

**RAHWAY VALLEY SEWERAGE AUTHORITY**

**Summary of Minutes – Regular Meeting held April 16, 2020**

- Communications  
Letter appointing Edward Gottko to the RVSA Board  
Proposed Agreement for Sale of Flow Rights
  
- Approval of Minutes  
March 19, 2020 Finance Committee and Regular Meetings
  
- Treasurer’s Report  
None
  
- Executive Director’s Report  
Sewer Endorsements, Municipal Reports, and the status of various contracts
  
- Report of Consulting Engineer  
Overview of engineering matters
  
- Report of General Counsel  
Overview of legal matters
  
- Committee Reports  
A report was given by the Finance Committee.
  
- Unfinished Business  
None
  
- New Business  
The following action was taken: Approval of COVID-19 Staffing Plan; Purchase of Digester Sampler from Hach Company; Award of Contract #189-ES to CDM Smith; Approval of the sale of 100,000 gallons of flow rights.

- Bills & Claims		
OPERATING FUND	0-01	\$1,231,063.15
BUILDING & EQUIPMENT FUND	0-02	<u>120,432.79</u>
TOTAL OF ALL FUNDS:		\$1,351,495.94

**RAHWAY VALLEY SEWERAGE AUTHORITY**  
**Regular Meeting Minutes – April 16, 2020**

The Chairman, Loren Harms, called the meeting to order at 5:34 p.m. and asked that the recorder be turned on.

**The Chairman read the statement on “Open Public Meetings Law”**

In accordance with the requirements of the Open Public Meetings Act, State of New Jersey, adequate notice of this meeting has been provided by the inclusion of the date, time and place in a Notice forwarded to The Star Ledger, the Home News Tribune and the Clerk of each of the eleven member municipalities on February 27, 2020.

If any member of this body believes that this meeting is being held in violation of the provisions of the Open Public Meetings Act, please state your objection and the reasons for same at this time.

... Hearing no objections, we shall proceed with our regularly scheduled meeting.

**Roll Call**

The following members were present (via conference call):

Robert M. Beiner	for the Borough of Kenilworth
John J. Del Sordi Jr.	for the Township of Scotch Plains
Michael Furci	for the Township of Springfield
Michael J. Gelin	for the Township of Woodbridge
Edward Gottko	for the Town of Westfield
Loren Harms	for the Borough of Roselle Park
Louis C. Lambe	for the Township of Cranford
Frank G. Mazzarella	for the Township of Clark
Robert Rachlin	for the City of Rahway
Stephen D. Greet	for the Borough of Garwood
John J. Tomaine	for the Borough of Mountainside

The following were also present (via conference call):

James J. Meehan	Executive Director
Karen Musialowicz	Secretary-Treasurer
Andrea DeCarlo	Purchasing Agent/Board Secretary
Dan Ward	Superintendent
John Buonocore	Chief Engineer/Asst. Superintendent
Anthony Gencarelli	Manager of Regulatory Compliance
Janet Thevenin	Environmental Compliance Supervisor
Dennis Estis, Esq.	General Counsel – Greenbaum, Rowe, Smith
Howard Matteson	Consulting Engineer – CDM Smith

**Communications**

A letter and resolution were received April 15, 2020 from the Municipal Clerk for the Town of Westfield, as follows:

Resolution #93–2020 – BE IT RESOLVED by the Town Council of the Town of Westfield that Edward Gottko is hereby appointed a member of the Rahway Valley Sewerage Authority for a term ending February 1, 2025.

Ms. DeCarlo also stated that a signed agreement was received today regarding the sale of flow rights from Garwood to Springfield. Garwood has agreed to sell 100,000 gallons per-day for the 2020 year to Springfield for an amount of \$150,000.00. A resolution has been added to the agenda and the same sale will be offered to the nine remaining municipalities per the 1995 Agreement.

**Approval of Minutes**

Mr. Tomaine made a motion, second by Mr. Rachlin, to approve the minutes of the Finance Committee and Regular Meetings held March 19, 2020. The motion was approved by those present, with the exception of Mr. Gottko, who abstained.

**Report of Treasurer**

No report. Mrs. Musialowicz stated that the 2019 audit is still in progress.

**Report of Executive Director**

**Sewer Treatment Endorsements**

The following Sewer Treatment Endorsement was processed between 03/17/20 and 04/14/20. A copy of the log sheet with additional information related to this application has been distributed for your reference.

<b>2020 Treatment Endorsement Permits 0-1999 gpd</b>							
<b>RVSA Number</b>					<b>Date</b>	<b>Applicant's Name</b>	<b>Municipality</b>
2480	-	20	-	GW	03/26/20	604-608 Willow LLC	Garwood
2481	-	20	-	WF	04/06/20	Elshiekh Enterprises LLC	Westfield

Mr. Greet asked if it would be possible to include a statement on the form to verify that the applicant had actually gone to the town, and to validate whether any connection fees were paid to the town itself. Mr. Estis stated that no formal action would be required; we would just need to let the municipalities know that when an application is received, the township and Commissioner involved will be notified. Mr. Meehan stated that this could be made a policy going forward.

Mr. Lambe asked if this is regarding regular permits or TWAs. He stated that TWA applications already require a signature from the municipality prior to being sent to the Authority; therefore this should only apply to the applications that do not require the town's endorsement. Mr. Meehan confirmed that TWA applications contain an extensive checklist of actions required prior to submitting to the Authority.

