

MINUTES OF THE 776th MEETING  
 THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY  
 April 25, 2011

Minute 1 - Opening of Meeting

The 776th 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>      </u>	<u>X</u>	Philip Petrone	<u>      </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>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>      </u>	<u>X</u>	Norma A. Smullen, Office/Human Resources Manager
<u>X</u>	<u>      </u>	Peter Wozniak, Chief Financial Officer

Others

Bruce Radcliffe, Regulatory Compliance Officer  
 Roberta E. Lake, Administrative Assistant

Minute 4 - Pledge of Allegiance

All in attendance saluted the flag.

Minute 5 - Approval of Minutes

## a. 775th Meeting - March 28, 2011 - Regular Session

Upon motion of Mr. Stires, second of Mr. Lifrieri, the Minutes of the 774th Meeting (Regular Session) were approved by the following roll call vote:

Arthur Quade	Abstain	Peter Van Riper	Abstain
Alessandro Fischetti, Jr.	Yes	Robert McCray	Yes
Edward J. Machala	Yes	Joseph J. Lifrieri	Yes
Philip Petrone	Absent	William A. Poch, Sr.	Absent
Peter F. Stires	Yes	Gail Quabeck	Yes
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. 775th Meeting - March 28, 2011 - Closed Session

Upon motion of Mr. Stires, second of Ms. Quabeck, the Minutes of the 775th Meeting (Closed Session) were approved by the following roll call vote:

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

## a. Public Hearing - Request by RathGibson North Branch, LLC to modify and reissue its Non-Domestic Wastewater Discharge Permit

Upon motion of Mr. Van Riper, second of Mr. Machala, the Public Hearing was Opened 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	Absent	William A. Poch, Sr.	Absent
Peter F. Stires	Yes	Gail Quabeck	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Herbert Vollers	Absent	Roger Guttschall	Yes

Seeing no one from the public, upon motion of Mr. Van Riper, second of Ms. Quabeck, the Public Hearing was Closed 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	Absent	William A. Poch, Sr.	Absent
Peter F. Stires	Yes	Gail Quabeck	Yes
Alvin Florey	Absent	Kenneth Lee	Yes
Herbert Vollers	Absent	Roger Guttschall	Yes

- b. Res. No. 11-0425-1- Resolution Authorizing A Modification and Reissuance of the Non-Domestic Wastewater Discharge Permit of RathGibson North Branch, LLC

Mr. Lifrieri questioned the increase in their flow; why did their flow go up? Mr. Radcliffe responded that the flow increased because at times their manufacturing goes beyond the limit of 100 gallons; the increase was due to manufacturing and internal processing.

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

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

- c. Public Hearing - Request by Taylor Forge Stainless, Branchburg to reissue its Non-Domestic Wastewater Discharge Permit

Upon motion of Mr. Van Riper, second of Mr. Quade and all Board Members present in Favor, the Public Hearing was Opened.

Seeing no one from the public, upon motion of Mr. Stires, second of Mr. Machala and all Board Members present in Favor, the Public Hearing was Closed.

- d. Res. No. 11-0425-2 - Resolution Authorizing A Reissuance of the Non-Domestic Wastewater Discharge Permit of Taylor Forge Stainless, Branchburg

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

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

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. 11-0425-3 - Resolution Authorizing Wire Transfer of Funds From TD Bank, N.A. SRVSA Construction Checking Account to the TD Bank, N.A. Connection Fee Account in The Amount of (\$1,500,000.00) For The Repayment of Short Term Loan of Funds Necessary To Pay For The the Implementation of Various Capital Projects

Upon motion of Mr. Van Riper, second of Mr. Machala, the above resolution was approved by the following roll call vote after a question raised by Mr. Van Riper if this was all of the money we owed the connection fee account. Mr. Wozniak responded that this was all of the money borrowed from that account.

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

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

- b. Res. No. 11-0425-4 - Resolution Cancelling The Bid for Removal, Inspection, Repair and Installation of Two (2) Multimedia Influent Pumps and Electric Motors Due To The Fact That The Public Notice Due Date And The Request For Bids Due Date Did Not Coincide

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

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

#### Minute 9 - Board Committees

##### a. Chairperson

Chairman Guttschall stated that there were no Board Committee Reports and that he did not have anything else to add.

