

Minutes of Meeting #589, January 25, 2021 – Stony Brook Regional Sewerage Authority

LOCATION: Via Teleconference, Conference Room, River Road Plant, Princeton, NJ

MEMBERS PRESENT: Downey, Goldfarb, Morehouse, Patel, Switlik, Vilaro-Munet

MEMBERS ABSENT:

CONSULTANTS: Alexander

STAFF PRESENT: Chong, Christiano, Doelling, Pchola, Pizarro, Thomas

PUBLIC PRESENT: Bradley, Dean, Madden, Marcinczyk

### **589.01**

Chairman Downey opened the regularly scheduled meeting at 7:00 pm. Chairman Downey indicated that pursuant to Section 13 of the Open Public Meetings Act, adequate notice of the time, place of this meeting and the teleconference information was given by filing with the Authority's official newspapers, each Clerk of each municipality, and by being posted on the Princeton Bulletin Board and the Authority's website.

### **589.02 Approval of Minutes**

The minutes from the December 14, 2020, Board meeting were approved as presented on a motion by Mr. Morehouse, seconded by Mr. Vilaro-Munet, and passed by a vote of 6 to 0.

Dr. Downey introduced Mr. Bradley from Kleinfelder, Inc., and Resolution 2021-010, Authorizing the Award of a “No Political Contributions Allowed” Contract to Kleinfelder, Inc. for the Design of the Upgrade of the Hopewell Wastewater Treatment Plant. Mr. Vilaro-Munet moved Resolution 2021-010 as it was discussed during the Construction Committee Meeting and seconded by Mr. Patel.

Ms. Pchola stated that the scope of work is to ensure that the Hopewell WWTP meets the new permit limits, update the aging infrastructure, and for operational efficiency and reliability.

A discussion took place regarding the scope of work at the Hopewell WWTP.

Resolution 2021-010 was passed by a roll call vote of 4 to 0, 1 Abstention, 1 no response due to technical difficulties. Resolution 2021-010 follows.

**Resolution Authorizing the Award of a “No Political Contributions Allowed”  
Contract to Kleinfelder, Inc. for the Design of the Upgrades to the  
Hopewell Wastewater Treatment Plant**

**Resolution No. 2021-010**

**WHEREAS**, the Stony Brook Regional Sewerage Authority contracted with Kleinfelder in January 2015 to prepare the Facilities Planning Study for the Pennington and Hopewell Wastewater Treatment Plants (WWTP); and,

**WHEREAS**, the Study outlined the preliminary components for the Hopewell WWTP upgrades necessary to enhance operations by addressing aging infrastructure, efficiency, reliability, and to meet the final New Jersey Pollution Discharge Elimination System (NJPDES) permit; and,

**WHEREAS**, SBRSA has the need for the design of the new facilities, and

**WHEREAS**, SBRSA's qualified purchasing agent has determined and certified in writing that the value of the work will exceed \$17,500; and,

**WHEREAS**, Kleinfelder has submitted a detailed proposal dated January 15, 2021 outlining the tasks included for the design of the Hopewell WWTP; and

**WHEREAS**, Kleinfelder has submitted an Agreement indicating they will provide the design on a lump sum basis not to exceed \$698,460 without prior written permission from Stony Brook Regional Sewerage Authority; and

**WHEREAS**, Kleinfelder has submitted a Business Entity Disclosure Certification which certifies that Kleinfelder its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding December 1, 2020 that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to a municipal political party committee of a governing body that appoints members to the Authority including, Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township, and Pennington Borough, when the contract is awarded, or to any municipal candidate committee of any candidate for or holder of municipal elective public office of any such municipality when the contract is awarded, and

**WHEREAS**, it is SBRSA's intent to submit the eligible portion of the project for funding from the New Jersey Water Bank Financing Program.

**NOW THEREFORE, BE IT RESOLVED** that the Board of the Stony Brook Regional Sewerage Authority authorizes the Chairman to enter into a contract with Kleinfelder as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse			X	
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

**589.03 Board Related Activities**

Consultant List

Ms. Pchola stated that there are three (3) contracts pending award.

The amended Resolution 2021-001, Authorizing the Use of Electronic Records and Electronic Signatures was moved by Mr. Goldfarb, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 5 to 0, 1 no response due to technical difficulties. Resolution 2021-001 follows.

**Resolution Authorizing the Use of Electronic Records and Electronic Signatures**

**Resolution No.: 2021-001**

**WHEREAS**, New Jersey’s Uniform Electronic Transactions Act, at N.J.S.A. 12A:12-1 et seq. facilitates governmental transactions by validating and authorizing the use of electronic records and electronic signatures; and

**WHEREAS**, “[e]lectronic signature” is defined at N.J.S.A. 12A-12-2 to mean “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record”; and

**WHEREAS**, N.J.S.A. 12A:12-18 specifically states that “[e]ach governmental agency shall determine whether, and the extent to which, it will send and accept electronic records and electronic signatures to and from other persons, and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures”; and

**WHEREAS**, the Stony Brook Regional Sewerage Authority (“Authority”) is an essential governmental entity and is authorized by the Sewerage Authorities Law [N.J.S.A. 40:14A-7(11)] to make and enforce rules and regulations for the management and regulation of its business and affairs and/or the use, maintenance, and operation of the sewerage system and any other of its properties and to amend the same; and

**WHEREAS**, as electronic records and electronic signatures satisfy New Jersey law, and the practice is beneficial, the Authority wishes to affirm and authorize the practice of using electronic

forms, electronic filing, and electronic signatures to conduct official business, and therefore wishes to adopt a Resolution authorizing such use.

**NOW, THEREFORE, BE IT RESOLVED** that the Stony Brook Regional Sewerage Authority hereafter authorizes the use of electronic forms, electronic filing, and electronic signatures to conduct official business.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

Dr. Downey noted that the Authority’s reorganization meeting will be held at the February Board Meeting. Dr. Downey requested a report from the Nominating Committee, Mr. Patel, Chairman of the Personnel Committee, for the election of Officers for 2021 and committee members.

#### **589.04 Planning and Administration**

Ms. Pchola reported that the most current 12-month average daily flow at the River Road WWTP is 9,975,464 gpd with 732,726 gpd of inoperative flow leaving an available capacity of 2,351,810 gpd. The current 12-month average daily flow at the Hopewell WWTP is 268,709 gpd with 0 gpd of inoperative flow leaving an available capacity of 31,291 gpd. The current 12-month average daily flow at the Pennington WWTP is 276,427 gpd with 31,408 gpd of inoperative flow and is over capacity by 7,835 gpd.

Ms. Pchola reported that the monthly meter verifications were performed by staff on January 4, 2021. All flow meters were within  $\pm 5\%$ .

