statute and the Authority would have to change State Statute and the Authority has no control over this. Mr. Maraziti went on to report that other Authorities have attempted to make this change, but to date none have been successful in making the change.

Minute 18 - Adjournment

Upon motion of Mr. Poch, second of Mr. Stires, the meeting was adjourned at 8:24 P.M. by the following roll call vote:

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

