

Minutes of Meeting No. 612, September 19, 2022 – 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, Ireland, Pizarro, Stewart

### **612.01**

Chairman Downey opened the regularly scheduled meeting at 6:30 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.

### **612.02 Open to the Public**

Chairman Downey opened the public portion of the meeting at 6:31 pm, hearing no comments from the public; the meeting continued as scheduled.

Dr. Downey indicated that the Board meeting would begin with the Finance Section for the remainder of the academic year.

### **612.03 Finance**

#### **Payment of Bills and Claims**

Mr. Goldfarb moved for approval of Resolution 2022-080, Regarding Payment of Bills and Claims in the amount of \$959,271.05, with two signatures instead of three. The motion was seconded by Ms. Switlik and passed by a roll call vote of 6 to 0. Resolution 2022-080 follows.

#### **Resolution Regarding Payment of Bills and Claims**

**Resolution No. 2022-080**

**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 \$959,271.05 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>
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Pamela Switlik	X			
Miguel Vilaro-Munet	X			

Treasurer's Report

Mr. Chong reported the net income for the 2022 fiscal year ending August 31, 2022, of \$1,962,158. The Authority has total cash and investments of \$15,867,633. The current construction project balance is \$1,859,027. There are sufficient funds for these projects. The outstanding bond principal balance is \$15,683,800.

Monthly Sludge Business Analysis

Mr. Chong reported that the net income figure for August is \$110,325, and the cumulative net income for the fiscal year is \$1,218,294.

Mr. Chong reported that the 2022 budget for the fiscal year December 1, 2022, and ending November 30, 2023, was introduced to the Board at the August 22, 2022, Board meeting. The Division of Local Government Services (DLGS) approved the budget for adoption on September 8, 2022. The introduced budget was \$18,280,715, an increase of 8.75% from the prior year. The introduced participant charge was \$14,491,315, an increase of 5.21% from the prior year.

Mr. Goldfarb moved Resolution 2022-081, 2022 Adopted Budget Resolution for the fiscal year ending November 30, 2023, as there were no Board member comments or changes, seconded by Ms. Switlik, and passed by a roll call vote of 6 to 0. Resolution 2022-081 follows.

**2022 ADOPTED BUDGET RESOLUTION  
Stony Brook Regional Sewerage Authority**

**Resolution No. 2022-081**

FISCAL YEAR: 2023      FROM: December 1, 2022      TO: November 30, 2023

**WHEREAS**, the Annual Budget and Capital Budget/Program for the Stony Brook Regional Sewerage Authority (the "Authority") for the fiscal year beginning December 1, 2022,

and ending November 30, 2023, has been presented for adoption before the governing body of the Authority at its open public meeting of September 19, 2022; and

**WHEREAS**, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

**WHEREAS**, the Annual Budget as presented for adoption reflects Total Revenues of \$17,580,715, Total Appropriations, including any Accumulated Deficit, if any, of \$18,280,715, and Total Unrestricted Net Position utilized of \$700,000; and

**WHEREAS**, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$20,650,000 and Total Unrestricted Net Position planned to be utilized of \$1,155,000; and

**NOW, THEREFORE BE IT RESOLVED**, by the governing body of Stony Brook Regional Sewerage Authority, at an open public meeting held on September 19, 2022, that the Annual Budget and Capital Budget/Program of the Authority for the fiscal year beginning December 1, 2022, and ending November 30, 2023 is hereby adopted and shall constitute appropriations for the purposes stated; and

**BE IT FURTHER RESOLVED**, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

Governing Body Member:	Aye	Recorded Vote		
		Nay	Abstain	Absent
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Pamela Switlik	X			
Miquel Vilaro-Munet	X			

Mr. Chong recommended for approval Resolution 2022-082, Establish Bid Threshold and Appoint Qualified Purchasing Agent (QPA). This is to establish the current bid threshold of \$44,000 and appoints William Chong as the QPA, as he has fulfilled all the criteria established in NJSA 40A:11-9 to be the QPA of record.

Mr. Goldfarb moved resolution 2022-082, seconded by Mr. Morehouse, and passed by a roll call vote of 6 to 0. Resolution 2022-082 follows:

**Authorizing Stony Brook Regional Sewerage Authority to establish the Bid Threshold and to Appoint a Qualified Purchasing Agent**

**Resolution No. 2022-082**

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., permits local contracting units to establish a bid threshold up to \$44,000.00, if a Qualified Purchasing Agent (QPA) is appointed and granted authorization to negotiate and award such contracts below the permitted bid threshold; and

**WHEREAS**, William Chong possesses the designation of Qualified Purchasing Agent, as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

**WHEREAS**, the Stony Brook Regional Sewerage Authority wishes to establish the bid threshold per public Contracts Law, N.J.S.A. 40A:11-1 et seq., and to appoint William Chong as Qualified Purchasing Agent.

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority, County of Mercer, New Jersey, as follows:

1. The Local Public Contracts Law bid threshold is currently \$44,000.00.
2. William Chong is hereby appointed as the Qualified Purchasing Agent (QPA) for the Stony Brook Regional Sewerage Authority and is authorized to exercise the duties of a purchasing agent pursuant to N.J.S.A. 40A:11-9, with specific relevance to the authority, responsibility and accountability of the purchasing activity of the contracting unit.
3. The Chairman, or their designee, is hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
4. The Executive Director is hereby authorized and directed to forward a certified copy of this resolution, and a copy of William Chong’s certification as QPA, to the Director of the Division of Local Government Services as the purchasing agent of the Stony Brook Regional Sewerage Authority.