Ms. Pchola indicated that as reported on January 4, 2021, staff found the North Ridge Meter Station’s flow meter was reading high by 6.22%. The most recent previous review of the meter’s performance was a meter certification performed by W. G. Malden on December 1, 2020. W. G. Malden’s meter certification indicated that the meter was reading high by 0.65%. The meter data from December 2 through December 31, 2020, was adjusted down by 3.435% which is the average of the December 1, 2020 meter certification and the January 4, 2021 meter verification.

Dr. Downey requested that the Summary of Meter Summation vs River Road WWTP Influent Meter Report be included in the Planning and Administration section instead of in the Construction section.

**589.05 Approval Requests and Actions**

Mr. Doelling reported that there was one (1) TWA application submitted for approval. The Trustees of Princeton University propose the construction of a structured garage and soccer stadium on the East Campus, north of Faculty Road. The proposed development will increase the flow rate of 6,333 gpd to the River Road WWTP.

Staff recommended approval of Resolution 2021-012 Authorizing Endorsement of Application for Treatment Works Approval Statement of Consent for Sanitary Sewer Improvements for Construction of Princeton University East Campus Garage and Soccer Stadium, Block 50.01, Lot 18, Princeton, Mercer County.

Resolution 2021-012 was moved by Mr. Goldfarb, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 5 to 0, 1 no response due to technical difficulties. Resolution 2021-012 follows.

**Resolution Authorizing Endorsement of Application for Treatment Works Approval Statement of Consent for Sanitary Sewer Improvements for Construction of Princeton University East Campus Garage and Soccer Stadium, Block 50.01, Lot 18, Princeton, Mercer County**

**Resolution No. 2021-012**

**WHEREAS**, an application for Treatment Works Approval has been submitted to Stony Brook Regional Sewerage Authority (SBRSA) on behalf of the Trustees of Princeton University for the connection of the Princeton University East Campus Garage and Soccer Stadium; and

**WHEREAS**, the applicant proposes sanitary sewer improvements consisting of six (6) manholes, approximately 480 linear feet (LF) of 8-inch diameter polyvinyl chloride (PVC) pipe, 600 LF of 12-inch diameter PVC pipe, for an increase in projected sanitary flow of 6,333 gpd; and

**WHEREAS**, the project is more particularly described in the Treatment Works Approval Permit Application on file at the office of the SBRSA; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) presently requires the certification by the Wastewater Treatment Facility Owner, that the committed flow does not exceed the presently permitted design capacity and with the additional flow proposed by this application; and

**WHEREAS**, SBRSA has reviewed the application based on the requirements of N.J.A.C. 7:14A-23.3 Projected Flow Criteria, and the flow associated with this application is 6,333 gallons per day (gpd); and

**WHEREAS**, this project has been approved by the Princeton Planning Board for both the East Campus Garage (Findings of Fact dated October 1, 2020) and the Soccer Stadium (letter from the Municipality of Princeton dated January 21, 2021); and

**WHEREAS**, this project has been endorsed by the municipal engineer, dated

January 13, 2021 on Form WQM-003 Consent by Governing Body; and

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority as follows:

Stony Brook recommends approval of the Treatment Works Approval application for the proposed allocation of 6,333 gpd.

The Executive Director of SBRSA is authorized and directed to execute the Treatment Works Approval (TWA-1 Application) Form WQM-003 in accordance with the SBRSA Resolution adopted August 21, 1984.

**BE IT FURTHER RESOLVED** by the Stony Brook Regional Sewerage Authority that the approval shall remain in effect as stipulated in SBRSA’s Revised Resolution Affirming Terms for Approvals for TWA-1 Sewer Extension Applications as Amended 11/26/01.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

**589.06 Regulatory Report**

Mr. Doelling reported that staff reported a permit deviation for chlorine residual loading on December 6, 2020, as noted in the report.

Dr. Downey asked that once SBRSA moves to UV disinfection will this type of event disappear.

Ms. Pchola confirmed that this type of event should no longer occur once the River River WWTP UV system is in place.

There were no other Board member comments on the Regulatory Report. The following Regulatory Report is included in the meeting minutes for information.

**Discharge Monitoring Report (DMR)**

The Discharge Monitoring Reports for November 2020 and December 2020 were submitted with no violations reported.

On December 25, 2020, we experienced high flows through the River Road facility (24.09 mgd). The permit limit for daily maximum loading for chlorine residual is 1.38 kg/day. Due to the high

flows on this day, the calculated loading was 1.82 kg/day resulting in a potential permit violation. Staff submitted an affirmative defense to NJDEP on January 8, 2021.

River Road Surface Water Discharge Waste Characterization Report (SWDWC) for the second half of 2020 was submitted to NJDEP.

### **Residuals Discharge Monitoring Report (RDMR)**

The October 2020 RDMRs were submitted. All River Road parameters were compliant with the air permit requirements.

The November 2020 RDMRs are currently being reviewed.

### **Air Reporting**

The 2020 Annual Belt Filter Press Report was submitted to NJDEP. This report calculates hourly and annual emissions rates for formaldehyde, benzene, vinyl chloride, chloroform, carbon tetrachloride, 1,1,1 trichloroethane, methylene chloride, tetrachloroethylene, trichloroethylene, toluene, and xylenes. The calculated emissions were less than the Title V Permit limits.

The following reports are currently under review by staff:

- 4<sup>th</sup> quarter 2020 Excess Emissions and Monitoring Report
- Federal 40 CFR 60 Subpart O 2020 Semi-annual Reports
- 2020 combined Semi-annual and Annual Title V Compliance Reports
- 2020 Subpart-LLL second half semi-annual deviation report and the Subpart-LLL Annual Compliance Report

Staff reported a permit deviation for a low 12-hour block average differential pressure reading for the VenturiPak scrubber serving incinerator No. 2 on December 6, 2020, due to operator error. The NJDEP Hotline was called, and the incident will be reported in both the Title V and Subpart-LLL semi-annual and annual compliance reports.

### **589.07 Safety**

Mr. Doelling reported that an employee was injured on December 11, 2020. As of January 20, 2021, the Authority has gone 40 consecutive days without a “Lost Time” accident.

Mr. Doelling reported that one (1) employee had tested positive for COVID-19 during this reporting period. The employee is currently self-quarantining. No other employees are currently quarantining.

There were no other Board member comments on the Safety Report. The following Safety Report is included in the meeting minutes for information.

## **Accidents**

On December 11, 2020, an employee was injured while attempting to transfer a 55-gallon oil drum from a company vehicle into the oil storage room. The employee was taken to the hospital for out-patient treatment/evaluation and remains away from work due to the injury.

The Safety Manager and Supervisor investigated the incident and determined that the employee attempted to perform a task alone which was intended to be performed by two people, as indicated in the Work Order and the Standard Operating Procedure (S.O.P.). Paperwork for Workman's Compensation has been submitted. The Safety Committee was convened to discuss the incident and determine what corrective actions were needed.

