

**MINUTES OF THE BOARD MEETING
THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY
JANUARY 25, 2021
RESCHEDULED TO FEBRUARY 4, 2021**

Minute 1 - Opening of Meeting

The Board Meeting of the Somerset Raritan Valley Sewerage Authority was called to order at 7:35 P.M. by Vice-Chairman Michael Impellizeri.

Minute 2 - Open Public Meetings Announcement

The Open Public Meeting Announcement was read by the Executive Director, Ronald S. Anastasio.

Minute 3 - Roll Call

Robert Albano	Present	Philip Petrone	<i>Absent</i>
Louis Esposito, Jr	<i>Absent</i>	Spencer Pierini	Present
Joseph Lifrieri	<i>Absent</i>	Gail Quabeck	Present
Edward Machala	Present	Randy Smith	Present
Richard Mathews	Present	Peter Stires	Present
Steven Mlenak	<i>Absent</i>	Thomas Young	Present
		Michael Impellizeri	Present

Authority Staff

Ronald Anastasio, P.E., Executive Director	Present
Sherwin Ulep, P.E., Facility Engineer	Present
Anthony Tambasco, Plant Superintendent	<i>Absent</i>
Michael Ingenito, Chief Plant Operator	<i>Absent</i>
Dennis Smith, Supervisor Liquid Division	Present
Ellie Hoffman, P.E., Regulatory Compliance Engineer	<i>Absent</i>
Linda Hering, Human Resources Manager	Present
Peter Wozniak, Chief Financial Officer	Present

Professional Staff

Thomas Schoettle, P.E., CDM Smith	Present
Brad Carney, Esq., Maraziti Falcon, LLP	Present
Joseph Maraziti, Esq., Maraziti Falcon, LLP	Present
James Cosgrove, Esq., Kleinfelder	Present

Minute 4 – Pledge of Allegiance

All in attendance saluted the flag.

Minute 5 – Oath of Office – New Commissioner – Branchburg

- a. Thomas Young was sworn into office prior to the commencement of the meeting.
Township of Branchburg – for a term to expire December 31, 2025
- b. Michael Impellizeri was sworn into office prior to the commencement of the meeting.
Borough of Manville – for a term to expire December 31, 2025

Minute 6 – Approval of Minutes

- 1. Board Meeting Open Session Minutes – December 21, 2020

With the Motion of Mr. Stires, Second of Mr. Mathews, the Minutes of the December 21, 2020 Meeting (Open Session), were approved by the following roll call vote:

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Abstain
		Michael Impellizeri	Yes

- 2. Board Meeting Closed Session Minutes – December 21, 2020

With the Motion of Mr. Machala, Second of Mr. Mathews, the Minutes of the December 21, 2020 (Closed Session), were approved by the following roll call vote:

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Abstain
		Michael Impellizeri	Yes

Minute 7 – Public Hearing – NONE

Minute 8 – Discussion of Concerns from Bridgewater Township Regarding the Construction of the Storm Control Treatment Facility:

- a. Review of the Original Problem and Rationale for SRVSA to Construct the Storm Control Treatment Facility (See presentation slides in front cover packet)

Mr. Anastasio stated that since it has been 9 or 10 years since we have talked to the Board about the origins of the Storm Control Treatment Facility (SCTF), and since we have several new members who were not around at that time, our professionals have prepared a presentation to run through. We have the slides in the board books plus Mr. Cosgrove will share the document on the screen. He asked that everyone mute now to minimize any background noise. Mr. Cosgrove and Mr. Maraziti will take us through the slide presentation.

Mr. Cosgrove was able to project the presentation slide-by-slide on the screen for all to see. I am going to refresh everyone's memory a little bit as to what has happened over the last decade. It is hard to believe so much time has gone by, but we've done a tremendous amount of work on the SCTF over those years and I am going to go over the history and then turn it over to Mr. Maraziti for the legal side. I will deal with the technical issues but then Mr. Maraziti will talk about some of the legal issues.

First, let's go over the problem that was occurring and talk about the interaction we had with the DEP, various alternatives that we evaluated to try and solve the problem that we were having, talk about the interaction we had with the municipalities that are part of the Authority, and as I said, the legal issues that Mr. Maraziti will cover.

