

RESOLUTION DESIGNATING THE PAYMENT OF EXPENSES RELATED TO THE SLUDGE HAULING AND DISPOSAL COSTS ASSOCIATED WITH THE UPGRADE OF THE INCINERATOR FOR THE MERCURY EMISSION CONTROL REQUIREMENTS TO BE PAID FROM THE GENERAL FUND

**WHEREAS**, The Somerset Raritan Valley Sewerage Authority has decided to upgrade Incinerator #2 to comply with the Mercury Emission Control Regulations as issued by the United States Environmental Protection Agency; and

**WHEREAS**, provision for the temporary hauling and disposal of solid and liquid sludge needed to be made due to the temporary cessation of on-site sludge incineration by March 21, 2016; and

**WHEREAS**, the Authority budgeted \$810,000 for three months of estimated costs related to the hauling and disposal of liquid and solid sludge in the 2017 Operating Budget and \$2,400,000 for nine months of these costs in the Capital Budget; and

**WHEREAS**, the Authority intends to finance through debt authorization with the New Jersey Environmental Infrastructure Trust (NJEIT) at a minimum the temporary hauling and disposal of sludge costs paid through the Capital Budget; and

**WHEREAS**, the Authority has been in discussions with the United States Environmental Protection Agency (USEPA) about reaching an agreement to discontinue the temporary hauling and disposal of solid and liquid sludge and dispose of sludge through Incineration operations; and

**WHEREAS**, the Authority believes we are close to an agreement with the USEPA. Two more months and \$600,000 of temporary sludge hauling and disposal may be needed before agreement with the USEPA is formalized; and

**WHEREAS**, the funding source for two more months of temporary sludge hauling and disposal shall be from the General Fund with the General Fund to be reimbursed with the next debt authorization with the NJEIT.

**NOW, THEREFORE, BE IT RESOLVED** by The Somerset Raritan Valley Sewerage Board of Commissioners that they hereby designate that the additional payment of expenses related to the sludge hauling and disposal until agreement with USEPA is received shall be paid through the General Fund for an amount not to exceed \$600,000 without further authorization from the Board.

INTRODUCED BY: Gail Quabeck

SECONDED BY: Robert Albano

ROLL CALL VOTE:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Todd Hay	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Louis Esposito, Jr.	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>
Philip Petrone	<u>      </u>	<u>      </u>	<u>      </u>	<u>  x  </u>
Edward Machala	<u>  x  </u>	<u>      </u>	<u>      </u>	<u>      </u>

Carolann Garafola	_____	_____	_____	_____x_____
Steven Mlenak	_____x_____	_____	_____	_____
Richard Mathews	_____x_____	_____	_____	_____
Peter Stires	_____x_____	_____	_____	_____
Randy Smith	_____x_____	_____	_____	_____
Michael Impellizeri	_____x_____	_____	_____	_____
Gail Quabeck	_____x_____	_____	_____	_____
Robert Albano	_____x_____	_____	_____	_____
Joseph Lifreri	_____x_____	_____	_____	_____

**CERTIFICATION**

I, RONALD S. ANASTASIO, Executive Director and Certifying Agent of The Somerset Raritan Valley Sewerage Authority, HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted at a Regular Meeting of The Authority held on the 27<sup>th</sup> day of March 2017, as the same appears in the Minute Book of The Authority.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of The Authority on this 28<sup>th</sup> day of March 2017.



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Ronald S. Anastasio, P.E.  
Executive Director

RSA/PW/dos

**RESOLUTION AWARDING CHANGE ORDER NO.1 TO HANKIN ENVIRONMENTAL SYSTEMS, INC. FOR THE MERCURY EMISSION CONTROL SYSTEM EQUIPMENT PROCUREMENT CONTRACT - NO. C-16-1**

**WHEREAS**, under Res. No. 16-0404-12, the Somerset Raritan Valley Sewerage Authority (the "Authority") awarded the Mercury Emission Control System Equipment Procurement Contract No. C-16-1 to Hankin Environmental Systems, Inc. as the lowest responsible and responsive bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., in the amount of \$3,795,000.00; and