- The S.O.P. for drum handling is being reviewed and will be re-issued.
- An accident reporting protocol is being written to provide staff with a template of actions required when accidents occur while the safety manager is offsite or otherwise immediately unavailable.
- Personal Protective Equipment (PPE) such as hard hats, safety gloves, prescription glasses, etc. will be re-issued, as needed.
- It was emphasized that all employees follow the S.O.P.'s.
- Additional training will be provided as necessary.

## **Inspections**

On November 9, 2020, the Joint Insurance Fund (JIF) inspected the Hopewell WWTP, Princeton Pump Station, and South Brunswick Pump Station. The Joint Insurance Fund recommended the reinstallation of safety guards on the Princeton Pump Station influent pumps 1, 3 & 4. The staff has re-installed the safety guards.

On November 10, 2020, the Hopewell Valley Bureau of Fire Safety conducted the annual inspection of the Hopewell WWTP and Pennington WWTP. Staff provided the inspector with a copy of SBRSA's annual fire alarm inspection reports.

On November 23, 2020, Kleinfelder was onsite to evaluate the sludge thickener tank platform and mixer hoist equipment and operation at the River Road WWTP. On January 8, 2021, staff received a draft technical memorandum containing recommended modifications aimed at providing a safer mixer-maintenance operation with minimal modification to the platform, tank, and dome cover. The Safety Committee will meet to review the recommendations and develop a plan for hoist and hoist platform improvements.

## **Training**

Confined space training was provided in-house to four (4) employees on January 7, 2021.

Fall Protection Awareness training was provided in-house to four (4) employees on January 7, 2021.



Accident Investigation training was provided by the Joint Insurance Fund (JIF) to five (5) employees on January 12, 2021.

### **Miscellaneous**

Staff continues to attend the weekly COVID-19 web-conference check-in meetings hosted by the New Jersey Association of Environmental Authorities (AEA).

On December 2, 2020, staff held its quarterly safety meeting. The minutes were provided in the report.

The Authority has applied for reimbursement of COVID-19 related expenses from the NJ Office of Emergency Management (OEM).

### **589.08 Litigation**

The Litigation Report included the following update:

#### **River Road Title V Air Permit**

Ms. Alexander reported that SBRSA has submitted additional information to USEPA/NJDEP, as requested, and a conference call was held on December 16, 2020. Additional information will be supplied by SBRSA by February 15, 2021.

### **589.09 Operations Report**

Dr. Downey inquired about the quantity of Clinton WWTP sludge delivered to the River Road WWTP and the status of the Pennington WWTP construction.

There were no other Board member comments on the Operations Report. The following Operations Report is included in the meeting minutes for information.

#### **River Road Facility**

The River Road Facility operated well during this reporting period.

Staff went out to bid for the repairs needed on Incinerator No. 1 based on the inspection report from Chavond-Barry Engineering. No bids were received. We are in the process of advertising a re-bid for these necessary repairs.

The repairs to Modified Aeration Clarifier No. 1 have been completed. The repair work consisted of the recommended concrete patchwork over the partially exposed reinforcement steel in some interior wall sections of the clarifier. This recommendation was made in the annual inspection report prepared by Kleinfelder.

We will not be receiving sludge cake from the Clinton WWTP until they make repairs to their sludge dewatering belt filter press. They will be hauling their sludge out as a liquid while their belt press is down. A portion of the liquid sludge will be hauled to SBRSA while the bulk of their liquid sludge will be hauled to Passaic Valley Sewerage Commission.

### **Upstream Facilities**

Both Upstream Facilities operated well during this reporting period.

Staff is continuing to experiment with the new 4-ring Orbal Tank at the Pennington Facility and fine-tuning the systems as indicated last month. Thus far we are experiencing very good results.

### **Odor Report**

The staff received no odor complaints from our surrounding area during November 2020. Staff received no odor complaints during the partial December 2020 reporting period. The full December 2020 number will be reported in January 2021.

### **Customer Sludge Deliveries**

The reported quantity of liquid sludge was 21% below the budgeted amount, sludge cake was 4% above the budgeted amount, and gray water was 12% below the budgeted amount for December 2020.

### **589.10 Maintenance**

There were no Board member comments on the Maintenance Report. The following Maintenance Report is included in the meeting minutes for information.

Modified Aeration Tank No. 1 (MA) Effluent Mixer No. 2 was found offline due to an overload alarm during routine surveillance on January 4, 2021. After further troubleshooting was performed on the mixer, maintenance found that several wire ties were missing allowing enough excess slack in the cable to reach the mixer propeller and damaging the cable. The damaged cable was replaced with a new cable from inventory and the excess cable was secured with stainless steel zip ties. The mixer was tested and placed back into operation on January 5, 2021.

Filter #5 located at the River Road Facility was removed from service on January 4, 2021, to repair a leak on the surface wash arm piping. After testing the surface wash arm it was found that the cap, O-ring, and coupling needed replacing. New parts from inventory were installed and the surface wash arm was pressure tested and placed into operation.

On January 4, 2021 Thickener No. 3 Sludge Pump was removed from service due to a leak in the discharge piping located in the Operations Basement. Due to the location of the leak, scaffolding was set up to perform the repair on January 5, 2021. After inspecting the piping, it was found that

one of the Victaulic clamps holding the piping together was leaking. The clamp was removed and the groove on the piping was found to be worn. A replacement coupling and flange adapter from inventory were installed. After testing the line for leaks, a small leak was detected and the coupling had to be removed, adjusted, and reinstalled. Once retested no leaks were found and Sludge Pump No. 3 was placed back into service.

The Operations Department reported on January 7, 2021, that one of the surface wash arms on Filter No. 5 was not rotating during the surface wash sequence. After troubleshooting of the arm was completed it was found that the bearing that allows the arm to rotate had seized. The arm was removed to provide access to the bearing. The damaged bearing was replaced with a new bearing and the arm was reinstalled. Several surface wash nozzles were replaced, and the remaining nozzles were cleaned. On January 11, 2021, the surface wash arms were tested for proper operation and Filter No. 5 was placed back into operation.

On November 19, 2020, during monthly preventative maintenance testing of the emergency generator at the Princeton Pumping Station, a component for the Automatic Transfer Switched (ATS) failed. At the end of the test, the ATS failed to return the station to utility power. Scott Testing was called out and it was discovered that the Voltage Sensing Module (VSN) was faulty. Temporary repairs to the ATS were made and on January 14, 2021, Scott Testing replaced the faulty VSN. After Scott Testing made the repairs the ATS was tested and worked properly. A temporary generator was connected to Sewage Pump No. 4 to maintain flow while the entire pump station was removed from Commercial Power via the Main Breaker to perform the Automatic Transfer Switch (ATS) repair. Once the repairs were completed power was restored to the pump station and a test of the transfer switch was simulated in remote to verify proper operation.

Provided in the report were several graphs that monitor our monthly progress. The current monthly open work requests stand at twenty-two (22). On the Preventive Maintenance graphs, we currently are averaging five (5) days overdue and the number of overdue units is approximately six (6).

