

Minutes of Meeting No. 617, February 27, 2023 – Stony Brook Regional Sewerage Authority

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

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

MEMBERS ABSENT:

CONSULTANTS: Alexander, Beinfield, Tracey

STAFF PRESENT: Chong, Christiano, Doelling, Hilty, Pchola

617.01

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

Dr. Downey indicated that the Board meeting would begin with the Finance Section.

617.04 Finance

Mr. Goldfarb moved for approval of Resolution 2023-018, Regarding the Payment of Bills and Claims in the amount of \$1,423,709.35, with two signatures instead of three. The motion was seconded by Mr. Antebi and passed by a roll call vote of 6 to 0. Resolution 2023-018 follows.

Payment of Bills and Claims

Resolution to Approve Payment of Bills and Claims

Resolution No.: 2023-018

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 \$1,423,709.35 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			
Julian Antebi	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

Treasurer's Report

Mr. Chong reported a net income of \$467,687 for the 2023 fiscal year-to-date January 31, 2023. The Authority has total cash and investments of \$18,335,164. The current construction project balance is \$1,354,498. There are sufficient funds for these projects. The outstanding bond principal balance is \$15,343,800.

Monthly Sludge Business Analysis

Mr. Chong reported that the net income figure for January is \$111,440, and the cumulative net income for the fiscal year is \$202,152.

Mr. Chong introduced our Bond Counsel, Bob Beinfield, and Phoenix Advisor, Sherry Tracey, to present the bond refunding process and the related costs.

Mr. Beinfield, the Bond Counsel from Hawkins, Delafield & Wood LLP, reported on the current Series 2012 bonds maturing on or after December 1, 2023, and the refunding bond issuance.

Ms. Tracey reported on bond refunding fees/cost and bond rating and the effect on the bond saving regarding interest rates.

A discussion took place regarding the Revenue Refunding Bonds (Series 2023).

The Board requested status updates on the progress of the bond issuance every three (3) months.

Resolution 2023-023 was moved by Mr. Goldfarb, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 6 to 0.

Resolution 2023-020, Supplemental Resolution Relating to the General Bond Resolution of Stony Brook Regional Sewerage Authority Authorizing the Issuance and Determining the Form of not in Excess of \$5,100,000 Revenue Refunding Bonds (Series 2023), Determining Certain Details in Connection Therewith Authorizing Other Matters Incidental Thereto and Amending the Authority's General Bond Resolution is inserted at the end of the minutes.

Staff recommended approval of Resolution 2023-021, Authorize a No Political Contribution Allowed Contract with Gabel Associates, Inc. as Energy Agent for Natural Gas. This resolution is to contract Gabel Associates Inc. as Energy Agent to issue a Request for Bids on behalf of the Authority for natural gas supply on March 8, 2023.

Resolution 2023-021 was moved by Mr. Morehouse, seconded by Mr. Goldfarb, and passed by a roll call vote of 6 to 0. Resolution 2023-021 follows.

**Resolution of the Stony Brook Regional Sewerage Authority
to Authorize a No Political Contribution Allowed Contract with
Gabel Associates, Inc. as Energy Agent for Natural Gas**

Resolution No.: 2023-021

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-93.1 et seq. ("Act") and the New Jersey Board of Public Utilities' implementing rules at N.J.A.C. 14:4-6.1 et seq. ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, Gabel Associates, Inc., with a principal place of business located at 417 Denison Street, Highland Park, New Jersey 08904, has submitted a proposal dated February 1, 2023, to serve as the Energy Agent for the Stony Brook Regional Sewerage Authority (SBRSA) to assist SBRSA in the procurement of natural gas; and

WHEREAS, Gabel Associates, has completed and submitted a Business Entity Disclosure Certification, which certifies that this 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 any contract entered into with Gabel Associates will prohibit Gabel Associates from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11 5(1) a (ii) exempts the award of contracts for extraordinary, unspecifiable services from the requirements of public advertisement and bidding; and

WHEREAS, the Stony Brook Regional Sewerage Authority (the "Authority") has reviewed the Certification filed with the Authority by the Executive Director describing the nature of the registered Energy Agent. Gabel Associates is registered with the State to perform these duties; and

WHEREAS, it is not reasonably possible to draft bid specifications for services necessary to assist the Authority in connection with the purchase of natural gas, which Certification was reviewed by legal counsel, Maraziti Falcon, to ensure that it meets the provisions of the Local Public Contracts law and the rules promulgated by the Department of Community Affairs; and

WHEREAS, the Authority is satisfied that, for the reasons articulated in the Certification dated February 22, 2023 from Antonia Pchola, Executive Director, attached hereto and made a part hereof, the proposed work is an extraordinary unspecifiable service and meets the requirements of the Local Public Contracts Law and N.J.A.C. 5:34-2.3.; and

WHEREAS, the award of this contract meets the statute and regulations governing the award of said contracts; and

WHEREAS, the Energy Agent shall not receive any monetary compensation directly from the Authority for the services to be provided. The Authority and the Energy Agent agree that the Natural Gas supply contract(s) (“NGSC”) between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$0.005 per Therm for all months of the NGSC; and

WHEREAS, such term may be extended not to exceed two (2) one-year extensions, at the sole discretion of the Authority, provided sufficient funds are available therefore, in accordance with the proposal for the same submitted February 1, 2023. The Authority will provide thirty (30) days’ written notice prior to expiration of the term of this Agreement, if the Authority is exercising its option to extend this Agreement.

WHEREAS, the Executive Director, in consultation with counsel, is authorized to make minor modifications to the Energy Agreement without changing the overall intent of the Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Authority shall enter into a twenty-four (24)-month agreement with Gabel Associates, Inc., effective March 1, 2023, to serve as Energy Agent for the Authority for the purpose of natural gas purchasing

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

Staff recommended approval of Resolution 2023-022, Delegate Authority to Award or Reject Natural Gas Bid Contract. This resolution is to delegate the authority to the Executive Director, and in her absence, to the Finance Director. The natural gas contract is expiring in July 2023.

Resolution 2023-022 was moved by Mr. Morehouse, seconded by Mr. Patel, and passed by a roll call vote of 6 to 0. Resolution 2023-022 follows.

Resolution Delegating Authority to the Stony Brook Regional Sewerage Authority's Executive Director or in her Absence to the Finance Director to Award or Reject the

Natural Gas Bid Contract

Resolution No.: 2023-022

WHEREAS, the existing natural gas supply contract will expire on July 31, 2023;
and

WHEREAS, it is the intent of the Stony Brook Regional Sewerage Authority (the "Authority") to bid natural gas supply in advance of the existing contract expiration date to take advantage of desirable market conditions; and

WHEREAS, the Authority's intent is to receive bids on or about March 8, 2023;
and

WHEREAS, in order to minimize the risk premiums included in bid prices and to maximize the participation of licensed suppliers in the bid, it is necessary to mitigate market risk by awarding a contract before the end of the same trading day on which bids are submitted; and

WHEREAS, logistics do not permit the convening of a special meeting of the Authority's Board prior to the end of the energy trading day; and

WHEREAS, in order to be able to issue a contract award before the end of the trading day in which pricing is received, it is beneficial and necessary for the award of a contract to be made to a selected natural gas supplier by no later than 3:00 p.m. on the trading day provided that the contract will result in benefits to the Authority and participants.

NOW, THEREFORE, BE IT RESOLVED by the Authority that it hereby authorizes the Authority's Executive Director Antonia F. Shurott-Pchola or Finance Director William Chong, to act in their sole discretion as the Authority's designated representative to award or reject the natural gas bid.

BE IT FURTHER RESOLVED that the notwithstanding the foregoing, the Authority's Executive Director Antonia F. Shurott-Pchola, P.E. or in her absence Finance Director William Chong may reject any bid, including, if necessary, all bids (and not award a contract), provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

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

Staff recommended approval of Resolution 2023-023, Authorizing an Energy Agent Contract with Gabel Associates, Inc., and Authorizing the Executive Director, in her absence, the Finance Director to Award a Contract and/or reject bids in Response to the Request for Bids for Electric Generation Service Issued on Behalf of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation. The electricity contract is expiring in May 2023.

Resolution 2023-023 was moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 6 to 0. Resolution 2023-023 follows.

Resolution Authorizing an Energy Agent Contract with Gabel Associates, Inc., and Authorizing the Executive Director, in her absence, the Finance Director to Award a Contract and/or reject bids in Response to the Request for Bids for Electric Generation Service Issued on Behalf of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation

Resolution No.: 2023-023

WHEREAS, Stony Brook Regional Sewerage Authority (the "Authority") has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation ("NJSMUAESA"), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, "the Act"), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

WHEREAS, the existing electric power supply contract(s) for the Authority's electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in March 2022 and then refreshed in July 2022, will expire upon the meter read dates in May 2023 for each Authority electric account; and

WHEREAS, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

WHEREAS, the NJSMUAESA intends to issue a Request for Bids ("RFB") on or about February 17, 2023, for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in May 2023; and

WHEREAS, as a participant in the NJSMUAESA the Authority requires the services of an "Energy Agent," as defined in the "Electric Discount and Energy Competition Act," to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

WHEREAS the Authority previously approved the retention of Gabel Associates, Inc. as the Authority's Energy Agent in connection with the procurement of electricity supply for the Authority's electric accounts; and.

WHEREAS, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority's energy needs, quantifying the Authority's load profile, developing an energy plan for the Authority, preparing bid specifications, and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority; and

WHEREAS, the Energy Agent shall not receive any monetary compensation directly from the Authority for the services to be provided; and

WHEREAS, the Authority and the Energy Agent agree that the electricity supply contract(s) ("ESC") between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$.0005 per kilowatt-hour for all months of the ESC; and

WHEREAS, it is the NJSMUAESA's intent to receive bid price submittals on or about March 22, 2023, in response to the RFB to be issued on or about February 17, 2023; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day;

NOW, THEREFORE, BE IT RESOLVED that Stony Brook Regional Sewerage Authority is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2022, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, "the Act"), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and applicable regulations.

BE IT FURTHER RESOLVED that the Authority's Executive Director, Antonia Pchola, or in her absence the Finance Director, William Chong, is hereby authorized to act in his sole discretion as the Authority's designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about February 17, 2023. Such authorization to award a contract to the low bidder as the Authority's designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority's accounts prior to the data of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

BE IT FURTHER RESOLVED that, notwithstanding the foregoing, the Authority's Executive Director, Antonia Pchola, or in her absence, the Finance Director, William Chong, may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the

NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*

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

Staff recommended approval of Resolution 2023-024, Appoint Joint Insurance Fund Commissioner for New Jersey Utility Authorities. This resolution is to appoint the Finance Director to represent the Authority as Fund Commissioner.

Resolution 2023-024 was moved by Mr. Patel, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 6 to 0. Resolution 2023-024 follows.

**Resolution to Appoint Fund Commissioner to the
New Jersey Utility Authorities Joint Insurance Fund**

Resolution No.: 2023-024

WHEREAS; Public Law 1983, c.372 (N.J.S.A. 40A:10-36 et seq) permits municipalities to join together to form a joint insurance fund; and

WHEREAS, the New Jersey Utility Authorities Joint Insurance Fund is duly constituted as a Municipal Self-Insurance Fund; and

WHEREAS, the Stony Brook Regional Sewerage Authority is a member of the New Jersey Utility Authorities Joint Insurance Fund; and

WHEREAS, the N.J.S.A. 40A:10-36 et seq as well as the Bylaws of the New Jersey Utility Authorities Joint Insurance Fund, provide that "in the manner generally prescribed by law, each member shall appoint one (1) commissioner to the Fund. Each member shall select either a member of its governing body or one of its employees; and

WHEREAS the term of the appointment is either:

1. A commissioner, other than the special commissioner, who is a member of the appointing municipality's governing body shall hold office for two years or for the remainder of his/her term of office as a member of the governing body, whichever shall be less, or

2. A commissioner who is an employee of the appointing Authority shall hold office at the discretion of the utility authority and can be removed by the Authority at any time without cause.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Stony Brook Regional Sewerage Authority does hereby appoint William Chong to serve as Fund Commissioner to the New Jersey Utility Authorities Joint Insurance Fund.

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

Staff recommended approval of Resolution 2023-025, Authorize Award of "No Political Contributions Allowed" Contract(s) for Non-Professional Service Vendor(s). This is the pay-to-play provision in anticipation of making purchases exceeding \$17,500 from vendor(s) listed in the resolution.

Resolution 2023-025 was moved by Mr. Antebi, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 6 to 0. Resolution 2023-025 follows.