**WHEREAS**, through the course of the shop drawing and equipment fabrication process, an adjustment of contract time is necessary, as determined by CDM Smith, to correspond to the actual completion of fabrication of certain equipment being provided under this contact; and

**WHEREAS**, Change Order No. 1 (attached hereto and made part of this resolution) has been prepared to increase the time of the Equipment Fabrication Phase of this contract by 192 calendar days to a total of 312 calendar days, and to increase the time of the Delivery/Startup Phase by 215 calendar days to a total of 485 calendar days from the issuance of the Notice to Proceed, and where this change order will not result in any increase in contract price; and

**WHEREAS**, it is the recommendation of both CDM Smith and the Authority staff to the Board of Commissioners for the approval of Change Order No.1.

**NOW, THEREFORE, BE IT RESOLVED** by The Somerset Raritan Valley Sewerage Authority Board of Commissioners that Change Order No.1 is hereby approved, for an increase in contract increase as described above, and no increase in the total contract price; and

**BE IT FURTHER RESOLVED**, that The Somerset Raritan Valley Sewerage Authority Board of Commissioners further authorizes, directs and empowers the Executive Director to enter into and execute the necessary contracts.

INTRODUCED BY: Gail Quabeck

SECONDED BY: Robert Albano

**ROLL CALL VOTE:**

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Todd Hay	<u>x</u>	_____	_____	_____
Louis Esposito, Jr.	_____	_____	_____	<u>x</u>
Philip Petrone	_____	_____	_____	<u>x</u>
Edward Machala	<u>x</u>	_____	_____	_____
Carolann Garafola	_____	_____	_____	<u>x</u>
Steven Mlenak	<u>x</u>	_____	_____	_____
Richard Mathews	<u>x</u>	_____	_____	_____
Peter Stires	<u>x</u>	_____	_____	_____
Randy Smith	<u>x</u>	_____	_____	_____
Michael Impellizeri	<u>x</u>	_____	_____	_____
Gail Quabeck	<u>x</u>	_____	_____	_____
Robert Albano	<u>x</u>	_____	_____	_____
Joseph Lifrieri	<u>x</u>	_____	_____	_____

CERTIFICATION

I, Ronald S. Anastasio, Executive Director and Certifying Agent of The Somerset Raritan Valley Sewerage Authority, HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted at a Meeting of the Authority held on the 27<sup>th</sup> day of March 2017, as the same appears on record in the Minute Book of The Authority.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of The Authority this 28<sup>th</sup> day of March 2017.



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Ronald S. Anastasio, P.E.  
Executive Director

Attachment



The  
Somerset Raritan Valley  
Sewerage Authority

TO: BOARD OF COMMISSIONERS

FROM: RONALD S. ANASTASIO, P.E.  
EXECUTIVE DIRECTOR

DATE: MARCH 23, 2017


RE: MERCURY EMISSION CONTROL SYSTEM EQUIPMENT  
PROCUREMENT CONTRACT – CHANGE ORDER NO. 1

When the Equipment Procurement Contract (EPC) was prepared, there was a projected schedule for the procurement, delivery and testing of this equipment that was based on the knowledge of this equipment at that time. Of course, between the delivery and the testing portions of this contract, the construction of this system will be performed under another contract that will be put out to bid shortly, and the estimated time of construction was also determined when the EPC was prepared as well.

Once the EPC was awarded to Hankin Environmental Systems (Hankin), and purchase orders were issued to the equipment vendors and shop drawings were prepared, we learned that there is an increased level of complexity in both the final equipment designs and the construction design. All through this process, Hankin has continued to prepare engineering and shop drawings, proceed with equipment fabrication, and collaborate with CDM Smith and SRVSA on various technical and project issues. Recently, Hankin requested that we agree on some final delivery date for the equipment to provide the vendors a deadline to work toward, and we mutually agreed to July 1, 2017. Therefore, formal changes to the contract times are needed, which are: 1) to increase the Equipment Fabrication Phase by 192 calendar days to a total of 312 calendar days, and 2) to increase the Delivery/Startup Phase by 215 calendar days to a total of 485 calendar days after the issuance of the Notice to Proceed.