### **589.11 Construction Report**

Mr. Doelling reported that on January 15, 2021, KEMS, LLC submitted an amendment request for additional work associated with EPA Term Sheet response of \$30,600 (the letter dated January 15, 2021, was included in the report). Consulting services have not exceeded the total budget of the original Agreement but are expected to exceed the estimated cost of the individual work task (Title V Permit Compliance), and additional funding is requested. Staff recommends approval of Amendment No. 1 in the requested amount of \$30,600 as included in Resolution 2021-006, Authorizing Amendment No. 1 to the “No Political Contributions Allowed” Contract for 2021 General Advice to KEMS, LLC for a total contract amount of \$79,980.00.

Resolution 2021-006 was moved by Mr. Vilaro-Munet and seconded by Mr. Patel.

Resolution 2021-006 was passed by a roll call vote of 4 to 1, 1 no response due to technical difficulties. Resolution 2021-006 follows.

**Resolution Authorizing Amendment No. 1 to the Award of a “No Political Contributions Allowed” Contract for 2021 General Advice to KEMS, LLC**

**Resolution No. 2021-006**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (SBRSA) entered into a contract with KEM, LLC related to the regulatory requirements including the USEPA Subpart LLL requirements, permit reporting, changes to our Title V Permit, stack testing (including no-mark-up, pass-through charges to the stack testing firm) and operation and maintenance of the Authority’s incinerators as a contract that does not allow for political contributions to the Authority or its members (“No Political Contributions Allowed” Contract) pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

**WHEREAS**, KEMS, LLC has submitted a detailed proposal dated November 3, 2020 for the tasks to be performed under this contract and indicating they will provide general consulting advice from December 1, 2020 through November 30, 2021 on a time charge fee not to exceed \$49,380 without written permission from Stony Brook Regional Sewerage Authority; and

**WHEREAS**, the time and level of effort required to complete the work has exceed the budget of the contract agreement; and

**WHEREAS**, KEMS, LLC submitted a request for an Amendment dated January 15, 2021, in the time charge basis amount of \$30,600, for a total amended contract amount of \$79,980; and

**WHEREAS**, KEMS, LLC has on file with SBRSA a Business Entity Disclosure Certification which certifies that KEMS, LLC its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to a municipal political party committee of a governing body that appoints members to the Authority including, Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township, and Pennington Borough, when the contract is awarded, or to any municipal candidate committee of any candidate for or holder of municipal elective public office of any such municipality when the contract is awarded, and

**WHEREAS**, the Stony Brook Regional Sewerage Authority has sufficient funds available in the 2021 Budget Engineering Advice line account 4000-4004; and,

**NOW THEREFORE**, BE IT RESOLVED that the Board of the Stony Brook Regional Sewerage Authority authorizes the Chairman to amend the contract with KEMS, LLC through Amendment No. 1 as described herein; and,

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certifications and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb		X		
C. Schuyler Morehouse	X			
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

Mr. Doelling reported that there are two (2) change orders for Contract 17-1 Pennington WWTP Upgrade and Expansion Project. The project remains at 94.8% complete. This month’s site work included the installation of Orbal Tank No. 2 drives, shafts, bearings, and discs. Orbal Tank No. 2 effluent gate installation and miscellaneous tank modifications were also completed.

Staff recommended approval of Resolution 2021-007, Authorizing the Approval of Change Order No. 21 for the Labor and Material to Install and Wire Orbal Tank DO Probe, DO Transmitters and Return Sludge Flow Meters for the Pennington WWTP Upgrade and Improvements Project, Contract 17-1 for \$19,854.29.

Staff recommended approval of Resolution 2021-008 Authorizing the Approval of Change Order No. 22 for the Labor and Material to Modify and Install the Post Aeration Tank Raised Hatch for the Pennington WWTP Upgrade and Improvements Project, Contract 17-1 for \$2,580.27 which includes a credit of \$1,864.80 for the inadequate hatch provided as part of Change Order No. 6.

Mr. Morehouse moved Resolutions 2021-007 and 2021-008, seconded by Mr.Vilaro-Munet and passed by a roll call vote of 5 to 0, 1 no response due to technical difficulties. Resolutions 2021-007 and 2021-008 follow.

**Resolution Authorizing the Approval of Change Order No. 21 for the Labor and Material to Install and Wire Orbal Tank DO Probe, DO Transmitters and Return Sludge Flow Meters for the Pennington WWTP Upgrade and Improvements Project, Contract 17-1**

**Resolution No. 2021-007**

**WHEREAS**, on April 13, 2018, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the “Pennington WWTP Upgrade and Expansion Project, Contract 17-1”; and

**WHEREAS**, the SBRSA, at its June 25, 2018 Board meeting, awarded the Pennington WWTP Upgrade and Expansion Project, Contract 17-1, to CMS Construction, Inc. (CMS) in the amount of \$9,669,500; and

**WHEREAS**, the SBRSA at its February 25, 2019 Board meeting approved Change Order No. 1 in the amount of \$19,509.37; and at its February 25, 2019 Board meeting approved Change

Order No. 2 in the amount of \$12,145.42; and at its March 25, 2019 meeting approved Change Order No. 3 in the amount of \$1,015.30, and Change Order No. 4 in the amount of \$11,447.33, and Change Order No. 5 in the amount of \$3,652.22; and at its October 28, 2019 meeting approved Change Order No. 6 in the amount of \$1,864.80 and Change Order No. 7 in the amount of \$5,589.62; and at its March 24, 2020 meeting approved Change Order No. 8 in the amount of \$21,909.58; and at its August 24, 2020 meeting approved Change Order No. 9 in the amount of \$8,953.31, and Change Order No. 10 in the amount of \$8,366.84; and at its September 21, 2020 meeting approved Change Order No. 11 in the amount of \$5,481.35 and Change Order No. 12 in the amount of \$16,528.36; and at its October 26, 2020 meeting approved Change Order No. 13 in the amount of \$3,200.93 and Change Order No. 14 in the amount of \$3,064.89; and at its November 16, 2020 Board meeting approved Change Order No. 15 in the amount of \$4,695.09, Change Order No. 16 in the amount of \$5,312.54 and Change Order No. 17 in the amount of \$5,046.69; and at its December 14, 2020 Board meeting approved Change Order No. 18 in the amount of \$7,735.71 and Change Order No. 19 in a credit amount of (\$3,147.40) and Change Order No. 20 in the amount of \$11,007.42 the resulting adjusted contract amount is \$9,822,879.37; and

**WHEREAS**, the original project scope includes the installation of a new Dissolved Oxygen (DO) Transmitter within the PACL Building and DO Probe No. 1 located at the center walkway of Orbal Tank No. 2; and

**WHEREAS**, to facilitate plant maintenance and routine operational surveillance, the DO probe transmitter is required to be located near the DO probe; and