<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			

Dr. Downey indicated that the Board meeting would follow the regular schedule agenda.

#### **612.04 Approval of Minutes**

The revised minutes from the August 22, 2022, Board meeting were approved by Mr. Morehouse, seconded by Ms. Switlik, and passed by a unanimous vote.

#### **612.05 Board Related Activities**

Mr. Doelling reported that there are two consultant contracts pending award tonight that will be discussed during the Construction Section of the meeting.

#### **612.06 Planning and Administration**

Mr. Doelling reported that the most current 12-month average daily flow at the River Road WWTP is 9,492,855 gpd with 1,381,430 gpd of inoperative flow, leaving an available capacity of 2,185,715 gpd. The current 12-month average daily flow at the Hopewell WWTP is 246,614 gpd with 0 gpd of inoperative flow, leaving an available capacity of 53,386 gpd. The current 12-month average daily flow at the Pennington WWTP is 263,602 gpd with 24,625 gpd of inoperative flow, leaving an available capacity of 156,773 gpd.

Mr. Doelling reported that W. G. Malden performed the meter certifications on September 1, 2022. All flows were within  $\pm 5\%$ .

Mr. Doelling reported that planned repairs at the River Road WWTP were performed during the low flow period on August 18 and 25, 2022. To maintain low flow conditions during the repairs, the Millstone Pump Station pumps were shut down at approximately 1:00 am. This caused the wet well to fill and backup into the flume, resulting in the false recording of a maximum flow rate. The repair was completed, and the pumps were restarted. Flows returned to normal at approximately 11:30 am on August 18, 2022, and approximately on August 25, 2022. The flow data for the period between when the pumps were off and when flows returned to normal were replaced with flow proportional to flow during the same timeframe of the day before the repair. The totalizer data for August 18 and 25, 2022, were adjusted accordingly.

Mr. Doelling reported that the Summary of the Meter Summation vs. River Road WWTP Influent Meter indicated a difference of 8.97%, with the River Road WWTP Influent Meter reading higher.

#### **612.07 Approval Requests and Actions**

Mr. Doelling reported that staff has not heard back from NJDEP on the pending Treatment Works Approval Application (TWA) (07-0139) for the Islamic Society of Central Jersey located at 4145 US Route 1, Monmouth Junction; South Brunswick Township.

Mr. Doelling reported that staff received the provided letter notifying SBRSA that the designated wastewater management planning agency of Mercer County has endorsed the petition to expand the SBRSA River Road WWTP Sewer Service Area (SSA) to include the Hilton West Windsor Property located in West Windsor Township.

Mr. Doelling reported that staff received the provided letter from NJDEP, dated August 25, 2022, noting a proposed application for an amendment to the Mercer County Water Quality Management Plan (WQMP) for the Moore residence located on 106 Hopewell Rocky Hill Road; in Hopewell Township. The NJDEP has reviewed the submitted site plan and determined that a Department issued Treatment Works Approval (TWA) would not be required, and, as such, an amendment to the WQM Plan is also not required. NJDEP has requested that SBRSA allow the connection.

Staff has advised NJDEP of the existing contractual issues associated with connecting properties in Hopewell Township to the SBRSA via the Hopewell Borough sewer line and that additional action by the Board is required to allow/consent to this connection.

A discussion took place regarding two properties, Brick Farm Tavern Properties and the Moore residence requesting to be included in SBRSA's Hopewell WWTP SSA.

Mr. Doelling reported that on September 1, 2022, staff received the provided Mercer County Planning Board memorandum regarding the Brick Farm Tavern WQMP Amendment. The meeting to discuss the issue outlined in the memo is scheduled for September 21, 2022.

Dr. Downey stated that she and Mr. Doelling would virtually attend a meeting with Hopewell Borough hosted by the Mercer County Planning Board on September 21, 2022, to ensure that there is no misinformation about SBRSA regarding the two properties.

### **612.08 Regulatory Report**

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 the month of August 2022 were submitted with no violations reported.

The August 2022 DMRs are currently being prepared.

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

The June 2022 RDMRs were submitted. All River Road parameters were compliant with the Air Permit requirements.

The July 2022 RDMR is currently being prepared.

Hopewell and Pennington semi-annual Residuals Discharge Monitoring Reports were submitted for the period January 1, 2022, to June 30, 2022. The results were within the expected ranges for these facilities.

### **Air Reporting**

An affirmative defense was submitted to NJDEP on August 23, 2022, for 1-minute post-combustion chamber temperature during Operating Scenario transitions caused by the July 27, 2022, RTO forced draft fan malfunction.

On September 6, 2022, the Emergency Bypass opened due to a commercial power outage. Approximately 20 minutes prior to the outage, staff was in the process of burning out due to low sludge inventory. PSE&G reported that one phase came down on the PEK 8013 line causing the outage. A NJDEP hotline call was made. Staff is investigating the incident and will file an affirmative defense as appropriate.

### **612.09 Safety**

Mr. Goldfarb requested an updated Kleinfelder Inspection Priority 1 list to include planned action on each item.

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

### **Accidents**

As of September 8, 2022, Stony Brook Regional Sewerage Authority has gone 219 consecutive days without any "Lost Time" accidents.