Mr. Gencarelli stated he believes that Ms. DeCarlo sends a letter to each town's clerk and engineer, advising them that anyone who comes in for construction permits needs to first receive an endorsement from the Authority. He stated that it appears most towns are cooperating with this requirement. Mr. Harms asked if it would be a good idea to send this out again; Ms. DeCarlo replied that this was sent out at the beginning of the year and is sent out annually as a reminder.

Mr. Greet stated that what he is looking for is information regarding connection fees paid to the town. He stated that while the applicants can come directly to the RVSA and receive approval, sometimes they may circumvent the local fees that are required.

Mr. Gencarelli stated that the builder or contractor would have to go to the town for building permits; which is why we have the towns send the builders to the Authority first. The builder would not know to come to the Authority unless the town had directed them to do so. The town would then receive the connection fees once the builder had returned for building permits.

Mr. Greet stated that while this may be true most of the time, the builder, upon receiving approval from the Authority, can still circumvent the requirement to pay a connection fee to the town. He asked if there is some form of a statement that can be brought up through the RVSA for a check and balance to make sure all of the fees are paid.

Mr. Buonocore asked Mr. Greet if he is looking for a checkbox on the application form for verification; Mr. Greet replied yes, that is what he is looking for. Mr. Meehan stated that this could be looked into. Mr. Mazzarella added that it would make sense to have an additional check and balance in this process.

#### Municipal Monthly Collection System Reports

The following Collection System Reports were received since the last regular meeting:

- Township of Clark – March 2020
- Borough of Garwood – March 2020
- Borough of Kenilworth – March 2020
- Borough of Mountainside – March 2020
- Borough of Roselle Park – December 2019 – March 2020
- Town of Westfield – March 2020
- Township of Woodbridge – March 2020

Plant O&M Update

We continue to run the plant in Quarantine Mode and all employees remain safe and healthy to date. As suggested by our Vice Chairman, a resolution is on the agenda for the Board's formal approval of the current staffing arrangement.

In addition to this, Mr. Meehan stated, things have gone very smoothly so far; there has been a lot of work getting done, and several upper-management meetings have taken place to discuss the plan for moving forward. He stated that once new cases of the virus begin to recede, he hopes to move to a 12-hour split shift schedule. He stated this would still minimize the coming and going of employees while reducing overtime expenses. He added that the staffing plan in progress is set up to continue until May 2<sup>nd</sup>, which would complete a full six weeks of the current operation.

In addition to this, Mr. Meehan stated that the Contract Administration Memorandum (CAM) which was spoken about briefly last month has been drafted by certain staff members along with Hawkins, Delafield & Wood. This document, along with an official notice that the allowable amount of residuals was exceeded in 2019, was sent to Waste Management (WM) and is awaiting their response.

He stated that they are hoping the money spent by both parties on reconditioning the feed tank would be made up, and the time that was lost on the guarantees and liquidated damages would be put onto the back end of the contract. He stated we should be hearing back from WM's attorneys within the next few days.

Mr. Furci asked for further clarification on the liquidated damages being put onto the back end. Mr. Meehan replied that there are commitments for both parties built-in to the contract; however the deliveries and co-digestion had been suspended for a few weeks to clean out and reconfigure the mixing tank. Therefore, there will be a need to ramp-up again and ease into the digester feed in order to return back to the significant rate we were previously at. He stated that this could take around five to six weeks; and since this was not a planned event, it must be memorialized in the contract. This CAM was put together as part of the existing Contract Management contract with HDW in order to cover all bases.

He stated that a lot of time was put into this and it is all about making sure that both sides of the partnership are happy.

Mr. Mazzarella asked if Waste Management is okay with this. Mr. Meehan replied that they are; we have been very upfront about this so they knew it was coming. Mr. Meehan stated that both sides had spent money on reconfiguring the tanks to improve the mixing, and the money spent on both sides was significant. He stated this memo keeps everything neat so that neither party will expect money to be owed to them for this work down the road.

Mr. Meehan stated that the additional notice was put out, as previously stated, regarding the overage on residuals that were created. He explained that as part of the Public-Private Partnership, there is a 10% limit, and the Authority had exceeded the limit. He stated the calculation comes to over \$60,000, and there may be more negotiation involved. He stated he is currently working through this and will keep the Board informed as any new details emerge.

Mr. Tomaine asked if Mr. Meehan could briefly describe what changes to the plant, if any, were necessitated by going into quarantine mode; and what accommodations have been made for the staff that have been staying for the two-week periods.

Mr. Meehan stated that several written SOPs have been put together for outside vendors and deliveries coming into the plant, the employees practice social distancing when necessary, and PPE is worn at all times. He explained that a lot of things being done as part as the COVID-19 response were things that we should have already been doing for protection from contagious diseases so a lot of protective measures were already in place. As far as accommodations, he stated, the Authority purchased cots and air mattresses. He stated the staff members are working 12-14 hours at a time, with a two-hour period to blend the changing of shifts.

Mr. Ward added that the main objective is to protect the employees from any outside contractors or visitors. He stated that upon receiving deliveries, everything gets disinfected including the area in which the delivery was made. Mr. Meehan added that there is a lot of effort being put into disinfecting the plant between shifts and on a daily basis.

Mr. Gencarelli added that the Authority purchased a washer and dryer so that the employees could wash the garments that are not handled by the uniform service.

Mr. Meehan also stated that the new residuals contract with Waste Management kicked off as of the beginning of April and so far it has gone well. He stated it may take a month or two to be fully functioning, since there is a new subcontractor working for Waste Management that is handling the land application side of the contract in Pennsylvania. Overall, however, it is going well so far.