Each of the towns that are shown in different colors on the map, contribute to the SRVSA interceptor which is the yellow/black dash line in the middle of the screen. That interceptor brings wastewater from each of the municipalities to the SRVSA treatment plant. The treatment plant is shown where you see the green star, and the red dot right about in the middle of the interceptor, is Meter Chamber #4. You will hear more about Meter Chamber #4 in a minute. The bottom-line is that that is the interceptor that conveys the flow to SRVSA from each of the towns. So, what was occurring? It is hard to believe but raw sewage was discharging out of the sanitary sewer system in the Borough of Somerville. The Borough of Somerville happens to be the unlucky member of the Authority, who is at a very low elevation and because they are at a low elevation, during times where we get a lot of wet weather inflow into the sanitary sewer system, the interceptor that I just showed you, becomes surcharged. When it becomes surcharged, Somerville cannot get their wastewater into the SRVSA interceptor. A couple of pictures which you may recall, the park that is along Southside Avenue, which was literally flooding with raw sewage during storms. Where you see the ponded water there, that is ponded wastewater from the sanitary sewer system. This was particularly disturbing when we went out one time to do some sampling work, and we saw the kids on Southside Avenue, literally riding their bikes through the sewage contaminated storm water. Certainly not something you want to see, and it is hard to believe that this is still going on, but it is. Unfortunately, it was happening

right in Bridgewater Township. Before, I mentioned the interceptor. This is a zoom in aerial photo so the interceptor I was describing, is flowing from left to right on the bottom of the screen. Somerville's line is the blue line which is flowing from top to bottom on this image. The park I just showed you is where you can see the baseball field there and the sewage that I showed you was ponded near the manhole. Somerville did seal the manhole that was in the park but all they did was push the overflow up stream further. The primary overflow location ended up being a little more upstream of the park, which was right into Peters Brook, which ultimately flows down into the Raritan River. I will mention to you that while we are building this SCTF, the NJDEP asked us to create a temporary overflow location. We actually built a structure down very close to the Raritan River so when the overflows do occur, today they occur here, or at least they preferentially occur here. When there is a big overflow, it comes out in both locations. The NJDEP preferred that the overflows occur closer to the Raritan River, rather than along the streets in Bridgewater and Somerville and in the park itself.

We did quite a bit of investigation of what was happening, and we sampled quite a few storms, both from a water quality perspective and from a flow in the sewer perspective. I don't want to go into the details here, but the bottom line is, we looked at what the dry weather flow and the wet weather flow was in the sewer systems coming into the SRVSA interceptor from each of the municipalities. If you look, you'll see with all the municipalities, there is a huge difference in the dry weather, which is the first row, and the flow in the wet weather, which is the second row. The second row is the average peak flow that we measured during three different storm events. You can see the significant differences for each of the municipalities during wet weather, which is certainly what you would expect. Bridgewater, for example, under dry conditions is about 32% of the total flow going to SRVSA. Under wet weather, they are about 38% of the total flow going to SRVSA. All that means is that during wet times, they have a little bit more flow coming into the system than the other municipalities, compared to dry weather conditions. The point of this is to show you that all the municipalities are at play here. You are each contributing much more flow during wet weather. Ironically, if Somerville were discharging zero flow during these wet weather conditions, the interceptor going to SRVSA would still become surcharged. If they only had to put in one gallon of water when the interceptor became surcharged, it would not be able to get into the system because the pressure in the interceptor is higher than would allow for the water to come in.

Let's talk about DEP interaction. We had a lot of interaction with them. We had four formal meetings with them between 2012 and 2015, and many conversations with them. They were not terribly pleased that raw sewage was discharging to the streets of Bridgewater and Somerville. They wanted to make sure this got solved. We met with them before we even figured out what to do to solve the problem, explained to them what was going on and as we learned more, we met with them again and showed them our thoughts and worked with them on the solution. They made it very clear to us that they were not going to sit back and allow anyone to do nothing here. They needed it fixed and fixed quickly, and they made it very clear to us that they were going to intervene and frankly, they were looking towards the municipalities because they were the ones that were contributing this excessive inflow and infiltration to the system during wet weather conditions. They were trying to figure out how they were going to force the municipalities to take action if SRVSA didn't do that.