**WHEREAS**, the specified DO probe No. 1 location would provide consistently low and inaccurate DO readings; and

**WHEREAS**, relocation of the DO probe closer to the aerators will provide improved plant operational information and reliable data; and

**WHEREAS**, this issue was reviewed with staff, and it was concluded that the proposed areas for relocation would provide benefit to the Authority; and

**WHEREAS**, the original scope includes the re-connection of the existing Orbal Tank No. 2 Return Sludge Flow Transmitter, which terminates in the Operations Building; and

**WHEREAS**, the existing conduit and wiring for the Return Sludge Flow Transmitter was located within an existing duct bank that was slated for demolition; and

**WHEREAS**, the installation of new conduit and additional wiring to reconnect the existing Return Sludge Flow Transmitter was not shown on the plans or specifications; and

**WHEREAS**, this issue was reviewed with staff and Kleinfelder, and it was concluded that the proposed conduit and wiring would be necessary to reconnect the sludge return flow transmitter; and

**WHEREAS**, additional conduit and wiring is required to complete the signal and power wiring of the DO Probe, DO Transmitter and Return Sludge flow Transmitter at Orbal Tank No. 1 and No. 2; and

**WHEREAS**, this issue was reviewed with staff and Kleinfelder, and it was concluded that the proposed conduit and wiring would be necessary to complete installation of the DO Probe, DO Transmitter and Return Sludge Flow Transmitter at Orbal Tank No. 1 and No. 2; and

**WHEREAS**, CMS Construction Inc. was asked to submit a change order request to provide the material and labor to relocate, install and wire the DO probes, DO transmitters and the Return Sludge Flow Transmitters; and

**WHEREAS**, CMS Construction Inc. submitted a change order request for the for the labor and material to relocate the DO probe, DO transmitter and the return sludge flow meter; and

**WHEREAS**, the abovementioned changes to Contract 17-1 are more fully set forth and incorporated within the January 20, 2021 Contract Change Order No. 21 document resulting in the amount of \$19,854.29 with an adjusted total contract amount of \$9,842,733.66 and

**WHEREAS**, the contract completion date for the project shall remain unchanged as a result of Change Order No. 21; and

**WHEREAS**, the Director of Finance has certified funds are available from the unrestricted fund balance; and

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority as follows:

1. The Chairman is authorized and directed to execute Change Order No. 21 with CMS Construction, Inc. in the amount of \$19,854.29 resulting in an adjusted contract amount of \$9,842,733.66.
2. This Resolution shall take effect immediately; and

**BE IT FUTHER RESOLVED** that the Executive Director, staff, and consultants are authorized to take all appropriate measures to ensure that all appropriate documents are provided by the Contractor.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

**Resolution Authorizing the Approval of Change Order No. 22 for the  
Labor and Material to Modify and Install the Post Aeration Tank Raised Hatch for the  
Pennington WWTP Upgrade and Improvements Project, Contract 17-1**

**Resolution No. 2021-008**

**WHEREAS**, on April 13, 2018, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the “Pennington WWTP Upgrade and Expansion Project, Contract 17-1”; and

**WHEREAS**, the SBRSA, at its June 25, 2018 Board meeting, awarded the Pennington WWTP Upgrade and Expansion Project, Contract 17-1, to CMS Construction, Inc. (CMS) in the amount of \$9,669,500; and

**WHEREAS**, the SBRSA at its February 25, 2019 Board meeting approved Change Order No. 1 in the amount of \$19,509.37; and at its February 25, 2019 Board meeting approved Change Order No. 2 in the amount of \$12,145.42; and at its March 25, 2019 meeting approved Change Order No. 3 in the amount of \$1,015.30, and Change Order No. 4 in the amount of \$11,447.33, and Change Order No. 5 in the amount of \$3,652.22; and at its October 28, 2019 meeting approved Change Order No. 6 in the amount of \$1,864.80 and Change Order No. 7 in the amount of \$5,589.62; and at its March 24, 2020 meeting approved Change Order No. 8 in the amount of \$21,909.58; and at its August 24, 2020 meeting approved Change Order No. 9 in the amount of \$8,953.31, and Change Order No. 10 in the amount of \$8,366.84; and at its September 21, 2020 meeting approved Change Order No. 11 in the amount of \$5,481.35 and Change Order No. 12 in the amount of \$16,528.36; and at its October 26, 2020 meeting approved Change Order No. 13 in the amount of \$3,200.93 and Change Order No. 14 in the amount of \$3,064.89; and at its November 16, 2020 Board meeting approved Change Order No. 15 in the amount of \$4,695.09, Change Order No. 16 in the amount of \$5,312.54 and Change Order No. 17 in the amount of \$5,046.69; and at its December 14, 2020 Board meeting approved Change Order No. 18 in the amount of \$7,735.71 and Change Order No. 19 in a credit amount of (\$3,147.40) and Change Order No. 20 in the amount of \$11,007.42 the resulting adjusted contract amount is \$9,822,879.37; and assuming Change Order No. 21 in the amount of \$19,854.29 is approved at the January 25, 2021 Board meeting, the resulting contract amount is \$9,842,733.66

**WHEREAS**, the project scope includes the construction of one post aeration tank and associated piping and equipment; and

**WHEREAS**, the new post aeration tank includes the installation of an access hatch to allow access to the new post aeration tank aerator; and

**WHEREAS**, during the shop drawing review process for the post aeration tank aerator, the engineer, Kleinfelder, determined that the specified access hatch would not provide enough head space above the aerator during high flow conditions; and



**WHEREAS**, the SBRSA, at its October 28, 2019 Board meeting, approved change order No. 6 (Resolution 2019-74) in the amount of \$1,864.80, which was intended to rectify this issue; and

**WHEREAS**, the raised hatch style installed in Change Order No. 6 was not sufficiently robust to withstand wind loading and potential unintentional impact while the hatch was open; and

**WHEREAS**, this Change Order (Change Order No. 22) will include a modification to the original hatch; and

**WHEREAS**, this issue was reviewed with staff and Kleinfelder, and it was concluded that the new method for providing a raised hatch was acceptable; and

**WHEREAS**, CMS Construction Inc. was asked to submit a change order request to provide the material and labor to install a new, more robust modification to the raise the original hatch at the Post Aeration Tank; and

**WHEREAS**, CMS Construction Inc. submitted a change order request for the labor and material to install a modified raised hatch at the Post Aeration Tank, which includes a credit of \$1,864.80 for Change Order No.6; and

**WHEREAS**, the abovementioned changes to Contract 17-1 are more fully set forth and incorporated within the January 20, 2021 Contract Change Order No. 22 document resulting in the amount of \$2,580.27 with an adjusted total contract amount of \$9,845,313.93; and

**WHEREAS**, the contract completion date for the project shall remain unchanged as a result of Change Order No. 22; and

**WHEREAS**, the Director of Finance has certified funds are available from the unrestricted fund balance; and

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority as follows:

3. The Chairman is authorized and directed to execute Change Order No. 22 with CMS Construction, Inc. in the amount of \$2,580.27 resulting in an adjusted contract amount of \$9,845,313.93.
4. This Resolution shall take effect immediately; and

**BE IT FUTHER RESOLVED** that the Executive Director, staff, and consultants are authorized to take all appropriate measures to ensure that all appropriate documents are provided by the Contractor.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			

David A. Goldfarb	X
C. Schuyler Morehouse	X
Bharat Patel	X
Pamela Switlik*	
Miguel Vilaro-Munet	X

\*no response due to technical difficulties

Mr. Morehouse needed to leave the Board meeting by 7:45 p.m., therefore Resolution 2021-004, Payment of Bills and Claims was introduced.