#### Collection System O&M Update

Mr. Meehan stated that the two staff members who handle maintenance on the collection system as well as metering and sampling have been in a few times since the plant went into quarantine mode. Mr. Gencarelli and Ms. Thevenin had asked them to come in to perform routine work on the samplers, such as changing batteries. Once

the number of COVID-19 cases begins to decline, however, there will be more work being done on the collection system and they will get back to their daily routines.

Mr. Gencarelli stated that there is some concern about the Lennington Street siphon, which is on the main trunk and handles roughly 80% of what comes in. He explained that the siphon is in need of attention, and therefore he is in the process of putting a contract together to have it inspected.

Mr. Lambe asked if this particular siphon has an upstream sump that can be cleaned out. Mr. Gencarelli stated that according to the drawings from the 1930s, a sump is shown at that location; however, there has been work done since that time, so the sump may have been filled in. He stated that a bar screen was shown there as well, and this was installed prior to the construction of the plant. Mr. Meehan stated that there was also another manhole shown when the drawings were reviewed; so this will need to be checked out as well.

Mr. Lambe stated that the PVSC has 13 river crossings that are maintained simply by cleaning out the sumps on a regular basis. He added that the siphon will stay clean so long as the sump is serviced, so maybe a contract to service this and keep the debris out of the line would be helpful. Also, he stated, since siphons are submerged, a pull-through sonar might be required.

Mr. Gencarelli stated that he is considering isolating the two tubes one at a time to dewater them and try to run cameras through. He stated that National Water Main has indicated they would be comfortable in doing this.

Mr. Mazarella asked where the siphon is located; Mr. Gencarelli replied it is at the foot of Lennington Street and goes across the river, and the outlet chamber is in the flood plain in Rahway.

Mr. Lambe asked for clarification on whether the tubes are parodied. Mr. Gencarelli stated there are two 48-inch tubes going under the river, so they can be isolated.

Mr. Gencarelli stated that in addition to using CCTV, he would look at the possibility of using a laser as well, to get an idea of the cross-section of the pipe. Mr. Lambe asked what material the pipes are; Mr. Gencarelli replied that they are cast iron.

Mr. Meehan stated that the Board would likely see a contract regarding this within the next month or two so that the work can be done.

Mr. Gelin asked if there is a standard inspection done on all of the siphons to determine when maintenance is needed, or are we otherwise aware of the shape that all of the pipes are in? Mr. Gencarelli replied that the Authority has two other siphons; one is located in Cranford and the other is on St. George Avenue which Woodbridge ties into.

Since that siphon is critical to Woodbridge, they keep a good eye on it and add enzymes to fight the grease. Mr. Gelin stated that Woodbridge spends nearly \$160k per year on this.

Mr. Meehan stated that in addition, the siphon in Garwood had recently undergone some jetting by the town. He added that the Authority keeps a good eye on these siphons and he knows the towns do as well. Mr. Gencarelli stated that this siphon in particular is not the Authority's, rather it belongs to Garwood. Mr. Meehan agreed, stating that Mr. Greet had recently mentioned the town was doing work on it.

Mr. Gelin stated it would be a good idea to ask Garwood for an inspection report to know the state of our siphons. Mr. Gencarelli replied that the siphon in Garwood belongs to Garwood; and given it is upstream of the Authority's system, it would not have any impact on it.

#### Contract #175 – Tomar Construction Update

Mediation has been rescheduled and will be conducted remotely on May 6, 2020. Mr. Meehan stated that this has been discussed at length for the past six months or so, and a memo was put out detailing how he would like to move forward. He stated he would like to have the Board's permission to move forward with what was presented in the memo unless there are any questions needing to be addressed. Mr. Mazzarella stated that he had asked a question regarding the liquidated damages for which Mr. Estis had provided an answer. Mr. Estis stated that the answer provided was confirmed by Mr. Buonocore. Mr. Estis stated that he would prefer to keep the meeting from going into closed session so he hopes that Mr. Mazzarella is satisfied with the answer he was given. Mr. Meehan stated he would like to presume that he is permitted to go ahead with what was presented in the memo and move on, unless further discussion is needed. Mr. Harms as well as other Commissioners concurred.

#### Clean Energy/Special Project Update

Mr. Meehan stated this project has been relatively quiet with all that is currently going on.

#### Purchase of Digester Sampler

John Buonocore is seeking to purchase a sampler to allow for continuous Volatile Fatty Acids ("VFA") and Alkalinity monitoring of the Digesters. This would reduce the sampling load on the Authority's laboratory, and also provide greater frequency and consistency of testing of these critical parameters. This additional information will enable the staff to fine-tune Digester operations and reduce the likelihood of upsets. This sampling directly relates to the Waste Management project as well as the overall health of the Authority's Digesters.

The sampling equipment is available from Hach Company under NJ State Contract #A85091, for a total cost of \$52,371.96. The purchase price includes start-up, onsite maintenance and repair, unlimited technical support, and firmware updates. The Purchasing Agent has reviewed this contract, and action to approve this purchase is on the agenda under New Business.

Mr. Lambe asked if this is an in-line sampler. Mr. Buonocore replied that it is not in-line; rather it has sample lines that go out to three different spots so there will be one for each digester. He stated it is closed-loop and will sample the digesters on a 15-minute rotation; therefore it will sample each digester every 45 minutes.

#### Contract #189-ES – Engineering for Headworks Bar Screens Replacement

CDM Smith has submitted a proposal for Engineering Services related to the Bar Screen project. The proposal includes project design and bidding services, as well as NJIB funding assistance, for a total estimated amount of \$231,800.00. John Buonocore recommends award of this contract to CDM Smith. The Purchasing Agent concurs, and action is on the agenda under New Business.

