MINUTES OF THE BOARD MEETING THE SOMERSET RARITAN VALLEY SEWERAGE AUTHORITY DECEMBER 21, 2020

Minute 1 - Opening of Meeting

The Board Meeting of the Somerset Raritan Valley Sewerage Authority was called to order at 7:32 P.M. by Chairman Todd Hay.

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 (phone)	Steven Mlenak	Present (phone)
Louis Esposito, Jr	Present	Philip Petrone	Present (phone)
Michael Impellizeri	Present	Spencer Pierini	Present (phone)
Joseph Lifrieri	Present	Gail Quabeck	Present (phone)
Edward Machala	Present	Randy Smith	Present (phone)
Richard Mathews	Present (phone)	Peter Stires	Present (phone)
	_	Todd Hay	Present

Authority Staff

11000110
Present (phone)
Absent
Absent
Absent
Absent
Present
Present (phone)

Professional Staff

Thomas Schoettle, P.E., CDM Smith	Present
Brad Carney, Esq., Maraziti Falcon, LLP	Present (phone)

Minute 4 – Pledge of Allegiance

Ronald Anastasio, P.E., Executive Director

All in attendance saluted the flag.

Present

<u>Minute 5 – Approval of Minutes</u>

1. Board Meeting Open Session Minutes – November 23, 2020

Chairman Hay asked if anyone had any questions or comments with respect to the Open Session Minutes and there were none. With the Motion of Mr. Impellizeri, Second of Mr. Esposito, the Minutes of the November 23, 2020 Meeting (Open Session), were approved by the following roll call vote:

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

2. Board Meeting Closed Session Minutes – November 23, 2020

Chairman Hay asked all Commissioners if there were any questions, amendments, or comments with respect to the Closed Session Minutes and there were none. With the Motion of Mr. Machala, Second of Mr. Impellizeri, the Minutes of the November 23, 2020 (Closed Session), were approved by the following roll call vote:

ROLL CALL VOTE:

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

Minute 6 - Public Hearing - NONE

<u>Minute 7 – Public Participation:</u> In attendance from the public was Brian Shemesh, Esquire, who is representing Somerset Station Urban Renewal LLC. Mr. Anastasio confirmed with Mr. Shemesh that his presence at tonight's meeting to answer any questions and to see if the resolution gets approved. Mr. Shemesh confirmed this. He indicated that if there are no questions he will leave after the vote and if there are, he is here to answer them. He is here as a resource if anyone has any questions. Mr. Anastasio indicated that at this time, we do not have any and there is no further participation from the public.

Minute 8 – Consent Resolutions for Consideration and Possible Formal Action

Chairman Hay asked there were any questions before we move the Consent Agenda. Commissioner Albano indicated that he has questions on Resolutions number 6, 7 and 8. Numbers 6 and 7 are relatively short and number 8 has a couple questions on the contract. On Resolution #6, Mr. Albano asked regarding the Risk Management Consultant, they are charging us 6% of the insurance premium. He asked for clarification as to why we would pay a percentage of an insurance premium. Why is it not a flat fee to provide the risk management consultation and not tie it to the amount of insurance we get? Commissioner Quabeck indicated that that is the Rules and Regulations of the Joint Insurance Fund. Everyone pays 6% to that. Mr. Anastasio indicated that regardless to which of the risk managers we use, it is a flat 6% no matter who we pick. Ms. Quabeck also indicated that every Authority pays 6%. Mr. Albano stated that he probably asked that question several years ago but forgot the answer.

On Resolution #7, the Branchburg Pumping Station, there is a note in the memo that there is no guaranteed capacity. What does that mean? If you allow them to build a pump station and we don't guarantee any capacity, he's not sure what that really means. Mr. Anastasio indicated that it means that the capacity will be guaranteed when future connectors to the system will obtain connection permits and TWA approvals. The TWA approval was required to get the construction permit from NJDEP, and the capacity increase is duly noted but the way we track the capacity is when people want to connect to that sewer, let's say more than would before, that's when we are judging the capacity. We would not give that capacity to Branchburg to dole out. It is not theirs to hand out. Ms. Quabeck stated that the capacity would be there, yes? Mr. Anastasio stated the pump station will be able to handle the capacity, that is what the approval is for, to approve the construction. As people come for TWA's and connection permits, that is when we would, in a sense, award capacity. Mr. Albano asked, so there is no guarantee that it will be there in the future, but it is there now, which is correct.