Payment of Bills and Claims

Mr. Goldfarb moved for approval Resolution 2021-104 for the payment of bills and claims in the amount of \$1,407,858.71 with two signatures instead of three. The motion was seconded by Mr. Morehouse and passed by a roll call vote of 5 to 0, 1 no response due to technical difficulties. Resolution 2021-104 follows.

**Resolution Regarding Payment of Bills and Claims**

**Resolution No. 2021-104**

**WHEREAS**, the Stony Brook Regional Sewerage Authority received certain claims against it by way of voucher; and

**WHEREAS**, the staff and Authority members have reviewed said claims.

**NOW, THEREFORE, BE IT RESOLVED** by Stony Brook Regional Sewerage Authority that these claims in the total amount of \$1,407,585.71 be approved for payment with checks bearing two authorized signatures instead of three authorized signatures.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
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Gale D. Downey	X
David A. Goldfarb	X
C. Schuyler Morehouse	X
Bharat Patel	X
Pamela Switlik*	
Miguel Vilaro-Munet	X

\*no response due to technical difficulties

Mr. Thomas stated that the electronic signature software should be in place next month.

Mr. Thomas reported that he is investigating the static present in the phone lines, which seems to be caused by a saturation issue.

There were no additional Board member comments on the Construction Report. The following Construction Report is included in the meeting minutes for information.

## Studies/General

**River Road WWTP Phosphorous Impact Modeling Study:** There has been no additional action from NJDEP on the study.

**NJPDES Permits:** There has been no additional action from NJDEP on the permits.

**Solids Alternative Handling Assessment:** Material Matters submitted the final report on December 10, 2020. Staff has reviewed the report and will be updating the sludge business analysis accordingly.

## Design

**River Road Sludge Storage Hopper Feed Screw Replacement Project:** There is no change to report this month.

## Small Capital Projects

**Contract 20-3 Modified Aeration (MA) Clarifier No. 2 Improvements:** During the past reporting period, Contractor, J.P. Smith Contractors, Inc., has completed the installation of all equipment and materials in both MA Clarifier Nos. 1 and 2. During testing, excessive overflow was observed at the MA Clarifier No. 2 scum beach. J.P. Smith raised the scum beach approximately ¾” from the original installation elevation and the tank is operating successfully. All project bonding has been submitted and the project closed.

**RTO Repair:** Due to the excessive and unusual wear pattern discovered on the critical sealing surfaces of the existing rotary valve, the valve’s internal components will be replaced and aligned to ensure a proper seal between the incoming VOC laden air and the clean air exhaust of the RTO.

Design documents for this work have been completed and the project to repair the RTO will be advertised for bid on January 26, 2021, with bids to be received by February 12, 2021.

**Headworks Painting Project:** The Headworks painting project is approximately 80% complete. Exterior equipment, interior equipment, interior ceiling areas have been painted. JP Smith Contractors has only minor touch up painting remaining. This project is expected to be closed out next month.

## Process Control/SCADA

**Plant Influent Flow Meter:** SBRSA staff continues with the calibration checks on the two (2) flow transmitters to establish historical accuracy data for each transmitter. Attached is the comparison summary of the sum of our billing meters versus the River Road plant influent meter.

**Miscellaneous Repair:** Instrumentation staff completed the following list of unscheduled repairs during the previous reporting period.

- River Road WWTP
  - Replaced the variable frequency drive (VFD) for sodium bisulfite pump #1 due to the VFD stopping on false alarms.
  - Corrected a high-level alarm issue with the magnesium hydroxide storage tank #1. A faulty float was replaced and the logic to handle the alarm was modified.
  - Replaced influent and cell waste valve limit switches on filters 2 and 6.
  - Speed settings were adjusted for the grit pumps at the Headworks Building so that they would run for 15 minutes at a time instead of 30 minutes.
  - Signal feedback settings were adjusted for pumps within the Chemical Building so that the SCADA would match the speed feedback on the VFD.
  - Modified the control panel for the MV-10 actuator on the incinerator sludge piping to open and close the valve properly with push buttons.
  - Replaced a leaking air pressure regulator for Incinerator No. 2 Induced Draft Fan vane damper actuator.
  - Rearranged oxidation-reduction potential (ORP) sensors on the Chlorine Contact Tanks so that the most accurate sensors are installed in the dechlorination section.
  - Repaired the effluent flow transmitter on Filter 6 after it became unresponsive.
  - Restored power to the voltage/phase monitor in the substation.
  - Adjusted the speed control logic for the hypochlorite pumps to allow for manual linear speed control between 10% and 100%.
  
- Pennington WWTP
  - Completed full integration of the wash water pumps including new automation logic.
  - Installed hatch doors on the reaeration tanks above the effluent flow meter.

## **Information Technology**

**General:** Preventative maintenance was completed for all Information Technology devices and services.

### **KnowBe4/Cyber-Security Training:**

- The password construction training issued on 10/14/20 stands at 86% complete (5 users incomplete, 3 are board members).
- The yearly security awareness training issued 12/01/20 stands at 54% complete (17 users incomplete, 3 are board members).

**VZ M2M:** IT has started testing the M2M (Machine-to-Machine) service from Verizon wireless. We currently have transmitting and receiving modems deployed to monitor the North Ridge flow meter as a test case. Data from the old and new infrastructure will be compared for consistency before committing to full deployment.

**Cell Coverage:** Staff has noted the difficulty in receiving 2FA (2- Factor Authentication) messages in the front office. IT is in the process of replacing the VZW (Verizon Wireless) network extenders with new LTE models.

**Digital Signatures:** The order has been placed with DocuSign via Carahsoft Technology. We are awaiting our account set up and logins for the service. Once in-place, SBRSA will have the option of digital signatures instead of handwritten ones.

**RRWWTP Operation Building Structured Cabling Project:** The Cabling project remains at 99% complete.

## **589.12 Finance**

Payment of Bills and Claims – See Construction Section

### Treasurer's Report

Mr. Chong reported the net income for the 2021 fiscal year, ending December 31, 2020, was \$20,835. The Authority has total cash and investments of \$14,323,120. The current construction project balance is \$2,379,921. There are sufficient funds for these projects. The outstanding bond principal balance is \$18,478,582.