Mr. Meehan stated this is one of the Authority's main capital projects that need to be done; and he is glad that CDM Smith and Mr. Buonocore have been working hard to get the estimate ready.

#### Monthly Reports

The IPP, Monthly Operations, Flow Rights, and User Charge Reports were received and forwarded to the Commissioners for review.

### **Report of Consulting Engineer**

Howard Matteson, of CDM Smith, presented the following report for work activities during the month of March 2020.

#### A. Retainer Services

During the period, CDM Smith prepared the monthly report for March 2020 and attended the March 2020 Board Meeting via conference call.

#### B. Miscellaneous Engineering Services

Mr. Matteson stated there was limited activity during this period; however he was available to support Mr. Meehan and Mr. Buonocore with questions on the implementation of the quarantine

- C. Digester Covers & Waste Gas Burner Replacement – Design, Bidding, and Const.  
During the period, CDM Smith performed the following:
- Continued to coordinate with staff and Counsel in preparing for the Mediation with Tomar.
- D. Riverwalk Siphon Rehabilitation  
No activity during the period.

### **Report of General Counsel**

Dennis Estis, General Counsel from the firm Greenbaum, Rowe, Smith & Davis, submitted the following report for the period March 19, 2020 through April 16, 2020.

1. Flow Rights

Mr. Estis stated that he has received the evidence from Rahway; he just needs to send it over to Mr. Buonocore to confirm that it satisfies our requirements.

I still have not received evidence from Cranford as to how they intend to satisfy the required expenditures. I will be sending their clerk an e-mail prior to the meeting. Mr. Estis asked Mr. Lambe if the clerk would be the appropriate party to contact; Mr. Lambe replied that the Clerk would forward his request to the Administrator. Mr. Lambe added that this has been difficult under the circumstances he has explained in the past, as the DPW, Licensed Operator, and Engineer were all lost at the same time, and none of them have been replaced. Getting this information together has therefore been problematic, especially given the present circumstances. Mr. Estis stated he would give Mr. Lambe a call to discuss this matter further.

As it relates to Woodbridge, Westfield and Springfield, they have satisfied their obligation and I ask that Andrea so notify them.

As it relates to Kenilworth, I would ask John Buonocore to bring us up to date as to his working with the Kenilworth Borough Engineer to confirm that it has satisfied the flow criteria.

Mr. Buonocore stated that Kenilworth's action plan was approved; the only issue that we had was that we wanted confirmation that they would commit to the funding. Kenilworth has since passed a resolution confirming their commitment to the funding and I had sent that to you earlier today.

As it relates to Clark, I will send Mr. Laezza and the Municipal Clerk a follow-up e-mail. Mr. Mazzarella advised Mr. Estis to send an email to the Clerk with the specific information that he is looking for.

When we deal with the 2019-2020 metering year, I recommend that we advise the Municipalities that if they are going to want to waive the hearing, they will have to meet a deadline for submitting the necessary evidence. There is no reason why we should have to continuously remind them.

2. Local Contracts Law/Open Public Meetings Act  
No change.

3. QDI Monitoring

I have to communicate with QDI's counsel again to find out what is going on. I would ask Andrea if QDI's Access Contract has been executed by both sides.

Ms. DeCarlo stated she sent the agreement over but has not yet received anything back. Mr. Estis replied that he would follow up on this with their attorney.

4. Siphon – Rahway – Union County Park  
No change.

5. Occidental Chemical  
No change.

6. Metro Compliance

I have requested that Janet, David Roth of my office, and myself have a telephone conference next week.

7. Tomar

The mediation is now scheduled for May 6, 2020. We submitted a Confidential Position Paper to the mediator last month.

8. OUTFRONT Media Billboard Lease

We have been advised by Outfront that they will not pay the increased rental that I requested. The increase I asked for was extremely limited, a 5% increase for each year from 2020 through 2023. I have not heard from Outfront with regard to our new Lease that I asked to be signed. I will communicate with them before the meeting.

Ms. DeCarlo stated that they mentioned they are not approving any increases to their leases at this time. Mr. Estis asked if this is something worth fighting for, or if it should be revisited at a later date. Ms. DeCarlo stated that the total annual fee is \$2,500 and they have already made payment for this year. Mr. Meehan stated that it would probably be worth leaving it as-is for the time being and revisiting the subject next year; Mr. Harms agreed. Mr. Estis stated he would put language in the document stating that the Authority has a right to renegotiate for the 2021 year.

9. NDI

I would ask John Buonocore to report as to the status of the NDI with L&J Technologies. Mr. Buonocore stated this is still an open issue, as they have provided comments and are awaiting the Authority's response. Mr. Estis stated he would follow up with Mr. Buonocore either tomorrow or Monday to see if this can be worked out.

10. FLOWatch

I am asking John Buonocore to bring us up to date on the contract negotiations. Mr. Estis asked if the issue has been resolved and the contract signed; Mr. Buonocore replied yes.

11. PS&S

I am trying to speak with counsel for PS&S before the meeting. Mr. Estis stated that hopefully this would be resolved before the next meeting.

### **Committee Reports**

Chairman: Are there reports from any of the following Committees?