Resolution to Authorize Award of "No Political Contributions Allowed" Contract(s) for Non-Professional Service Vendor(s)

Resolution No. 2023-025

WHEREAS, the Stony Brook Regional Sewerage Authority (the "Authority") has a need to acquire goods or services as a no political contribution allowed contract pursuant to the provisions of NJSA 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 twelve (12) months. Commencing on December 1, 2022 and ending November 30, 2023, and may be extended as approved by this governing body; and,

WHEREAS, the attached list of vendor(s) 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 Authority in the previous one year, and that the contract will prohibit the (attached list of vendor(s)) 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 Authority authorizes the attached list of vendor(s) to enter into contract(s) 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			
Julian Antebi	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

No Political Contribution Allowed Contract(s)	
<u>Company Name</u>	<u>Service</u>
Alfa Laval Inc.	Winkle Press 2.0 Parts
Allied Constructions	Replacement of Suction/Discharge Valve for Night Return Pump #2
Hankin Environmental Systems	Alternate Furnace Inspection
Sur-Seal Inc.	Gear Joint Seal and Washer

617.02 Approval of Minutes

The revised minutes from the January 23, 2023, Board meeting were approved on a motion by Mr. Morehouse, seconded by Mr. Vilaro-Munet, and passed by a unanimous vote.

617.03 Open to the Public

Chairman Downey opened the public portion of the meeting at 6:49 p.m., hearing no comments from the public; the meeting continued as scheduled.

Dr. Downey indicated that the Board meeting would move to the Board Related Activities section.

617.05 Board Related Activities

Ms. Pchola reported there are four (4) consultant contracts for approval. Two consultant contracts were approved in the Finance portion of the meeting, and the other contracts will be discussed in the Construction section.

Dr. Downey indicated that the Authority would provide for the defense of and indemnity to Board members and employees of the Authority. There have been no changes to this resolution from last year, and our Attorney has reviewed it. Resolution 2023-019, Authorize the Defense and Indemnification of the Members and Employees of the Stony Brook Regional Sewerage Authority, was moved by Mr. Goldfarb, seconded by Mr. Morehouse, and passed by a roll call vote of 6 to 0. Resolution 2023-019 follows.

**Resolution to Authorize the Defense and
Indemnification of the Members and Employees
of the Stony Brook Regional Sewerage Authority**

Resolution No. 2023-019

WHEREAS, there exists a need to protect each past and present member and employee of the Stony Brook Regional Sewerage Authority ("SBRSA") from the monetary costs of fines, penalties, damages, settlements, costs and legal fees associated with the defense of any civil or criminal actions which may be brought against the SBRSA, or any such member or employee, as the result of any action(s) or omission(s) relating to the duties of such member or employee to the SBRSA; and

WHEREAS, the SBRSA desires to provide such protection for each past and present member and employee from the financial consequences of any such civil or criminal action to the extent permitted by law and, therefore, provided that such alleged action or omission does not constitute actual fraud, actual malice, willful misconduct or an intentional wrong in the judgment of the SBRSA;

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

1. The SBRSA shall, to the extent permitted by law, provide a defense and indemnification to the past and present members and employees of the SBRSA and, therefore, shall pay or otherwise reimburse each past and present member and employee of the SBRSA for all fines, penalties, damages, costs and legal fees associated with any civil or criminal action which may be brought against such member or employee based upon an act or omission of that member or employee arising out of and directly relating to the lawful exercise of his or her official duties or under color of his or her Authority.

2. In any case where the SBRSA provides a defense to a member or employee, it is authorized and directed to make direct payments to counsel or reimburse the member or employee for the costs associated with his or her defense upon the approval by the SBRSA of proper vouchers submitted therefore, but in no case shall the SBRSA be authorized to pay or reimburse for legal fees and expenses exceeding those customarily charged for legal services in the defense of such actions.

3. For the purpose of this Resolution, the term "member" shall include any and all persons appointed by the governing bodies of the constituent municipalities pursuant to N.J.S.A. 40:14A-4

4. Any person seeking the provision of a defense and indemnification under the policy enunciated in this Resolution shall give prompt notice to the SBRSA of the pendency of any such civil or criminal action for which payment or reimbursement is sought, at which time the SBRSA shall by Resolution implement the provisions set forth herein.

5. It is within the sole discretion of the SBRSA, in any action where the provision of such a defense and indemnification is sought by a member or employee, to:

- a.** Provide a defense by an attorney chosen by the SBRSA;
- b.** Provide a defense by an attorney of the member or employee's choosing; or
- c.** Assert the SBRSA's right under any appropriate insurance policy which requires the insurer to defend and indemnify.

6. Notwithstanding the foregoing, the SBRSA may refuse to provide for the defense or to indemnify any past and present member or employee of the SBRSA in any action referred to above or may recover any amounts paid on behalf of such member or employee for such defense if in its sole discretion it has reason to conclude that the act or omission was:

- a.** Not within the scope of such member or employee's duties or was carried out in an individual capacity;
- b.** The subject matter of any action brought by the SBRSA against the member or employee;
- c.** A violation of the Local Government Ethics Law (P.L. 1991, c. 29);
or
- d.** Due to actual fraud, actual malice, willful misconduct or an intentional wrong.

7. In the event a contested matter, to which this Resolution is applicable, is resolved by way of settlement, the SBRSA may take into account the facts, circumstances and allegations which led to the settlement in its determination of whether it may, subject only to the provisions of paragraph 6, indemnify such past and/or present member(s) and/or employee(s) against whom such settled claims had been made.

8. It is the intention of this Resolution to set forth the policy of the SBRSA with respect to the defense and indemnification of persons associated with the SBRSA in the management of its affairs and businesses to the maximum extent permitted by law, and if any provision hereof or the application hereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this Resolution and to this end the provisions hereof are declared to be severable.

9. The policy set forth in this Resolution shall take effect immediately, but shall automatically expire unless re-authorized at each annual reorganization meeting of this Authority.

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

Report of the Nominating Committee

Dr. Downey noted that this is the Authority's reorganization meeting and requested the report from the Nominating Committee and the election of Officers for 2023. Mr. Patel, Chairman of the Personnel Committee, nominated the following slate of Officers for 2023 for the Board reorganization:

Gale D. Downey, Chairman
C. Schuyler Morehouse, Vice Chairman
David A. Goldfarb, Treasurer
Antonia Pchola, Secretary
Angela Christiano, Assistant Secretary

The nomination of Officers was closed and elected on a motion by Mr. Patel, seconded by Mr. Antebi, and passed by a unanimous vote.

Committee Assignments

Dr. Downey made the following Committee assignments for 2023:

Construction Committee

C. Schuyler Morehouse, Chairman
Bharat Patel
Julian Antebi

Finance Committee

David A. Goldfarb, Chairman
Miguel Vilaro-Munet

Personnel Committee

Bharat Patel, Chairman
Julian Antebi

Oversight Liaison

Miguel Vilaro-Munet

Dr. Downey stated that she would like to move the meeting along due to the current weather condition. All the information is provided in the reports. If there are any questions, please email Ms. Pchola.

617.06 Planning and Administration

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

February 2023 Capacity Status Report includes most current 12-month average daily flow at the River Road WWTP is 9,417,003 gpd with 1,482,150 gpd of inoperative flow, leaving an available capacity of 2,160,847 gpd. The current 12-month average daily flow at the Hopewell WWTP is 263,726 gpd with 0 gpd of inoperative flow, leaving an available capacity of 36,274 gpd. The current 12-month average daily flow at the Pennington WWTP is 281,527 gpd with 24,815 gpd of inoperative flow, leaving an available capacity of 138,658 gpd.

Monthly Flow Transmittal for the January 2023 Flow Data

The meter verifications were performed by staff on February 1, 2023. All flow meters were within $\pm 5\%$.

Meter Chamber No. 6: On January 3, 2023, during the meter verification, the meter lost its programming resulting in a partial loss of flow data. Staff reprogrammed the meter, and it appeared to be working normally. A review of the flow data on January 4, 2023, indicated that the meter was reading erratically. Staff was on site to reset/reprogrammed the meter on January 4, 2023, resulting in a partial loss of flow data.

The flow totalizer data for January 3 and 4, 2023, was adjusted using the good totalizer values and calculating the remainder of the day's flow data proportional to the flow during the missing data periods from January 2, 2023, and in conjunction with hourly flow data.

Pennington WWTP: The totalizer on January 23, 2023, reset prior to the end of the day. The flow for that day was calculated based on the sum of the two totalizer readings for that day.

The Summary of the Meter Summation vs. River Road WWTP Influent Meter indicated a difference of 4.27%, with the River Road Influent Meter reading higher.

617.07 Approval Requests and Actions

Mr. Doelling reported there is one (1) TWA application for approval.

A TWA application is for The Reserve (a.k.a. Hilton Property, 2001 Old Trenton Road); Block 37, Lots 6 & 7; Township of West Windsor, Mercer County:

ESE Consultants has submitted a TWA application on behalf of Toll Brothers for the proposed construction of a residential development consisting of 66 age-restricted single-family townhomes, 22 age-restricted affordable stacked townhomes, and a clubhouse with a community pool. The project site was included in the existing sewer service area of the Stony Brook Regional Sewerage Authority (SBRSA) via an Amendment to the Mercer County Water Quality Management (WQM) adopted by the NJDEP on September 22, 2022.

The TWA application is for a flow rate of 21,810 gpd.

The project received West Windsor Township Planning Board preliminary and final major site plan approval on December 8, 2021. TWA Form WQM-003 has been signed by the Municipal Engineer and certified by the Wastewater Conveyance System Owner.

Staff recommended approval of Resolution 2023-031, Authorizing Endorsement of Application for Treatment Works Approval Statement of Consent for The Reserve (a.k.a. Hilton Property, 2001 Old Trenton Road); Block 37, Lots 6 & 7; Township of West Windsor, Mercer County.

Resolution 2023-031 was moved by Mr. Vilaro-Munet, seconded by Mr. Patel, and passed by a roll call vote of 6 to 0.

Resolution 2023-031 follows.

**Resolution Authorizing Endorsement of Application for Treatment Works Approval
Statement of Consent for Sanitary Sewer Improvements for
The Reserve (Hilton Properties)
Block 37, Lots 6 & 7, Township of West Windsor, Mercer County**

Resolution No. 2023-031

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) received an application for an amendment to the Mercer County Water Quality Management (WQM) Plan on June 23, 2021, to expand the SBRSA sewer service area (SSA) by 21.23 acres to serve the proposed Hilton Properties located in West Windsor; and

WHEREAS, the amendment was processed in accordance with the Water Quality Management Planning Rules (N.J.A.C. 7:15); and

WHEREAS, the amendment to the Mercer County WQM Plan was formally adopted as notified in a letter to ESE Consultants, Inc. from NJDEP dated September 22, 2022; and

WHEREAS, an application for Treatment Works Approval has been submitted to Stony Brook Regional Sewerage Authority (SBRSA) by ESE Consultants, Inc., on behalf of Toll Bros. Inc. for the sanitary sewer improvements associated with the construction of sixty-six (66) age restricted townhomes, twenty-two (22) age restricted affordable stacked townhomes, and a 2,200 SF clubhouse with a community pool.; and

WHEREAS, the NJDEP 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 and calculated the projected flow based on the requirements of the N.J.A.C. 7:14A-23.3 Projected Flow Criteria, and the proposed development will result in a projected flow rate of 21,810 gpd of new sewage flow, and;

WHEREAS, this project was approved by the West Windsor Township Planning Board on December 8, 2022, and endorsed by the Township Engineer on Form WQM-003, Consent by Governing Body on January 30, 2023; and

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

Stony Brook Regional Sewerage Authority recommends approval of the Treatment Works Approval application for the proposed allocation of 21,810 gpd in accordance with the N.J.A.C. Projected Flow Criteria.

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 on 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			
Julian Antebi	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

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

Water Quality Management Plan Amendments/Information

Brick Farm Properties LLC. Block 14, Lot 15.01 Hopewell Township, Mercer County

The Mercer County Executive formally adopted the amendment for the addition of Brick Farm Properties to the SBRSA Sewer Service Area. The Mercer County Department of Planning letter, dated January 27, 2023, forwarding the County Executive's recommendation was provided in the report.

Allocated Flow Update

The projected flow rate of 24,001 gpd for the proposed development at 351 Terhune Road; Block 7401, Lots 1.012 & 1.02 (now known as Lot 20) in the Municipality of Princeton (Resolution 2023-003) was added to the inoperable flow for the Municipality of Princeton.