### Monthly Sludge Business Analysis

Mr. Chong reported the net income figure for December is \$106,124 and the cumulative fiscal year to date net income is the same.

Staff recommended approval of Resolution 2021-003, Appointing Risk Management Consultant to Brown & Brown Metro LLC.

Ms. Pchola reported that staff would like to continue with the risk management consulting services (RMC) contract for the year 2021. The RMC has reviewed the insurance requirements for our projects. Brown & Brown Metro LLC has provided many safety training classes, provides updates on new training classes, as well as attending one of our safety meetings in March 2020. The RMC has also provided staff with a waiver for our plant tours, and division of motor vehicle employee abstract access.

Resolution 2021-003 was moved by Mr. Goldfarb, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 4 to 0, 1 no response due to technical difficulties. Resolution 2021-003 follows.

## **Resolution Appointing Risk Management Consultant**

### **Resolution No. 2021-003**

**WHEREAS**, The Stony Brook Regional Sewerage Authority (the “Authority”) is a member of the New Jersey Utility Authorities Joint Insurance Fund (NJUAJIF or the “Fund”) for its various insurance policies;

**WHEREAS**, the bylaws of said Fund state that a member may appoint a risk

management consultant to perform professional risk management consulting services as detailed in the Fund's bylaws; and

**WHEREAS**, the Fund's bylaws set forth a fee of six percent (6%) of the Authority's insurance premium, which expenditure represents reasonable compensation for the services required; and

**WHEREAS**, as set forth in the Local Public Contracts Law, the retaining of a Risk Management Consultant is a service that does not need to be publicly bid because the Local Public Contracts Law stipulates that this is an Extraordinary and Unspecifiable Service.

**NOW, THEREFORE, BE IT RESOLVED** that the Authority's Board hereby appoints Brown and Brown Metro, LLC. as its Risk Management Consultant in accordance with the bylaws of the Fund; and

**BE IT FURTHER RESOLVED** that the Executive Director is hereby authorized and empowered to execute the Risk Management Consultant's Agreement and to cause a notice of this decision to be published according to N.J.S.A. 40A:1 1-1 et.seq.

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

Recorded Vote:	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse				X
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

Staff recommended approval of Resolution 2021-005, Authorizing Award of a 'No Political Contributions Allowed' Contract for Non-Professional Vendor. This is the pay-to-play provision that staff anticipates making purchases from these vendors that will exceed the \$17,500 limit. Staff has obtained the appropriate documentation from these vendors. The services these vendors provide are listed on the last page of the resolution.

Resolution 2021-005 was moved by Mr. Goldfarb, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 4 to 0, 1 no response due to technical difficulties. Resolution 2021-005 follows.

**Resolution Authorizing the Award of a “No Political Contributions Allowed” Contract(s) for Non-Professional Service Vendors**

**Resolution No. 2021-005**

**WHEREAS**, the Stony Brook Regional Sewerage Authority has a need to acquire goods or services as a no political contribution allowed contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

**WHEREAS**, the purchasing agent has determined and certified in writing that the value of each contract (by purchase orders) will likely exceed \$17,500; and,

**WHEREAS**, the term of this contract(s) is 12-months. Commencing on December 1, 2020 and ending November 30, 2021 and may be extended as approved by this governing body; and,

**WHEREAS**, the attached list of vendors has completed and submitted a Business Entity Disclosure Certification which certifies that each vendor has not made any reportable contributions to a political or candidate committee served by the Stony Brook Regional Sewerage Authority in the previous one year, and that the contract will prohibit the (attached list of vendors) from making any reportable contributions through the term of the contract; and,

**WHEREAS**, the Authority has Funds available in its current budget.

**NOW THEREFORE, BE IT RESOLVED** that the Stony Brook Regional Sewerage Authority authorizes the attached list of vendors to enter into contracts by purchase order; and,

**BE IT FURTHER RESOLVED** that the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse				X
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

Ms. Pchola provided two (2) spreadsheets for the Project Debt Service Adjustment that shows an error in the 2018 calculation that carried over to the 2019 debt service adjustment. The debt service difference will be adjusted in the final reconciliation for each participant.

**589.13 Personnel Report**

Ms. Pchola reported that we filled one (1) Operator VI position, and promoted one (1) employee to Lead Environmental Technician. The injured employee remains out on worker's compensation.

**589.14 Correspondence**

For information only.

**589.15 Old Business**

There was nothing to report.

**589.16 New Business**

Staff recommended approval of Resolution 2021-002, Awarding Contract for the Hauling and Disposal of Ash to Franc Environmental Inc. for a twenty-four (24) month period for a total amount of \$199,465.20.

Resolution 2021-002 was moved by Mr. Goldfarb, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 4 to 0, 1 no response due to technical difficulties. Resolution 2021-002 follows.

**Resolution Awarding Contract for the Hauling and Disposal of Ash**

**Resolution No. 2021-002**

**WHEREAS**, Stony Brook Regional Sewerage Authority (the “Authority”) advertised for the receipt of sealed competitive bids in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. for the Hauling and Disposal of Ash; and

**WHEREAS**, the following sealed competitive bids were received by the Authority on January 20, 2021, as more fully set forth in the attached Bid Tabulation Sheet; and

**WHEREAS**, the bid tabulation sheet reflects the total for hauling and disposal; and

**WHEREAS**, the disposal cost in the bid proposal was provided by the Authority and as stipulated in the bid proposal will only be used for bid comparison purposes; and

**WHEREAS**, this contract is only for hauling ash to the specified disposal site; and

**WHEREAS**, the summary below reflects the estimated cost for hauling; and

	<b><u>12-Month Contract</u></b>	<b><u>24-month Contract</u></b>
	Hauling Cost Total	Hauling Cost Total
Gary W. Gray Trucking Inc.	\$108,680.00	\$217,360.00
Franc Environmental Inc.	\$99,732.60	\$199,465.20



Environmental Protection & Improvement Co.	No Bid	No Bid
Russell Reid Company	\$133,650.00	\$267,300.00
Spectraserv Inc.	\$146,300.00	\$292,600.00

**WHEREAS**, the Authority has determined that the bid of Franc Environmental Inc. is the lowest bid for ash hauling; and

**WHEREAS**, the bidder, Franc Environmental Inc. submitted a bid for a 24-month period for a total of \$199,465.20; and

**WHEREAS**, the bid has been reviewed by the Authority to determine compliance with the bid specifications in accordance with the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. and the same is determined to be in order; and

**WHEREAS**, the Director of Finance has certified that funds are available in the 2021 Budget for the Ash Removal line account 3000-4509. Only amounts for the 2021 Budget Year have been certified, which is the 12-month cost of \$99,732.60. Amounts for future years are contingent upon sufficient funds being appropriated; and

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority that it hereby awards a 24-month contract for the Hauling and Disposal of Ash to Franc Environmental Inc., the lowest responsive bidder; and

**BE IT FUTHER RESOLVED** that the Executive Director, staff and consultants are authorized to take all appropriate measures to ensure that all appropriate documents, are provided by the contractor.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse				X
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

**589.17 Open to the Public**

Chairman Downey opened the public portion of the meeting. Hearing no comments from the public, the public portion of the meeting was closed and will reopen to the public at approximately 8:15 p.m.