In accordance with the EPC, Change Order No. 1 (attached) was prepared by Engineer Laustsen that formally adjusts the time as described above to correspond with the July 1, 2017 delivery date. There is no cost increase associated with this change order.

The Authority staff has reviewed this issue and recommends to the Board of Commissioners the approval of Change Order No. 1. Should the Commissioners have any questions, please do not hesitate to contact me.



Ronald S. Anastasio, P.E.  
Executive Director  
Attachment  
RSA/dos

Date of Issuance: March 27, 2017	Effective Date: March 27, 2017
Owner: Somerset Raritan Valley Sewerage Authority	Owner's Contract No.: C-16-1
Contractor: Hankin Environmental Systems, Inc.	Contractor's Project No.:
Engineer: CDM Smith	Engineer's Project No.: 109008
Project: Somerset Raritan Valley Sewerage Authority - Mercury Emission Control System – Equipment Procurement	Contract Name: Mercury Emission Control System – Equipment Procurement Contract

The Contract is modified as follows upon execution of this Change Order:

Description: The agreement has three phases to the project. Shop Drawing Phase – 90 consecutive calendar days, Equipment Fabrication Phase – 120 consecutive calendar days, Delivery/Startup Phase – 270 consecutive calendar days. Shop Drawing Phase starts with the Notice to Proceed for the Shop Drawing Preparation Phase. Notice to Proceed was May 25<sup>th</sup>, 2016. This results in a completion date of August 23<sup>rd</sup>, 2016. The Fabrication Phase shall be from shop drawing approval up until the time it is ready for delivery. The Delivery/Startup Phase shall not commence until a separate Notice to Proceed is Issued.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price:  \$ <u>\$3,795,000.00</u>	Original Contract Times: Shop Drawing Phase: <u>90 calendar days</u> Equipment Fabrication Phase: <u>120 calendar days</u> Delivery Startup Phase: <u>270 calendar days</u>
<del>{Increase}</del> <del>{Decrease}</del> from previously approved Change Orders No. <u>X</u> to No. <u>X</u> ;  \$ <u>0.00</u>	<del>{Increase}</del> <del>{Decrease}</del> from previously approved Change Orders No. <u>X</u> to No. <u>X</u> ; Shop Drawing Phase: <u>0 calendar days</u> Equipment Fabrication Phase: <u>0 calendar days</u> Delivery Startup Phase: <u>0 calendar days</u>
Contract Price prior to this Change Order:  \$ <u>3,795,000.00</u>	<del>{Increase}</del> <del>{Decrease}</del> from this change order  Shop Drawing Phase: <u>0 calendar days</u> Equipment Fabrication Phase: <u>192 calendar days</u> Delivery Startup Phase: <u>215 calendar days</u>
<del>{Increase}</del> <del>{Decrease}</del> of this Change Order:  \$ <u>0.00</u>	Total <del>{Increase}</del> <del>{Decrease}</del> : Shop Drawing Phase: <u>0 calendar days</u> Equipment Fabrication Phase: <u>312 calendar days*</u> Delivery Startup Phase: <u>485 calendar days**</u>

\*Equipment Fabrication Phase based on starting on August 23, 2016 (end of Shop Drawing Review Phase)

\*\*A separate Notice to Proceed will be issued. Final Completion is dependent on the successful completion of EPA Method 29 emission testing.

Contract Price incorporating this Change Order:

Contract Completion Dates with all approved Change Orders:

\$ 3,795,000.00

Shop Drawing Phase: August 23, 2016

Equipment Fabrication Phase: July 1, 2017

Delivery Startup Phase: To be determined

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By:	<u><i>WAS</i></u>	By:	_____	By:	<u><i>David W. Chon</i></u>
	Engineer (if required)		Owner (Authorized Signature)		Contractor (Authorized Signature)
Title:	<u>Associate</u>	Title:	_____	Title:	<u>CEO</u>
Date:	<u>3/22/17</u>	Date:	_____	Date:	<u>MAR. 22, 2017</u>

RESOLUTION/PAYROLL

BE IT RESOLVED by The Somerset Raritan Valley Sewerage Authority that the Treasurer be and is hereby authorized to approve Checks No. 15562 through No. 15642 all numbers inclusive in the amount of \$19,468.35 and Checks No. 28937 through No. 28954 all numbers inclusive in the amount of \$131,568.81 for a total of \$151,037.16, said checks having been reviewed and certified by the Executive Director for payment.