So, what are the alternatives we looked at? We looked at a lot of different options here. First was no action. Suppose we did nothing. The DEP would not find that acceptable. They made that very clear. We looked at putting in a pump station down near that Meter Chamber #4 that I told you about so that interceptor was surcharged, we would pump the water from Somerville to SRVSA. The problem with that is we would have needed to expand the main wastewater treatment plant at SRVSA if we did that. I'll talk about cost in just a second. We looked at reducing I&I in each of the member municipalities systems. That was an extremely expensive option and one that, frankly, did not guarantee it would solve the problem. It would take many, many years to reduce the I&I and we learned that even with great success of an I&I program, whether it would really stop the overflows. We looked at constructing a huge storage tank so that during times when Somerville could not get their wastewater into the SRVSA system, we could store that water and it ended up being a gigantic tank and both land availability and cost were a problem. Finally, we looked at an auxiliary treatment facility. So, the thought there was treat the wastewater that cannot get into the SRVSA interceptor at its source, and then discharge it to the Raritan River at that location. And that is the alternative that we ended up selecting and I will explain a little bit more why in a minute. We chose that option the SCTF, that as all you know, is the selected option.

You might be asking yourselves, what if we decided to do nothing, what would have happened. SRVSA stepped up to the plate to fix this because they recognized that it was their surcharging that was causing the problem. But suppose they decided to do nothing. Well, we would have raw sewage overflows continuing, that is the big problem. And then the DEP made it clear to us that they would take action. They would have likely established an Administrative Consent Order that required the municipalities and SRVSA to take action. They would have likely established a sewer connection ban. So, in places where people wanted to connect new developments to the system, that would have been prohibited. They would establish penalties for overflows. So even while we were trying to fix the system if we got forced into doing it by NJDEP, the Authority and the municipalities could have faced penalties every time we had an overflow. They would have required extensive municipal I&I removal and they would have required the SRVSA treatment plant and the interceptor to expand. That would have been pretty ugly.

Let's look at costs. We estimated the cost of each of the alternatives I mentioned to you. We have updated them to 2021 dollars now so you can get a sense for the current dollars of the cost. Look at the difference in cost here. I&I Reduction, \$61 million; Storage Tank, \$73 million; Pump & Expand – pump the wastewater to SRVSA and expand the SRVSA plant, \$55 million; the SCTF is \$26 million. It is less than half of most of the other alternatives. The interesting part, which is really something unusual, we rated each of the potential solutions by cost, feasibility, and environmental impact, and the SCTF ended up being the lowest cost, the most feasible with the least environmental impact of all the alternatives. That is a very rare situation, that you would have your least expensive alternative being the least environmental impact and the least cost. That is very unusual. Hence, the reason we selected that alternative. The SCTF turned out to be certainly the most expedient solution. We knew that if we build this facility, we would be able to solve the overflow problem within two years from getting the financing and the approvals. We are well underway. At the end of my presentation, I will show you a picture of the facility as it stands today. It is $\frac{3}{4}$ of the way done at this point. As I mentioned, it was the

highest rated based on cost, feasibility, and environmental impact. It is a complimentary solution because when SRVSA, the existing treatment plant where many of you are sitting today, has its greatest problems keeping up. It is the times when the flows are highest, the SCTF can take almost 10mgd out of SRVSA's main plant and allow that plant not to get so overwhelmed. That is a nice complimentary benefit. As I mentioned before, it is very cost effective. It is 47% of the next most expensive alternative and 33% of the cost of trying to remove the I&I from each of the municipalities.

I don't want to get into a lot of details, but for you engineers out there, just a quick overview of how this treatment plant works. This is not a biological process. We need to be able to flip a switch and have the treatment plant in operation immediately. It involves screening the wastewater with coarse and fine screens and settling out the larger solids, filtering out the smaller solids and using ultraviolet light to disinfect the wastewater and then it can discharge to the Raritan River under high stream flow conditions. We are literally capturing the wastewater right before we normally go into the interceptor and treating it there on site.