#### Minute 10 - Reports

##### a. **Executive Director's Report**

###### (1) Outfall Relocation Project - Tunnel Project

Mr. Anastasio reported that on Tuesday the hydrostatic testing of the tunnel section of the line which includes a re-test of the North section of the pipeline. If the testing is successful, and Mr. Anastasio stated that he was confident that it would be, then the final concrete encasement of the closure pieces which are on each of the end of the tunnel portion of the pipeline, job gets restored and the last major portion of the job will be to tie in the existing outfall.

Mr. Anastasio stated that all further information was contained in his monthly report (Work Change Directive No. 12) and went on to explain how the hydrostatic testing was done and where the leaks were located. It is known that the southern leg of the pipeline leaks and this will be dealt with outside this contract. A large portion of the job has been hydrostatically tested and portions not built by Northeast Remsco have already been tested, cleared and known to be good. Now, if anything fails, we will know it is the portion that Remsco has built. Mr. Anastasio went on to further explain the testing of the pipeline and moving the project along to avoid potential delay costs.

Additionally, Mr. Anastasio went on to explain the significance of the retesting. The entire project has been tested piecemeal, and we know which areas are good and which ones are not good.

Chairman Guttschall questioned the volume of pipeline being tested and the very small leak rate, how do we know an air bubble is not being compressed. Mr. Anastasio went on to give an explanation as to why it would not be an air bubble.

Executive Director Petrauski stated that the entire purpose of doing all of the testing is to close up Remsco's work. A brief discussion ensued.

(2) Report on 2012 Employer Pension Contribution

Mr. Petrauski reported that the above-referenced report was to give Board Members a feel of where we are with this. A brief discussion ensued.

(3) Update on County Wastewater Management Plan

Mr. Petrauski reported that this basically related to the Cyanamid Site, where Cyanamid was going to be doing additional remediation was taken out of the Wastewater Management Plan (WMP) and if the area is not in the WMP, the Authority cannot take the flow from that area. The County was pushing to deliver the new WMP by April 7, 2011; they are now looking at how to put the area back into the WMP. The Authority was concerned how they were going to address the problem.

(4) Update on Bridgewater Fire Inspection Report

Mr. Petrauski reported that the fire inspector was on site and reported that the Authority was cited for a few minor issues. Plant Superintendent Thompson reported that the issues were being taken care of.

(5) Report and recommendation regarding additional funding for Construction Management/Surveillance Services provided by CDM on the Outfall Tunnel Project

Executive Director Petrauski reported that CDM was requesting funding for the additional Construction Management/Surveillance Services on the Outfall Resolution Project.

(a) Res. No. 11-0425-5 - Resolution Authorizing Additional Funding To Camp Dresser & McKee For Construction Management/Surveillance Services On The Outfall Relocation Project - Tunnel Project

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

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

(6) Review and discussion of Pending Legislation S-2427 (Veto of Authority Minutes)

Mr. Petruski reported that the AEA has requested all of its members to contact their State Representatives regarding S-2427 and has drafted a letter to forward to our Representatives expressing the Authority's concern over the passing of this Legislation. If passed, the Mayor of any of a regional authority would be allowed to veto the approved minutes of an authority; no action can be finalized until the mayor passed on the minutes. A brief discussion ensued.

Attorney Maraziti stated that the bill has been "flying through the Senate".

Commissioner Lifrieri suggested that all Commissioners talk to their councils regarding this Bill asking that they could also send a letter expressing their concern.

Chairman Guttschall thought the passing of this Bill would be especially cumbersome for a regional sewerage authority. As Mr. Petruski pointed out, "basically one mayor could hold up all other six (6) towns and the SRVSA".

