

Minutes of Meeting #531 March 28, 2016 – Stony Brook Regional Sewerage Authority

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

MEMBERS PRESENT: Bartolini, Compton, Downey, Goldfarb, Morehouse, Patel

MEMBERS ABSENT:

CONSULTANTS: Alexander

STAFF PRESENT: Bixby, Carlino, Irizarry, Ireland, Kantorek, Kunert, Pchola, Rahimi, Redding, Roga, Sears

531.01 Chairman Bartolini indicated that pursuant to Section 13 of the Open Public Meetings Act, adequate notice of the time and place of this meeting 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 on the Authority's website.

531.02 Approval of Minutes

The minutes from the February 22, 2016 meeting were approved as presented on a motion by Dr. Downey, seconded by Mr. Goldfarb and passed by a vote of 6 to 0.

531.03 Board Related Activities

Resolution 2016-27, Of the Stony Brook Regional Sewerage Authority Regarding the New Jersey Local Government Ethics Law and Code of Conduct

Mr. Kantorek explained that when Governor Christie first took office, Authorities received unfavorable publicity regarding unethical practices. Because of the publicity, all Authorities were viewed as operating unethically regardless of whether or not there was any wrong doing. The Association of Environmental Authorities (AEA) formed a committee to review the New Jersey Ethics Law. As a result the AEA adopted a resolution promoting adherence to the highest levels of ethical standards. The resolution also stated that the AEA would call upon its members to demonstrate a commitment to ethical standards.

Mr. Kantorek indicated that SBRSA is presenting Resolution 2016-27 for adoption. The Resolution states that the Secretary of the Authority will provide a copy to each current officer and employee of the Authority and future officers and employees; to post a copy of the Resolution on the Authority's website and in the offices of the Authority and to incorporate the Resolution into the "SBRSA Personnel Policies and Procedure Manual".

Mr. Kantorek recommended approval of Resolution 2016-27, Regarding the New Jersey Local Government Ethics Law and Code of Conduct. The Resolution was moved by Dr. Downey and seconded by Mr. Compton.

Mr. Goldfarb questioned the purpose of the Resolution. Ms. Alexander, Counsel for the Authority, indicated that the Resolution brings attention to the Ethics Law and the commitment of the Authority to run an ethical entity. Dr. Bartolini explained that the Committee extracted from the Law the most relevant/problematic issues that Authorities deal with. This does not mean that any section of the Ethics Law can be ignored. A discussion followed.

Following a lengthy discussion, Resolution 2016-27 was approved by a roll call vote of 5 to 1. Resolution 2016-27 follows.

**RESOLUTION OF THE STONY BROOK REGIONAL SEWERAGE AUTHORITY  
REGARDING THE NEW JERSEY LOCAL GOVERNMENT ETHICS LAW AND  
CODE OF CONDUCT**

**Resolution No.: 2016-27**

**WHEREAS**, the Stony Brook Regional Sewerage Authority is committed to the importance of the goal of enhancing the confidence of the public in the integrity of all governmental entities and that it is therefore essential that not only the appointed members of the Authority, but its staff as well, (“officers and employees”) demonstrate adherence to the highest levels of ethical conduct, and

**WHEREAS**, in 1991 the New Jersey Legislature adopted the Local Government Ethics Law, which provides in part as follows:

**40A:9-22.5. Code of ethics for local government officers or employees  
under jurisdiction of local finance board**

*Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:*

*a. No local government officer or employee or member of his/her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his/her duties in the public interest;*

*b. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:*

*(1) Award any contract which is not publicly bid to a former member of that authority;*

*(2) Allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before the authority;*

*or*

(3) *Employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.*

*The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.*

c. *No local government officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for him/herself or others;*

d. *No local government officer or employee shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment;*

e. *No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties;*

f. *No local government officer or employee, member of his/her immediate family, or business organization in which he/she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his/her official duties;*

g. *No local government officer or employee shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing financial gain for him/herself, any member of his/her immediate family, or any business organization with which he/she is associated;*

h. *No local government officer or employee or business organization in which he/she has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he/she serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;*

i. *No local government officer shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material of monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could be*

*reasonably be expected to accrue to any other member of such business, profession occupation or group;*

*j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee reward or other thing of value is promised to, given to or accepted by the officer or a member of his/her immediate family, whether directly or indirectly, in return therefor; and*

*k. Nothing shall prohibit any local government officer or employee, or members of his/her immediate family, from representing him/herself, or themselves, in negotiations or proceedings concerning his/her, or their, own interests (adopted 1991); and*

**WHEREAS,** Violations of the Local Municipal Ethics Law are subject to fines of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500); and

**WHEREAS,** the New Jersey Code of Criminal Justice: N.J.S.A. 2C:27-10: Acceptance or receipt of unlawful benefits by public servant for official behavior, prohibits officers and employees of a public entity from accepting or soliciting a benefit to influence the performance of an official duty and renders such activity a crime punishable by fine and or imprisonment; and

**WHEREAS,** in order to earn and maintain public confidence in government, it is not only necessary that the Authority's officers and employees strictly comply with the Local Government Ethics law and the Criminal Code, but also that they shall avoid all conduct which could create the perception of a conflict of interest, or unethical behavior; and

**WHEREAS,** the Authority wishes to reaffirm its commitment of the highest ethical standards and to set further guidelines to the officers and employees of the Authority regarding certain issues that frequently arise in connection with the activities of the officers and employees of the Authority;

**NOW THEREFORE BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority, that the following provisions are hereby adopted for the conduct of the officers and employees of the Authority in the discharge of their duties and responsibilities, in order to promote the highest levels of ethical conduct in the discharge of the functions of the Authority and to instill public confidence in the integrity of government:

1. Acceptance of Gifts

Given that The Local Government Ethics Law provides:

*No local government officer or employee, member of his/her immediate family, or business organization in which he/her has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the*

*purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties.*

No officers or employee shall accept anything “of value” based on the understanding that it is given for the purpose of influencing such officer or employee in the discharge of his/her official duties.

A. Entertainment by a contractor to the Authority, including the provision of a recreational activity or a meal that could reasonably be perceived to influence an officer or employee is prohibited. A business meeting during a meal where the official or employee pays for their meal is acceptable.

B. Unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the recipient’s department for general use if such use does not create an impression of a conflict of interest or a violation of the public trust..

1. An officer or employee may receive a gift, favor, service or other thing of value under the same terms and conditions as are offered or made available to members of the general public.
2. An officer or employee is permitted to give or receive a gift from a co-worker, a supervisor or a subordinate. The gift should not be excessive or inappropriate for a business environment.
3. Gift prohibitions do not apply to the offering or acceptance of contributions to the campaign of an announced candidate for elective public office.