In terms of the interaction that we had the member municipalities and the county, we first met with the county in December of 2012 and reviewed our approach. Next, we went to Bridgewater in May of 2013, they were the first municipality we spoke to. We explained the whole process. We went back to Bridgewater in June of 2015 and gave them a thorough presentation again on what we did. We also, keep in mind, had to get a site plan approval for the construction of this facility. We received that from Bridgewater. So, we actually met with Bridgewater three times. We gave a presentation to each of the other municipalities in the service between March and September of 2015.

I am going to stop there and let Mr. Maraziti dazzle you with his legal opinion on what we've got going here.

Mr. Maraziti commented that he has not been dazzling anyone during the pandemic but hopes to be able to here. Mr. Maraziti thanked Mr. Cosgrove for laying out that factual background against which I was asked to make an analysis of who's responsibility this is. The initial reaction everyone had was, it is coming in from Somerville, it must be their responsibility. That was the initial thought in everyone's mind but as you look more deeply into the factual situation that Mr. Cosgrove just laid out, all of the municipalities were contributing to this problem because all of them had excessive I&I at the same time. So, what is the legal answer here? I went to the Service Agreement. As you know, this entity that you are Board Members of was formed by the action of Bridgewater, Raritan, and Somerville in 1953. The Service Agreement that I refer to here, was adopted a few years later in January of 1958. Obviously, there was a lot of negotiation and discussion, I don't know what it was. I just said to Mr. Cosgrove today, I was still in high school at that time. But what is clear from looking at the document and reading various sections of it together, is that the entities were aware of the I&I in Somerville that existed at the time. My conclusion is that the deal included the requirement that the Authority's new facility, that the Service Agreement provided the mechanism to finance and construct, would treat all the sewage coming in at that time, from the three members. The understanding that I have is that a great deal of infiltration and inflow coming in at that time, from Somerville. So, Somerville being largely built up at that time already, a very developed community, had its local collection system

which was a source of considerable I&I. When you look at this slide, which is a section of the Service Agreement, in the underlined and highlighted area, it states that “in the case of each participant, be so made and constructed as to discharge into the System, all sewage collected in its Local Sewerage System and delivered at the said point of points of connection”. There is an attachment to the Service Agreement that has the points of connection and for Somerville, it refers to the connection near Peters Brook, which Mr. Cosgrove identified on his aerial. Also is included in the service agreement is the definition of sewage. Sewage is defined to include I&I. So, at the time that the Service Agreement was executed, it is my conclusion that the deal that was made between the parties, was for the existing I&I from Somerville to be the responsibility of the Authority. And so, it continues to be.

But the Agreement says “new connections” to be taken into the system are ones that must be free of I&I. The Service Agreement provides that the municipalities are not supposed to be delivering infiltration. However, the definition of sewage that applied to the members was “together with such ground water infiltration, surface water, admixtures or other wastes as may be present”. So that was an acknowledgement that the I&I would be accepted from the original participants. I concluded in my letter that I wrote to Glen Petrauski, who was Executive Director at the time, I have a letter dated January 27, 2011, that was the subject of a Resolution that you all have before you tonight, I sent it to him “Attorney-Client Privilege and Confidential” and the Resolution provides that it is no longer necessary for that to be considered Privileged and Confidential, and the waiver of that Resolution is authorized by the Resolution and then distributed to anyone who is interested. I think Bridgewater would like to see it. It is interesting that although it is almost 10 years old, and the only copy I have in my file is one that is not signed by me. I sent the signed one to Glen and the one I have is not on my letterhead either, but I have accompanied my transmittal letter of a couple weeks ago to Ron, with a statement that it is an accurate and true copy of the letter I did send at that time and it was and still is my opinion. What I did not include in my letter but as we have been talking about it in more detail and I have understood better the facts as laid out by Mr. Cosgrove, the other obligation we have under the Service Agreement as it has been extended by Court Order in subsequent agreements to bring in other members, the Authority has the obligation to treat sewage from the municipalities. The upstream municipalities to this connection point, would not be able to get their sewage in with this kind of overflow and so we would be in violation of our Agreement to those municipalities as well if we didn’t take action.