Mr. Petruski stated that the last item he had for discussion was the request for an emergency resolution and that by declaring an emergency the Authority could sidestep the requirement to go out for public bidding for something over \$17,500. The emergency is that Manhole #2, during the severe storms, a hole was blown in the side of the manhole on our interceptor. Temporary repairs have been made, and the DEP has been notified. A price of approximately \$16,000 has been obtained.

Mr. Anastasio stated that he agreed that even though the repairs may not go over the \$17,500, it would be best to have the emergency resolution.

Attorney Maraziti stated that the resolution could be adopted later, but a motion and second would be necessary by the Board to authorize the memorializing of the resolution to make the emergency repairs to Manhole No. 2.

Roll call was as follows:

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

Attorney Maraziti stated that the pending legislation of S2427 was basically a bureaucratic nightmare since there would be a "gap in time" the way the legislation was written.

Mr. Petrauski reported on the discussion of Millstone coming in through Hillsborough and that nothing has happened. However, a letter has been received from Millstone that they would like to address this issue with the Board at the May meeting.

Attorney Maraziti stated that in 2009 they felt they would only have to approach the SRVSA, and he wrote back to them that they would need the consent of the Authority as well as from every municipality that the Authority could accept their flow.

Ms. Quabeck stated that they would also need the approval of the HMUA, but they have not approached the HMUA. A brief discussion ensued.

- (7) Update on status of litigation with Carbro Constructors Corp. - **LITIGATION**
- (8) Update on status of pH at R4 of Raritan River - **NEGOTIATIONS**
  - a. Update on status of discussions with Pfizer regarding the possible acceptance of perched contaminated groundwater
- (9) Discussion on status of negotiations with CNA regarding insurance claim for repairs to Incinerator No. 2 - **NEGOTIATIONS**
- (10) Discussion of Inter-Municipal Cooperation Agreement Between Township of Hillsborough, Borough of Millstone, Van Cleef Family Limited Partnership and Riverside, LLC dated February 11, 2009 ("Agreement") - **NEGOTIATIONS**

b. Engineer/Consultants

- (1) James L. Brandes, P.E. (CDM) Engineer's Report for April 2011 - 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
  - (2) Laboratory
  - (3) Maintenance/Electrical
  - (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 Budget Reports.

#### Minute 11 - Communications

- a. NJDEP, Division of Water Quality; Surface Water Discharge Monitoring Report; dated March 22, 2011; Re: Reporting Period February 2011
- b. NJDEP, Division of Water Quality; Residuals DMR; dated March 22, 2011; Re: Reporting Period February 2011
- c. NJDEP, Division of Water Quality; Residuals Waste Characterization Report; dated March 22, 2011; Re: Reporting Period February 2011
- d. NJDEP, Division of Water Quality; Residual Transfer Report; dated March 22, 2011; Re: Reporting Period February 2011
- e. *Courier News*; "Bridgewater Couple gets four years on tax charges, must pay \$1.3 million"; dated March 23, 2011 (4/1/2011 Weekly Mailing)
- f. Brent T. Carney; dated March 21, 2011; Re: Carbro Constructors Corp. v. SRVSA and CDM (4/8/2011 Weekly Mailing)
- g. NJDEP; dated April 14, 2011; Re: Permit (EPEC Polymers, Inc. (4/21/2011 Weekly Mailing)

No comments regarding the communications.

#### Minute 12 - Payroll (Res. No. 11-0425-6)

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

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

Minute 13 - Cancellation of Checks - None

Minute 14 - Bills (Res. No. 11-0425-7)

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

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

Upon motion of Mr. Stires, second of Mr. Machala, the Meeting was adjourned to Closed Session at 8:05 P.M. as reported by Attorney Maraziti for Litigation in relation to the Carbro Constructors matter, Negotiations in connection with the Raritan River issue and Negotiations relating to CNA 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	Absent	William A. Poch, Sr.	Absent
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. Van Riper second of Ms. Quabeck and all Board Members present in Favor of the Motion, the meeting was reconvened in Regular Session at 8:21 P.M.

Minute 18 - Adjournment

Upon motion of Mr. Van Riper, second of Mr. Lifrieri and all Board Members present in Favor of the Motion, the meeting was adjourned at 8:21 P.M.