On Resolution #8, Mr. Albano indicated that he has a couple of comments. He was happy to see that I&I is covered in the maintenance of the collection system, but in the map that shows the layout, he does not think is a current map. Some of those stations have had a lot of renovations on the parking lot so maybe that map is at least a year old. He is not sure if that changes anything. Mr. Anastasio indicated it relates to the sewer improvements, so the garages are not part of it but there was not a map given as part of the exhibits, but a parking garage would not be a generator of sanitary sewer flow in this case. They are mainly talking about the homes. Next, in Section 2, something about testing by SRVSA should not cause delays. Mr. Albano is not sure what that is about. Mr. Anastasio stated that has to do with causing delays of the testing and acceptance of the local system by Somerville Borough. Basically, we could not hold up the transaction between the developer and the Borough. The developer is going to build the system, test it, TV-inspect it, and give us an opportunity to review reports and do any other inspections we want to do, i.e., flow inspections. But if we did nothing, that does not hold up the eventual turning over of the system. We just have so many days to act. Mr. Albano stated that that is different than how he is reading it. Also, item #6, who pays for the Sewerage Authority to review the reports on the maintenance of the sewer lines? That is going to take time for our engineers and staff to review. Who is going to pay for that? Mr. Anastasio indicated that was not addressed in this agreement. Mr. Carney indicated that it is fine to talk about the agreement,

which is attached to the Resolution, but this is contract that is still under negotiation until it is approved, which is an appropriate forum for closed session. He just wanted to caution the Board to that, to the extent that we are talking about any potential changes to the document. Mr. Albano stated that it is in the packet that he received, which is part of the public record, so nothing he is talking about calls for any closed session discussion. If you think we should not discuss it, and go into closed session, that is fine. Mr. Carney said he is fine with the questions so far, but just wanted to bring that up. Mr. Anastasio indicated that this refers to after the system is turned over, so this is after the developer has conveyed the system or turned it over to the Borough of Somerville. They are going to inspect it every three years at their cost. We felt that the least we could do is look at their report. The developer is out of it by this time. The reason why the developer has received copies of the permit is because if a situation arises where there contaminates in the system, or something along those lines, they want to be aware of it. This is after the developer has constructed and turned over the system. The Borough is going to TV it and inspect it every three years, which is a good deal for the Authority. Mr. Albano was just concerned with the burden on our staff of having to review the reports that are generated by Somerville, but if you are comfortable with it, then he's ok with it. Mr. Anastasio said that we are comfortable with it. Lastly, in the contract it refers to the appendices A & C, neither of which are in the packet. Appendix A has to do with the regulations of the SRVSA. Mr. Anastasio stated that just for brevity, he did not want to attach those. Appendix A are the Service Rules. Mr. Albano stated that it is something that is referenced in the contract and then it is not there, nor is there a place that he can look at it. Mr. Anastasio indicated that they are just our regulations, so he did not feel the need to include them.

Ms. Quabeck stated that maybe it is just her book, but on the Resolution on #8, it goes from page 1 to page 3 and 4, no page 2. She doesn't know what is on page 2. Mr. Anastasio is not sure if that's an error in copying. Mr. Carney stated that if you look at the last prefatory clause on page 1, it looks like it is supposed to on continue page 2, but its not there. After finding the original document, Mr. Anastasio said he would read it into the record. It is not too long. On page 1, it ends with "discharge"

"approximately 114,475 gallons per day of wastewater to Somerville's sanitary sewer collection system and thereafter to the SRVSA System; and

WHEREAS, as a result of historic fill at the Property, contaminants have been detected in the soil and in the groundwater at the site relating to historic fill, and while the sewer system from this development is proposed to be installed above the highest groundwater elevations measured during 2010/2011, during periods of wet weather groundwater elevations on this site may be higher than those measured necessitating additional measures to ensure that infiltration

and inflow does not enter the SRVSA System in accordance with SRVSA Service Rules and N.J.A.C. 7:1(E) Appendix A; and