In short, my conclusion was this is an Authority obligation and Mr. Anastasio, who was the Engineer for the Authority at the time I wrote that Opinion, did some research in terms of the factual history and it became apparent that over time, and contemporaneously the undertaking by the Authority of the obligation to build these facilities, it was addressing on and off the surcharging in some way with this issue in Somerville. The Authority acted as if it had the responsibilities and sometimes it backed away from that by doing nothing. I think that was the history. But, as you look at the contract, it is my opinion that it is a simple matter of contractual obligation, a matter of contract and it appears to me clearly that the parties made a deal that called for the Authority to take care of that Somerville issue at that time. That is basically a summary of my analysis and I think later you will be receiving the letter which goes into a little more detail.

Mr. Anastasio thanks Mr. Cosgrove and Mr. Maraziti for their presentation and opinions.

Mr. Young asked what was Bridgewater's objection? Mr. Anastasio stated he was going to open the floor up to Alexander Fisher, Esq., attorney for Bridgewater, if he would like to address the Board. He is not aware if any other members of the Bridgewater officials are on the call as they were invited.

b. Address from Bridgewater Township Attorney Alexander Fisher, Esq.:

Mr. Fisher thanked everyone for taking the time to make the presentation. At this time, he would like to get a copy of this presentation and bring it back to his client. Once we have a chance to review it, he thinks he will be in a better position to discuss what issues they may have. Mr. Anastasio indicated he would get him a copy of the presentation plus Mr. Maraziti's opinion once the Board voted to waive the Confidentiality of it. Mr. Fisher indicated that would be good.

Mr. Anastasio indicated that we will have to wait to hear what Bridgewater has to say.

A series of questions and answers ensued between Commissioner Young and Mr. Anastasio. Mr. Young commented that, if he is guessing, is that Bridgewater feels this should not be a group obligation, it should be the obligation of whoever is causing the overflows should be paying for this. Is that fair? Yes, that sounds correct. How often does this overflow happen and how often has it happened in the past? It depends on the precipitation. There have been times where it has happened a number of times in a given wet year. Other times, we can go a whole year when it wouldn't happen, for example in the 'teens, was a very dry decade. When was the last time it happened? Since we began the project, part of the requirements of the ACO was for the Authority to construct what is called a bypass outlet, basically to relocate the discharge to a less populated area over by the Raritan River. We had discharges from that outlet in the 4th quarter of 2020. What is the mitigation of just letting it go? You basically just moved it closer to the River? Just to get it out of a more populated area. What happens downstream when that happens? For the moment right now, it ends up in the receiving water in the Raritan River. It does not happen often but when it does, that is where it goes. Are their public alerts when that happens? There are. Calls go out, we notify the DEP hotline, and others as well. Once the treatment is up, obviously that will be stopped. When will the plant be finished? Late Spring of 2021, May, or June. So, at 10mgd, historically will that cover every peak or 90% of the peaks? Will we still have overflow occasionally? We do not expect to have them. The way the system is built, we will redirect Somerville's discharge into the treatment plant, and it will have free discharge into that plant. From the flow data we have gained, and during the flow study, we actually tried to evacuate the Authority's interceptor for a short time to allow Somerville to discharge into our interceptor more freely than it usually does and that is where we found the peak of 10.5mgd of peak flow. Up to that point, we were seeing about 6 mgd so we really wanted to really see the maximum possible flow that could come out from a very bad storm. Mr. Cosgrove, do you remember that storm? I think it was July of 2014, a 2" thunderstorm in about one hour and that's when we saw the 10.5mgd. Originally the plant was going to be a little smaller, and we realized we had to size it for that peak. That is what we have seen, and we feel that is as bad as we think it will get. Mr. Young asked is this more of a stormwater management issue than it is a sewerage issue that affects sewer? Mr. Anastasio answered no, not really,

stormwater that enters the sanitary sewer becomes sewage, so it is a sewer issue. So, if stormwater would be mitigated differently, you would have less of a problem in the sewer system? It is not a question so much of their stormwater management system, it is a fact that the sanitary sewer system has defects in it that allows rainwater and groundwater to enter in ways it should not be. That is the problem. Its not a question that bigger storm sewers would prevent this problem from happening. So, you have an aging plant and an aging system, and you are having inflows outside the design parameters, so you are building a mitigation plant downstream to handle peak flows? Yes, because it is cheaper than going to find those leaks in not only Somerville but also in Bridgewater. If the system were pristine upstream would this not be a problem? Yes, but it would have to be pristine everywhere. The other communities I&I prevent Somerville along with their I&I, which is allowed under the Service Agreement, to get into the sewer. They can get to our front door, but we cannot let them in.