The projected flow rate of 2,100 gpd for the proposed development for Canterbury Estates (175-179 Old Beekman Road); Block 93.12, Lot 24.10 in South Brunswick Township (Resolution 2023-013) was added to the inoperable flow for South Brunswick Township.

617.08 Regulatory Report

There were no 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 December 2022 and January 2023 were submitted with no violations reported.

River Road Surface Water Discharge Waste Characterization Report (SWDWC) for the second half of 2022 was submitted to NJDEP.

Hopewell and Pennington's semi-annual Surface Water Discharge Waste Characterization Report (SWDWC) for the second half of 2022 were submitted to NJDEP.

Hopewell and Pennington Annual Surface Water Discharge Waste Characterization Report (SWDWC) for the year 2022 were submitted to NJDEP.

Residuals Discharge Monitoring Report (RDMR)

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

The December RDMR is currently under review.

The River Road 2022 annual Residuals Waste Characterization Report (RWCR) was submitted to NJDEP. All parameters were within the expected ranges for this facility.

The River Road 2022 annual RWCR for sludge production was submitted to NJDEP.

The 2022 Hopewell and Pennington annual RWCRs for sludge production were submitted to NJDEP.

The semi-annual RDMR for Hopewell and Pennington for the second half of 2022 were submitted to NJDEP. The results were within the expected ranges for these facilities.

Air Reporting

The 4th quarter 2022 Incinerator Sludge Metals Report was submitted to NJDEP. There were no exceedances of the monthly and 12-month weighted average metals concentration limits nor the 12-month rolling lead or mercury emission limits.

The 4th quarter 2022 Excess Emissions and Monitoring Report was submitted. Incinerator No. 1, operating with AB (OS1,) had 6.5 hours of excess Oxygen emissions (Oxygen <3.0%). Carbon Monoxide (CO) concentrations during these periods were less than 100 ppm_{dv} at 7% Oxygen.

The semi-annual 40 CFR 60, Subpart O Report for the last six months of 2022 was submitted. There were no excess emissions reported for scrubber differential pressure or Oxygen.

The Federal annual (2022) 40 CFR 503 Subpart E report was submitted to EPA utilizing the Central Data Exchange (CDX) portal. The 40 CFR 503 limits were not exceeded for the seven reported metals: arsenic, beryllium, cadmium, chromium, lead, mercury, and nickel. This report also provides daily and monthly averages for combustion hearth temperatures, afterburner temperature, RTO temperature, pressure drop, CO, and Oxygen.

During the relocation of the Continuous Emission Monitoring System (CEMS) networking cabinet in the summer of 2022, the natural gas flowmeter circuit for the River Road boiler was inadvertently disconnected. This issue went undetected as the boiler was not in operation at the time. The TVOP requires that SBRSA monitor the natural gas usage continuously. The meter circuit has been repaired, staff has been re-trained, and an additional preventative maintenance task has been added to the schedule. The event was reported in the 2022 TVOP Combined 2nd Half Semi-Annual Deviation Report/Annual Compliance Certification report, and staff is preparing an affirmative defense letter for the missed monitoring period.

The Title V 2022 Combined 2nd Half Semi-Annual Deviation Report/Annual Compliance Certification was prepared by staff and submitted to NJDEP and EPA. This report includes all deviations that occurred throughout the reporting year, including the requirements for Subpart LLL.

The 40 CFR 62 – Subpart-LLL 2022 Annual Compliance Report and the Subpart-LLL Semi-Annual Deviation Report were submitted.

A 2022 Q4 and Annual Bypass Report summarizing the use of the SBRSA Incinerator Emergency Bypass Stacks (EBS) was submitted on January 26, 2023. There were three Emergency Bypass Stack events in 2022.

The 2022 Q4 Quarterly Report detailed in paragraph 28 of the 2022 Consent Decree was submitted on February 9, 2023. Provided in the Regulatory Report was a copy of the report without the attachments.

Affirmative Defense letters and a follow-up report (required by Section V, paragraph D.29 of the 2022 Consent Decree) were submitted on January 23, 2023, for the December 26, 2022 RTO malfunction, which caused the incinerator to automatically transition from OS27 to OS1 while there was sludge combustion in the incinerator.

Affirmative Defense letters and a follow-up report (required by Section V, paragraph D.29 of the 2022 Consent Decree) were submitted on January 24, 2023, for the December 29, 2022, automated transition due to the accidental opening of the Center Shaft Cooling Air Fan No. 1 breaker, from OS27 to OS1 while there was sludge combustion in the incinerator.

An Affirmative Defense letter was submitted to NJDEP on February 7, 2023, for a low 8-hour pressure drop in CD400 (odor control unit for the Sludge Thickeners and Mix Tank), and on February 10, 2023, for missed manual logging of daily odor monitoring of CD100 (carbon adsorber for the Sludge Cake Facilities).

Data required to calculate the 2022 Annual Emission statement has been compiled and provided to the environmental engineering firms assisting SBRSA with the calculations. Emission Statements submitted electronically are due annually by May 15.

As indicated at the January Board meeting, on January 23, 2023, staff received invoices for the State of New Jersey Civil Penalty and the State Environmentally Beneficial Project associated with the Consent Decree. Separate certified check payments were sent to the New Jersey Department of the Treasury and NJDEP on January 25, 2023.

Miscellaneous

Incinerator Slag disposal annual recertification application was submitted to Waste Management of Pennsylvania on February 3, 2023, and was approved.

617.09 Safety

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

Accidents

As of February 23, 2023, Stony Brook Regional Sewerage Authority has gone 385 consecutive days without any "Lost Time" accidents.

COVID-19/Staffing:

There were no new reports of an employee's exposure to COVID-19 during this reporting period.

Inspections

Annual Fire Inspections for the Princeton Pump Station and River Road facilities were conducted on February 9, 2023. Staff is awaiting the report.

Training

Confined space training was conducted on January 24, 2023.

Miscellaneous

Staff will prepare SBRSA's annual Right-To-Know Survey with the assistance of an outside consultant, Signature Safety.

617.10 Litigation

Ms. Alexander reported that nitrates are the remaining issue regarding the River Road NJPDES Permit. The status conference, adjourned at the request of DAG Delahunty until February 6, 2023, is adjourned again until April 12, 2023.

617.11 Operations Report

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

The River Road Facility operated well during this reporting period.

On January 27, 2023, the last sections of the fence screen were put into place. The fence screens with a 95% airflow restriction were put in place along the northern fence line, which runs between the River Road WWTP and the Princeton Operating Committee (POC) at the recommendation of the Odor Task Force. The Task Force was charged with discovering the root causes of potential offsite odors and what steps should be taken to minimize their occurrence.

On January 31, 2023, stack testing began for Incinerator No. 2 using the Afterburners (AB) and was completed on February 3, 2023. On March 7, 2023, stack testing will resume on Incinerator No. 1 operating with the Afterburners. The stack test results will be used to establish new operating limits for the next 36 months if the results are within 75% of the Federal Subpart LLL

emission limits. During the stack tests, Operations staff push the limits of the incinerator while trying to reduce air pollution control equipment treatment to meet minimum emission limits/operating parameters. This is done to ensure the limits established during the stack tests can be met during normal operational periods.

On February 20, 2023, we began accepting sludge cake from Atlantic County Utilities Authority (ACUA). We will receive 25 cubic yards per cake delivery five days per week. ACUA indicated they may need our services for a few weeks. ACUA is making emergency repairs to process equipment, and the duration is based upon those repairs, which may change.

The Relative Accuracy Test Audits (RATA) for Incinerator No. 1 will be performed on February 27, 2023, and February 28, 2023, operating on the Afterburner, followed by the RTO.

Upstream Facilities

Both Upstream Facilities operated well during this reporting period.

On January 5, 2023, Operators cleaned the Disc Filters at the Pennington WWTP and the Post Aeration Tank.

Odors

Staff received one (1) Odor Complaint from our surrounding area during January 2023. Staff received no odor complaints during the partial February 2023 reporting period. The total February number of odor complaints will be reported in March 2023. The odor complaints appear on the provided graph showing the yearly complaints received from January 1998 to February 2023.

Customer Sludge Deliveries

The reported quantity of liquid sludge was 20% above the budgeted amount, sludge cake was the same as the budgeted amount, and gray water was 121% above the budgeted amount for January 2023.

617.12 Maintenance

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

On January 16, 2023, the Upstream Operator reported that one of the four wasting valves on the Hopewell Primary Settling Tank was not operational. The settling tank was removed from service, dewatered, and cleaned for further assessment. On January 18, 2023, it was found that the valve stem was severely rusted and broken. The existing valve stem and operator were removed and replaced with a new assembly from inventory. Once the base was secured to the tank and valve, it was tested several times for proper operation and returned to service.

Receiving Bin No. 2 was removed from service on January 16, 2023, due to excessive noise within the bin. The bin was emptied, cleaned, and locked out so entry could be made for further investigation. It was found that one of the drive screws for Screw Feeder No. 5 was fractured and in need of replacement. Screw Feeder No. 5 remained locked out so the bin could still be utilized to move sludge inventory. On January 20, 2023, the bin was again emptied, cleaned, and locked out for repair on Saturday morning, January 21, 2023. The broken screw was removed, and a new screw from inventory was installed, aligned, and bolted. After testing for proper operation, the receiving bin was placed into service on January 21, 2023. JDV Equipment was on site to inspect the broken screw and see what modifications could be made to make the screws less prone to failure.

Magnesium Hydroxide Pump No. 2 was found not pumping during routine surveillance equipment checks. Magnesium was discovered in the oil-level sight glass due to a broken hose. On January 27, 2023, the pump was disassembled and cleaned, and a new hose was installed and refilled with Glycerin for lubrication. The pump was tested and returned to service.

On February 8, 2023, eight (8) Disc Filter sections were replaced at the Pennington Treatment Plant due to minor scratches and tears that could affect the efficiency of the Disc Filters. New filter sections were pulled from inventory. Once the sections were installed, the filter was placed back online and tested for proper operation. The damaged sections will be repaired and stored for future use as backups.

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 graph, we averaged three (3) days overdue, and the number of overdue units is approximately thirteen (13).

617.13 Construction Report

Mr. Doelling reported in 2017, Pure Technologies US Inc. assisted SBRSA in the condition assessment of the Millstone Force Main. The Millstone Force Main is constructed of approximately 3.59 miles of 42- and 36-Inch Prestressed Concrete Cylinder Pipe (PCCP) installed in 1972. In the 2017 study, Pure Technologies US Inc. assessed the 42 and 36-inch diameter Millstone Force Main (FM) using the SmartBall® leak and gas pocket detection and the PipeDiver® electromagnetic inspection. Four pipe sections with broken wire wrap damage were identified on the 42-inch lined cylinder pipe (LCP), and three sections with damage were found on the 36-inch Class 210 LCP that runs to the RRWWTP. As recommended by the study, we are planning a 5-year follow-up inspection in 2023.

Pure Technologies has submitted the provided proposal dated February 8, 2023. The cost to perform this work is a lump sum of \$375,000. Staff believes that this follow-up inspection is critical to determine the condition of the Millstone FM based on previous pipe failures in various parts of the country with this specific type of pipe and therefore recommends approval of the project.

Staff recommended approval of Resolution 2023-032, Authorizing the Award of a “No Political Contributions Allowed” Contract to Pure Technologies (a Xylem Brand) for Inspection Services Related to the Condition Assessment of the Millstone Force Main.

Resolution 2023-032 was moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 6 to 0. Resolution 2023-032 follows.

Resolution Authorizing the Award of a Professional Services “No Political Contributions Allowed” Contract to Pure Technologies (a Xylem Brand) for Inspection Services Related to the Condition Assessment of the Millstone Force Main

Resolution No. 2023-032

WHEREAS, in 2017 Pure Technologies US Inc. conducted an assessment of the 42 and 36-inch diameter Millstone Force Main using SmartBall® leak and gas pocket detection and PipeDiver® electromagnetic inspection; and

WHEREAS, the 2017 study identified seven pipe sections with broken wire wrap damage, and recommended a 5-year follow up inspection; and

WHEREAS, Stony Brook Regional Sewerage Authority (“Authority”) believes that this follow up inspection is critical to determine the condition of the Millstone Force Main; and

WHEREAS, the Authority has a need for Professional Engineering Services to perform a follow up condition assessment of the Millstone Force Main in FY2023 to determine how to proceed with the management of the pipeline; and

WHEREAS, Pure Technologies has submitted a proposal dated February 8, 2023, attached hereto and made a part hereof, to conduct a condition assessment of the Millstone Force Main, which includes the proposed scope of services for condition assessment using a SmartBall® leak and gas pocket detection survey and a PipeDiver® electromagnetic (EM) inspection, while the force main is in service, for a lump sum amount of \$375,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) authorizes contracts for the provision of “Professional Services,” which may be awarded without public advertising and competitive bidding, provided that notice of the nature, duration, service and amount of contract is published, and that the Resolution and contract are kept on file and available for public inspection; and

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

WHEREAS, Pure Technologies has submitted a Business Entity Disclosure Certification which certifies that Pure Technologies, 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 the contract for said services will not allow 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 Stony Brook Regional Sewerage Authority has funds available in retained earnings.