WHEREAS, by letter dated March 25, 2019, Somerset Station agreed to enter into an agreement providing that Somerset Station, its successors and assigns, shall retain certain responsibility and liability for ensuring the integrity of the sewer pipe by preventing the introduction of hazardous substances; and

WHEREAS, in order to ensure the integrity of the pipes that convey wastewater from the Property to Somerville's sanitary wastewater collection system and to SRVSA's interceptor for treatment at the SRVSA treatment facility, the Parties have negotiated an Access and Maintenance Agreement (attached hereto and made a part hereof) to set forth the Parties' respective responsibilities, obligations and liabilities related to ensuring the integrity of the sewer lines by preventing the introduction of prohibited and hazardous substances, as defined in the SRVSA Service Rules and N.J.A.C. 7:1(E) Appendix A, into the Somerville collection system and the SRVSA System; and".

It then picks up again on Page 3. Ms. Hering indicated that if you want to be able to see it for yourself, you can go to our website, under Meetings and Resolutions, it says "Resolutions for Formal Consideration", page 2 of Resolution No. 20-1221-8 is included in the scanned document. So, if you want to read it for yourself, it is on the website.

A discussion between Commissioner Lifrieri and Mr. Anastasio ensued: Mr. Lifrieri asked, so they are building the system because of the high-water table? Mr. Anastasio indicated yes; they are. So, if it rains a lot and we get a lot of flooding, the water could rise above it and it could seep into the pipes, if they have I&I. That is the concern, and this is the remedy. Will that then go to our wet weather treatment plant (Storm Control Treatment Facility) first? No, that property is tributary to Meter Chamber 5, not Meter Chamber 4 in our interceptor system. So, it would come to the plant. Mr. Lifrieri asked if it gets in the pipe, how do they plan to take care of that? Mr. Anastasio answered that there is a long-term inspection program and there's also language in here that parties are responsible to repair the system. If it turns out that either excessive I&I and/or contaminants enter the system, we will notify Somerville Borough and appropriate actions would be taken. Repairs would have to be made to eliminate those sources of I&I, which could potentially and likely be carrying contaminants from the historic fill. Mr. Lifrieri continued that he is not too concerned about contaminants, but rather about the fouling of the bugs in the plant.

They are concerning contaminants because they could kill the bugs in the plant. What happens if that occurs? Mr. Anastasio answered that we went to a great length to prevent this from happening, but if it does there's indemnification provisions in this agreement and if it happens, we will take the agreement out and contact the parties. There are notice provisions in the agreement and the lawyers would start having conversations. This is a model that goes far beyond anything we have ever had before dealing with a new collection system coming into the plant because it's an extraordinary condition. Mr. Lifrieri asked who has to take measures, I guess it's going to be Somerville itself? How do we make Somerville, if we have to, make the repairs? Anastasio answered Yes., this agreement is now a 5-party agreement, which Mr. Shemesh confirmed. Somerville Borough and SRVSA are parties to this agreement along with the 3 developers. Somerville has responsibilities in this agreement, to the SRVSA. Mr. Lifrieri asked what is the threshold? When do they have to do something about this system? When we let them know there's a problem? So, you will let them know, based on the reports that they send you? Mr. Anastasio answered that every three years, they are going to TV inspect the system for defects and we have the right to go to any manhole. But at the bottom of the system, the bottom manhole, we can install a portable flow meter to measure flow quantity and we can also take random water quality tests. We can take a water sample and send it out for testing to look for the absence of any of these high levels of contaminants. That is how we plan to monitor it. We have a similar arrangement, although a little different, with STS which is down the road. That has an industrial pretreatment permit but that has a monitoring program to similarly look for the absence of arsenic, which is what the predominant groundwater contaminants are in that site. We felt that it was not worth going as far as issuing a permit to this, but we came up with this agreement and worked it out with the applicant. We felt this was a more practical solution. We feel good about where we are at with the agreement. It will serve as a good model for the future. Mr. Lifrieri commented that we just don't want to get in situations where Somerville has no money, and they can't make the repairs. Mr. Anastasio responded that there is always the New Jersey Water Bank. Let's just see how it goes. There are a lot of provisions in here and hopefully it never comes to that point. There's construction testing and post-construction TV inspection prior to turning it over which goes a long way. That is beyond the norm. Commissioner Quabeck commented: let's be practical here. Somerville just can't say we don't have any money and it's the end of it. They always have the ability to raise revenue.