### **COVID-19/Staffing**

There were no new reports of employee exposure to COVID-19 during this reporting period. All affected staff have returned to work.

### **Inspections**

The 2022 Kleinfelder Annual Inspection continues. The electrical inspection of facilities has been completed. Inspections of two (2) meter stations remain. An update of the Priority 1 and 2 items identified during the 2021 Kleinfelder Annual Inspection were provided in the report.

The West Windsor Fire Department conducted an inspection of the Millstone Pump Station. No deficiencies were noted.

## **Miscellaneous**

No repairs were made during this reporting period.

### **Training**

- On August 16, 2022, Fall Protection Awareness training was provided to one (1) employee using MSI Live.
- On August 17, 2022, Lock Out Tag Out (LOTO) training was provided to two (2) employees using MSI Live.
- On August 23, 2022, Fire Safety training was provided to four (4) employees using MSI Live.

### **612.10 Litigation**

Ms. Alexander reported that the litigation report would be discussed in the Executive Session portion of the meeting.

### **612.11 Operations Report**

Mr. Stewart reported that the River Road Facility operated well during this reporting period.

Mr. Stewart reported that on August 18, 2022, the Operations and Maintenance staff along with Allied Construction completed repairs and replacement of valve stems and operators. Staff began mobilizing at 23:00 on August 17, 2022, and the work was completed at approximately 07:30 the following morning. The scope of the project required all influent flow to be diverted to offline tanks, and the Millstone Pumping Station was used as a holding tank during the project. Trailer mounted diesel pumps were used to get necessary tanks and structures empty, and by 03:30 the Contractor, Allied Construction, was able to begin removing damaged stems and guides and replace them. The work also incorporated the Contractor to clean the gates and the gate tracks. The gates and frames are cast iron, and rust and solid build up caused the gates to bind and in turn bent the stems and broke multiple stem guides.

Mr. Stewart reported that on August 25, 2022, staff met with representatives from the New Jersey Department of Environmental Protection (NJDEP) at the River Road WWTP, at their request, to discuss the harmful algal bloom (HAB) in the Millstone River. Mr. Cosgrove from Kleinfelder also attended the meeting virtually. The purpose of the meeting was to discuss if there were any process changes that SBRSA could make to lower the phosphorus discharge that may help alleviate the HAB in the Millstone River. Kleinfelder indicated that on June 28, 2017, they made a presentation to NJDEP summarizing the results of the Lower Millstone/Mainstem Raritan Watershed Proposed Phosphorus Total Maximum Daily Load (TMDL) Evaluation, which concluded that reducing total phosphorus loads and concentrations from WWTP dischargers in the Millstone River would not reduce the episodes of excessive productivity and imposing an effluent limit of 0.1 mg/l for phosphorus would not make a substantial difference in the Millstone River.



Kleinfelder recently conducted additional sampling in the Millstone River and indicated once they receive the results, they will share the information with NJDEP. At the end of the meeting, NJDEP, with staff, went to the RRWWTP outfall to look at the Millstone River.

Mr. Stewart reported that it was concluded that the recent algae issue are upstream of the River Road WWTP. The outfall at Carnegie Lake contributes to the downstream algae issues, non-point source contributions before the drought, and the most recent very low flows and extremely high temperatures.

A discussion took place regarding the issue of algae blooms.

### **Upstream Facilities**

Mr. Stewart reported that both Upstream Facilities operated well during this reporting period.

Mr. Stewart reported staff received one odor complaint from our surrounding area during August 2022. Staff received no odor complaints during the partial September 2022 reporting period. The total September number will be reported in October 2022. The odor complaints appear on the graph showing the number of complaints received each year from January 1998 to August 2022.

### **Customer Sludge Deliveries**

The reported quantity of liquid sludge was 47% above the budgeted amount, sludge cake was 23% below the budgeted amount, and gray water was 63% above the budgeted amount for August 2022

### **612.12 Maintenance**

Mr. Ireland reported that Nitrification Aeration Tank No. 2 would be going online after inspection of the weirs on Nitrification Aeration Tank No. 1. After inspection, it was determined that the brackets on the weir stems were deteriorated and had to be replaced before placing Nitrification Aeration Tank No. 2 online. Nitrification Aeration Tank No. 2 has been offline since March 2022.

Included in the report were photos of Structure No. 3 valve stems that were replaced and Nitrification Aeration Tanks Nos. 1 and 2.

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

On August 17, 2022, the Operations and Maintenance Department worked together to prepare for a scheduled plant shutdown on August 18, 2022, at 01:00 hours, using the low flows to our advantage. The work included setting up two 4-inch and three 6-inch Xylem Pumps, and light towers and dewatering several tanks so repairs could be made to two inoperable valves in the Nitrification Structure No. 3 Splitter Box. On August 18, 2022, the flow was backed up in the Millstone Pump Station to limit the influent flow to the River Road WWTP, and all other flows were diverted to offline tanks as needed so Structure No. 3 repairs could be made. This also allowed Allied Construction to begin working in Structure No. 6 for the installation of two new

Sluice Gates. Nitrification Tank No. 2 has been offline since November 17, 2017, due to a jammed gate. Once Structure No. 3 was dewatered it was found that two of the four valve stems for the Nitrification Clarifier 42-inch Inlet Sluice Gates were severely bent, and all the valve guides were corroded and failing. Stainless steel wall brackets (3 per valve) and hardware were installed on all four inlet valves, and two new operators and valve stems on Sluice Gates Nos. 1 and 2. During the installation, each Sluice Gate was cleaned and exercised to ensure proper operation. The work was performed successfully by Allied Construction, with Operations and Maintenance staff standing by to assist if necessary. The operation was completed by 07:30 hours, with plant flow resuming at approximately 10:00 hours.