## 2. Post-Employment

### A. Future Employment

1. Authority officers or employees who have direct and substantial contact with any interested parties must refrain from circulating resumes or in any manner seeking employment with those individuals or entities while still in the Authority’s service. Employees who do not have direct and substantial contact with interested parties may circulate resumes and enter into discussions regarding potential employment with those individuals or entities so long as they avoid any situations that may give rise to an unwarranted advantage. All employees are cautioned that discussions, interviews, and negotiations shall not take place on Authority time.
2. Solicitation or discussion of employment with regulated entities, or their representatives, that have a specific cause, proceeding, application or other matter pending before the Authority is not permitted.

B. One-Year Ban

1. For one year after the termination of the office or employment of an officer or employee he/she shall not represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate on behalf of any person or party other than the Authority with or before any officer or employee of the Authority. The provisions of this subsection shall not apply to any partnership, firm or corporation in which he/she has an interest or is employed, or to any partner, officer, director or employee of such partnership, firm or corporation. Nothing contained in this section shall prohibit the Authority from contracting with a former officer or employee to act on behalf of the Authority.

3. Recusal on Official Matters

- A. An officer or employee is required to recuse him/herself, for one year after commencing Authority service, on an official matter that involves any private sector individual, association, corporation or other entity that employed or did business with the officer or employee or agent during the year prior to the employee's commencement of service.
- B. An officer or employee is required to recuse him/herself on an official matter if he/she had any involvement in that matter, other than on behalf of the Authority, prior to commencement of his /her service.
- C. An officer or employee is required to recuse him/herself on an official matter if he/she has a financial or personal interest that is incompatible with the proper discharge of his/her public duties.
- D. An incompatible personal or financial interest includes, but is not limited to, outside employment; a debtor/creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to or involving a relative or cohabitant; a relationship with a person providing funds, goods or services without compensation; any matter pertaining to or involving a business associate or business investment; which interest might reasonably be expected to impair an Authority officer or employee's objectivity and independence of judgment in the exercise of his/her official duties or might reasonably be expected to create an impression or suspicion among the public having knowledge of his/her acts that he/she may be engaged in conduct that violates his/her trust.
- E. Upon determining that an officer or employee shall recuse him/herself on any matter, the officer or employee shall execute the recusal in writing or on the official record, and shall have no involvement with the subject matter of the recusal.

4. The Secretary is hereby authorized and directed to provide a copy of this Resolution to each current officer and employee of the Authority and to future officers and employees upon their commencement of service.

5. The Secretary is hereby authorized and directed to promptly post a copy of this Resolution on the official web site of the Authority and to post a copy in the offices of the Authority.

6. The Secretary is hereby authorized and directed to incorporate the abovementioned provisions into the “SBRSA Policies and Procedures Manual” as appropriate.

7. This Resolution shall take effect immediately.

Recorded Vote:	AYE	NO	ABSTAIN	ABSENT
Robert A. Bartolini	X			
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb		X		
C. Schuyler Morehouse	X			
Bharat Patel	X			

Consultant List

The consultant list was provided for information. Mr. Kantorek indicated that three contracts are pending award tonight.

Member List/Municipal Information

The revised Member List/Municipal Information was provided to the Board.

531.04 Planning and Administration

Mr. Kantorek noted that a new page one of the Capacity Status Report was on the table. A correction to The Total Inoperative Flow to Date for the Pennington Borough Plant was made which changed the figures for Pennington Borough.

Mr. Kantorek reported that the most current 12-month average daily River Road plant flow is 8,989,751 gpd with 728,854 gpd of approved but inoperative flow for a total committed flow of 9,718,605 gpd with 3,341,395 gpd or 25.58% of available capacity. The most current 12-month average daily flow at the Hopewell Plant is 229,835 gpd with no inoperative flow, for a total committed flow of 229,835 gpd with 23.39% or 70,165 gpd of available capacity. The Pennington Plant presently has 252,897 gpd as the most current 12-month average daily flow, with 17,997 gpd of approved but inoperative flow, for a total committed flow of 270,894 gpd, with 9.70% or 29,106 gpd of available capacity. Mr. Kantorek noted that most of the inoperative flow total for the Pennington Plant is the unused portion of Bristol-Meyers Squibb approved flow.

## Monthly Flow Transmittal

The monthly flow transmittal for February was provided for information. Several adjustments were made.

At Meter Chamber No. 6 a review of the hourly meter data on February 24<sup>th</sup> (the last hour) and the hourly meter data for the first half of February 25<sup>th</sup> indicated that the meter data was erratic. The erratic hourly meter data was replaced with the last hour of “good” data and new daily averages calculated for February 24<sup>th</sup> and 25<sup>th</sup>.

At Meter Chamber No. 7 there was no communication from the meter for the hourly flow data from 12 pm on February 16<sup>th</sup> through 7 am on February 17<sup>th</sup>. The data for those two days were replaced with the average of the day before and the day after.

Review of the daily meter data for all metering locations indicated that the flow impact from the large rainfall event (February 24<sup>th</sup>) occurred on February 25<sup>th</sup> with the exception of Meter Chamber No. 7. Therefore a ratio of the storm impact on February 4<sup>th</sup> to the storm impact on February 25<sup>th</sup> was calculated for each metering location (with the exception of Meter Chamber No. 6 since the meter data for February 25<sup>th</sup> was previously adjusted and Meter Chamber No. 7). The average of the two lowest ratios (North Ridge and Princeton Forrestal) was used to calculate the flow data for Meter Chamber No. 7 for February 25<sup>th</sup> (a ratio of 1.145 applied to the February 4<sup>th</sup> flow data for Meter Chamber No. 7).

On February 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> there was a meter communication error at the Millstone Pump Station and therefore the data could not be used. The data for these three days was replaced using the meter data difference from the February 16<sup>th</sup> and the 20<sup>th</sup> and proportionally decreasing the data for each day.

At Princeton Forrestal the meter verification conducted on February 1, 2016 indicated that the meter was reading low by 1.12%. The meter verification conducted on March 1, 2016 indicated that the meter was reading high by 5.08%. Therefore the meter data was adjusted downward by 1.98% which is the average of the meter verification conducted on February 1<sup>st</sup> and the meter certification conducted on March 1<sup>st</sup>.

On February 28<sup>th</sup> the meter data from Princeton Forrestal was uncharacteristically low for a weekend flow rate. The meter data for that day was replaced with the average of the prior weekend (February 20<sup>th</sup> and 21<sup>st</sup>).