INTRODUCED BY: Edward Machala

SECONDED BY: Michael Impellizeri

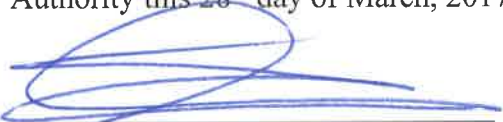
ROLL CALL VOTE:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Todd Hay	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Louis Esposito, Jr.	<u>      </u>	<u>      </u>	<u>      </u>	<u>x</u>
Philip Petrone	<u>      </u>	<u>      </u>	<u>      </u>	<u>x</u>
Edward Machala	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Carolann Garafola	<u>      </u>	<u>      </u>	<u>      </u>	<u>x</u>
Steven Mlenak	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Richard Mathews	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Peter Stires	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Randy Smith	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Michael Impellizeri	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Gail Quabeck	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Robert Albano	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>
Joseph Lifrieri	<u>x</u>	<u>      </u>	<u>      </u>	<u>      </u>

**CERTIFICATION**

I, Ronald S. Anastasio, Executive Director and Certifying Agent of The Somerset Raritan Valley Sewerage Authority, **HEREBY CERTIFY** that the foregoing is a true copy of a Resolution adopted at a Regular Meeting of the Authority held on the 27<sup>th</sup> of March, 2017, as the same appears on record in the Minute Book of the Authority.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of the Authority this 28<sup>th</sup> day of March, 2017.



Ronald S. Anastasio, P.E.  
Executive Director

RSA/lmh



**RESOLUTION -- BILLS**

BE IT RESOLVED that the Members of The Somerset Raritan Valley Sewerage Authority, including the Finance Committee, hereby certify that we have read the list of bills and have examined the original vouchers that have been reviewed and certified by the Executive Director and presented to the Board of Commissioners for payment and find the same to be in order and acceptable for payment by The Somerset Raritan Valley Sewerage Authority.

OPERATING FUND	\$1,319,623.28
GENERAL FUND ACCOUNT	\$ 0
CONSTRUCTION FUND ACCOUNT	\$ 0
CONNECTION CAPITAL ACCOUNT	<u>\$ 137,328.58</u>
	<u>\$1,456,951.86</u>

INTRODUCED BY: Michael Impellizeri

SECONDED BY: Todd Hay


ROLL CALL VOTE:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Todd Hay	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Louis Esposito, Jr.	<u>    </u>	<u>    </u>	<u>    </u>	<u>x</u>
Philip Petrone	<u>    </u>	<u>    </u>	<u>    </u>	<u>x</u>
Edward Machala	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Carolann Garafola	<u>    </u>	<u>    </u>	<u>    </u>	<u>x</u>
Steven Mlenak	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Richard Mathews	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Peter Stires	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Randy Smith	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Michael Impellizeri	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Gail Quabeck	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Robert Albano	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Joseph Lifrieri	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>

**CERTIFICATION**

I, RONALD S. ANASTASIO, Executive Director and Certifying Agent of The Somerset Raritan Valley Sewerage Authority, **HEREBY CERTIFY** that the foregoing is a true copy of a Resolution adopted at a Regular Meeting of the Authority held on the 27<sup>th</sup> day of March 2017 as the same appears on record in the Minute Book of the Authority.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of the Authority this 28<sup>th</sup> Day of March 2017.



Ronald S. Anastasio, P.E.  
Executive Director

**RESOLUTION AUTHORIZING CLOSED SESSION  
FOR THE PURPOSE OF ANTICIPATED LITIGATION IN CONNECTION WITH  
THE AUTHORITY'S SLUDGE INCINERATOR  
PURSUANT TO THE OPEN PUBLIC MEETINGS LAW**

**NOW, THEREFORE, BE IT RESOLVED** by The Somerset Raritan Valley Sewerage Authority Board of Commissioners as follows:

1. The Authority shall adjourn to executive session in accordance with N.J.S.A. 10:4-12(b)(7), being the Open Public Meetings Law, in order to discuss issues involving anticipated litigation and personnel matters in connection with wastewater discharge effluent limitations.
2. The minutes of the executive session relating to anticipated litigation and personnel matters will be released to the public upon the issuance of an unappealable Order of a Court of competent jurisdiction, upon settlement of all issues in the matter, or the failure to institute litigation after the passage of reasonable time.
3. The matters discussed in Closed Session shall be released to the public at such time when they will not be detrimental to the public interest.
4. This Resolution shall take effect as provided by law.