On June 22, 2022, MA Return Sludge Pump No. 1 was removed from service due to poor performance. It was found that the bearings were starting to fail, and the impeller was worn. Staff removed the pump for a complete overhaul. Parts were pulled from inventory consisting of bearings, impeller, and a new shaft. On August 19, 2022, the pump was tested and returned to service.

Return Sludge Pump No. 3, located at the Pennington WWTP, was taken offline on August 15, 2022, due to poor pumping and possible clog. The inspection port was removed, and very little debris was removed. The pump was then tested, and it was found that the motor was spinning, but the shaft was not. The coupling guard was removed. Staff found the coupling insert cover had become loose, allowing the coupling insert to fall out of place. New coupling inserts were ordered and installed on August 19, 2022. The pump was tested and placed back into service.

The Backwash Storage Tank Rake Arm located at the River Road WWTP was observed not turning during the operator's routine surveillance. The motor was tested and found to be bad, along with a bad thermal overload in the MCC Panel. A new motor and thermal overload were ordered and installed on August 22, 2022. The drive was tested and placed back into service.

On August 22, 2022, Thickened Sludge Pump No. 2 was taken out of service due to poor performance. The pump was disassembled, and the worn parts were removed and replaced with a new stator, rotor, and gear joints from inventory. On August 24, 2022, the pump was reassembled, tested, and placed back into service.

On August 23, 2022, staff indicated that Nitrification Aerator No. 5 was making excessive noise. During the troubleshooting process, it was found that the coupling insert had deteriorated, allowing the two coupling hubs to make contact with each other and wear out. New coupling hubs, along with spares for inventory, were ordered. On August 30, 2022, the new coupling hubs and insert were installed, and the aerator was placed back into operation.

Provided in the report were several graphs that monitor our monthly progress. The current monthly open work requests stand at fourteen (14). On the Preventive Maintenance graph, we averaged two (2) days overdue, and the number of overdue units is approximately five (5).

### **612.13 Construction Report**

Mr. Doelling reported that TRC was onsite for odor sampling on August 15 and 16, 2022. Provided in the report were the results of the 2022 Odor Study with a comparison of data from the last several years. Most of the odors were moderate to weak except for biofilters 1 and 2, where the odors were strong.

A discussion took place regarding changing the biofilter media schedule to every two (2) years versus every (3) three years to help reduce odors.

Mr. Doelling reported that Chavond-Barry had advised staff that the 2022 General Advice budget is currently at 67% complete and estimates that the labor hours and level of effort required for consulting advice will exceed the amount provided in the original Agreement. On September 14, 2022, Chavond-Barry Engineering submitted a request for additional funding due to several line-item tasks exceeding their allocated budgets.

CBE estimates an additional \$15,000 is needed to complete the remaining work for the fiscal year 2022. Work will be billed on a time and materials basis. Staff recommended approval of Resolution 2022-076, Authorizing Amendment No. 1 to the "No Political Contributions Allowed" Contract for 2022 General Incinerator Advice to Chavond-Barry Engineering Corp. for a total amended contract amount of \$60,000.

Resolution 2022-076 was moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 6 to 0. Resolution 2022-076 follows.

**Resolution Authorizing Amendment No. 1  
to the "No Political Contributions Allowed" Contract  
for 2022 General Incinerator Advice to Chavond-Barry Engineering Corp.**

**Resolution No. 2022-076**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (SBRSA) entered into a contract with Chavond-Barry Engineering Corp. (CBE) for 2022 General Incinerator Advice 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**, Chavond-Barry Engineering submitted an Agreement on November 1, 2021, indicating they will provide general engineering consulting advice from December 1, 2021 through November 30, 2022 for a time charge fee not to exceed \$45,000 without written permission from Stony Brook Regional Sewerage Authority; and

**WHEREAS**, the labor hours and level of effort required for consulting advice is projected to exceed the amount provided in the original Agreement; and

**WHEREAS**, on September 14, 2022, Chavond-Barry Engineering submitted a request for additional funding in the amount of \$15,000, to be billed on a time and materials basis, for a total amended contract amount of \$60,000; and

**WHEREAS**, the additional work includes extensive inspections and construction oversight during Incinerator repairs, additional work needed to write and submit the stack test protocol, and a projected level of effort required to assist SBRSA with its efforts to meet additional regulatory reporting requirements; and

**WHEREAS**, Chavond-Barry Engineering Corp. has on file with SBRSA a Business Entity Disclosure Certification which certifies that Chavond-Barry Engineering Corp. 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 in the 2022 Budget Account 4000-4004 for this work.