- 1) Res. No. 20-1221-1 Resolution Authorizing the Reissuance of a Non-Domestic Wastewater Discharge Permit to Symrise, Inc.
- 2) <u>Res. No. 20-1221-2</u> Resolution Authorizing the Administrative Termination of a Non-Domestic Wastewater Discharge Permit with Towne Technologies, Inc.
- 3) Res. No. 20-1221-3 Resolution Authorizing the Issuance of an Initial Non-Domestic Wastewater Discharge Permit to Lycored Corporation
- 4) Res. No. 20-1221-4 Resolution Authorizing the Reissuance of a Non-Domestic Wastewater Discharge Permit to RB Manufacturing, LLC
- 5) Res. No. 20-1221-5 Resolution Authorizing the Executive Director to Execute the 2020 Service Contract By And Between The Somerset Raritan Valley Sewerage Authority, The

Borough Of Millstone (As A Customer Of The Hillsborough Municipal Utilities Authority) And The Hillsborough Municipal Utilities Authority

- 6) Res. No. 20-1221-6 Resolution Appointing Brown & Brown Metro, Inc. as Risk Management Consultant
- 7) <u>Res. No. 20-1221-7</u> Treatment Works Approval Application Norton Pump Station Upgrades; 301 Branch Drive; Block 70 Lots 2; Township of Branchburg
- 8) <u>Res. No. 20-1221-8</u> Resolution Authorizing the Executive Director to Execute An Access And Maintenance Agreement By And Between The Somerset Raritan Valley Sewerage Authority, PHM New Jersey Development Urban Renewal, LLC, Avalon Somerville Station Urban Renewal LLC, Somerset Station Urban Renewal, LLC And The Borough Of Somerville

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

Roll Call Vote:

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

At this point in the meeting, Mr. Shemesh departed the meeting.

Minute 9 - Board Committees - NONE

Minute 10 – Chairman –

Chairman Hay just want to take a minute to thank everyone for their support and to the Township Committee for giving me the opportunity over the last 7 or 8 years. Everyone knows that I put my resignation in to the Township Committee and to Mayor Young in Branchburg, to step down from SRVSA Committee and I will be leaving at the end of this month. Again, I wanted to thank Ron, his staff, and all of the Commissioners of SRVSA for their support over the years. I have learned a lot, even though I am semi in the industry. I will be around and will probably see you at conventions over the next few years. Again, thank you again for your support. I have learned a lot from you and hope you've learned a little from me, and I hope to hear from you in the very near future.

Everyone thanked Mr. Hay for his service over the years. Ms. Quabeck thanked him for his service and said he's done a great job for us. Mr. Hay said that coming from Ms. Quabeck, that means a lot because you are a municipal official and I appreciate that, especially since this is a volunteer job. It is much appreciated.

Mr. Anastasio stated that in keeping with the SRVSA tradition, with outgoing Chairmen or Chairpersons, we have a presentation for Mr. Hay that most of you cannot see, but it is our standard crystal desk clock suitable for display and we want to present that to Chairman Hay and thank him for his service for all these years.

Even though we will touch on our nominations for officers at our January Board meeting, Mr. Anastasio thought it might be fitting for Commissioner Petrone, who is Chairman of the Nominating Committee, to mention who the Slate of Officers will be.

Mr. Petrone mentioned that he hates to see Mr. Hay go and it's been a pleasure working with you. As far as the Nominating Committee, which is made up of myself, Commissioners Machala, Albano and Smith, we would like to present the following Slate:

For Chairman, Mr. Michael Impellizeri; for Vice-Chairman Mr. Joseph Lifrieri; for Treasurer Ms. Quabeck; and, for Secretary Mr. Peter Stires. This is Slate, and we're ready to go in February. Everyone indicated they are good with this Slate.