INTRODUCED BY: Steven Mlenak  
SECONDED BY: Edward Machala

**ROLL CALL VOTE:**

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Todd Hay	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Louis Esposito, Jr.	<u>    </u>	<u>    </u>	<u>    </u>	<u>x</u>
Phillip Petrone	<u>    </u>	<u>    </u>	<u>    </u>	<u>x</u>
Edward Machala	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Carolann Garafola	<u>    </u>	<u>    </u>	<u>    </u>	<u>x</u>
Steven Mlenak	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Richard Mathews	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Peter Stires	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Randy Smith	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Michael Impellizeri	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Gail Quabeck	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Robert Albano	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>
Joseph Lifrieri	<u>x</u>	<u>    </u>	<u>    </u>	<u>    </u>

CERTIFICATION

I, Ronald S. Anastasio, Executive Director and Certifying Agent of The Somerset Raritan Valley Sewerage Authority, HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted at a Meeting of the Authority held on the 27<sup>th</sup> day of March 2017, as the same appears on record in the Minute Book of The Authority.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of The Authority this 28<sup>th</sup> day of March 2017.



Ronald S. Anastasio, P.E.  
Executive Director

RSA/dos

**RESOLUTION REGARDING THE OPERATION OF SEWAGE SLUDGE  
INCINERATOR R-2**

**WHEREAS**, for all the reasons set forth in *EPA SSI MACT Standards – Response to EPA regarding Injunctive Relief for a Consent Decree for Interim On-Site Sewage Sludge Incineration Operations, dated December 23, 2016*, the Authority deems it in the best interest of environment and general welfare to initiate the operation of Sewage Sludge Incinerator (SSI) R-2 at the earliest possible time.

**NOW THEREFORE BE IT RESOLVED** by the Somerset Raritan Valley Sewerage Authority as follows:

1. Upon receipt of a written legal opinion by counsel for the Authority that the operation of SSI R2 in violation of the Mercury Rule, will not violate federal or state criminal laws or expose the staff and members of the Authority to civil liability, the Planning Committee is delegated the Authority to direct the Executive Director to initiate the operation of SSI R-2 at the earliest practical time, in order to achieve the beneficial goals identified in the above referenced.

INTRODUCED BY: Gail Quabeck  
SECONDED BY: Edward Machala

ROLL CALL VOTE:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Todd Hay	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Louis Esposito, Jr.	<u>   </u>	<u>   </u>	<u>   </u>	<u>x</u>
Philip Petrone	<u>   </u>	<u>   </u>	<u>   </u>	<u>x</u>
Edward Machala	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Carolann Garafola	<u>   </u>	<u>   </u>	<u>   </u>	<u>x</u>
Steven Mlenak	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Richard Mathews	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Peter Stires	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Randy Smith	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Michael Impellizeri	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Gail Quabeck	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Robert Albano	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>
Joseph Lifrieri	<u>x</u>	<u>   </u>	<u>   </u>	<u>   </u>

**RESOLUTION REGARDING THE OPERATION OF SEWAGE SLUDGE  
INCINERATOR R-2**

**CERTIFICATION**

I, Ronald S. Anastasio, Executive Director and Certifying Agent of The Somerset Raritan Valley Sewerage Authority, HEREBY CERTIFY that the foregoing is a true copy of a Resolution adopted at a Meeting of the Authority held on the 27<sup>th</sup> day of March 2017, as the same appears on record in the Minute Book of The Authority.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the Seal of The Authority this 28<sup>th</sup> day of March 2017.



Ronald S. Anastasio, P.E.  
Executive Director

RSA/dos