**NOW THEREFORE, BE IT RESOLVED** that the Board of the Stony Brook Regional Sewerage Authority authorizes the Secretary to amend the contract with Chavond-Barry Engineering Corp. 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	X			
Miguel Vilaro-Munet	X			

Mr. Doelling reported that staff requested and CBE has submitted a detailed proposal dated September 7, 2022, for engineering consulting advice and services for upcoming (Q1 2023) sewage sludge incinerator stack testing and associated preparation and submittal of compliance reporting. CBE personnel will be onsite during testing to monitor and coordinate the testing, answer questions, and assist the staff with the testing operation. Following the test, CBE will assist the stack testing company in compiling the process data and thoroughly review the stack test

report(s). Alliance Source Testing has been selected to perform this stack test, and the stack testing firm's cost will be invoiced through CBE without markup for payment.

Staff recommended approval of Resolution 2022-077, Authorizing the Award of a "No Political Contributions Allowed" Contract for Advice and Services Related to 2023 Stack Testing to Chavond-Barry Engineering Corp. This contract, which will be invoiced on a time charge and expense basis fee not to exceed \$398,600 without written permission from Stony Brook Regional Sewerage Authority.

Resolution 2022-077 was moved by Mr. Vilaro-Munet, seconded by Mr. Morehouse, and passed by a roll call vote of 6 to 0

Mr. Doelling reported that CBE received quotes for performing the stack testing, and it was decided to select Alliance Source Testing as they provided the lowest quote.

Resolution 202-077 was passed by a roll call vote of 6 to 0. Resolution 2022-077 follows.

**Resolution Authorizing the Award of a "No Political Contributions Allowed" Contract  
for Advice and Services Related to 2023 Stack Testing  
to Chavond-Barry Engineering Corp.**

**Resolution No. 2022-077**

**WHEREAS**, the Stony Brook Regional Sewerage Authority "Authority" has a need for Consulting advice and services for the period starting on December 1, 2022 through the end of Fiscal Year 2023 (November 30, 2023) for Consulting Engineering Services related to the stack testing and associated preparation and submittal of regulatory compliance reporting for the sewage sludge incinerator 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**, the SBRSA Finance Director has determined and certified in writing that the contract value of the work will exceed \$17,500; and,

**WHEREAS**, the term of this contract is December 1, 2022 through November 30, 2023 and,

**WHEREAS**, CHAVOND-BARRY ENGINEERING CORP. has submitted a detailed proposal dated September 7, 2022 for the tasks to be performed under this contract and indicating they will provide consulting advice and stack testing services from December 1, 2022 through November 30, 2023 on a time charge and expense basis fee not to exceed \$398,600 without written permission from Stony Brook Regional Sewerage Authority; and

**WHEREAS**, CHAVOND-BARRY ENGINEERING CORP. has completed and submitted a Business Entity Disclosure Certification certifies that CHAVOND-BARRY ENGINEERING CORP. 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 Finance Director has certified funds are available in the 2023 Budget Environmental Consulting line account 4000-4009; and,

**NOW THEREFORE, BE IT RESOLVED** that the Board of the Stony Brook Regional Sewerage Authority authorizes the Chairman to enter into a contract with CHAVOND-BARRY ENGINEERING CORP. 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	X			
Miguel Vilaro-Munet	X			

Mr. Pizarro reported on the closing out of Contract 17-1 Pennington WWTP Upgrade and Expansion Project. Staff recommended approval of Resolution 2022-078, Declaring Events of Default for Contract 17-1 "Pennington WWTP Upgrade and Expansion Project" Unless Cured as set forth in this Resolution, Terminating Contract 17-1 for Cause. The Contractor is over one thousand days overdue to completing the open items to complete the project. This Resolution will allow SBRSA to issue the Contractor a notice of Events of Default. The Contractor will have seven (7) business days to cure the default. The notice will provide the Contractor the option to complete the remaining contract work within seven (7) business days or sign a final Change Order.

Mr. Pizarro reported the Change Order would include a contract value adjustment for additional engineering fees, spare parts not received, closure of Hopewell Township Building and Plumbing permits, sealing of leaking precast structures, and provision of a 1-year maintenance bond.

Resolution 2022-078 was moved by Mr. Vilaro-Munet and seconded by Mr. Morehouse

A discussion took place regarding the closeout of Contract 17-1 Pennington WWTP Upgrade and Expansion Project.

Resolution 2022-078 was passed by a roll call vote of 6 to 0. Resolution 2022-078 follows.

**Resolution Declaring Events of Default for Contract 17-1 "Pennington WWTP Upgrade and Expansion Project" Unless Cured as set forth in this Resolution, Terminating Contract 17-1 for Cause**

**Resolution No. 2022-078**

**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**, SBRSA subsequently authorized the award of the Contract to CMS; and

**WHEREAS**, the Contract specified final completion date for the upgrade and expansion of the Pennington Wastewater Treatment Plant by December 11, 2019 (550 days after the issuance of the Notice to Proceed); 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 at its January 25, 2021 Board meeting approved Change Order No. 20 in the amount of \$11,007.42, and Change Order No. 21 in the amount of \$19,854.29, and Change Order No. 22 in the amount of \$2,580.27; at the April 26, 2021 Board meeting approved Change Order No. 23 in the amount of \$9,448.02, Change Order No. 24 in the amount of \$21,891.60 and Change Order No. 25 in the amount of \$18,823.27; the resulting contract amount is \$9,895,476.82; and

**WHEREAS**, on March 18, 2022 SBRSA issued a letter to CMS Construction listing numerous items which remained to be completed and provided a deadline for completion of April 21, 2022; and

**WHEREAS**, several items from that letter remain to be completed; and

**WHEREAS**, all of the items stated in the March 18, 2022 letter were to be provided by the Contractor to SBRSA by April 21, 2022; and

**WHEREAS**, the Authority desires to declare the Contractor in default of Contract 17-1 pursuant to Article CA.37 of the Contract for the following reasons:

(a) Contractor's breach of, any material obligation, or any covenant or warranty made by it, under the terms of the Contract;

....