On February 3<sup>rd</sup> the Pennington STP influent meter was pegged for one (1) hour and the data for that hour was replaced with the effluent hourly data. On February 4<sup>th</sup> the influent meter was pegged for five (5) hours and that data was replaced with the effluent hourly flow data. On February 25<sup>th</sup> the influent meter was pegged for several hours. The meter data for February 25<sup>th</sup> was replaced with the effluent meter data for that day.

Dr. Downey asked that when the Pennington STP expansion takes place will that meter be replaced. Mr. Kantorek indicated that there will be a new flow meter chamber with a Venturi meter.

The meter verification conducted on February 1, 2016 at the Hopewell STP indicated that the influent meter was reading low by 0.32%. The meter certification conducted on March 1, 2016 indicated that the meter was reading low by 5.84%. The meter data was adjusted upward by 3.08% which is the average of the meter verification conducted on February 1<sup>st</sup> and the meter certification conducted on March 1<sup>st</sup>

Dr. Downey noted that during the large rainfall events on February 3<sup>rd</sup> and 25<sup>th</sup>, Hopewell Borough and Princeton Farms were contributing an enormous amount of flow to the Hopewell Plant which is representative of infiltration and inflow (I&I). Dr. Downey asked that the Executive Director send a letter to Hopewell Borough and Hopewell Township regarding their I&I issues. A brief discussion followed.

531.05 Approval Requests and Actions

TWA-1 Approvals

**The Enclave at Princeton Junction, Block 10, Lot 8.01, West Windsor Township**

Ms. Pchola reported that this project is for a sewer extension of 3,677 linear feet of 8-inch diameter PVC pipe to provide sewer service for 51 townhomes, 40 apartments above retail, 192 corporate suites, 22,662 square feet of retail/restaurants, and 72 future municipality sponsored housing units. .

51	townhomes (3-bedrooms)	300 gpd/unit	15,300 gpd
16	apartments (1-bedroom)	150 gpd/unit	2,400 gpd
22	apartments (2-bedrooms)	225 gpd/unit	4,950 gpd
2	apartments (3-bedrooms)	300 gpd/unit	600 gpd
96	corporate suites (1-bedroom)	150 gpd/unit	14,400 gpd
96	corporate suites (2-bedrooms)	225 gpd/unit	21,600 gpd
1,230 sf	corporate suites/lease office area	0.1 gpd/sf	123 gpd
17,662 sf	retail	0.1 gpd/sf	1,766 gpd
250 seat	restaurant	35 gpd/seat	8,750 gpd
Future Municipality Sponsored Housing Units			
14	apartments (1-bedroom)	150 gpd/unit	2,100 gpd
42	apartments (2-bedrooms)	225 gpd/unit	9,450 gpd
16	apartments (3-bedrooms)	300 gpd/unit	4,800 gpd
Total Flow			86,239 gpd

This project has been approved by the West Windsor Planning Board and the TWA endorsed by the West Windsor Township Engineer.

Staff recommended approval of this application at the requested flow. So moved by Dr. Downey, seconded by Mr. Patel and passed by a vote of 6 to 0.

Time Extensions

None.

NJPDES Enforcement Requested

None.

Water Quality Management Plan Amendments

None

531.06 Regulatory Report

Discharge Monitoring Report (DMR)

Mr. Rahimi reported that the Discharge Monitoring Reports for the months of January and February 2016 were submitted to the NJDEP. There were no violations reported.

Mr. Rahimi indicated that the quarterly bioassay for River Road STP was conducted in February and reported to the NJDEP on March 24, 2016. The result was >100% for this facility.

Mr. Rahimi reported that the Hopewell and Pennington semi-annual Surface Water Discharge Waste Characterization Reports (SWDWCR) were submitted to the NJDEP. The results were within the expected ranges for these facilities.

Residuals Discharge Monitoring Report (RDMR)

Mr. Rahimi indicated that the December 2015 RDMR was submitted to the NJDEP. All River Road parameters were compliant with the Authority's Air Permit requirements.

Mr. Rahimi noted that staff is currently reviewing the January 2016 RDMR.

Air Reporting

Mr. Rahimi reported that staff is in the process of obtaining all data necessary for KEMS to prepare the 2015 Emission Statement. The NJDEP is once again granting all Emission Statements submitted through the NJDEP Online Service Portal an automatic one (1) month extension without an approved extension request. This means that any Emission Statement submitted through the NJDEP Online Service Portal will be due to NJDEP on June 15, 2016.

Mr. Rahimi indicated that as of March 21, 2016 Incinerator No. 1 is operating under the new SSI regulations. KEMS provided the required classroom and hands-on training and testing for nineteen (19) SBRSA staff member including all thirteen (13) operators, one (1) mechanic, two (2) environmental techs and three (3) managers. Based on the required testing all operators are now “qualified” to run the incinerator. All changes have been made to the data acquisition system (TRACE) to incorporate the new operating parameters and operating averages. Staff is operating the incinerator and WESP to meet the new requirements (previously the only monitoring and reporting requirements for the WESP was runtime to ensure that the WESP was not down for more than ninety-six (96) hours while feeding sludge to the incinerator with the scrubber system operational under the RTO operating scenario).

KEMS has submitted the results of Incinerator No. 1 compliance (stack) testing to the Bureau of Technical Services and Compliance & Enforcement on February 22, 2016. The results/calculation have also been uploaded to the EPA electronic reporting tool. The final step is to provide EPA with a paper copy of the stack test results and provide the monitoring and control plan which is due March 31<sup>st</sup>.

#### Laboratory

Mr. Rahimi reported that the NJDEP 2016 Proficiency Testing (PT) samples were received on March 9, 2016. The study close date is April 21, 2016.

#### 531.07 Safety

Mr. Irizarry reported that there were no lost time accidents/injuries for this reporting period.

Mr. Irizarry noted that as of March 15, 2016 Stony Brook Regional Sewerage Authority has gone 1650 consecutive days without a “Lost Time Accident”.

Mr. Irizarry indicated that staff is in the process of having fire alarm monitoring added to both Upstream Plants. Engineering has completed the review of the draft specifications. The next step is to finalize the drawings and once complete, schedule a meeting with the Authority Having Jurisdiction (AHJ) for review and comment.

Mr. Irizarry reported that on February 22, 2016 the Authority received notification from the Department of Community Affairs Bureau of Fire Code Enforcement via invoices that it was in violation for failure to pay the annual “Life Hazard Use Registration” fee for the Hopewell and the Pennington Plants. The Authority is appealing the fines through an administrative hearing. Staff has confirmed that the request has been received and are still waiting for a decision. A copy of the appeals request and details were provided to the Board.