NOW, THEREFORE, BE IT RESOLVED that the Board of the Stony Brook Regional Sewerage Authority authorizes the Chairman to enter into a contract with Pure Technologies, in an amount not to exceed \$375,000.00, without further authorization by the Authority. This Resolution shall be published in accordance with N.J.S.A. 40A:11-5 (l)(a)(i) and shall not start until 10 days after the receipt of the Business Entity Disclosure Certification forms.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value shall 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			
Julian Antebi	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

Mr. Doelling reported on the Hopewell WWTP Upgrade (Contract 22-4). Kleinfelder has presented the attached letter, dated February 22, 2023, requesting an amendment to the current budget for the Hopewell WWTP Upgrade Project, which needed to perform additional permitting and design services that were not originally anticipated. Kleinfelder is requesting additional funding, in the amount of \$48,800, for a total design contract amount of \$747,260.

Staff recommended approval of Resolution 2023-033, Authorizing Amendment No. 1 to the “No Political Contributions Allowed” Contract to Kleinfelder, Inc. for the Design of the Upgrades to the Hopewell Wastewater Treatment Plant.

Resolution 2023-033 was moved by Mr. Patel, seconded by Mr. Vilaro-Munet, and passed by a roll call vote of 5 to 0, with 1 abstained. Resolution 2023-033 follows.

**Resolution Authorizing Amendment No. 1 to the
“No Political Contributions Allowed” Contract to
Kleinfelder, Inc. for the Design of the Upgrades to the
Hopewell Wastewater Treatment Plant**

Resolution No. 2023-033

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, on January 25, 2021, the Stony Brook Regional Sewerage Authority (SBRSA) entered into a contract with Kleinfelder for the Design of the Upgrades to the Hopewell Wastewater Treatment Plant 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, there is a need to perform additional permitting and design services that were not originally provided for in the original Agreement; and

WHEREAS, on February 22, 2023, Kleinfelder submitted a request for additional funding in the lump sum amount of \$48,800 for a total amended contract amount of \$747,260; and

WHEREAS, the additional work includes addressing unanticipated permitting requirements and two SBRSA requested plant improvements; 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 on file with SBRSA, 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 amend the contract with Kleinfelder through Amendment No. 1 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			
Julian Antebi	X			
David A. Goldfarb	X			
C. Schuyler Morehouse			X	
Bharat Patel	X			
Miguel Vilaro-Munet	X			

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

River Road WWTP Phosphorous Impact Modeling Study: There has yet to be an official action from NJDEP on the Phosphorous study. NJDEP requested a meeting and visited the River Road WWTP site on February 9, 2023, to present the results of testing performed during the Harmful Algal Bloom (HAB) that occurred during the summer of 2022 in the Millstone River.

Prior to the NJDEP meeting and at the request of staff, Kleinfelder provided the attached technical memorandum, dated February 8, 2023, outlining preliminary costs and chemical requirements for a phosphorous removal facility.

NJDEP is considering imposing a phosphorus limit at the River Road Facility. However, NJDEP also asked if there was anything that SBRSA could do in a relatively short period before this summer with limited effort and/or low cost to reduce phosphorus levels. Staff is looking into any process changes that could be made and/or any temporary chemical storage and pumping facilities that can be implemented to determine to what extent we can lower phosphorus. Kleinfelder is assisting staff with this effort under the Advice Account.

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

Dewatering Alternatives Evaluation/Study: Currently, SBRSA operates three (3) Belt Filter Presses (BFP) manufactured by Ashbrook. BFP Nos. 1 and 2 were installed in 1997, and BFP

No. 3 was installed in 2005. BFPs 1 and 2 require frequent maintenance due to continuous operation and exposure to corrosive liquid and H₂S gas. In addition to the degrading condition of the units, the replacement parts for all three presses are becoming more difficult to purchase. Most parts are out of stock and must be special ordered, leading to long delivery times.

An evaluation of rehabilitation versus newer dewatering technology, focused on the technology's improved dewatering performance, availability of parts, and demonstrated maintenance/repair record is necessary. A study/evaluation of alternatives is anticipated to cost approximately \$50,000. SBRSA will prepare/develop a request for proposals to conduct an evaluation of dewatering alternatives within the next few months.

Design

Hopewell WWTP Upgrade (Contract 22-4): SBRSA and its consultants (legal and engineering) attended/testified at the virtual public Hopewell Township Planning Board hearing on January 26, 2023. Staff answered many questions related to the wastewater treatment plant design. Several issues require additional preparation by staff and consultants to answer the concerns of the Board. These matters will be addressed/discussed at March 23, 2023, Planning Board Meeting. The additional topics include lighting plan details, sewer capacity, and sewer-related issues.

The Hopewell WWTP Upgrade project was on the agenda for February 8, 2023, meeting of the Mercer County Land Development Committee. The Committee approved the project.

The following is the permit status for this project:

- NJDEP Wetlands, Approved 2/14/2023
- NJDEP Treatment Works Approval, Approved 10/20/2022
- Mercer County Soil Conservation District - SESC Plan Certification – Approved 12/15/2022
- Mercer County Planning Board Site Plan Application – Approved 2/8/2023
- DRCC – Technical Review Complete, but the Commission requires notice of municipal approval

Kleinfelder has addressed the comments from the New Jersey Office of the State Comptroller (OSC), with a few responses to be reviewed by our attorney prior to resubmittal to the OSC.

Construction

Contract 19-2 River Road WWTP UV Disinfection and Filtration Project: As of Payment Application No. 19, the project is 81% complete. During this period, Allied continued receiving miscellaneous ductile iron pipe and fittings and is backfilling the large diameter pipe around the Disc Filter Building. The project's projected substantial completion date is October 18, 2023, and the projected final completion date is November 29, 2023.

Resident Inspection update: The original construction administrative services contract contained services for onsite technical support. The recently approved resident inspection services contract amends these services to include additional Resident Inspection services during construction. This amendment was needed due to a requirement by the New Jersey Water Bank loan program

to have Resident Inspection Services. SBRSA currently does not have the personnel to fill this role.

The KLF Resident Inspection Services Amendment estimated that KLF would be working an average of 32 hours per week. The amendment was approved at the January 23, 2023, Board meeting, and the first invoice, received on February 8, 2023, was essentially for one week's work at the end of January. During this period (January 23-29), SBRSA received 7.5 hours of onsite technical assistance and 19 hours of the onsite resident inspection. The total onsite time (technical assistance and resident inspection) was 26.5 hours, 5.5 hours below the projected average 32 hours per week. More broadly, the total onsite time for the entire month of January (1/2-1/29) was 74.7 hours over the four weeks covered by this invoice, an average of 18.7 hours per week, 13.3 hours below the projected average week.

Small Capital Projects

Project 22-2 GE 90-30 PLC Upgrade: Analog input modules are still back ordered. A new fiber run between the Chemical and Headworks Building has been completed. Staff is awaiting for additional troubleshooting/repair of the network before proceeding with the Headworks upgrade.

Project 22-3 Emergency Repair of Nitrification Tank Aerators Structural Supports: A maintenance bond for the project was issued on September 8, 2022, in the amount of \$2,198.90. However, upon review, the correct bond amount should be \$2,918.90. Allied is in the process of providing the bond in the corrected amount. Once received, the project can be closed out.

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.

- Incinerator-related tasks
 - Bled water out of all instrument air piping.
 - Installed a water separator device and two new pressure regulators for the burner pressure controller on Incinerator No. 2 Hearth 3.
 - Replaced the compressed air dryer on the instrument air supply.
 - Replaced a damaged thermocouple wire on Incinerator No. 2 Hearth 2.
 - Replaced the salt bridge in the pH sensor for Scrubber No. 2.
 - Disconnected a phase from the WESP Purge Air Heater in response to warmer weather.
 - Corrected wiring and configuration for MV-10 to allow automatic control from the incinerator control panel.
 - Assisted RATA testing outfit with on-site setup and data collection.
- River Road
 - Installed, wired, and programmed a new flow integrator for the natural gas flow to the plant boiler.
 - Pulled a new 1200' length of fiber optic cable through an underground conduit

- from the Chemical Building to the Septage Building to replace the existing fiber.
 - Replaced the Dissolved Oxygen (DO) sensor for Modified Aeration Stage 6.
 - Replaced the DO sensor for Nitrification Aeration Stage 2.
 - Reset and configure a serial-to-ethernet gateway in the control panel for the Emergency Backup Generator No. 2.
 - Installed a new security camera in the operations building west garage bay to monitor inventory.
- Hopewell WWTP:
 - Corrected a wiring issue with sodium bisulfite pump No. 2 that was causing it to reverse direction periodically.

INFORMATION TECHNOLOGY

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

- Five server backups (*svr12*, *trace-cems*, *vm-trace*, *ws-instr-lt1*, *ws-instr-lt2*) were checked for corruption and readability. All backups are valid and recoverable.
- Distributed File System (DFS) services for the SBRSA *shared drive* server was restructured (replaced with newer software versions) to add redundancy and correct performance issues.
- Two SCADA workstations have begun to reboot randomly. With no information in the event logs, troubleshooting requires IT to perform hardware diagnostics with offline workstations. IT Staff is preparing the new workstations to replace these priority units and will test the hardware offline.

Asset Management and Maintenance Tracking:

- IT staff continues its efforts to develop an asset management tracking and preventative maintenance schedule for all Uninterruptable Power Supply (UPS) devices.
- IT staff created a script to utilize SBRSA's existing KACE Appliance, which monitors all connected workstations and servers for status and software versions, to poll the devices for computer hardware, such as display monitors, including serial numbers and model, for more detailed tracking of assets.

Trace-Environmental WebDAS2k:

The required software, Kepware, has been received, and tuning of the WebDAS2K system has begun. IT staff is working with Trace-Environmental to ensure data quality. IT has also requested that Operations staff begin reviewing the data in a preemptive effort to catch issues before a robust side-by-side data comparison begins.

617.14 Personnel Report

Ms. Pchola reported that an Operator V was promoted to Operator IV, and a mechanic returned from his leave of absence.

617.15 Correspondence

For information only.

617.16 Old Business

Nothing to report.

617.17 New Business

Staff recommended for approval the following resolutions.

2023-016, Authorizing the Award of a Two-Year Liquid Sludge Receiving Contract with Russel Reid

2023-017, Authorizing the Award of a Two-Year Sludge Cake Receiving Contract with the Raritan Township Municipal Utilities Authority

2023-026, Authorizing the Award of a One-Year Liquid Sludge Receiving Contract with the Atlas Septic, Inc

2023-027, Authorizing the Award of a One-Year Liquid Sludge Receiving Contract with Educational Testing Service

2023-028, Authorizing the Award of a One-Year Liquid Sludge Receiving Contract with Firmeninch, Inc.

2023-029, Authorizing the Award of a Two-Year Liquid Sludge Receiving Contract with the Township of Montgomery

2023-030, Authorizing the Award of a One-Year Liquid Sludge Receiving Contract with the Sustainable Resources Group, Inc.

Resolutions were moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet as passed by a roll call vote of 6 to 0. Resolutions follow.

**Resolution Authorizing the Award of a
Two-Year Liquid Sludge Receiving Contract with
Russel Reid**

Resolution No. 2023-016

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) receives liquid sludge and sludge cake at its River Road Wastewater Treatment Plant; (RRWTP) by and through its liquid sludge depot and its sludge cake receiving facilities, respectively; and

WHEREAS, RUSSEL REID, located at 200 Smith Street, Keasbey, New Jersey, has a need to dispose of liquid sludge; and

WHEREAS, RUSSEL REID has requested an Agreement with SBRSA for the disposal, excluding transportation, of liquid sludge; and

WHEREAS, SBRSA has reviewed this request and has determined that SBRSA is projected to have the capacity and ability to accept liquid sludge from RUSSEL REID for processing and incinerating at SBRSA's River Road Wastewater Treatment Plant; and

WHEREAS, RUSSEL REID agrees that liquid sludge will be accepted for disposal at a rate of \$56 per 1,000 gallons; and

WHEREAS, the term of this Agreement will be from January 1, 2023, to December 31, 2024; and

WHEREAS, the SBRSA is desirous of entering into an acceptable agreement for disposal of liquid sludge; and

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

1. The Chairman is hereby authorized and directed to enter into a contract with RUSSEL REID as described herein.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Executive Director, staff, and consultants are authorized to take all appropriate measures to ensure that all appropriate documents, are provided by RUSSEL REID.