<b>Committee</b>	<b>Chairman</b>	<b>02/2020 – 02/2021 Committee Members</b>		
Engineering	Michael Furci	Frank Mazzarella	Louis Lambe	John Del Sordi
Finance	Michael Gelin	Frank Mazzarella	Stephen Greet	John Tomaine
Legal	John Tomaine	Robert Beiner	Michael Gelin	(Westfield Rep.)
Personnel	Robert Rachlin	Louis Lambe	Stephen Greet	Michael Furci
Nominating	Robert Beiner	Robert Rachlin	John Del Sordi	(Westfield Rep.)

Engineering Committee (Michael Furci, Committee Chairman)

No report.

Finance Committee (Michael Gelin, Committee Chairman)

The Finance Committee reviewed the Bills & Claims listing and action is on the agenda under Bills & Claims.

Legal Committee (John Tomaine, Committee Chairman)

No report.

Personnel Committee (Robert Rachlin, Committee Chairman)

No report.

**Unfinished Business**

None.

**New Business**

Mr. Rachlin offered one resolution.

1. **Resolution #20-20** – Approving the implementation of the COVID-19 Staffing Plan

Motion: Mr. Rachlin  
Second: Mr. Mazzarella

The motion was approved by those present.

**RESOLUTION #20-20**

WHEREAS, the State of New Jersey has been severely impacted by the Novel Coronavirus (“COVID-19”); and

WHEREAS, the Rahway Valley Sewerage Authority (“Authority”) is deemed to be one of the most essential services in the State; and

WHEREAS, the Authority has determined that it is critical that the operating and maintenance staff be protected from exposure to COVID-19 by limiting staff turnover and contact with the staff outside of the plant; and

WHEREAS, the Authority had determined in March that it was vital to take all action necessary to maintain the continuous operation of its Treatment Plant (“Plant”); and

WHEREAS, both the Executive Director and Plant Superintendent have recommended that special action be taken to ensure that Plant operations would continue on a 24-hour basis throughout the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Rahway Valley Sewerage Authority that retroactive to March 19, 2020, the Executive Director is hereby authorized to split the staff and quarantine the Plant for two-week periods; and

BE IT FURTHER RESOLVED that one-half of the staff would remain on-site, 24 hours per day for two-week periods, and would be paid for eight hours regular time and sixteen hours at time-and-one-half per day; and

BE IT FURTHER RESOLVED that the remaining staff members would be paid at their normal rates for eight hours per day while remaining at home, and would be prepared to take over Plant operations once needed to replace the staff onsite; and

BE IT FURTHER RESOLVED that said staffing plan, consisting of alternating two-week shifts, will remain in effect until it is determined by the Executive Director that it is no longer necessary.

Mr. Furci offered two resolutions.

1. **Resolution #20-21** – Authorizing the purchase of a Digester Sampler from Hach Company

Motion: Mr. Furci

Second: Mr. Lambe

The motion was approved by those present.

**RESOLUTION #20-21**

WHEREAS, the Rahway Valley Sewerage Authority (“Authority”), pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Authority has the need to purchase one (1) Hach Sampler for continuous Volatile Fatty Acids (“VFA”) and Alkalinity monitoring of the Digesters; and

WHEREAS, this equipment would reduce the sampling load on the Authority’s laboratory, and provide greater frequency and consistency of testing of these critical parameters; and

WHEREAS, the additional sampling data obtained will enable the staff to fine-tune Digester operations and therefore reduce the likelihood of plant upsets.

WHEREAS, the Sampler is available for purchase under NJ State Contract #A85091 from Hach Company of Loveland, CO, for a total purchase price of \$52,371.96; and

WHEREAS, the purchase price contains a WarrantyPlus Service Partnership, which includes instrument start-up, on-site preventative maintenance and repair, unlimited technical support, and firmware updates; and

WHEREAS, the Secretary-Treasurer of the Authority, who is the Chief Financial Officer, hereby certifies that the necessary funds for said purchase are available in the 2020 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Rahway Valley Sewerage Authority hereby authorize the purchase of (1) Digester Sampler from Hach Company.

2. **Resolution #20-22** – Award of Contract #189-ES – Engineering Services for Headworks Influent Bar Screens Replacement to CDM Smith

Motion: Mr. Furci  
Second: Mr. Greet

The motion was approved by those present.

**RESOLUTION #20-22**

WHEREAS, the Rahway Valley Sewerage Authority (“Authority”) received a proposal from CDM Smith of Edison, NJ, for Professional Engineering Services; and

WHEREAS, the Authority has a need for project design and bidding services, as well as NJDEP/NJIB funding assistance, specifically relating to Contract #189 – Headworks Influent Bar Screens Replacement; and

WHEREAS, such services are considered Professional Services, which pursuant to N.J.S.A. 40A:11-5(1)(a)(i) are exempt from public advertising for bids, and therefore shall be awarded by resolution of the governing body; and

WHEREAS, the Authority wishes to enter into Contract #189-ES – Engineering Services for Design and Bidding of Headworks Influent Bar Screens Replacement with CDM Smith, based on the proposal submitted under a non-fair and open process; and

WHEREAS, in accordance with N.J.S.A. 19:44A-20.5, the Purchasing Agent has received a Business Entity Disclosure Certification and has certified a Determination of Value, therefore permitting the award of this contract; and

WHEREAS, the proposal reflects hourly rates consistent with the 2020 Rate Schedule and a total estimated contract amount of \$231,800.00; and

WHEREAS, the Secretary-Treasurer of the Authority hereby certifies that the necessary funds for said contract are budgeted for in the 2020 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED that the Rahway Valley Sewerage Authority engage CDM Smith to perform the services described herein at a cost of \$231,800.00 for a period of one year; and

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to enter into a Professional Service Contract for the services described herein; and

BE IT FURTHER RESOLVED that said Contract must be executed by both parties within 90 days of award, in the event that the designated Professional Party to this contract fails or refuses to sign said contract and all terms and conditions included therein, this Resolution shall be void and services shall be forthwith terminated; and

BE IT FURTHER RESOLVED a Notice of Award will be published in Accordance with law.