Mr. Irizarry indicated that on March 15, 2016 staff held its quarterly safety meeting. A copy of the minutes was provided to the Board.

Training for this reporting period included:

- Confined Space refresher training was provided by in-house on March 15, 2016 for nine (9) employees.
- Fall Protection training was provided in-house on March 15, 2016 for eight (8) employees.
- Personal Protective Equipment refresher training was provided in-house on March 15, 2016 for ten (10) employees.

#### 531.08 Litigation

The Litigation Report was provided for information.

Ms. Alexander indicated that there were several changes this month to the Litigation Report.

#### River Road Wastewater Concerns

Ms. Alexander reported that on March 3, 2016, SBRSA submitted comments on the draft permit to the NJDEP. Upon the issuance of a final permit, the pending Adjudicatory Hearing request will become moot and, if contested issues remain in the final permit, the filing of a new Request for an Adjudicatory Hearing challenging the contested provisions of the final permit will be necessary.

#### Hopewell NJPDES Permit Concerns

Ms. Alexander indicated that Mark Collier has left the Attorney General's Office, and Jacobine Dru has taken over this matter on behalf of the NJDEP. During the status conference of February 22, 2016, the outstanding issues were discussed and DAG Dru advised that the Tiered Use Rule has not yet satisfied the first stage of rulemaking (publication of the rule proposal) and that the second stage (publication of the final rule) is scheduled to occur sometime in 2017. Accordingly, Judge James-Beavers placed the matter on the inactive list for 6 months anticipating that during that time the Tiered Use Rule proposal would advance to publication. In the interim, the parties were encouraged to address those issues, if any, that are unaffected by the Tiered Use Rule. In this matter, the remaining issue is the Capacity Assurance Program Implementation requirements. The Draft Capacity Assurance Rules were promulgated in November, 2015 and are anticipated to be adopted in the spring of 2016. The next status conference is scheduled for September 7, 2016.

## Pennington NJPDES Permit Concerns

During the status conference of February 22, 2016, the outstanding issues were discussed and DAG Dru advised that the Tiered Use Rule has not yet satisfied the first stage of rulemaking (publication of the rule proposal) and that the second stage (publication of the final rule) is scheduled to occur sometime in 2017. Accordingly, Judge James-Beavers placed the matter on the inactive list for 6 months anticipating that during that time, the Tiered Use Rule proposal would advance toward publication. In the interim, the parties were encouraged to address those issues, if any, that are unaffected by the Tiered Use Rule. In this matter, those remaining issues are: Dichlorobromomethane (DCBM) Limits; Summer Ammonia Limitations; Chronic Whole Effluent Toxicity Limitations; Capacity Assurance Program Implementation and Imposition of Final Phase effluent limitations. With respect to Capacity Assurance Program Implementation issues, the Draft Capacity Assurance Rules were promulgated in November, 2015 and are anticipated to be adopted in the spring of 2016. The next status conference is scheduled for September 7, 2016.

Chairman Bartolini expressed his concern regarding the Tiered Use Rule and an end date for passing the Rule. Chairman Bartolini asked if it would be a good idea for the Authority to contact the mayors for some help in getting this issue addressed.

A brief discussion as to how to accelerate the adoption of the Tiered Use Rule followed.

## 531.09 Operations Report

### River Road Facility

Mr. Kunert reported that Incinerator #2 is off-line for cleaning and repairs. SBRSA will be receiving bids for this work in April 2016.

Mr. Kunert indicated that the annual NJDEP inspection of SBRSA's facilities was conducted on February 29, 2016. The inspection went well. Staff is waiting for the inspection report.

Mr. Kunert reported that the Authority has begun accepting sludge cake from Somerset Raritan Valley Sewerage Authority (SRVSA). This will continue until either SRVSA signs an Administrative Consent Order with EPA or they complete their incinerator upgrades (estimated at one (1) year or longer).

Mr. Kunert noted that the Incinerator Operator certification training classes mandated by the EPA began on March 15, 2016 and were completed on March 21, 2016.

SBRSA accepted sludge cake from Cape May County MUA while their compost facility was down for repairs.

### Upstream Facilities

Mr. Kunert reported that both Upstream Facilities operated well.

### Odor Report

Mr. Kunert reported that staff received no odor complaints during the month of February. Staff received one odor complaint for the partial month of March 2016. The odor was caused during the slag removal in the incinerator with the bypass stack damper opened for safety reasons. A new procedure is in place which will prevent this from happening in the future.

### Customer Septage and Sludge Deliveries

The quantity of liquid sludge exceeded its budgeted amount while the quantities of sludge cake and gray water were below their budgeted amounts for the month of February.

Dr. Downey noted that much of the downtime on the incinerator was due to the shear pin shearing for the center shaft drive. A meeting has been scheduled for Wednesday, March 30, 2016 with CBE to discuss a potential temporary fix for this problem.

## 531.10 Maintenance

Mr. Ireland reported that on February 23, 2016 while conducting routine Incinerator checks, it was discovered that a ten-inch dresser coupling located on the discharge side of the Fly Ash Slurry Pumps was leaking. The repair required shutting down the Incinerator and draining the Scrubber System to remove the damaged coupling. Once the new coupling was installed, the Scrubber System was tested and placed back into service.

Mr. Ireland indicated that the South Brunswick and Millstone Pump Station Odor Control Fans were taken out of service on February 29, 2016 and March 3, 2016. The fans were taken out of service for routine maintenance and to avoid any noise complaints that usually begin late spring and early summer. The fan housings and impellers were both pressure washed to remove any buildup of debris. New bearings and belts were also installed. Both units were placed back online and are operating well.

Mr. Ireland reported that Asco Services was on site March 3, 2016 at the Hopewell Facility to upgrade the Automatic Transfer Switch (ATS) power control center with a more reliable and accurate replacement switch. This switch is used to detect any loss of commercial power to the facility which then signals the generator to come on. The new ATS power control center has more functions to control the emergency generator when power is interrupted. Both Upstream Facilities have now been upgraded with new ATSs.

Mr. Ireland indicated that the Sludge Storage Bin Feed Screw that supplies dewatered sludge to Schwing #3 (which feeds Incinerator's #1 and #2), failed on March 5, 2016. After further investigation it was discovered that the 15 hp motor that drives the screw was

inoperable. Once the motor was removed, it was sent to Lockwood's Motor Repair. Lockwood's found that the front bearing had seized. Once the motor was reconditioned, it was reinstalled, tested and placed back into service.