Another conversation ensued between Mr. Pierini and Mr. Anastasio. Mr. Pierini asked Mr. Anastasio if he can allude on how this will help our capacity assurance program issue and also reduce our overall 12-month rolling average plant flow for the capacity of the plant and how that also may involve avoiding upgrading of the plant? That is a good question and we have talked about this recently because Mr. Pierini is the Executive Director of one of our participants, Warren Township Sewerage Authority, and has dealt with the same thing. The high flows from 2018 and 2019 resulted in elevated billing to the customers and many of the treatment plans. Several Mr. Cosgrove and Mr. Schoettle's clients, I am sure, their flows were elevated, and they got thrown into what is called a Capacity Assurance Program of DEP. Meaning that, the flows were near or at 100% of the rated capacity of many of the plants. So that throws you into a program where you must have 36 months of the average monthly flows...is it 80% or 85% of the rated capacity? Mr. Cosgrove indicated that you stay in the program until you have 36 months of a 12-month average of flows below 80%. So to answer Mr. Pierini's questions, how this will help us in the future is that we will be able to better manage those situations. We will be able to run this facility longer to take the burden off the main treatment plant and reduce the average monthly flow to this treatment plant and to try to avoid being put into the Capacity Assurance Program. We are going to build it, so we are going to run it and manage everything to optimize the entire system, both plants acting as a system. We expect to be able to run this strategically to minimize the impact of storm to put us into the Capacity Assurance Program. Mr. Pierini stated that since we are all kind of paying our fair share, will that reduction in flow also equate to an adjustment to the meters for each of our towns to deduct on the total amount of the I&I? No, that it will not do. It will just keep the Authority in a better light regarding capacity, and regarding the main treatment plant, but unfortunately the I&I coming through the meters, it is what it is. It is whatever is measured, whether the flows are mitigated partially by this new facility or just all taken into the main facility, that will not change because of this. Somerville's flow, if it is diverted to this plant or goes into our interceptor, will be billed the same rate, and will be billed accordingly. So the amount that is included into the rate is just based on the capital costs and the ongoing user fees to pay for the operation of the facility. Yes, the user fee includes the debt service for the capital projects which we have not seen the need for a rate increase so far for this project or another major capital project recently. The debt service of those capital projects is in the rate and that rate is supported by the revenue from the meters.

Unless there are any other questions, we can move along with the Agenda. Mr. Fisher, you are welcome to stay with us or should you wish to drop off, we would not be offended. Mr. Fisher asked for a copy of the video of the meeting as well. Mr. Anastasio indicated that we are not recording a video. We have the minutes recorded so we could work something out where we can get you a copy of the audio recording. Mr. Fisher said the audio is fine. We will work out the logistics. Mr. Fisher thanked everyone and said he looks forward to receiving the documents.

Minute 9 – Public Participation: No public present.

Minute 10 – Consent Agenda: Resolutions for Consideration and Possible Formal Action

- 1) **Res. No. 21-0125-1** – Resolution Authorizing a Transfer of Funds from Magyar Bank Connection Capital Savings Account to Unity Bank Connection Capital Savings Account in the Amount of \$2,400,000.00 for the Purpose of Maximizing Interest Earnings
- 2) **Res. No. 21-0125-2** – Resolution Waiving the Attorney-Client Privilege as to the Letter Opinion from General Counsel to the Former Executive Director of the Somerset Raritan Valley Sewerage Authority, Dated July 27, 2011, Regarding the Responsibility of Surcharges and Exfiltration Near Meter Chamber #4

With no further questions or comments, and upon Motion of Mr. Machala, Second of Mr. Mathews, the above Resolutions were approved by the following roll call vote:

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Yes
		Michael Impellizeri	Yes

Minute 11 - Board Committees – NONE

Minute 12 – Chairman – Vice Chairman, Mr. Impellizeri, wanted to run an idea by the Board Members. Currently we have our meetings at 7:30pm, and he would like everyone to consider a 7:00pm start time instead. He would like everyone’s thoughts on it. Mr. Pierini, Mr. Albano, and all members in attendance said they had no issue with that. Mr. Anastasio stated that once we go into the Reorganization Meeting, typically the Board adopts all the Resolutions by Consent Agenda. Resolution #12 sets the meeting dates and the time. Before we start, we can edit Resolution #12 to reflect the 7:00 pm meeting time. Mr. Impellizeri thanked everyone for their cooperation.