(f) In the reasonable judgment of the Owner, Contractor is or has been unnecessarily, unreasonably, or willfully delaying performance pursuant to the Contract and/or not executing the Contract in good faith in accordance with its terms;

(g) Contractor's persistent failure to perform the Work in accordance with the Contract Documents (including, but not limited to, failure to supply sufficient skilled workers or suitable materials or equipment or failure to adhere to the progress schedule).

....

(j) Contractor's violation in any substantial way of any provisions of the Contract; and

**WHEREAS**, pursuant to Article CA. 37 of the Contract, the Contractor has seven (7) business days after receipt of a notice from the Owner of an Event of Default to cure the same.

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

1. The Executive Director is authorized and directed to issue the Notice of the Events of Default to the Contractor described in this Resolution in accordance with Article CA.37 of the Contract, with a copy to the surety, Selective Insurance Company of America.
2. The Contractor shall have seven business days from receipt of the Notice of Events of Default to cure the Events of Default by either:
  - a. Within seven business days from the receipt of said notice, correct all remaining work and defective work, provide a contract credit for materials and work not provided and provide the one-year maintenance bond and affidavit of full payment to subcontractors and suppliers and release of municipal mechanics' liens to SBRSA; or
  - b. Execute a provided Change Order No. 26 adjusting the overall contract amount to provide SBRSA a credit in the amount of \$7,140.00 for additional



engineering fees incurred by SBRSA from December 11, 2019 through September 19, 2022, a credit of \$25,138.63 for deletion of spare parts not provided, work removed from the Contract, sealing of precast chambers, closure of Building permits and the one-year maintenance bond not provided and affidavit of full payment to subcontractors and suppliers and release of municipal mechanics' liens not provided;

3. If within seven (7) business days after serving the Events of Default notice upon the Contractor the same is not cured as set forth above in Paragraph 2 of this Resolution, Contract 17-1 is terminated for the following causes:
  - (a) Contractor's persistent failure to perform the Work in accordance with the Contract Documents;
  - (c) Contractor's material violation or breach of any provision of the Contract Documents; and
  - (e) an Event of Default.
4. In the event the Contract is terminated as set forth above in Paragraph 3 and in accordance with Article CA.37 of the Contract, all costs, expenses, losses, damages, engineering fees, attorney's fees and any and all other charges incurred by the SBRSA shall be first charged against the Contractor out of moneys due or payable or to become due or payable under the Contract to the Contractor; in computing the amounts chargeable to the Contractor, the Owner shall not be held to a basis of the lowest prices for which the completion of the Work or any part thereof might have been accomplished, but all sums actually paid or obligated therefor to effect its prompt completion shall be charged to and against the account of the Contractor. In the case the costs, expenses, losses, damages, engineering fees, attorney's fees and other charges together with all payments theretofore made to or for the account of the Contractor exceed the sum which would have been payable under the Contract if the Work had been properly performed and completed by the Contractor, the Contractor shall pay the amount of the excess to the Owner.
5. Pursuant to the Municipal Mechanic's Lien Law, the work completed to date by the Contractor is accepted by SBRSA for the purpose of N.J.S.A. 2A:44-142(b).
6. The Executive Director, staff and consultants of SBRSA are hereby authorized to take all other actions necessary or desirable to effectuate the terms and conditions of this Resolution.
7. This Resolution shall take effect immediately.

**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	X			
Miguel Vilaro-Munet	X			

Mr. Pizarro reported on Contract 19-2 River Road WWTP UV Disinfection and Filtration Project: As of Payment Application No. 14, the project is 72% complete. Installation of electrical panels, conduit, wiring, and HVAC systems was completed within the UV Building. Installation of the electrical operator for the roll-up door has been completed. Structure No. 6 gates have been installed.

Due to supply constraints associated with the ductile iron piping, the Contractor has advised SBRSA that the project completion may be delayed until June 2023.

Mr. Pizarro reported that Allied has submitted one Contract Modification for installation of Water Service to the Disc Filter Building in the amount of \$57,331.28. The existing potable water line is adjacent to the Disc Filter Building, which serves the Chemical Building and the Septage Building. During construction, it was found that this existing water line was no longer in service.

For water service to the Filter Building, a potable water line will need to be extended from the existing potable water service at the Disinfection Building to the Disc Filter Building.

Mr. Morehouse moved resolution 2022-079 as discussed during the Construction Committee Meeting, seconded by Mr. Vilaro-Munet.

A discussion took place regarding the replacement potable water line.

Resolution 2022-079 was passed by a roll call vote of 6 to 0. Resolution 2022-079 follows.