Mr. Ireland reported that the number of open work requests stand at twenty-seven (27). The Preventive Maintenance graphs show that SBRSA is currently averaging two (2) days overdue and the number of overdue units is approximately twenty-one (21).

#### 531.11 Construction Report

##### Upstream Facilities Process Evaluation/Panning Study

Ms. Pchola reported that the Executive Summary of the Pennington Facility Planning Study was included at the end of the Construction Report. Staff has requested that Kleinfelder provide a proposal for the April meeting for the design of the Pennington WWTP expansion. Dr. Downey indicated that a special meeting with the Construction Committee has been scheduled for April 6, 2016 and the project will be reviewed with to the full Board at its April meeting.

##### Phosphorus Impact Modeling Study

Mr. Kantorek indicated that a segment of the Raritan River was deemed impaired by the New Jersey Department of Environmental Protection (NJDEP) due to elevated phosphorus concentrations. However sampling conducted in 2003 to 2005 indicated that benzene was present in the river and had an effect on the phosphorous analysis. Before NJDEP could make any definitive decisions regarding Total Maximum Daily Loads (TMDL), the issue of benzene and other contaminants needed to be addressed. A report submitted to NJDEP in December 2011 concluded that the TMDL for phosphorous should be re-evaluated once the benzene was removed. As such SBRSA's River Road WWTP was granted a stay for a phosphorus limit until the TMDL Study was completed.

Once benzene was removed, Somerset Raritan Valley Sewerage Authority (SVRSA), conducted additional sampling in 2014 and 2015. NJDEP indicated that they will not conduct any additional studies. Most likely NJDEP will conclude that the non-tidal segment of the Raritan River is susceptible to nutrient impacts and that the 0.1 mg/l for phosphorus should be imposed (this would affect the River Road WWTP, SRVSA's WWTP and Montgomery Township's Stage II WWTP).

Prior to NJDEP making this decision it would be prudent to perform TMDL evaluations with existing sampling and monitoring data that was performed in the summers of 2014 and 2015. This evaluation of data then could potentially be used in support to contest any regulatory action by NJDEP.

Kleinfelder has submitted the attached proposal dated March 7, 2016 to conduct an impact modeling study on the Raritan River utilizing the most recent sampling data. It is recommended that the modeling study be conducted in two phases. The first phase will be

to determine whether the results of the modeling are positive i.e. if a phosphorus limit is imposed at the WWTP would it be effective downstream (at the Raritan River) and if so at what limit. The second phase (if the first phase is positive) would be to meet to discuss the findings and then prepare a modeling and evaluation report of the findings.

Mr. Kantorek indicated that the total cost of the study on a time charge basis is \$179,700. As recommended by Kleinfelder and since the SBRSA River Road WWTP, SRVSA's WWTP, and the Montgomery Township Stage II WWTP would be affected by NJDEP's decision that all three plants should share the cost of the study based on their permitted flow. SBRSA's responsibility would be 35% of the total or \$62,895.

Staff recommended approval of Kleinfelder's proposal in the amount of \$62,895 as indicated in Resolution 2015-24, Authorizing the Award of a "No Political Contributions Allowed" Contract for Phosphorus Impact Modeling Study on the Raritan River to Kleinfelder, contingent upon approval of SRVSA and Montgomery.

Dr. Downey indicated that the amount that Montgomery Township would contribute is not significant and requested that it be contingent upon the approval of SRVSA only. Mr. Patel indicated that if Montgomery Township did not approve participating in the Study the amount paid by SBRSA would change. The Board agreed to remove the \$62,895 cost from the Resolution and replace it with "not to exceed \$70,000 without prior written authorization".

Dr. Downey moved Resolution 2016-24, as amended, and seconded by Mr. Patel. Mr. Goldfarb commented that once again the Authority is doing NJDEP's work and there is no guarantee that NJDEP will accept the results of the modeling. The Resolution was passed by a roll call vote of 5 to 0. Mr. Morehouse abstained. Resolution 2016-24 follows.

**Resolution Authorizing the Award of a "No Political Contributions Allowed"  
Contract for Phosphorus Impact Modeling Study on the Raritan River to Kleinfelder**

**Resolution No. 2016-24**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (SBRSA) has a need for a modeling study to be conducted to determine if phosphorus is causing deleterious nutrient impact on the non-tidal segment of the Raritan River or if stringent phosphorus limits would alleviate such impacts as a contract that does not allow for political contributions to the Authority or its members ("No Political Contributions Allowed" contract) pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

**WHEREAS**, the qualified purchasing agent, Ms. Diane Redding has determined and certified in writing that the value of the work for this contract will exceed \$17,500 and,

**WHEREAS**, the River Road Wastewater Treatment Plant (WWTP) discharges to the Millstone River and the Millstone River discharges to the Raritan River; and

**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) has designated that the non-tidal segment of the Raritan River is impaired (at the discharge of Somerset Raritan Valley Sewerage Authority's (SRVSA) WWTP) due to elevated phosphorus concentrations however NJDEP could not determine that phosphorus is causing deleterious nutrient impact to that segment of the Raritan River or if stringent effluent limits would alleviate such impacts; and;

**WHEREAS**, the NJDEP will not conduct additional studies/modeling on this segment of the Raritan River and will most likely impose a 0.1 mg/l effluent limit for the River Road WWTP; and

**WHEREAS**, in addition the Montgomery Township Stage II WWTP (discharges to the Millstone River) and the SRVSA (discharge to the Raritan River) would also have an effluent phosphorus limit of 0.1 mg/l; and

**WHEREAS**, Kleinfelder has submitted a proposal dated March 7, 2016 to conduct a study/modeling utilizing sampling data collected during the period of 2010 through 2015; and

**WHEREAS**, the total cost of the study is \$179,700 for five (5) tasks as outlined in the Kleinfelder proposal; and

**WHEREAS**, it is recommended that the first three (3) tasks be completed to determine if the results are positive (i.e. would a phosphorous discharge limit at the WWTP be effective downstream (Raritan River) and if so at what effluent concentration); and

**WHEREAS**, if Tasks 1 through 3 are positive, then complete Tasks 4 and 5; and

**WHEREAS**, Kleinfelder recommends that the cost to conduct the work be shared between SBRSA, SRVSA and Montgomery Township based on their permitted discharge; and

**WHEREAS**, SBRSA would be responsible for a cost not to exceed \$70,000 without prior written authorization on a time charge basis and will be contingent upon approval of SRVSA, and