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

Resolution Authorizing the Award of a Two-Year Sludge Cake Receiving Contract with the Raritan Township Municipal Utilities Authority

Resolution No. 2023-017

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) receives liquid sludge and sludge cake at its River Road Wastewater Treatment Plant; (RRWTP) by and through its liquid sludge depot and its sludge cake receiving facilities, respectively; and

WHEREAS, the Raritan Township Municipal Utilities Authority (RTMUA), located at 365 Old York Road 250 in Flemington, New Jersey, has a need to dispose of its sludge cake; and

WHEREAS, the Raritan Township Municipal Utilities Authority has requested an Agreement with SBRSA for the disposal, excluding transportation, of sludge cake; and

WHEREAS, SBRSA has reviewed this request and has determined that SBRSA is projected to have the capacity and ability to accept sludge cake from RTMUA for processing and incinerating at SBRSA's River Road Wastewater Treatment Plant; and

WHEREAS, per RTMUA Resolution #2022-90, dated December 15, 2022, RTMUA agrees that sludge cake will be accepted for disposal at a rate of \$56 per cubic yard; and

WHEREAS, the term of this Agreement will be from January 1, 2023 to December 31, 2024; and

WHEREAS, the SBRSA is desirous of entering into an acceptable agreement for disposal of RTMUA's sludge cake; and

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

1. The Chairman is hereby authorized and directed to enter into a contract with Raritan Township Municipal Utilities Authority as described herein.
2. This Resolution shall take effect immediately.

BE IT FURTHER 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			
Julian Antebi	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

**Resolution Authorizing the Award of a
One-Year Liquid Sludge Receiving Contract with the
ATLAS SEPTIC, Inc.**

Resolution No. 2023-026

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) receives liquid sludge and sludge cake at its River Road Wastewater Treatment Plant; (RRWTP) by and through its liquid sludge depot and its sludge cake receiving facilities, respectively; and

WHEREAS, the ATLAS SEPTIC, Inc., located at 243 Throckmorton St., Freehold, New Jersey, hauling for the Township of Medford, has a need to dispose of liquid sludge; and

WHEREAS, ATLAS SEPTIC, Inc. has requested an Agreement with SBRSA for the disposal, excluding transportation, of liquid sludge; and

WHEREAS, SBRSA has reviewed this request and has determined that SBRSA is projected to have the capacity and ability to accept liquid sludge from ATLAS SEPTIC, Inc. for processing and incinerating at SBRSA's River Road Wastewater Treatment Plant; and

WHEREAS, ATLAS SEPTIC, Inc. agrees that liquid sludge will be accepted for disposal at a rate of \$56 per 1,000 gallons; and

WHEREAS, the term of this Agreement will be from January 1, 2023 to December 31, 2023; and

WHEREAS, the SBRSA is desirous of entering into an acceptable agreement for disposal of liquid sludge; and

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

1. The Chairman is hereby authorized and directed to enter into a contract with ATLAS SEPTIC, Inc. as described herein.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Executive Director, staff, and consultants are authorized to take all appropriate measures to ensure that all appropriate documents, are provided by ATLAS SEPTIC, Inc.

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

**Resolution Authorizing the Award of a
One-Year Liquid Sludge Receiving Contract with
EDUCATIONAL TESTING SERVICE**

Resolution No. 2023-027

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) receives liquid sludge and sludge cake at its River Road Wastewater Treatment Plant; (RRWTP) by and through its liquid sludge depot and its sludge cake receiving facilities, respectively; and

WHEREAS, Education Testing Service (ETS), located at 660 Rosedale Rd., Princeton, New Jersey, has a need to dispose of its liquid sludge; and

WHEREAS, ETS has requested an Agreement with SBRSA for the disposal, excluding transportation, of liquid sludge; and

WHEREAS, SBRSA has reviewed this request and has determined that SBRSA is projected to have the capacity and ability to accept liquid sludge from ETS for processing and incinerating at SBRSA's River Road Wastewater Treatment Plant; and

WHEREAS, ETS agrees that liquid sludge will be accepted for disposal at a rate of \$73 per 1,000 gallons; and

WHEREAS, the term of this Agreement will be from January 1, 2023, to December 31, 2023; and

WHEREAS, the SBRSA is desirous of entering into an acceptable agreement for disposal of ETS's liquid sludge; and

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

1. The Chairman is hereby authorized and directed to enter into a contract with Education Testing Service as described herein.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Executive Director, staff, and consultants are authorized to take all appropriate measures to ensure that all appropriate documents, are provided by Education Testing Service.

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

**Resolution Authorizing the Award of a
One-Year Liquid Sludge Receiving Contract with
FIRMENINCH, Inc.**

Resolution No. 2023-028

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) receives liquid sludge and sludge cake at its River Road Wastewater Treatment Plant; (RRWTP) by and through its liquid sludge depot and its sludge cake receiving facilities, respectively; and

WHEREAS, the FIRMENINCH, Inc. located at 250 Plainsboro Road, Plainsboro, New Jersey, has a need to dispose of liquid sludge; and

WHEREAS, FIRMENINCH, Inc. has requested an Agreement with SBRSA for the disposal, excluding transportation, of liquid sludge; and

WHEREAS, SBRSA has reviewed this request and has determined that SBRSA is projected to have the capacity and ability to accept liquid sludge from FIRMENINCH, Inc. for processing and incinerating at SBRSA's River Road Wastewater Treatment Plant; and

WHEREAS, the FIRMENINCH, Inc. agrees that liquid sludge will be accepted for disposal at a rate of \$63 per 1,000 gallons; and

WHEREAS, the term of this Agreement will be from January 1, 2023, to December 31, 2023; and

WHEREAS, the SBRSA is desirous of entering into an acceptable agreement for disposal of liquid sludge; and

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

1. The Chairman is hereby authorized and directed to enter into a contract with the FIRMENINCH, Inc. as described herein.
2. This Resolution shall take effect immediately.

BE IT FURTHER 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 FIRMENINCH, Inc.

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

**Resolution Authorizing the Award of a
Two-Year Liquid Sludge Receiving Contract with the
TOWNSHIP OF MONTGOMERY**

Resolution No. 2023-029

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) receives liquid sludge and sludge cake at its River Road Wastewater Treatment Plant; (RRWTP) by and through its liquid sludge depot and its sludge cake receiving facilities, respectively; and

WHEREAS, the Township of Montgomery, located at 100 Community Drive, Skillman, New Jersey, has a need to dispose of its liquid sludge; and

WHEREAS, the Township of Montgomery has requested an Agreement with SBRSA for the disposal, excluding transportation, of liquid sludge; and

WHEREAS, SBRSA has reviewed this request and has determined that SBRSA is projected to have the capacity and ability to accept liquid sludge from the Township of Montgomery for processing and incinerating at SBRSA's River Road Wastewater Treatment Plant; and

WHEREAS, the Township of Montgomery agrees that liquid sludge will be accepted for disposal at the following rates

January 1, 2023 to December 31, 2023:	\$56 per 1,000 gallons
January 1, 2024 to December 31, 2024:	\$56 per 1,000 gallons

; and

WHEREAS, the term of this Agreement will be from January 1, 2023 to December 31, 2024; and

WHEREAS, the SBRSA is desirous of entering into an acceptable agreement for disposal of the Township of Montgomery's liquid sludge; and

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

1. The Chairman is hereby authorized and directed to enter into a contract with the Township of Montgomery as described herein.
2. This Resolution shall take effect immediately.

BE IT FURTHER 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 Township of Montgomery.

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

**Resolution Authorizing the Award of a
One-Year Liquid Sludge Receiving Contract with the
SUSTAINABLE RESOURCES GROUP, Inc.**

Resolution No. 2023-030

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) receives liquid sludge and sludge cake at its River Road Wastewater Treatment Plant; (RRWTP) by and through its liquid sludge depot and its sludge cake receiving facilities, respectively; and

WHEREAS, the SUSTAINABLE RESOURCES GROUP, Inc. located at 61 Jerseyville Ave, Freehold, New Jersey, has a need to dispose of liquid sludge; and

WHEREAS, SUSTAINABLE RESOURCES GROUP, Inc. has requested an Agreement with SBRSA for the disposal, excluding transportation, of liquid sludge; and

WHEREAS, SBRSA has reviewed this request and has determined that SBRSA is projected to have the capacity and ability to accept liquid sludge from SUSTAINABLE RESOURCES GROUP, Inc. for processing and incinerating at SBRSA's River Road Wastewater Treatment Plant; and

WHEREAS, the SUSTAINABLE RESOURCES GROUP, Inc. agrees that liquid sludge will be accepted for disposal at a rate of \$73 per 1,000 gallons; and

WHEREAS, the term of this Agreement will be from January 1, 2023, to December 31, 2023; and

WHEREAS, the SBRSA is desirous of entering into an acceptable agreement for disposal of liquid sludge; and

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

1. The Chairman is hereby authorized and directed to enter into a contract with the SUSTAINABLE RESOURCES GROUP, Inc., as described herein.
2. This Resolution shall take effect immediately.

BE IT FURTHER 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 SUSTAINABLE RESOURCES GROUP, Inc.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
David A. Goldfarb	X			

C. Schuyler Morehouse	X
Bharat Patel	X
Miguel Vilaro-Munet	X

617.18 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 7:12 p.m.

617.19 Adjournment

As no further business was to come before the Board, the meeting was adjourned at 7:13 p.m. on a motion by Mr. Morehouse, seconded by Mr. Patel, and passed by unanimous vote.

Respectfully Submitted,

Antonia Pchola
Secretary

Recorded and Written by
Angela Christiano
March 8, 2023

Supplemental Resolution Relating to the General Bond Resolution of Stony Brook Regional Sewerage Authority Authorizing the Issuance and Determining the Form not in Excess of \$5,100,000 Revenue Refunding Bonds (Series 2023), Determining Certain Details in Connection Therewith Authorizing Other Matters Incidental Thereto and Amending the Authority's General Bond Resolution.

Resolution No: 2023-020

BE IT RESOLVED BY THE STONY BROOK REGIONAL SEWERAGE

AUTHORITY, and the members and commissioners thereof, AS FOLLOWS:

Short Title. This resolution may hereafter be cited by the Authority, and is hereinafter sometimes referred to, as "Supplemental Resolution No. 2023-020".

Authority for Supplemental Resolution No. 2023-020. Supplemental Resolution No. 2023-020 supplements and amends the General Bond Resolution and is adopted pursuant to the provisions of the Act and pursuant to the General Bond Resolution. The Authority has ascertained and hereby determines that adoption of Supplemental Resolution No. 2023-020 is necessary to carry out the powers, purposes and duties expressly provided in the Act, that each and every act, matter, thing or course of conduct as to which provision is made herein is necessary in order to promote, carry out and effectuate the purposes of the Authority in accordance with the Act and to carry out powers expressly given in the Act, and that the powers of the Authority herein exercised are in each case exercised in accordance with the provisions of the Act and the General Bond Resolution and in furtherance of the purposes of the Authority.

Definitions and Interpretation. i. Wherever used or referred to in Supplemental Resolution No. 2023-020, all words or terms which are defined or referred to in the General Bond Resolution, except the words or terms which are defined in paragraph (B) of this Section, shall, unless a different meaning clearly appears from the context, have the meanings given or ascribed to such words and terms, respectively, in Section 101 of the General Bond Resolution.

In this Supplemental Resolution No. 2023-020, unless a different meaning clearly appears from the context:

“2023 Bonds” means any of the \$5,100,000 principal amount of Revenue Refunding Bonds (Series 2023) authorized by Supplemental Resolution No. 2023-020.

“Amendments” shall have the meaning ascribed to such term in Section 26 hereof.

“Authority Officer” means the Chairman, Vice-Chairman, Treasurer, Secretary, Assistant Secretary, Executive Director and Chief Financial Officer of the Authority.

“Code” means the Internal Revenue Code of 1986, as amended.

“Continuing Disclosure Agreement” shall have the meaning ascribed to such term in Section 19(A) hereof.

“DTC” shall have the meaning ascribed to such term in Section 10(A) hereof.