Mr. Greet offered one resolution.1. **Resolution #20-23** – Approving the Sale of Flow Rights from Garwood to Springfield

Motion: Mr. Greet  
Second: Mr. Rachlin

Discussion: Mr. Gelin stated that Mr. Meehan was going to put together a committee to revise the 1995 Agreement and asked if this would still be done.

Mr. Meehan stated that he intended to have the team sit back down; however given the current circumstances; this may have to be done via conference call in the near future.

Mr. Lambe stated that a substantial amount of effort should be put into cleaning up the Agreement as he has stated repeatedly his objection to the way that the Agreement was designed to be punitive. He stated the standards presented in the Agreement are unreasonable; and while we have eliminated the hearings, a lot more can be and should be accomplished. Mr. Lambe stated that fixing this problem would eliminate the need for towns to spend money on flow rights.

Mr. Greet stated when a town does not have enough flow rights; it is unfair to the other towns that end up footing the bill. However, when towns are continually exceeding their flow rights, it makes sense to revisit the Agreement.

Mr. Meehan stated that Springfield is the one town whose average flow is up very close to its flow rights, so it makes sense for them to purchase more flow rights as they are doing.

Mr. Lambe stated that regardless there is no negative impact on Garwood as the user charges are still based on the average flow; therefore no town is picking up the tab for any other town. Mr. Buonocore explained that Mr. Greet's statement holds merit in that the towns who have higher flow rights have spent a larger amount of money building the sewer, which is being used by towns who did not invest as much in sewer capacity. Mr. Lambe stated that he understands this point, however that money was spent many years ago and therefore there is no real victim here.

Mr. Mazzarella stated that any altering of the Agreement would require unanimous approval from all towns. Therefore, it is important to get the communities on board and ask for their guidance in making these changes.

Mr. Meehan stated that he agrees, and the work group needs to reconvene to decide what needs to be changed and bring it back to the Board.

Mr. Gelin stated that when the Agreement is restructured, it should be designed in a way that is not punitive. He stated that the towns should not have to explain to the Authority what work they are doing.

Mr. Harms stated that this will be further discussed once Mr. Meehan and the workgroup have come up with proposed changes.

The motion was approved by those present, with the exception of Mr. Lambe, who opposed.

**RESOLUTION #20-23**

WHEREAS, the Rahway Valley Sewerage Authority (“Authority”) received a letter from the Borough of Garwood (“Garwood”), notifying the Authority that Garwood plans to sell certain flow rights; and

WHEREAS, Garwood plans to sell 100,000 gallons per day of flow rights to the Township of Springfield (“Springfield”) at a cost of \$1.50 per gallon, total cost of \$150,000.00; and

WHEREAS, Section 9.1 of the Authority’s Agreement among the 11 Member Municipalities, dated August 8, 1951 and Revised January 11, 1995, states that “no such assignment or sale shall be made unless the same flow rights shall first be offered at the same price, to all member municipalities in writing at a meeting of the Authority ...”; and

WHEREAS, if any Member Municipality is interested in purchasing any or all such flow rights, they must advise the Garwood Municipal Clerk in writing within 30 days of this resolution, with a copy to the Authority’s Board Secretary.

NOW, THEREFORE, BE IT RESOLVED, that notification of the proposed sale of flow rights from the Borough of Garwood to the Township of Springfield at a cost of \$1.50/per gallon is hereby received, and that the nine other Member Municipalities shall be notified of such sale effective this 16<sup>th</sup> day of April 2020; and

BE IT FURTHER RESOLVED that if any of the other nine Member Municipalities has an interest in purchasing said flow rights, notification must be received in writing by the Borough of Garwood’s Clerk by May 15, 2020.

**Bills and Claims**

Mr. Gelin offered one motion.

Motion that the following bills and claims previously reviewed by the Finance Committee be ordered paid.

Motion: Mr. Gelin  
Second: Mr. Rachlin

The motion was approved by those present.

**BILLS AND CLAIMS LISTING**

## BUILDING &amp; EQUIPMENT FUND

CHECK	DATE	VENDOR	LINE/ACCT	AMOUNT
3241	04/16/20	DFFLM, LLC	136.0	29,713.00
3242	04/16/20	G.M.H. ASSOCIATES OF AMERICA	140.3	1,446.25
3243	04/16/20	GP JAGER INC.	127.0	11,919.00
3244	04/16/20	GREENBAUM, ROWE, SMITH & DAVIS	140.2	3,600.00
3245	04/16/20	HAWKINS, DELAFIELD & WOOD LLP	140.2	27,606.54
3246	04/16/20	JET VAC EQUIPMENT, LLC	127.0	18,493.00
3247	04/16/20	MCCLOSKEY MECHANICAL CONTRACTO	140.2	27,655.00

Total Building & Equipment Fund Checks: 7

Total Void Checks: 0

Total Void Check Amount: \$0.00

Total Building & Equipment Fund Checks Paid: \$120,432.79

## OPERATING FUND - MANUAL

CHECK	DATE	VENDOR	LINE/ACCT	AMOUNT
321	03/30/20	RAHWAY VALLEY S.A. - PAYROLL	01/02	324,033.44
322	04/02/20	NJ STATE HEALTH BENEFITS	03	112,548.19
323	04/13/20	RAHWAY VALLEY S.A. - PAYROLL	01/02	371,481.15