**WHEREAS**, the term of this contract will take place during SBRSA's FY 2016; and,

**WHEREAS**, Kleinfelder has completed and submitted a Business Entity Disclosure Certification for FY 2016 which certifies that Kleinfelder has not made any reportable contributions to a municipal political party committee of a governing body that appoints members to the Stony Brook Regional Sewerage Authority including Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township and Pennington Borough in the previous one year, and that the contract will

prohibit Kleinfelder, from making any reportable contributions through the term of the contract; and

**WHEREAS**, the funds for this study are available in unrestricted retained earnings.

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

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

Recorded Vote:

	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Robert A. Bartolini	X			
Harry R. Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse			X	
Bharat Patel	X			

2016 Annual Inspection

Ms. Pchola indicated that at the request of staff, Kleinfelder prepared a proposal for the 2016 Annual Inspection. The cost for the inspection is \$17,900 (same as last year) which includes eight (8) hours of time for a subcontractor to conduct a site specific structural inspection by a structural engineer at a local firm should the need arise based on the inspections by Kleinfelder. In the past the structural inspections were conducted by AECOM. At this time AECOM's local structural engineer is no longer available to conduct the inspections. In addition Kleinfelder does not have a local structural engineer on staff.

Staff recommended approval of Resolution 2016-19, Authorizing the Award of a "No Political Contributions Allowed" Contract for the 2016 Annual Inspection of SBRSA Facilities to Kleinfelder in the amount of \$17,900. So moved by Dr. Downey, seconded by Mr. Goldfarb.

Mr. Goldfarb requested that Kleinfelder be reminded that this document is not only for the Trustees but it is also a useful document for the Authority.

The Resolution was then passed by a roll call vote of 5 to 0. Mr. Morehouse abstained. Resolution 2016-19 follows.

**Resolution Authorizing the Award of a "No Political Contributions Allowed" Contract for the 2016 Annual Inspection of SBRSA Facilities to Kleinfelder**

**Resolution No. 2016-19**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (SBRSA) has a need for the inspection of our wastewater facilities for compliance with our Bond Agreement as a contract that does not allow for political contributions to the Authority or its members (“No Political Contributions Allowed” contract) pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

**WHEREAS**, the qualified purchasing agent, Diane Redding has determined and certified in writing that the value of the work for this contract will exceed \$17,500 and,

**WHEREAS**, the term of this contract will take place during SBRSA’s FY 2016; and,

**WHEREAS**, Kleinfelder has submitted an Agreement indicating they will provide the annual inspection services for a lump sum fee not to exceed \$17,900 without prior written approval from SBRSA; and

**WHEREAS**, Kleinfelder has completed and submitted a Business Entity Disclosure Certification for FY 2016 which certifies that Kleinfelder has not made any reportable contributions to a municipal political party committee of a governing body that appoints members to the Stony Brook Regional Sewerage Authority including Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township and Pennington Borough in the previous one year, and that the contract will prohibit Kleinfelder, from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Stony Brook Regional Sewerage Authority has Funds available in its current budget.

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

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

Recorded Vote:

	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Robert A. Bartolini	X			
Harry R. Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse				X
Bharat Patel	X			

Data Center

Ms. Pchola indicated that EMA has provided staff with a preliminary draft of the functional design of the data center. EMA is currently working on the transition plan to move our existing IT facilities (i.e. servers, existing applications, new applications, etc.) onto the new proposed hardware and data center. Ms. Pchola noted that she also received an email from EMA regarding the draft transition plan. Staff will discuss the preliminary design and the draft transition plan with Bob Reilly/EMA when he is on-site the week of March 28th.

#### Contract 16-1 Schwing Pump Replacement Project

Ms. Pchola reported that on March 4, 2016 staff electronically submitted the New Jersey Environmental Infrastructure Financing Program (NJEIFP) application. Included as part of the application were the draft Contract Documents – Contract 16-1 and the Engineering Report as prepared by GHD. Three copies of Contract 16-1 were also submitted to NJDEP on March 8, 2016 as required for their review and comment. Staff is also in the process of reviewing the draft documents. It is anticipated that this project will be advertised in October, bids received in November and the contract awarded in December 2016. The estimated construction cost for this project is \$4,602,000 (which includes 20% contractor overhead and profit and a 20% contingency).

Ms. Pchola indicated that staff received approval of the Sludge Dewatered Handling Improvements Project (Schwing Pump and Receiving Bin Feed Screw Replacement) Socially and Economically Disadvantaged (SED) Utilization Plan. A copy of the approval letter was provided to the Board.

Ms. Pchola reported that staff received a proposal from Hawkins Delafield and Wood, LLC for bond counsel services related to the NJEIFP in the amount of \$32,500. A copy of the proposal was provided to the Board. Hawkins Delafield and Wood has provided these services to the Authority for our past NJEIFP projects.

Staff recommended approval of Resolution 2016-25, Authorizing the Award of a “No Political Contributions Allowed” Contract for Bond Counsel Services related to the New Jersey Environmental Infrastructure Financing Program Project S340400-10 (Dewatered Sludge Pump Replacement Project) to Hawkins Delafield and Wood LLC. So moved by Dr. Downey and seconded by Mr. Goldfarb.

Mr. Goldfarb indicated that in the future staff send out RFPs for Bond Counsel. Since the Authority appoints consultants at its reorganization meeting Bond Counsel should be included at that time.

Resolution 2016-25 was then approved by a roll call vote of 6 to 0. The Resolution follows.

#### **Resolution Authorizing the Award of a No Political Contributions Allowed Contract for Bond Counsel Services for**

**Services related to the 2016 New Jersey Environmental Infrastructure Trust  
Financing Program Project No. S340400-10 (Dewatered Sludge Pump Replacement  
Project)**

**Resolution No. 2016-25**

**WHEREAS**, the Stony Brook Regional Sewerage Authority has a need for bond counsel services related to the New Jersey Environmental Infrastructure Trust Financing Program Project No. S340400-10 as a No Political Contributions Allowed contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

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

**WHEREAS**, the anticipated term of this contract is approximately one-year and may be extended as necessary as approved by the Stony Brook Regional Sewerage Authority; and

**WHEREAS**, Hawkins Delafield and Wood, LLP. has submitted a proposal dated March 16, 2016 indicating they will provide bond counsel services in regards to the NJEIT financing for a fee of \$32,500 plus out of pocket expenses; and

**WHEREAS**, Hawkins Delafield and Wood, LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Hawkins Delafield and Wood, LLP. has not made any reportable contributions to a municipal political party committee of a governing body that appoints members to the Stony Brook Regional Sewerage Authority including Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township and Pennington Borough in the previous one year, and that the contract will prohibit Hawkins Delafield and Wood, LLP from making any reportable contributions through the term of the contract; and

**WHEREAS**, it is anticipated that this contract will be funded through the New Jersey Environmental Infrastructure Trust Program.