**584.18 Executive Session**

Dr. Downey asked for a motion on Resolution 2021-009, Authorizing Closed Session Pursuant to the Public Meetings Act to discuss issues regarding attorney/client privilege and pending or threatened litigation with regard to the Award of Contract 19-2 River Road WWTP UV Disinfection and Effluent Filtration Project. The Board entered into Executive at 8:02 p.m. on a motion by Mr. Goldfarb, seconded by Mr. Patel, and passed by a roll call vote of 4 to 0, 1 no response due to technical difficulties. Resolution 2021-009 follows.

**Resolution Authorizing Closed Session Pursuant to the Open Public Meetings Act to Discuss Issues Regarding Attorney/Client Privilege and Pending or Threatened Litigation with Regard to the Award of Contract 19-2 River Road WWTP UV Disinfection and Effluent Filtration Project**

**Resolution No. 2021-009**

**BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority (“Authority”) on this 25<sup>th</sup> day of January 2021, as follows:

1. In accordance with the Open Public Meetings Act, the Authority shall adjourn to executive session in accordance with N.J.S.A. 10:4-12(b)(7), in order to discuss issues regarding Attorney/Client Privilege and pending or threatened litigation relevant to the matter of Allied Construction Group, Inc. v. Stony Brook Regional Sewerage Authority and Coppola Services, Inc., MER-L-2307-20, and the award of Contract 19-2 River Road WWTP UV Disinfection and Effluent Filtration Project.
2. The minutes of the executive session shall be available 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. This Resolution shall take effect as provided by law.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse				X
Bharat Patel	X			
Pamela Switlik*				
Miguel Vilaro-Munet	X			

\*no response due to technical difficulties

### **584.19 Report of Executive Session**

A discussion took place regarding the litigation issues for the award of Contract 19-2 River Road WWTP UV Disinfection and Effluent Filtration Project.

#### **Return to Public Session**

The Board returned to Public Session at 8:28 p.m.

Staff recommended approval of Resolution 2021-011, Rescinding Resolution No. 2020-116 Awarding Contract 19-2 River Road WWTP UV Disinfection and Effluent Filtration Project to Coppola and Authorizing the Award of Contract No. 19-2 to Allied Construction Group Inc.

Resolution 2021-011 was moved by Mr. Vilaro-Munet and seconded by Mr. Patel.

A discussion took place regarding the award of contract 19-2 to Allied Construction Inc.

Mr. Goldfarb motioned to table Resolution 2021-011 until the next Board meeting. The motion was seconded by Mr. Patel, and a roll call vote to table Resolution 2021-011 was 3 to 2. The vote to table Resolution 2021-011 did not pass in accordance with the Authority's By-Laws.

A discussion took place regarding the by-law to pass a resolution.

Resolution 2021-011 as presented was moved by Mr. Vilaro-Munet, seconded by Ms. Switlik, and passed by a roll call vote to 4 to 1. Resolution 2021-011 follows.

### **Resolution Rescinding Resolution No. 2020-116 Awarding Contract No. 19-2 River Road WWTP UV Disinfection and Effluent Filtration Project to Coppola and Authorizing the Award of Contract No. 19-2 to Allied Construction Group Inc.**

#### **Resolution No. 2021-011**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (Authority) advertised for the receipt of sealed competitive bids in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., for Contract No. 19-2, “River Road WWTP UV Disinfection and Effluent Filtration Project”; and

**WHEREAS**, subsequent to the receipt and review of those bids submitted, the Authority awarded Contract 19-2 to Coppola Services, Inc., by Resolution No. 2020-116, adopted December 14, 2020, based upon a determination that the bid of the apparent low bidder, Allied Construction Group Inc., was nonresponsive; and

**WHEREAS**, Allied Construction Group Inc., filed an Order to Show Cause and a Verified Complaint for an Order in Lieu of a Prerogative Writ (Allied Construction Group, Inc. v. Stony Brook Regional Sewerage Authority and Coppola Services, Inc., MER-L-2307-20), challenging the award of Contract 19-2 and seeking an Order enjoining the Authority from executing Contract 19-2; and

**WHEREAS**, after considering the written submissions of all parties and having heard oral argument, on January 15, 2021, Judge Jacobson rendered a final decision in favor of Allied Construction Group Inc., invalidating Resolution 2020-116 and directing the Authority to award Contract 19-2 to Allied Construction Group, Inc., as the lowest responsible bidder, subject to approval by the New Jersey Department of Environmental Protection (NJDEP) and issuance of an Authorization to Award from NJDEP.

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority, contingent upon receipt of Approval to Award by the New Jersey Department of Environmental Protection (NJDEP) as required by New Jersey Environmental Infrastructure Financing Program, as follows:

1. Resolution 2020-116 is hereby rescinded.
2. Contract No. 19-2, River Road WWTP UV Disinfection and Effluent Filtration Project, is hereby awarded to Allied Construction Group, Inc., as the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.,
3. The Chairman of the Stony Brook Regional Sewerage Authority is authorized and directed to execute the Contract upon approval by NJDEP and receipt of the executed Contract from Allied Construction Group, Inc. in accordance with the timeframe set forth at N.J.S.A. 40A:11-24(b), and in the bid amount of \$15,963,000.
4. The contract awarded herein shall commence after the execution of the contract, the submission of all required documents, including insurance certificates and performance bond required by the contract, and after the issuance of a Notice to Proceed
5. All bid security, except the security for the three apparent lowest bids, Sundays and holidays excepted, shall be returned and the bids of such bidders shall be considered withdrawn. After the award and full execution of the contract and approval of the contractor's performance bond, the bid security of the remaining unsuccessful bidders shall be returned to them within three days thereafter, Sundays and holidays excepted.
6. This project will be funded through the New Jersey Environmental Infrastructure Financing Program and a copy of this Resolution shall be submitted to the Authority's Treasurer and kept on file in the offices of the Authority.
7. The Executive Director is hereby authorized and directed to execute any other necessary documentation and the Executive Director, staff and consultants are authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
8. This Resolution shall take effect immediately.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
David A. Goldfarb		X		
C. Schuyler Morehouse				X
Bharat Patel	X			
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

**589.20 And such other issues as may come before the Board**

There was nothing to report.

**589.21 Adjournment**

As there was no further business to come before the Board, the meeting was adjourned at 8:35 p.m. on a motion by Ms. Switlik, seconded by Mr. Vilaro-Munet and passed by unanimous vote.

Respectfully Submitted,

Antonia Pchola  
Secretary

Recorded and Written by  
Angela Christiano  
February 10, 2021