Total Operating Fund Manual Checks: 3

Total Void Checks: 0

Total Void Check Amount: \$0.00

Total Operating Fund Manual Checks Paid: \$808,062.78

## OPERATING FUND

CHECK	DATE	VENDOR	LINE/ACCT	AMOUNT
51846	04/02/20	DELTA DENTAL OF NEW JERSEY INC	03	6,872.49
51847	04/02/20	ELIZABETHTOWN GAS	22	3,227.51

CHECK	DATE	VENDOR	LINE/ACCT	AMOUNT
51848	04/02/20	HOME DEPOT CREDIT SERVICES	28/32	4,145.65
51849	04/02/20	NJ MANUFACTURERS INSURANCE CO.	17	13,800.00
51850	04/02/20	UGI ENERGY SERVICES, LLC	22	2,914.22
51851	04/02/20	UNUM LIFE INSURANCE COMPANY	03	1,167.65
51852	04/02/20	VISION SERVICE PLAN	03	1,405.04
51853	04/16/20	ACCREDITED ANALYTICAL RESOURCE	40	189.00
51854	04/16/20	ACME INDUSTRIAL, INC.	32	2,840.00
51855	04/16/20	ADP, LLC.	16	2,107.34
51856	04/16/20	ADS LLC	30	13,286.00
51857	04/16/20	ALL AMERICAN SEWER SERVICE INC	32	16,240.00
51858	04/16/20	ALLIED OIL	32	515.53
51859	04/16/20	ALLIED FILTER COMPANY	32	280.16
51860	04/16/20	AMERICAN WEAR	32	1,535.46
51861	04/16/20	ASSOCIATION OF ENVIRONMENTAL AUTH.	31	1,155.00
51862	04/16/20	ATLANTIC ANALYTICAL LABORATORY	41	2,585.00
51863	04/16/20	BANK OF AMERICA	27/32/35/40	4,504.91
51864	04/16/20	B & B DISPOSAL	32	675.00
51865	04/16/20	BELLA GINA	32	294.66
51866	04/16/20	BRIDGESTONE HOSEPOWER, LLC	32	2,349.52
51867	04/16/20	BUYWISE AUTO PARTS	35	108.96
51868	04/16/20	CANON FINANCIAL SERVICES, INC.	16	757.47
51869	04/16/20	CITY OF RAHWAY - UNITED WATER	33	7,952.36
51870	04/16/20	COLDSTAT REFRIGERATION	43	260.00
51871	04/16/20	CONFIRE FIRE PROTECTION	31	5,417.00
51872	04/16/20	DAVID WEBER OIL COMPANY	32	382.80
51873	04/16/20	DC EXPRESS, INC.	48	32.00
51874	04/16/20	EASTERN SHEET METAL & PLATE	32	478.33
51875	04/16/20	ELIZABETHTOWN GAS	22	565.31
51876	04/16/20	ENVIRONMENTAL COMPLIANCE	41	1,971.75
51877	04/16/20	ENVIRONMENTAL RESOURCE ASSOC.	40	2,418.59
51878	04/16/20	EPIC - A SYNAGRO COMPANY	25	26,323.09
51879	04/16/20	FACTORY DIRECT PIPELINE	32	2,238.18
51880	04/16/20	FISHER SCIENTIFIC	40	2,187.87
51881	04/16/20	FOLEY, INCORPORATED	28	52,226.38
51882	04/16/20	GP JAGER INC.	32	258.29
51883	04/16/20	GRAINGER	32	612.88
51884	04/16/20	GREENBAUM, ROWE, SMITH & DAVIS	07	3,192.50
51885	04/16/20	GRIGNARD COMPANY, LLC	32	25,600.00
51886	04/16/20	HAYES PUMP INC.	32	1,119.00
51887	04/16/20	THE HELLAN STRAINER COMPANY	32	5,287.37
51888	04/16/20	HUCK FINN DINER	32	3,378.00
51889	04/16/20	INDEPENDENT OVERHEAD DOOR CO.	32	370.00
51890	04/16/20	INTELEPEER CLOUD COMMUNICATION	11	439.21