**Resolution Authorizing the Approval of Contract Modification CM-016 for Installation of Water Service to the Disc Filter Building for the River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2**

**Resolution No. 2022-079**

**WHEREAS**, on September 15, 2020, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the "River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2"; and

**WHEREAS**, the SBRSA, at its March 23, 2021, Board meeting, awarded the River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2, to Allied Construction Group, Inc. (ACG) in the amount of \$15,963,000.00; and

**WHEREAS**, the SBRSA at its May 24, 2021 Board meeting approved Contract Modification CM-001 in the amount of \$10,308; and at its August 23, 2021 Board meeting approved Contract Modification CM-002 in the amount of \$2,701.27 and Contract Modification CM-003 in the amount of \$19,222.21; and at its October 25, 2021 Board meeting approved Contract Modification CM-004 in the credit amount of (\$1,325.21), Contract Modification CM-005 in the amount of \$3,291.41 and Contract Modification CM-006 in the amount of \$2,445.07; and at its January 24, 2022 Board meeting approved Contract Modification CM-007 in the amount of \$13,087.98, Contract Modification CM-008 in the amount of \$7,246.62, Contract Modification CM-009 in the amount of \$3,420.30, Contract Modification CM-010 in the amount of \$5,460.46 and Contract Modification CM-011 in the amount of \$14,857; and at its May 23, 2022 Board meeting approved Contract Modification CM-012 in the amount of \$1,809.60; and at its July 25, 2022 approved Contract Modification CM-013 in the amount of \$3,391.73, Contract Modification CM-014 in the amount of \$13,694.73 and Contract Modification CM-015 in the amount of \$1,657.12, the resulting contract amount is \$16,064,268.89; and

**WHEREAS**, contract drawings call for the Disc Filter Building to connect into an existing potable water line adjacent to the Disc Filter Building, which serves the Chemical Building and the Septage Building; and

**WHEREAS**, during construction it was found that this existing water line was no longer in service; and

**WHEREAS**, to complete installation of the water service to the Filter Building, a new potable water main will need to be extended from the existing potable water service at the Disinfection Building to the Disc Filter Building; and

**WHEREAS**, the abovementioned changes to Contract 19-2 are more fully set forth and incorporated within the September 19, 2022 Contract Modification CM-016 document resulting in the amount of \$57,331.28 with an adjusted total contract amount of \$16,121,600.17; and

**WHEREAS**, the contract completion date for the project shall remain unchanged as a result of Contract Modification CM-016; and

**WHEREAS**, this project is funded through the New Jersey Water Bank (NJWB); and

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

1. The Chairman is authorized and directed to execute Contract Modification CM-016 with Allied Construction Group, Inc. in the amount of \$57,331.28, resulting in an adjusted contract amount of \$16,121,600.17.
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	X			
Miguel Vilaro-Munet	X			

A discussion took place regarding the cost savings from Municipal Excess Liability (MEL) Tier 2 versus Tier 3. Staff will email the difference in the cost savings to the Board.

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

### **Studies/General**

#### **Rule Proposal Comments: Amendments to Surface Water Quality Standards, N.J.A.C. 9:9B:**

The attached letter dated September 2, 2022, was submitted on behalf of SBRSA, collectively with other WWTPs in New Jersey (Sussex County Municipal Utilities Authority, Rockaway Valley Regional Sewerage Authority, and Somerset Raritan Valley Sewer Authority) in response to a NJDEP request for comments on proposed amendments to New Jersey's Surface Water Quality Standards (SWQS); several issues were identified.

**River Road WWTP Phosphorous Impact Modeling Study:** There has been no additional action from NJDEP on the study. Kleinfelder is preparing a memo summarizing the recent sampling results.

**Expansion of River Road Planning Report:** Kleinfelder continues to work on this project.

**2022 Annual Inspection:** Electrical inspection of the River Road Plant and the Upstream Plants and Pump Stations have been completed. Two (2) meter chambers remain to be inspected.

### **Design**

**Hopewell WWTP Upgrade (Contract 22-4):** Kleinfelder continues with the design phase of this project. The 90% complete drawings and specifications were received and are currently being reviewed by staff. On August 8, 2022, staff received comments regarding the Delaware and Raritan Canal Commission (DRCC) application for this project. Staff is working with Kleinfelder to address these comments. Staff is in the process of submitting to Hopewell Township an application and waiver for Site Plan Approval.

## Small Capital Projects

**Contract 22-1 Meter Station No. 6 Flume Replacement:** Fabrication of the new slide plate is complete. Staff is awaiting delivery and installation of the new slide plate to ensure that it will properly isolate the bypass flume. Once delivered and installed, this project can be closed out.

**Project 22-2 GE 90-30 PLC Upgrade:** Staff is awaiting parts; the upgrade will continue upon arrival.

**Project 22-3 Emergency Repair of Nitrification Tank Aerators Structural Supports:** As requested, photographs of the damage were provided in the report. The steel needed for this project was delivered on August 5, 2022. On September 6, 2022, Allied completed the installation. A final inspection of the installation by the structural engineer was completed on September 7, 2022. Staff anticipates being able to close out this project by next month.

## Process Control/SCADA

Preventative maintenance was completed for all field devices and process control loops.

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

- River Road
  - Replaced the pH sensor on Scrubber 2.
  - Corrected various communication problems with the RTO and Scrubber HMIs.
  - Filter Building Repairs:
    - Modified the water supply configuration on Filter 1 to ensure the drain valve does not drift from its closed position.
    - Replaced two PLC modules and repaired a failed low-voltage power supply for Filter 3.
    - Rebuilt the solenoid valve for the water supply to the Filter 5 drain valve.
    - The backwash valve actuator for Filter 5 was removed and reconditioned after it became seized.
    - Repaired a leaking seal on the influent valve actuator for Filter 6.
  - The magnesium hydroxide pump No.2 VFD was replaced due to a failed output phase.
  - Completed design phase of the Thickener Sludge Pump automation system, including new control logic.
  - Corrected a logic issue with the Chemical Building PLC that was causing several memory addresses to be overwritten.
  - Reset the Generator Master Control Panel to clear runtime memory from the HMI and increase responsiveness.
  - Connected the Generator Master Control Panel to the plant industrial network.
- Pennington WWTP
  - Replaced the UV Transmittance sensor on UV System A in response to erratic readings.
  - Repaired the signal pathway for DO Probe No. 2 on Orbal Tank 1.