**NOW THEREFORE, BE IT RESOLVED** that the Board of the Stony Brook Regional Sewerage Authority authorizes the Secretary to enter into a contract with Hawkins Delafield and Wood, LLP 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.

Recorded Vote:

	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Robert A. Bartolini	X			
Harry R. Compton	X			
Gale D. Downey	X			

David A. Goldfarb	X
C. Schuyler Morehouse	X
Bharat Patel	X

Contract 10-1 Headworks Project

Ms. Pchola indicated that a meeting was held on February 25, 2016 between staff, Mr. David Goldfarb, Counsel and Kleinfelder to discuss the Authority's position in preparation for a meeting with Tomar Construction. At the end of the meeting it was determined that Counsel would prepare a letter to Tomar addressing the issues (outstanding change orders, delay claim by Tomar, etc.) and proposing a settlement.

Contract 14-1 SBRSA Emergency Generator Project

Ms. Pchola reported that as of Pay Estimate No. 4 this project stands at 22.8% complete. The percent complete is based on the billed amount and not the work completed. Pay Estimate No. 4 includes the 90% of the cost for the natural gas emergency generator. In accordance with N.J.A.C. 7:14-2.8 the contractor is entitled to 90% of stored materials and/or equipment based on satisfying several conditions which TCI has met.

Ms. Pchola explained that over the past reporting period TCI completed the following work at the RRWWTP Chemical Building: formed and placed the concrete for the equipment pads, completed the masonry modifications to the south wall and enlarged the door opening in the control room. On February 26, 2016 SBRSA, AECOM, and TCI witnessed the factory test of the new natural gas generator.

Ms. Pchola indicated that to comply with the Federal and State air emission rules, all new natural gas (NG) fired generators used as standby (emergency) units must either; 1) complete initial stack emission testing and then stack emission testing every three (3) years or 8,760 run hours, whichever comes first or 2) be EPA certified. If a NG fired unit is EPA certified stack emission testing is not required. Typical stack emission testing for a NG fired generator is estimated at \$10,000 per test.

Ms. Pchola reported that during the evaluation of the RRWWTP natural gas fired generator the supplier, ENER-G Rudox, indicated that their Mitsubishi emergency generator was EPA certified with the addition of a 2-stage catalytic convertor installed on the exhaust system of the unit. ENER-G Rudox provided SBRSA the EPA certification.

Ms. Pchola explained that while the contract specifications required that the natural gas fired generator for the RRWWTP meet the Authority's Title V permit and all State and Federal air pollution control regulations, the specifications did not specifically require that the unit be EPA certified.

Ms. Pchola indicated that Thomas Controls Inc. was asked to provide a proposal to supply and install the required catalytic convertor. At the provided installed cost of \$27,500.79

the simple payback for the catalytic convertor is approximately 3 tests or 6 years (based on initial stack testing and testing every three years).

Approval of Change Order No. 2 will compensate the contractor for the supply and installation of a 2-stage catalytic convertor so that the new RRWWTP natural gas fired emergency generator will be EPA certified. A copy of Change Order No. 2 was provided to the Board.

Staff recommended approval of Resolution 2016-20, Authorizing the Approval of Change Order No. 2 to Supply and Install a Catalytic Convertor on the new RRWWTP Emergency Generator for Contract 14-1. So moved by Dr. Downey, seconded by Mr. Goldfarb and passed by a roll call vote of 6 to 0. Resolution 2016-20 follows.

**Resolution Authorizing the Approval of Change Order No. 2 to  
Supply and Install Catalytic Convertor on new RRWWTP Emergency Generator for  
Contract 14-1**

**Resolution No. 2016-20**

**WHEREAS**, on November 4, 2014, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the “Emergency Generator Project, Contract 14-1”; and

**WHEREAS**, the SBRSA at its December 15, 2014 meeting awarded the Emergency Generator Project, Contract 14-1 to Thomas Controls, Inc. (TCI) in the amount of \$3,400,000; and

**WHEREAS**, additional unforeseen work which was not included in the original bid specifications is required to provide labor, materials, and equipment to supply and install a catalytic convertor for the new River Road Wastewater Treatment Plant (RRWWTP) natural gas fired emergency generator not previously identified in the Contract documents; and

**WHEREAS**, the above mentioned changes to Contract 14-1 are incorporated within the March 13, 2016 Contract Change Order #2 document in the amount of \$27,500.79 resulting in an adjusted contract amount of \$3,447,918.48; and

**WHEREAS**, the contract completion date for the project shall be extended by 5 days as a result of Change Order No.2; and

**WHEREAS**, the new completion date for Contract 14-1 is May 21, 2016; and

**WHEREAS**, this project is funded through the New Jersey Environmental Infrastructure Financing Program (NJEIFP); and

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

1. The Executive Director is authorized and directed to execute Change Order #2 with Thomas Controls, Inc. in the amount of \$27,500.79 resulting in an adjusted contract amount of \$3,447,918.48.
2. This Resolution shall take effect immediately; and

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

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Robert A. Bartolini	X			
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			

Contract 15-1 Scrubber Procurement

Ms. Pchola reported that the draft performance test report for the Scrubber No. 2 has been received and reviewed by CBE. The unit met or exceeded the performance requirements of the specifications. The successful completion of the performance test was the final deliverable for the contract. SBRSA is withholding 2% of the equipment cost for the 2-year guarantee period which will end in December 2017.

Contract 15-2, Scrubber Installation

Ms. Pchola reported that as of Pay Estimate No. 11 this project is 100% complete. The contractor has submitted the final payment application and the required 1-year maintenance bond.

Contract 15-3, Ash Handling System Improvements

Ms. Pchola reported that as of Pay Estimate No. 3 this project is approximately 71% complete. During the past reporting period, BR Welding placed the concrete for 25% of the new ramp, installed the building extension structural steel and roof deck, installed the steel frame for overhead door, installed the new PLC control panel, wired the new ash pelletizer, and installed 75% of the compressed air piping and valves. It is anticipated that this project will be completed by the end of April 2016.

Contract 15-4, Instrument Air Compressor Replacement

Ms. Pchola indicated that the shop drawings for all major pieces of equipment have been approved and the contractor is in the process of procuring the equipment and materials. Derstine expects to mobilize and begin work the first week in April. It is anticipated that the project will be completed in one month.