Minute 13 - Reports

A. Executive Director's Report

1. Update on Storm Control Treatment Facility Construction Project

Mr. Anastasio stated that the project continues to move along well. At the end of Mr. Cosgrove's presentation, we saw a recent aerial photo of the plant with the main building. We do have a more recent photo that is in Sherwin Ulep's Monthly Engineering Report which shows the roof on the building. Mr. Cosgrove thought, and all agreed, that it would look better if we included the picture showing the inside of the building with the individual filter systems. We are going to talk about, in closed session, the easement soils issue and the disposal. Other than that, the project is moving along very well. The workmanship and the relationship we have with the contractor is good. We do not anticipate any problems due to workmanship or difficulties with the contractor or anything along those lines. There are not many ups and downs on this project. We deal with them as they come up so it keeps things moving. We are at 74% complete now.

- a. Discussion of New Developments on the Easement Soils Issue (**CLOSED SESSION**)
- b. **Res. No. 21-0125-3** – Resolution Authorizing Change Order No. 4 Which Amends Change Order No. 2 for Additional Cost for the Trucking and Disposal of Excess Soils Within the Offsite Easement Areas - Contract C-17-1 – Storm Control Treatment Facility Construction Project

(See vote on this Resolution at end of Minutes)

2. Update on the Plantwide Electrical Rehabilitation Project

We have a late arrival to add to the Board book. I emailed Resolution #7 to the Board and handed out hard copies to those in attendance. We are working in an area called Work Group 5. This is our multi-media filter system area, and the Authority did not construct that. As some of you may know, which we have talked about over the years, a good chunk of our plant was originally constructed by the American Cyanamid Chemical Company, which is now their owned by their successor Pfizer. We purchased it in 1983 and with that came a number of facilities that the Authority did not construct. We have some of the original drawings, but we do not have everything. There were some unknown conduits that we discovered when we were installing some footings and we realized in this area, that there were some changes that we would need to make, some conduits that we thought ran one way and they ran another way. Where we anticipated running conductors to, we could not due to unforeseen buried pipes and duct banks,

so this Resolution #7 includes a whole list of additional electrical changes for \$40,844. We feel this is a decent deal and a good price from the contractor. This just straightens everything out and makes it all work. As you will also recall, back in the December Board Meeting, we explained to the Board how we had an issue with a discrepancy in the specifications for the Severe Duty Rating of the pump motors of the multi-media system. We worked it out with the contractor, and we split the cost of the additional monies to get the Severe Duty Rating. Those motors take about 16 weeks to get. The contractor agreed that to avoid any delay claims working in this area, that they would work as far as they could and then move off this work group area to another work group, #7 which is our 600 Building and Final Clarifier area. With the condition that when they move, they want to finish that work group entirely before they return because these mobilizations take time and they do not want to charge us for them, and we do not want to pay them to move back and forth. We agreed, it made sense. Since the Board meeting had to be rescheduled, Sherwin and I felt that we could get this Resolution together and get it in front of the Board for tonight. What this does is, if it got approved at the end of February, they might exhaust all the work before the Board could consider this Resolution, then they would relocate. We wanted to get this work done now and then they will finish it up and then move out of the area. Moorhouse Engineering and CDM Smith and the Authority Staff recommend approval of it. We feel it is a decent deal and it's a very fair price. We want to get the work done and keep the project moving.