“Escrow Deposit Agreement” shall have the meaning ascribed to such term in Section 22 hereof.

“General Bond Resolution” shall mean the bond resolution of the Authority adopted September 19, 1977, entitled: “Resolution Authorizing the Issuance of Revenue Bonds of the Stony Brook Regional Sewerage Authority”, as amended and supplemented.

“Municipal Advisor” shall have the meaning ascribed to such term in Section 24 hereof.

“Refunded Bonds” means any of the Series 2012 Bonds.

“Series 2012 Bonds” means any of the Authority’s \$4,805,000 outstanding principal amount of Revenue Refunding Bonds (Series 2012), dated August 30, 2012, and being those bonds maturing on and after December 1, 2023.

“SLGS” shall have the meaning ascribed to such term in Section 21 hereof.

“Supplemental Resolution No. 2023-020” shall have the meaning ascribed to such term in Section 1 hereof.

“Underwriter” shall have the meaning ascribed to such term in Section 15 hereof. Articles and Sections mentioned by number alone and without qualification by the word “hereof” are the respective Articles and Sections of the General Bond Resolution so numbered. The terms “herein”, “hereunder”, “hereby”, “hereto”, “hereof” and any similar terms refer to Supplemental Resolution No. 2023-020. The term “heretofore” means before the date of adoption of Supplemental Resolution No. 2023-020. The term “hereafter” means after the date of adoption of Supplemental Resolution No. 2023-020. Words importing the masculine gender include every other gender. Words importing persons include firms, associations and corporations. Words importing the singular number include the plural number and vice versa.

Captions and Index. Any captions, titles or headings preceding the text of any section herein and any table of contents or index attached hereto or any copy hereof are solely for convenience of reference and shall not constitute part of Supplemental Resolution No. 2023-020 or affect its meaning, construction or effect.

Purpose of 2023 Bonds. Pursuant to the provisions of Section 318(1)(c) of the General Bond Resolution, the Authority does hereby determine to provide for the issuance of not exceeding \$5,100,000 2023 Bonds for purposes of refunding all or a portion of the Refunded Bonds, including accrued and unpaid interest, redemption premium, if any, and all costs and expenses incident thereto.

Authorization and Amount. In accordance with Section 12 of the Act and subject to and pursuant to the provisions of the General Bond Resolution, and for the purposes specified in Section 5

hereof, Additional Bonds (herein called the 2023 Bonds) of the Authority are hereby authorized to be issued in the aggregate principal amount of not exceeding \$5,100,000.

Principal Amounts, Maturities, Interest Rates and Titles. The 2023 Bonds shall mature on such dates and in such principal amounts and shall bear interest at such rates, all as shall be determined by an Authority Officer; provided, however, that (i) the aggregate principal amount of the 2023 Bonds shall not exceed \$5,100,000, (ii) the final maturity of the 2023 Bonds shall be no later than December 1, 2033 and (iii) the interest rates on the 2023 Bonds shall allow the Authority to realize a net (i.e., after payment of the costs of issuance of the 2023 Bonds) present value debt service savings of at least 3% of the aggregate principal amount of the Refunded Bonds.

Denominations, Dates, Interest Payment Dates and Manner of Payment. The 2023 Bonds are issuable in fully registered form without coupons and payable to a named person or registered assigns, and each in the denomination of \$5,000 principal amount or any multiple of \$5,000 in excess thereof. On original issuance each 2023 Bond shall be dated as of and shall bear or accrue interest from such date as shall be determined by an Authority Officer. Interest on the 2023 Bonds shall be payable semi-annually in each year until maturity or earlier redemption, on such dates as shall be determined by an Authority Officer, by check or bank draft mailed (unless other arrangements have been made with any securities depository) to the registered owners thereof whose names appear on the registration books of the Authority held by the Trustee as of the record dates, such record dates to be determined by an Authority Officer. Principal or Redemption Price, if any, of the 2023 Bonds shall be payable upon presentation and surrender (unless other arrangements have been made with any securities depository) of the 2023 Bonds at the office of the Paying Agent. Principal or Redemption Price, if any, of and interest on the 2023 Bonds shall

be payable in lawful money of the United States of America on the record dates determined by an Authority Officer.

Security for the 2023 Bonds. All 2023 Bonds issued pursuant to the provisions of this Supplemental Resolution No. 2023-020 shall be entitled to the benefits of the continuing pledge and lien created by the General Bond Resolution to secure the full and final payment of the principal or Redemption Price, if any, of and interest on all of the 2023 Bonds, in accordance with Sections 502 of the General Bond Resolution.

Book-Entry Bonds. ii. Except as provided in subsection (C) below, the holder of all of the 2023 Bonds shall be The Depository Trust Company, New York, New York (“DTC”) and the 2023 Bonds shall be registered in the name of Cede & Co., as nominee for DTC. Payment of interest for any 2023 Bond registered in the name of Cede & Co. shall be made by wire transfer of New York Clearing House or equivalent same day funds to the account of Cede & Co. on the interest payment date for the 2023 Bonds at the address indicated for Cede & Co. in the registration books of the Authority kept by the Trustee.

The 2023 Bonds shall be initially issued in the form of a separate single authenticated fully registered certificate for each maturity of the 2023 Bonds. Upon initial issuance, the ownership of the 2023 Bonds shall be registered in the registration books of the Authority kept by the Trustee in the name of Cede & Co., as nominee of DTC. The Trustee, the Paying Agent and the Authority may treat DTC (or its nominee) as the sole and exclusive holder of the 2023 Bonds registered in its name for the purposes of payment of the principal, Sinking Fund Installments or Redemption Price of or interest on the 2023 Bonds, selecting the 2023 Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to Bondholders under this Supplemental Resolution No. 2023-020 or the General Bond Resolution, registering the transfer

of 2023 Bonds, obtaining any consent or other action to be taken by holders of the 2023 Bonds and for all other purposes whatsoever; and neither the Trustee, the Paying Agent nor the Authority shall be affected by any notice to the contrary. Neither the Trustee, the Paying Agent nor the Authority shall have any responsibility or obligation to any DTC participant, any person claiming a beneficial ownership interest in the 2023 Bonds under or through DTC or any DTC participant, or any other person which is not shown on the registration books of the Authority as being a holder, with respect to the accuracy of any records maintained by DTC or any DTC participant; the payment of DTC or any DTC participant of any amount in respect of the principal, Sinking Fund Installments or Redemption Price of or interest on the 2023 Bonds; any notice which is permitted or required to be given to Bondholders under this Supplemental Resolution No. 2023-020 or the General Bond Resolution; the selection by DTC or any DTC participant of any person to receive payment in the event of a partial redemption of the 2023 Bonds; or any consent given or other action taken by DTC as Bondholder. The Paying Agent shall pay all principal of, Sinking Fund Installments and Redemption Price, if any, and interest on the 2023 Bonds only to or “upon the order of” DTC (as that term is used in the Uniform Commercial Code as adopted in the State of New Jersey), and all such payments shall be valid and effective to fully satisfy and discharge the Authority’s obligations with respect to the principal of, Sinking Fund Installments and Redemption Price, if any, and interest on the 2023 Bonds to the extent of the sum or sums so paid. Except as otherwise provided in subsection (C) below, no person other than DTC shall receive an authenticated 2023 Bond certificate evidencing the obligation of the Authority to make payments of principal of, Sinking Fund Installments and Redemption Price, if any, and interest pursuant to this Supplemental Resolution No. 2023-020 or the General Bond Resolution. Upon delivery by DTC to the Trustee of written notice to the effect that DTC has determined to substitute a new

nominee in place of Cede & Co., and subject to the provisions of the General Bond Resolution with respect to transfers of 2023 Bonds, the word “Cede & Co.” herein shall refer to such new nominee of DTC.

In the event the Authority determines that it is in the best interest of the beneficial owners of the 2023 Bonds that they be able to obtain 2023 Bond certificates, the Authority may notify DTC and the Trustee, whereupon DTC will notify the DTC participants, of the availability through DTC of 2023 Bond certificates. In such event, the Authority shall prepare and shall execute and the Trustee shall issue, transfer and exchange 2023 Bond certificates as requested by DTC in appropriate amounts within the guidelines set forth in this Supplemental Resolution No. 2023-020 and the General Bond Resolution. DTC may determine to discontinue providing its services with respect to the 2023 Bonds at any time by giving written notice to the Authority and the Trustee and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the Authority and the Trustee shall be obligated to deliver 2023 Bond certificates as described in this Supplemental Resolution No. 2023-020 and the General Bond Resolution. In the event 2023 Bond certificates are issued, the provisions of this Supplemental Resolution No. 2023-020 and the General Bond Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, Sinking Fund Installments, Redemption Price, if any, and interest on such certificates. Whenever DTC requests the Authority and the Trustee to do so, the Authority will direct the Trustee in writing (at the sole cost and expense of the Authority) to cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the 2023 Bonds to any DTC participant having 2023 Bonds credited to its

DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the 2023 Bonds.

Notwithstanding any other provision of this Supplemental Resolution No. 2023-020 and the General Bond Resolution to the contrary, so long as any 2023 Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, Sinking Fund Installments, and Redemption Price, if any, and interest on such 2023 Bond and all notices and tenders with respect to such 2023 Bond shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representation executed by the Authority.

In connection with any notice or other communication to be provided to holders of the 2023 Bonds pursuant to this Supplemental Resolution No. 2023-020 and the General Bond Resolution by the Authority or the Trustee with respect to any consent or other action to be taken by such Bondholders, the Authority shall establish a record date for such consent or other action and give DTC notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible. Such notice to DTC shall be given only when DTC is the sole holder of the 2023 Bonds.

Neither the Authority, the Paying Agent nor the Trustee will have any responsibility or obligations to the DTC participants or the beneficial owners of the 2023 Bonds with respect to (1) the accuracy of any records maintained by DTC or any DTC participant, (2) the payment by DTC or any DTC participant of any amount due to any beneficial owner of the 2023 Bonds in respect of the principal amount, Sinking Fund Installment, Redemption Price of or interest on the 2023 Bonds, (3) the delivery by DTC or any DTC participant of any notice to any beneficial owner of the 2023 Bonds which is required or permitted under the terms of this Supplemental Resolution No. 2023-020 or the General Bond Resolution to be given to holders of the 2023 Bonds, (4) the selection of the

beneficial owners of the 2023 Bonds to receive payment in the event of any partial redemption of the 2023 Bonds or (5) any consent given or other action taken by Cede & Co. as the nominee of DTC as registered owner of the 2023 Bonds.

So long as Cede & Co. is the registered owner of the 2023 Bonds, as nominee of DTC, references herein to the holders of the 2023 Bonds or registered holders of the 2023 Bonds shall mean Cede & Co. and shall not mean the beneficial owners of the 2023 Bonds.

For so long as the holder of all of the 2023 Bonds shall be DTC, and all 2023 Bonds shall be registered in the name of Cede & Co. as nominee for DTC, unless all 2023 Bonds are being redeemed or retired in whole, 2023 Bonds shall not be required to be presented to the Trustee.

Redemption. i. The 2023 Bonds shall be subject to redemption at such times, on such dates and in such amounts as may be determined by an Authority Officer; provided, however, that (i) the redemption price payable in connection with any mandatory sinking fund redemption shall not exceed 100% of the principal amount of the 2023 Bonds redeemed, plus accrued interest to the redemption date and (ii) the redemption price payable in connection with any optional redemption shall not exceed 101% of the principal amount of the 2023 Bonds redeemed, plus accrued interest to the redemption date.

Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the 2023 Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of 2023 Bonds. If notice of redemption shall have been given as aforesaid, the 2023 Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date,

moneys for payment of the redemption price of all the 2023 Bonds to be redeemed, together with the interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such 2023 Bonds shall cease to accrue and become payable. Less than all of a 2023 Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such 2023 Bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such 2023 Bond, 2023 Bonds of like series, designation, maturity and interest rate in any of the authorized denominations. Notwithstanding anything in the General Bond Resolution to the contrary, so long as the 2023 Bonds are registered bonds the Authority shall not be required to publish any notice of redemption relating to the 2023 Bonds.

Designation of 2023 Bonds. The 2023 Bonds are hereby designated or deemed designated as “qualified tax-exempt obligations” pursuant to and for the purposes of Section 265(b)(3) of the Code. In connection with the foregoing designation, the Authority hereby determines, declares, recites and states, that, as of the date hereof, the reasonably anticipated amount of tax-exempt obligations (other than current refunding obligations and private activity bonds, as referred to and defined in Section 141 of the Code) which will be issued by the Authority and all subordinate entities and on behalf of issuers thereof during calendar year commencing January 1, 2023 does not exceed \$10,000,000.