CHECK	DATE	VENDOR	LINE/ACCT	AMOUNT
51891	04/16/20	IRONBOUND SUPPLY CO. INC.	32	4,820.02
51892	04/16/20	JERSEY ELEVATOR COMPANY INC.	32	378.15
51893	04/16/20	MAGELLAN BEHAVIORAL HEALTH	03	445.20
51894	04/16/20	MAINTAINCO INC	32/35	545.93
51895	04/16/20	MARSHALL INDUSTRIAL TECHNOLOGI	28	923.00
51896	04/16/20	MEDICAL EXPRESS	31	2,313.12
51897	04/16/20	MIDDLESEX WATER COMPANY	33	1,292.22
51898	04/16/20	MILLER MECHANICAL SERVICES	28/32	10,750.00
51899	04/16/20	MIRACLE CHEMICAL COMPANY	29	1,419.60
51900	04/16/20	MOYE HANDLING SYSTEMS, INC.	31	449.99
51901	04/16/20	MRI SERVICES	32	107.06
51902	04/16/20	NAVITEND	27	110.00
51903	04/16/20	COLOGIX	11	588.00
51904	04/16/20	NJ WATER ENVIRONMENT ASSOC.	31	1,681.00
51905	04/16/20	NORTHEAST JANITORIAL SUPPLY	32	2,916.65
51906	04/16/20	ONE CALL CONCEPTS, INC.	32	28.56
51907	04/16/20	PITNEY BOWES INC.	48	135.00
51908	04/16/20	POLYDYNE INC.	23/28	25,308.00
51909	04/16/20	PRAXAIR DISTRIBUTION, INC.	32	520.94
51910	04/16/20	PRECISION ELECTRIC MOTOR WORKS	28	4,023.43
51911	04/16/20	PSE&G COMPANY	19	66,294.69
51912	04/16/20	QUALITY CONTROLS, INC.	32	1,443.00
51913	04/16/20	RADWELL INTERNATIONAL, INC.	32	346.61
51914	04/16/20	RARITAN SUPPLY	32	3,012.96
51915	04/16/20	SAKER SHOPRITES, INC.	32	453.26
51916	04/16/20	SCIENTIFIC WATER CONDITIONING	32	565.00
51917	04/16/20	SERVICE WORKS, INC.	27	4,008.60
51918	04/16/20	SHALLCROSS BOLT & SPECIALTIES	32	709.89
51919	04/16/20	SKYLINE ENVIRONMENTAL INC	31	8,000.00
51920	04/16/20	SPRUCE INDUSTRIES, INC.	32	891.00
51921	04/16/20	STAPLES CREDIT PLAN	27	778.37
51922	04/16/20	SUNBELT RENTALS	32	548.52
51923	04/16/20	SUPLEE, CLOONEY & COMPANY	10	20,000.00
51924	04/16/20	TRI-POWER TRADING CO., INC.	28	5,640.00
51925	04/16/20	UGI ENERGY SERVICES, LLC	22	539.84
51926	04/16/20	UNITED STATES PLASTIC CORP.	40	237.04
51927	04/16/20	USA BLUEBOOK	32	323.22
51928	04/16/20	VERIZON	27	1,604.51
51929	04/16/20	W. A. BIRDSALL & CO.	32	5,293.23
51930	04/16/20	WASTE MANAGEMENT OF NEW JERSEY	26	3,373.01
51931	04/16/20	WATER ENVIRONMENT FEDERATION	31	299.00
51932	04/16/20	WB MASON COMPANY, INC.	13/32	1,207.70
51933	04/16/20	WEINER LAW GROUP LLP	08	1,768.00

CHECK	DATE	VENDOR	LINE/ACCT	AMOUNT
51934	04/16/20	TOWNSHIP OF WOODBRIDGE	31	302.00
51935	04/16/20	WOODBIDGE PRINTING CENTER	13	2,768.45
51936	04/16/20	Y-PERS INC	31	2,706.70
51937	04/16/20	ZINKAN ENTERPRISES INC.	28	5,462.42

Total Operating Fund Checks: 92  
 Total Void Checks: 0  
 Total Void Check Amount: \$0.00  
 Total Operating Fund Checks Paid: \$423,000.37

<b>OPERATING FUND</b>	<b>0-01</b>	<b>\$1,231,063.15</b>
<b>BUILDING &amp; EQUIPMENT FUND</b>	<b>0-02</b>	<b><u>\$120,432.79</u></b>
<b>TOTAL OF ALL FUNDS:</b>		<b>\$1,351,495.94</b>

**Mr. Harms opened the floor to the Public for questions or comments**

None.

Mr. Mazzarella stated that he and his wife have tested positive for COVID-19. He stated he is on the mend but his wife is having a more difficult time. He wanted to share that this virus is not a joke, it is very serious; and urged everyone to stay home and keep a safe distance.

Mr. Harms thanked Mr. Mazzarella, stating the Commissioners and Staff wish him well.

Mr. Estis asked if the new law passed by Congress would entitle the Authority to recover any of its payroll expenses due to COVID-19. Mrs. Musialowicz replied yes, the Authority will be able to request reimbursement for the additional payroll costs as well as other expenses. She explained that Mr. Gencarelli had helped her to open a claim through the Authority’s FEMA account. She stated there is a form which will be filled out to record the extra time worked and she believes 75 percent of all overtime costs will be reimbursed. She explained that the regular hours worked were already accounted for in the Authority’s budget.

Mr. Meehan added that the staff has been on top of this from the beginning; we have attended weekly telephone meetings with the AEA and Mrs. Musialowicz has attended several webinars on the topic.

Mr. Furci asked if there is a State program as well as the Federal program, since we are under a state of emergency. Mrs. Musialowicz replied that while it is coordinated through the State, everything ties into FEMA. She explained that through the NJOEM, the State controls how the FEMA funds are distributed. She also added that Kaitlyn Safchinsky has been doing a great job tracking all of the COVID-19 expenses so we will easily be able to put in for the reimbursements.

Mr. Gelin stated he would like to publicly acknowledge Mr. Meehan and his team on an outstanding job during this pandemic. He stated that people don't always see what sewerage authorities are doing since the sewer is underground; it is not until things go wrong that they are noticed. He thanked Mr. Meehan for a job well done, and many Commissioners concurred.

Mr. Greet stated to Mr. Mazzarella that all our thoughts and prayers are with him and his wife, and everyone concurred.

### **Adjournment**

As there was no further business, on motion of Mr. Furci, second by Mr. Rachlin, the meeting adjourned at 6:35 p.m. The motion was approved by those present.

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Chairman

*Andrea De Carlo*  
Andrea DeCarlo, Board Secretary

Attachments:

Flow Rights Report 03/2020  
User Charge Report 03/2020