Mr. Carney asked if the Change Order has our standard release language in it. Mr. Anastasio said yes, it does. In the memo accompanying the Resolution, I put our standard release language (apologies to Mr. Carney for maybe inadvertently not including him in the email). In our change orders, we put a standard language so when the contractor signs a change order, they are releasing the Authority from claims prior to the date of the change order. This job is about 50% complete so half of that job is now no longer exposed to claims, which is a good thing to minimize that exposure. So, to answer Mr. Carney's question, yes that language is in there. They already signed the Change Order form as well, so we have a green light as far as the contractor is concerned.

Mr. Anastasio instructed Mr. Impellizeri that we can entertain that resolution now. After Closed Session we are going to come out and vote on Resolution #3. If the Board would like, we can consider Resolution #7 now before moving now.

Minute 15 - Res. No. 2-0125-7 – Resolution Authorizing Change Order No. 4 – Furnishing and Installation of Various Additional Work Items for Work Group 5 – Contract C-19-2 – Plantwide Electrical Rehabilitation Project

Upon Motion of Ms. Quabeck, Second of Mr. Stires the above Resolution was approved by the following roll call vote:

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Yes
		Michael Impellizeri	Yes

The next 2 items on our Agenda are for Closed Session so we will put those off until that time.

3. Discussion of the Professional Appointments for 2021 (**CLOSED SESSION – Personnel Matters**)

4. Update on Status of Terminated Employee Jozef Sudnik (**CLOSED SESSION – Personnel Matters**)

We will talk about this in Closed Session.

B. Engineer/Consultants – Nothing further to add.

C. Attorney – Maraziti Falcon, LLP – No report this evening.

D. Department Reports:

1. Operations
2. Regulatory Compliance
3. Laboratory
4. Maintenance/Electrical

E. Facility Engineer Reports:

1. Facility Engineer's Monthly Report
2. Capacity Allocation
3. Capacity Assurance
4. Monthly Flow Report

Minute 14 – Communications – Standard monthly communication submittals to the State are in the Board book.

Minute 15 - Res. No. 2-0125-4 - Payroll

Upon Motion of Mr. Machala, Second of Mr. Stires the above Resolution was approved by the following roll call vote:

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Yes
		Michael Impellizeri	Yes

Minute 16 - Res. No. 21-0125-5 - Bills

Upon Motion of Mr. Mathews, Second of Mr. Stires, the above Resolution was approved by the following roll call vote:

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Yes
		Michael Impellizeri	Yes

Minute 17 – Res. No. 21-0125-6 - Adjourn to Closed Session - Resolution Authorizing Closed Session for the Purposes of Contract Negotiations and Personnel Matters Discussions Regarding

Change Order No. 4 to PKF Mark III, the recommended 2021 Professional Appointments and the Status of Terminated Employee Jozef Sudnik.

Mr. Maraziti commented that we must make sure no one is on the virtual connection before we go into Closed Session. At 8:27 p.m., upon Motion of Mr. Pierini, Second of Mr. Mathews, the meeting went to closed session.

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Yes
		Michael Impellizeri	Yes

Open Session reconvened at 8:45 p.m.

At that time, Resolution No. 21-0125-3 was introduced to the Board. This is in the back of the Resolution section of the book.

Res. No. 21-0125-3 – Resolution Authorizing Change Order No. 4 Which Amends Change Order No. 2 for Additional Cost for the Trucking and Disposal of Excess Soils Within the Offsite Easement Areas - Contract C-17-1 – Storm Control Treatment Facility Construction Project

Upon Motion of Ms. Quabeck, Second of Mr. Stires the above Resolution was approved by the following roll call vote:

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Yes
		Michael Impellizeri	Yes

Minute 16 - Adjournment

Upon Motion of Mr. Stires, Second of Mr. Mathews, the meeting was adjourned at 8:47 p.m.

Roll Call Vote:

Robert Albano	Yes	Philip Petrone	Absent
Louis Esposito, Jr	Absent	Spencer Pierini	Yes
Joseph Lifrieri	Absent	Gail Quabeck	Yes
Edward Machala	Yes	Randy Smith	Yes
Richard Mathews	Yes	Peter Stires	Yes
Steven Mlenak	Absent	Thomas Young	Yes
		Michael Impellizeri	Yes

**NEXT REGULAR BOARD MEETING WILL BE HELD ON
FEBRUARY 22, 2021**