Appointment of Trustee, Paying Agent and Escrow Agent. The Authority does hereby appoint U.S. Bank National Association, Morristown, New Jersey as Trustee and Paying Agent for the 2023 Bonds and Escrow Agent for the Refunded Bonds.

Form of 2023 Bonds. The 2023 Bonds shall be in substantially the form attached hereto as Exhibit A and by this reference incorporated as if set forth in full herein, with such changes, insertions and

omissions as may be approved by the Chairman or Vice Chairman of the Authority including (a) a change, if necessary, to the title of the 2023 Bonds to reflect the issuance thereof in a different year, (b) changes, if requested by the purchaser, necessary to deliver the 2023 Bonds in the form of one certificate in the aggregate principal amount of all of the 2023 Bonds. The execution of the 2023 Bonds by the Chairman or Vice Chairman of the Authority shall be conclusive evidence of any approval required by this Section.

Sale of the 2023 Bonds. Subject to the terms of and the limitations set forth herein, an Authority Officer is hereby authorized to award and sell the 2023 Bonds, at one time or from time to time, to RBC Capital Markets, West Conshocken, Pennsylvania (the “Underwriter”); provided, however, that the underwriter’s discount does not exceed \$5.00 per \$1,000 of 2023 Bonds sold.

Purchase Contract. An Authority Officer is hereby authorized and directed to execute and deliver a contract for the sale of the 2023 Bonds with the Underwriter, in a form approved by bond counsel to the Authority.

Delivery of the 2023 Bonds. The 2023 Bonds, in registered form, shall be numbered and lettered for identification purposes, in such manner as shall be determined by an Authority Officer and in accordance with the General Bond Resolution, and shall, as soon as practicable, be prepared, executed and delivered in definitive form to the Underwriter at the expense of the Authority in accordance with the provisions of the General Bond Resolution and this Supplemental Resolution No. 2023-020, and upon payment in full of the purchase price for the 2023 Bonds.

Preliminary Official Statement; Official Statement. The distribution of the Preliminary Official Statement and the final Official Statement of the Authority relating to the sale of the 2023 Bonds to prospective purchasers and the use thereof by the Underwriter in connection with the offering of the 2023 Bonds are hereby authorized. An Authority Officer, or any one or more of them, are

hereby jointly and severally authorized and directed to (i) deem the Preliminary Official Statement “final” as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission and (ii) execute and deliver to the Underwriter in the name and on behalf of the Authority the final Official Statement, in substantially the form of the Preliminary Official Statement approved by bond counsel to the Authority, with such changes therein as shall be approved by the officer or officers executing the same, the execution thereof by such officers to constitute conclusive evidence of the approval of the form of the final Official Statement.

Continuing Disclosure Agreement. 3. An Authority Officer, or any one or more of them, are hereby jointly and severally authorized and directed to execute and deliver a continuing disclosure agreement (the “Continuing Disclosure Agreement”), in a form approved by bond counsel to the Authority, and to carry out the transactions contemplated thereby. The execution of the Continuing Disclosure Agreement by an Authority Officer shall be conclusive evidence of any approval required by this Section.

The Authority hereby covenants with the holders from time to time of the 2023 Bonds that it will, and hereby authorizes the appropriate officers and employees of the Authority to take all action necessary or appropriate to, comply with and carry out all of the provisions of the Continuing Disclosure Agreement as amended from time to time. Notwithstanding any other provision of the General Bond Resolution or Supplemental Resolution No. 2023-020, failure of the Authority or the Trustee to perform in accordance with the Continuing Disclosure Agreement shall not constitute a default or an event of default under the General Bond Resolution or this Supplemental Resolution No. 2023-020, and the rights and remedies provided by the General Bond Resolution upon the occurrence of such a default or an event of default shall not apply to any such failure, but the Continuing Disclosure Agreement may be enforced only as provided therein.

Redemption and Defeasance of the Refunded Bonds. i. The Authority hereby irrevocably elects to redeem, in accordance with the General Bond Resolution, the Refunded Bonds as soon as practicable after the delivery of the 2023 Bonds at a Redemption Price of 100% of the principal amount thereof, plus interest accrued thereon to such redemption date. Upon delivery of the 2023 Bonds, the Authority hereby gives to the Trustee irrevocable instructions to mail and publish, if applicable, as provided in the General Bond Resolution (including, in particular, the supplemental resolutions determining the details of the Refunded Bonds) and in the Escrow Deposit Agreement notice of redemption of the Refunded Bonds at the time set forth therein. Such notice of redemption shall be substantially in the form attached to the Escrow Deposit Agreement, with such modifications, additions or omissions as are deemed necessary or desirable by the Authority and the Trustee.

The Authority hereby irrevocably elects to defease and pay, in accordance with Section 1201 of the General Bond Resolution, the Refunded Bonds and all interest installments appertaining thereto. The Authority hereby further irrevocably elects to discharge and satisfy the pledge of the Revenues and other moneys, securities and funds pledged pursuant to the General Bond Resolution and the covenants, agreements and other obligations of the Authority to the holders from time to time of the Refunded Bonds under the General Bond Resolution. The Authority Officers are each hereby authorized and directed to deliver to the Trustee a certificate of an Authority Officer, for purposes of Section 1201(1) for the General Bond Resolution, expressing such election upon the issuance of the 2023 Bonds. A copy of this Supplemental Resolution No. 2023-020 certified by the Secretary of the Authority shall constitute the above-mentioned certificate of an Authority Officer and said Secretary is hereby authorized and directed to so deliver such copy of this Supplemental Resolution No. 2023-020, so certified, to the Trustee. The Authority hereby gives

the Trustee irrevocable instructions to mail, as soon as practicable after the issuance of the 2023 Bonds, as provided in the Escrow Deposit Agreement notice of defeasance of the Refunded Bonds at the time set forth therein. Such notice of defeasance shall be substantially in the form attached to the Escrow Deposit Agreement, with such modifications, additions or omissions as are deemed necessary or desirable by the Authority and the Trustee.

The elections set forth in this Section shall be effective upon the issuance of the 2023 Bonds.

Purchase of Escrow Securities. The Authority Officers are each hereby authorized and directed, if necessary, to execute an initial and final Subscription for Purchase and Issue of United States Treasury Securities - State and Local Government Series Time Deposit Securities (“SLGS”), and any related certification, each in form and substance satisfactory to bond counsel to the Authority. The Trustee, the Municipal Advisor, the Underwriter and bond counsel to the Authority are each hereby authorized and directed, if necessary, to execute said initial and final SLGS subscription on behalf of the Authority. In addition, the Authority Officers are hereby authorized and directed, if necessary, to execute and deliver any agreement relating to the purchase of securities for deposit in the escrow account established by the Escrow Deposit Agreement.

Escrow Deposit Agreement. An Authority Officer, or any one or more of them, are hereby jointly and severally authorized and directed, if necessary, to execute and deliver an escrow deposit agreement (the “Escrow Deposit Agreement”) with the Escrow Agent in a form approved by bond counsel to the Authority.

Appointment of Verification Agent. An Authority Officer, or any one or more of them, are hereby jointly and severally authorized and directed, if necessary, to appoint a verification agent that shall, among other things, deliver a report or letter verifying (a) the yield on the 2023 Bonds for arbitrage purposes and (b) the sufficiency of the escrow deposit to accomplish the refunding of the Refunded

Bonds. The Municipal Advisor is authorized to act as the verification agent unless a different verification agent is appointed by an Authority Officer.

Appointment of Municipal Advisor. The Authority does hereby appoint Phoenix Advisors, LLC, Bordentown, New Jersey, to serve as municipal advisor to the Authority (the “Municipal Advisor”) in connection with the sale and issuance of the 2023 Bonds.

Transfer of Funds. Simultaneously with the issuance of the 2023 Bonds, the Authority Officers are each hereby authorized, after consultation with and upon the advice of bond counsel to the Authority, to direct the Trustee to deposit in the escrow account established by the Escrow Deposit Agreement moneys held by the Trustee in the funds or accounts established by the General Bond Resolution, including without limitation (a) moneys in the Bond Service Fund representing interest accrued on the Refunded Bonds from the last interest payment date thereon to the date of issuance of the 2023 Bonds and (b) moneys in the account of the Bond Reserve Fund representing the Bond Reserve Requirement with respect to the Refunded Bonds.

Amendment of General Bond Resolution. (A) The Authority is desirous of having the Bond Reserve Requirement apply on a Series by Series basis such that a particular Series of Bonds will benefit from, and be secured by, only the amount, if any, deposited in the Bond Reserve Fund relating to such Series of Bonds. The Authority is making the amendments to the General Bond Resolution set forth in subsections (B) and (C) of this Section (the “Amendments”) in order to effectuate the above. The holders of the 2023 Bonds, by their purchase of the 2023 Bonds, shall be deemed to have consented to the Amendments. The Authority hereby determines, recites and states that (i) the Refunded Bonds are the only Bonds currently Outstanding under the General Bond Resolution, (ii) simultaneously with the issuance of the 2023 Bonds, the Refunded Bonds shall be defeased and, therefore, shall no longer be Outstanding under the General Bond

Resolution, (iii) simultaneously with the issuance of the 2023 Bonds, the holders of 100% of the Outstanding Bonds shall have given their consents to the Amendments and (iv) the Amendments shall become effective upon, and simultaneously with, the issuance of the 2023 Bonds and the defeasance of the currently Outstanding Bonds (i.e. the Refunded Bonds).

(B) The General Bond Resolution is hereby amended to the extent and with the effect that the definition of “Bond Reserve Requirement” set forth in Section 101(12) thereof shall read as follows:

“Bond Reserve Requirement” means as of any particular date of computation, and with respect to any particular Series of Bonds Outstanding, the amount, if any, specified in the Supplemental Resolution authorizing such Series of Bonds.

(C) The General Bond Resolution is hereby amended to the extent and with the effect that the definition of “Maximum Annual Debt Service” set forth in Section 101(27) thereof shall be deleted.

Bond Reserve Requirement. The Bond Reserve Requirement for the 2023 Bonds shall be \$0.

Amendment of Supplemental Resolution No. 2023-020. Prior to issuance of any of the 2023 Bonds and notwithstanding anything contained in the General Bond Resolution (including Article IX thereof) and except for the limitations described in the proviso clauses set forth in Sections 7, 11(A) and 15 hereof, the Authority may by resolution of the Authority or by a certificate executed by an Authority Officer modify or amend or add to or delete any of the terms or provisions of the 2023 Bonds or of this Supplemental Resolution No. 2023-020 in any respect or for any purpose.

Actions to be Taken on Behalf of the Authority. The various members and officers of the Authority are hereby authorized and directed to execute the 2023 Bonds on behalf of the Authority and to do all matters necessary, useful, convenient or desirable to accomplish the sale, issuance and delivery of the 2023 Bonds and the refunding and redemption of the Refunded Bonds all in accordance

with the provisions of the authorizing General Bond Resolution and this Supplemental Resolution No. 2023-020, including without limitation (a) the execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Authority, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the 2023 Bonds is excludible from gross income under Section 103 of the Code, (b) the submission of materials to one or more rating agencies for purposes of receiving a credit rating on the 2023 Bonds, (c) the selection of a financial printer and website for purposes of disseminating the Preliminary Official Statement and the final Official Statement and (d) the filing of continuing disclosure materials on the Electronic Municipal Market Access website maintained by the Municipal Securities Rulemaking Board.

Filing with the Local Finance Board. An Authority Officer, or any one or more of them, are hereby jointly and severally authorized and directed within ten (10) days of the closing on the 2023 Bonds to file or cause to be filed with the Local Finance Board in the Department of Local Government Services in the Department of Community Affairs of the State of New Jersey the documents required by the provisions of N.J.A.C. 5:31-8.1(b).

Filing of Resolution. The Secretary of the Authority is hereby authorized and directed to cause copies of this Supplemental Resolution No. 2023-020 to be filed for public inspection in the following places: in the office of the Borough Clerk of the Borough of Pennington, in the County of Mercer, in the Municipal Building of said Borough, in the office of the Municipal Clerk of the Municipality of Princeton, in the County of Mercer, in the Municipal Building of said Municipality, in the office of the Borough Clerk of the Borough of Hopewell, in the County of Mercer, in the Municipal Building of said Borough, in the office of the Township Clerk of the Township of Hopewell, in the County of Mercer, in the Municipal Building of said Township, in

the office of the Township Clerk of the Township of West Windsor, in the County of Mercer, in the Municipal Building of said Township, in the office of the Township Clerk of the Township of South Brunswick, in the County of Middlesex, in the Municipal Building of said Township, and in the office of the Authority, 290 River Road, Princeton, New Jersey.