Minute 11 - Reports

- A. Executive Director's Report
 - 1. Update on Storm Control Treatment Facility Construction Project

The construction continues to go well. We have not yet started the soil excavation and hauling operation for the easement soils. They hit a snag with PADEP and they expect it to get resolved in a matter of a day or so. Other than that, the construction is moving along nicely. We are going to discuss a delay claim by PKF Mark III in Closed Session.

- a. Discussion of Delay Claim by PKF Mark III (CLOSED SESSION)
- Bes. No. 20-1221-9 Resolution Authorizing Additional Funds for a Delay Claim Related to Change Order No. 2 for the Trucking and Disposal of Excess Soils Within the Offsite Easement Areas Contract C-17-1 Storm Control Treatment Facility Construction Project

INTRODUCED BY: Edward Machala SECONDED BY: Louis Esposito

Roll Call Vote:

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

2) Update on the Plantwide Electrical Rehabilitation Project

This project also continues to move along well. We are about 40% complete and are making a lot of progress. We are happy with the work that is being done and everybody gets along well on the jobsite, on both sides of the table. There is a Change Order No. 3 that we will discuss in Closed Session as well.

- a. Discussion of Change Order No. 3 (CLOSED SESSION)
- b. <u>Res. No. 20-1221-10</u> Resolution Authorizing Change Order No. 3 Furnishing of Severe Duty-Rated Motors on the Multimedia Filter System Influent Pumps Contract C-19-2 Plantwide Electrical Rehabilitation Project

INTRODUCED BY: Joseph Lifrieri SECONDED BY: Michael Impellizeri

Roll Call Vote:

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

2. Report on Emergency Repair of Original 1958 Interceptor Pipe Collapse

We talked about this at our last meeting. At that time, we were anticipating the repair about a week later. The repair went well. We sent out an email today with some of the pictures from the repair. We were able to do the repair the way we thought we could do it. The bottom half of the pipe has good integrity, and we were able to put in a plastic segment PVC pipe there and encase it in concrete. We are pleased how this turned out. The cost of that is less than \$10,000 and we

are happy with the cost as well. The contractor including the concrete, was just a hair under \$5,000, which I thought was a pretty good price.

4. Discussion of rescheduling the January 25, 2021 Regular Board Meeting to February 1, 2021 (Reorganization Meeting)

Also keeping with SRVSA tradition, every year we reschedule the January Board meeting to coincide with the night of the Reorganization Meeting. We will have the January meeting first, then the Reorganization Meeting. I would just like to confirm that the Board would like to continue to do that for 2021. Hearing, no objections, we will reschedule the January 25th Board meeting to February 1, 2021. It always seems to work out well so we will continue with this.

5. Update on Status of Terminated Employee Jozef Sudnik (CLOSED SESSION)

We will talk about this in Closed Session.

- B. Engineer/Consultants CDM Smith Engineer's Report for November 2020. Mr. Schoettle indicated he has nothing further to add unless anyone has any questions. None stated.
- 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

<u>Minute 12 – Communications</u> – There is some information about reports that will be submitted that is not included.

Minute 13 - Res. No. 20-1221-11 - Payroll

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

Roll Call Vote:

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

Minute 14 - Res. No. 20-1221-12 - Bills

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

Roll Call Vote:

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

<u>Minute 15 – Res. No. 20-1221-13 - Adjourn to Closed Session</u> - Resolution Authorizing Closed Session for the Purposes of Contract Negotiations and Personnel Matters Discussions Regarding the Delay Claim of PKF Mark III, Change Order No. 3 to Thomas Controls, Inc. and the Status of Terminated Employee Jozef Sudnik.

At 8:06 p.m., upon Motion of Mr. Machala, Second of Mr. Esposito, the meeting went to closed session.

Roll Call Vote:

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

Open Session reconvened at 8:22 p.m.

Minute 16 - Adjournment

Upon Motion of Mr. Lifrieri, Second of Mr. Impellizeri, the meeting was adjourned at 8:22 p.m.

Roll Call Vote:

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

NEXT REGULAR BOARD MEETING WILL BE HELD ON FEBRUARY 1, 2021