## **Information Technology**

### **General:**

Preventative maintenance was completed for all Information Technology devices and services. During this reporting period:

- Five server backups (*svr05, svr03, server3, trace-cems, srtn5*) were checked for corruption and readability. Staff has confirmed that the data is stable and recoverable.
- On August 31, 2022, a communications issue caused parts of the network to blackout. Rapid Spanning Tree Protocol "RSTP" has been applied to all end switches, which will greatly reduce the chance of a repeat incident.
- Staff has received the New Jersey Utility Authority's (NJUA) Municipal Excess Liability (MEL) Cyber Risk Management Program's *Auditor's Report*. SBRSA qualifies for Tier 2 of 3 discounts.

**Uninterruptable Power Supply (UPS) Maintenance:** IT staff continues its efforts to develop a tracking and preventative maintenance schedule of all UPS devices.

**Trace-Environmental WebDAS2k:** TRACE Environmental has completed its basic software installation and configuration and is working with I.T. to setup the new WebDAS2k system. The current configuration plan is to run both systems side-by-side to evaluate performance and stability. Once the system is found to be stable and performing as expected, we will coordinate with the Operations Department on the swap.

### **612.14 Personnel Report**

Ms. Christiano reported that a Staff Accountant started today.

### **612.15 Correspondence**

For information only.

### **612.16 Old Business**

Nothing to report.

### **612.17 New Business**

Nothing to report.

### **612.18 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 at approximately 7:28 pm.

### **612.19 Executive Session**

Dr. Downey asked for a motion on Resolution 2022-084, Authorizing Closed Session Pursuant to the Open Public Meetings Act to Discuss Issues Regarding Attorney/Client Privilege with Regard to Issues Related to the Draft EPA Consent Decree and the Sixth Tolling Agreement.

Resolution 2022-084 was moved by Mr. Morehouse, seconded by Ms. Switlik, and passed by a roll call vote of 6 to 0. Resolution 2022-084 follows.

### **Resolution Authorizing Closed Session Pursuant to the Open Public Meetings Act to Discuss Issues Regarding Attorney/Client Privilege with Regard to Issues Related to the Draft EPA Consent Decree and the Sixth Tolling Agreement**

#### **Resolution No. 2022-084**

**BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority ("Authority") on this 19<sup>th</sup> day of September 2022, 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 with regard the Draft EPA Consent Decree and the Sixth Tolling Agreement.
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	X			
Miguel Vilaro-Munet	X			

### **612.20 Report of Executive Session**

A discussion took place regarding the issues related to the draft Consent Decree and the Sixth Tolling Agreement.

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

The Board returned to Public Session at 8:22 pm.

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

Resolution 2022-083, Authorizing Execution of Consent Decree with USEPA, USDOJ, and NJDEP Relevant to Operation of Stony Brook Regional Sewerage Authority Incinerators, was moved by Mr. Morehouse, seconded by Ms. Switlik and passed by a roll call vote of 5 to 0, 1 no. Resolution 2022-083 follows.

**Resolution Authorizing Execution of Consent Decree with USEPA, USDOJ and NJDEP Relevant to Operation of Stony Brook Regional Sewerage Authority Incinerators**

**Resolution No. 2022-083**

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

- (1) The Chairman is authorized and directed to execute the Consent Decree between the USEPA, Department of Justice, NJDEP and the Authority, provided that the terms are in substantial compliance with the terms and conditions contained in the draft Consent Decree on file in the offices of the Authority.
- (2) Until such time as the Consent Decree is lodged with the Federal District Court for adjudication, the proposed Consent Decree shall remain confidential and kept in a confidential file at the offices of the Authority pursuant to N.J.S.A. 47:1A-9(b) and exempt from disclosure except as provided by law.
- (3) The Executive Director, staff and consultants are authorized to take all appropriate actions to effectuate this Resolution.
- (4) 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			

Resolution 2022-085, Authorizing Execution of the Sixth Tolling Agreement, was moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 6 to 0. Resolution 2022-085 follows.

**Resolution Authorizing Execution of Sixth Tolling Agreement**

**Resolution No.: 2022-085**

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



1. The Chairman, the Executive Director or General Counsel are hereby authorized and directed to execute the attached Sixth Tolling Agreement between the United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("EPA"), the State of New Jersey ("New Jersey"), on behalf of the New Jersey Department of Environmental Protection ("NJDEP"), and the Stony Brook Regional Sewerage Authority ("SBRSA").

<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			

### **612.22 Adjournment**

As there was no further business to come before the Board, the meeting was adjourned at 8:30 pm on a motion by Ms. Switlik seconded by Mr. Morehouse and passed by unanimous vote.

Respectfully Submitted,

Antonia Pchola  
Secretary

Recorded and Written by  
Angela Christiano  
September 30, 2022