Publication of Notice. The Secretary of the Authority is hereby authorized and directed to cause to be published, after completion of filing of copies of this Supplemental Resolution No. 2023-020 as directed in the preceding Section, in “The Times”, a legally qualified public newspaper circulating in the district of the Authority, a notice in substantially the form attached as Exhibit B hereto and by this reference incorporated as if set forth in full herein.

Prior Action. All action taken to date by Authority officials, employees and professionals with respect to the authorization, sale and issuance of the 2023 Bonds, including the preparation of a Preliminary Official Statement with respect thereto, be and the same hereby are ratified, approved, confirmed and adopted in all respects.

Effective Date. This resolution shall take effect immediately and as provided in Article VIII and Article IX of the General Bond Resolution.

EXHIBIT A

FORM OF 2023 BOND

**THE STONY BROOK REGIONAL SEWERAGE AUTHORITY
REVENUE REFUNDING BOND (SERIES 2023)**

Number: R-

Principal Sum: \$_____

Interest Rate: __%

Issue Date: _____, 2023

Maturity Date: December 1, ____

CUSIP: 862070

Registered Owner: Cede & Co.

The **STONY BROOK REGIONAL SEWERAGE AUTHORITY** (the “Authority”), a public body corporate and politic organized and existing under and by virtue of the laws of the State of New Jersey, acknowledges itself indebted and for value received hereby promises to pay to the above-stated registered owner, or registered assigns, the above-stated principal sum, on the above-stated maturity date, unless redeemed prior thereto as hereinafter provided, upon presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum from the date hereof until the Authority’s obligation with respect to the payment of such principal sum shall be discharged at the above-stated interest rate per annum, payable semi-annually in each year on June 1 and December 1 commencing December 1, 2023. This bond, as to principal and redemption price, if any, when due, will be payable at the corporate trust office of U.S. Bank National Association, Morristown, New Jersey, a paying agent of the Authority, or of its successor as such paying agent, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. Interest on this bond will be payable by check or draft mailed to the registered owner hereof whose name shall appear on the books of the Authority maintained by the Trustee hereinafter mentioned, on the May 15 and November 15 next preceding any interest payment date of the 2023 Bonds hereinafter mentioned.

This bond is a direct and general obligation of the Authority and is one of the revenue bonds of the Authority (the “Bonds”) issued or to be issued under and by virtue of the Sewerage Authorities Law, constituting Chapter 138 of the Pamphlet Laws of 1946, of the State of New Jersey, approved April 23, 1946, and the acts amendatory thereof and supplemental thereto (the “Act”), and under and in accordance with a resolution of the Authority adopted September 19, 1977 (the “General Bond Resolution”), entitled “Resolution Authorizing the Issuance of Revenue Bonds of the Stony Brook Regional Sewerage Authority”, as the same from time to time has been or may be amended or supplemented by further resolutions of the Authority (such General Bond Resolution and any and all such further resolutions being herein collectively called the “Resolution”).

As provided in the General Bond Resolution, the Bonds may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates, and may otherwise vary as provided in the Resolution, and the aggregate principal amount of Bonds which may be issued is not limited except as provided in or pursuant to the Act or the General Bond Resolution. All Bonds issued and to be issued under the Resolution are and will be equally secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Resolution.

This bond is one of a Series of the Bonds designated as “Revenue Refunding Bonds (Series 2023)” (the “2023 Bonds”), originally delivered with on the Issue Date set forth above, and duly issued under and by virtue of the Act and under and pursuant to the Resolution, and constituting part of an authorized issue of the Bonds limited to the aggregate principal amount of \$5,100,000. Copies of the General Bond Resolution are on file at the office of the Secretary of the Authority, and at the corporate trust office of U.S. Bank National Association, Morristown, New Jersey, as trustee under the General Bond Resolution (said trustee and any successor thereto under the General Bond Resolution being herein called the “Trustee”), and reference to the General Bond Resolution and any and all resolutions supplemental thereto and modifications and amendments thereof and to the Act is made for a description of the nature and extent of the security for the Bonds, the funds and revenues pledged, the nature, manner and extent of enforcement of such pledge, the rights and remedies of the registered owners of the Bonds with respect thereto, the terms and conditions upon which the Bonds are issued and may be issued thereunder, and a statement of the rights, duties, immunities and obligations of the Authority and the Trustee. Such pledge and other obligations of the Authority under the Resolution may be discharged at or prior to the maturity or redemption of the Bonds upon the making of provision for the payment thereof on the terms and conditions set forth in the Resolution.

To the extent and in the respects permitted by the Resolution, the provisions of the General Bond Resolution or any resolution amendatory thereof or supplemental thereto may be modified or amended by action on behalf of the Authority taken in the manner and subject to the conditions and exceptions prescribed in the General Bond Resolution.

In the event of a default, the Bonds may be declared due and payable whether or not in advance of maturity, and any such declaration and its consequences may be annulled, as provided in the Act.

This bond is transferable, as provided in the Resolution, only upon the books of the Authority kept for that purpose at the corporate trust office of the Trustee, by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof to the Trustee together with a written instrument of transfer satisfactory to the Trustee duly executed by the registered owner or such duly authorized attorney, and thereupon the Authority shall issue in the name of the designated transferee or transferees a new fully registered Bond or Bonds of the same aggregate principal amount and series, designation, maturity and interest rate as the surrendered bond as provided in the Resolution and upon the payment of the charges therein prescribed. The Authority, the Trustee and any paying agent of the Authority may treat and consider the person in whose name this bond is registered upon the books of the Trustee as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever and all such payments so

made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Authority, the Trustee nor any paying agent of the Authority shall be affected by any notice to the contrary.

The 2023 Bonds are issuable in the form of registered Bonds without coupons in the denomination of \$5,000 or any integral multiple of \$5,000 in excess thereof. Bonds, upon surrender thereof at the corporate trust office of the Trustee with a written instrument of transfer satisfactory to the Trustee duly executed by the registered owner thereof or by his attorney duly authorized in writing, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same series, designation, maturity and interest rate of any of the authorized denominations, in the manner, subject to the conditions and upon the payment of charges provided in the Resolution.

The 2023 Bonds, maturing prior to December 1, 20__, are not subject to redemption prior to maturity. The 2023 Bonds due on or after December 1, 20__ are subject to redemption at the option of the Authority, prior to maturity and upon notice as hereinafter set forth, as a whole or in part at any time, in any order of maturity and by lot within a single maturity, on or after December 1, 20__ at redemption prices equal to one hundred percent (100%) of the principal thereof, together with interest accrued, if any, to the date fixed for redemption.

If less than all of the 2023 Bonds of like maturity outstanding at any time are to be redeemed, the particular 2023 Bonds to be redeemed shall be selected by lot as provided in the Resolution. Notice of redemption shall be mailed, postage prepaid, not less than thirty days nor more than sixty days prior to the redemption date, to the registered owner of any 2012 Bond all or a portion of which is to be redeemed, at his last address (if any) appearing upon the registry books. If notice of redemption shall have been mailed as aforesaid, the 2023 Bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for the payment of the redemption price of all the 2023 Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such 2023 Bonds shall cease to accrue and become payable. Less than all of a 2012 Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such 2012 Bond, there shall be issued to the registered owner thereof, without charge therefor, for the unredeemed balance of the principal amount of such 2012 Bond, 2023 Bonds of like series, designation, maturity and interest rate in any of the authorized denominations, all as more fully set forth in the Resolution.

The Act provides that neither the members of the Authority nor any person executing bonds of the Authority shall be liable personally on said bonds by reason of the issuance thereof.

The 2023 Bonds are not and shall not be in any way a debt or liability of the State of New Jersey or of any county or municipality and do not and shall not create or constitute any indebtedness, liability or obligation of said State, or of any county or municipality, either legal, moral or otherwise.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey or the Resolution to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of the 2023 Bonds, together with all other indebtedness of the Authority, is within every debt and other limit prescribed by said Constitution or statutes.

This bond shall not be entitled to any security, right or benefit under the Resolution or be valid or obligatory for any purpose, unless the certificate of authentication hereon has been duly executed by the Trustee.

IN WITNESS WHEREOF, the **STONY BROOK REGIONAL SEWERAGE AUTHORITY** has caused this bond to be signed in its name and on its behalf by the manual or facsimile signature of its Chairman or Vice Chairman, and its corporate seal to be affixed, imprinted or reproduced hereon and attested by the manual or facsimile signature of its Secretary, all as of the Issue Date hereinabove mentioned.

**STONY BROOK REGIONAL
SEWERAGE AUTHORITY**

(SEAL)

By: _____
Gale D. Downey
Chairman

ATTEST:

Antonia Pchola
Secretary

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the within-mentioned Resolution and is one of the Revenue Refunding Bonds (Series 2023) of the Stony Brook Regional Sewerage Authority.

U.S. BANK NATIONAL ASSOCIATION,
as Trustee

By: _____
Authorized Signature

Date of Authentication: _____, 2023

The following abbreviations, when used in the inscription on the face of this Note, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM – as tenants in common
TEN ENT – as tenants by the entireties
JT TEN – as joint tenants with right of survivorship and not as tenants in common

UNIF GIFT MIN ACT

Custodian _____
(Cust) (Minor)
under Uniform Gifts to Minors Act

State

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE

(FOR COMPUTER RECORD ONLY)

(Please Print or Typewrite Name and Address of Transferee)

the within Note, and all rights thereunder, and hereby irrevocably constitutes and appoints _____ Attorney, to transfer the within Note on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

EXHIBIT B

STONY BROOK REGIONAL SEWERAGE AUTHORITY

NOTICE OF ADOPTION OF BOND RESOLUTION

PUBLIC NOTICE is hereby given that a bond resolution entitled: “Supplemental Resolution No. 2023-Authorizing the Issuance and Determining the Form of Not in Excess of \$5,100,000 Revenue Refunding Bonds (Series 2023), Determining Certain Details in Connection Therewith, Authorizing Other Matters Incidental Thereto and Amending the Authority’s General Bond Resolution” (the “Bond Resolution”) was adopted by the Stony Brook Regional Sewerage Authority (the “Authority”) on February 27, 2023; that copies of the Bond Resolution have been filed and are available for public inspection in the office of the Borough Clerk of the Borough of Pennington, in the County of Mercer, in the Municipal Building of said Borough, in the office of the Municipal Clerk of the Municipality of Princeton, in the County of Mercer, in the Municipal Building of said Municipality, in the office of the Borough Clerk of the Borough of Hopewell, in the County of Mercer, in the Municipal Building of said Borough, in the office of the Township Clerk of the Township of Hopewell, in the County of Mercer, in the Municipal Building of said Township, in the office of the Township Clerk of the Township of West Windsor, in the County of Mercer, in the Municipal Building of said Township, in the office of the Township Clerk of the Township of South Brunswick, in the County of Middlesex, in the Municipal Building of said Township, and in the office of the Authority, 290 River Road, Princeton, New Jersey; and that any action or proceeding of any kind or nature in any court questioning the validity of the creation and establishment of the Authority or the validity or proper authorization of bonds provided for by the Bond Resolution, or the validity of any covenants, agreements or contracts provided for by the Bond Resolution, shall be commenced within twenty (20) days after the first publication of this notice, which was first published this 2nd day of March, 2023.

**STONY BROOK REGIONAL SEWERAGE
AUTHORITY**

By: /s/ Antonia Pchola
Secretary

CERTIFICATE

I, **ANTONIA PCHOLA**, Secretary of the Stony Brook Regional Sewerage Authority (the “Authority”), a public body politic and corporate of the State of New Jersey, **HEREBY CERTIFY** that the foregoing resolution entitled: “Supplemental Resolution No. 2023-020 Relating to the General Bond Resolution of the Stony Brook Regional Sewerage Authority Authorizing the Issuance and Determining the Form of Not in Excess of \$5,100,000 Revenue Refunding Bonds (Series 2023), Determining Certain Details in Connection Therewith, Authorizing Other Matters Incidental Thereto and Amending the Authority’s General Bond Resolution” is a true copy of an original resolution which was adopted at a meeting of the Authority which was duly called and held on February 27, 2023, and at which a quorum was present and acted throughout, and that said copy has been compared by me with the original resolution officially recorded in the records of the Authority and that it is a true, correct and complete transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed, but is in the form attached as of the date hereof in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Authority this 27th day February, 2023.

(SEAL)

Antonia Pchola
Secretary