#### MA Effluent Channel Mixers

Ms. Pchola indicated that staff provided their comments to Kleinfelder on the Preliminary Design Report (PDR) for the Process Air Blower Replacement Project/MA Tank Effluent Channel Mixer Project on March 14, 2016. Kleinfelder will revise the PDR and continue with the final design. It is expected that the draft contract documents will be provided to SBRSa for review by the end of April 2016 and that we will receive bids in June 2016. The estimated construction cost for this project is \$274,000 which includes 20% contractor overhead and profit and a 20% contingency.

#### Center Shaft Drive Replacement

Ms. Pchola reported that CBE continues to work on the design of this project. A meeting has been scheduled for March 30, 2016 to discuss a temporary fix for the shear pin issue for the center shaft.

#### Carbon Monoxide Analyzer Replacement

Ms. Pchola reported that staff is continuing the purchasing process for the two (2) new carbon monoxide (CO) analyzers. The new analyzers will replace the existing units (which are no longer supported by the manufacturer) installed in the two incinerator continuous emission monitoring systems (CEMS).

The memorandum dated March 18, 2016 and Resolution 2016-21 in support of the proprietary purchase of the new CO analyzers as manufactured by Thermo Environmental Instruments, Inc. were reviewed by Authority counsel. The cost of the two analyzers is approximately \$27,000. The analyzers will be installed by the Authority's instrumentation staff.

Staff recommended approval of Resolution 2016-21, for the Purchase of Proprietary Carbon Monoxide Analyzers for the Continuous Emission Monitoring Systems. So moved by Dr. Downey and seconded by Mr. Goldfarb.

Mr. Goldfarb indicated that although he opposes proprietary purchases, the equipment had to be specified in advance in order to obtain approval from the NJDEP. Dr. Bartolini indicated that he did not see a cost for the equipment in the resolution. It was agreed that a "cost not to exceed \$30,000 without prior written authorization", be added to the Resolution.

Resolution 2016-21, was then approved as amended by a roll call vote of 6 to 0. Resolution 2016-21 follows.

**Resolution for the Proprietary Purchase of Carbon Monoxide Analyzers for the  
Continuous Emissions Monitoring Systems**

**Resolution No. 2016-21**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (“Authority”) has determined that the existing Carbon Monoxide analyzers for each of the two (2) Continuous Emissions Monitoring Systems (CEMS) require replacement; and

**WHEREAS**, each sludge incinerator has one carbon monoxide analyzer; and

**WHEREAS**, the existing Thermo Environmental Instruments, Inc. (TECO) Model 48C carbon monoxide analyzers are to be replaced with analyzers of the same manufacturer, Model 48i; and

**WHEREAS**, the total cost for both CO analyzers shall not exceed \$30,000 without prior written authorization, and

**WHEREAS**, the operation of the sludge incineration process is such that one CEMS must be operational at all times; and

**WHEREAS**, providing reliable CO analyzers for the CEMS will insure that the operational performance of the incineration process continues to meet New Jersey Department of Environmental Protection (NJDEP) permit requirements; and

**WHEREAS**, the Authority’s experience with the TECO Model 48C carbon monoxide analyzer has demonstrated superior operational performance due to its reliability and accuracy; and

**WHEREAS**, for consistency in both training and operation and maintenance of the equipment, the desired preference is to have the equipment supplied by the existing manufacturer; and

**WHEREAS**, the replacement carbon monoxide analyzers with a TECO, Model 48i have been approved by the NJDEP Bureau of Technical Services; and

**WHEREAS**, the Authority has determined that the TECO Model 48i carbon monoxide analyzer is of a specialized nature necessary for the conduct of its affairs because of the ability to reliably monitor CO emissions; and

**WHEREAS**, the Authority therefore has a compelling need to purchase the same manufacturer as the existing analyzers as authorized by N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1(a) 1.i and 2.i where the proprietary designation overshadows the public benefit of use of “brand name or equivalent”; and

**WHEREAS**, the Authority’s attorney Marazitti Falcon, LLP has reviewed the proposed certification for the specialized nature of the proprietary equipment necessary for the conduct of SBRSA’s affairs and has advised of its applicability and acceptability pursuant to N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1.

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

1. That the Authority agrees that due to the specialized nature of the equipment necessary for the conduct of its affairs, the only acceptable manufacturer for the replacement of the existing carbon monoxide analyzer for the CEMS is Thermo Environmental Instruments Inc. of Franklin, Massachusetts.
2. Funds are available for the purchase and installation of the unit in the capital budget.
3. This Resolution shall take effect immediately; and

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

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Robert A. Bartolini	X			
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			

Plant Influent Flow Meter

Ms. Pchola indicated that during the last flow meter certification the high side transmitter was found to be outside the accepted range for accuracy and could not be adjusted to achieve the correct flow signal. The unit was removed and returned to the manufacturer for evaluation. The manufacturer found that one of the sealed components of the transmitter was cracked at the seam. The unit is currently under repair. After the high-side transmitter is returned by the manufacturer and re-installed, staff will re-evaluate the flow meter system’s performance and calibration procedure with the digital manometer.

Information Technology

Ms. Pchola reported that the SCADA upgrade is complete at all three plants except for a few bug fixes and some minor adjustments which staff is currently working on.

Ms. Pchola noted that all front office computers have been replaced with new ones.

531.12 Finance Report

Payment of Bills and Claims

Mr. Morehouse moved for approval of Resolution 2016-16 for the payment of bills and claims in the amount of \$2,225,719.32 with two signatures instead of three. The motion was seconded by Dr. Downey and passed by a roll call vote of 6 to 0. Resolution 2016-16 follows.

**Resolution Regarding Payment of Bills and Claims**

**Resolution No. 2016-16**

**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 \$2,225,719.32 be approved for payment with checks bearing two authorized signatures instead of three authorized signatures.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Robert A. Bartolini	X			
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			

Treasurer's Report

Mr. Sears reported for the three-month period ending February 29, 2016 there is a temporary net loss of \$155,527. The summary of revenues and expenditures show revenues are over budget by \$87,855 largely due to additional revenue from liquid sludge and rebates from JIF and NRG Energy. Expenditures are over budget by \$243,383 mostly due to professional fees for two (2) stack tests conducted in this fiscal year. It was anticipated that one stack test would have been conducted during the FY 2015.

Dr. Bartolini recommended that an asterisk be placed next to Professional Fees and an explanation for the overage be included at the end of the Revenue and Expenditure Summary. Staff agreed. Mr. Goldfarb asked what the rebate was from NRG. Mr. Kantorek indicated it is due to participating in the Demand/Response Program. The amount of the total rebate is approximately \$80,000. The check received was for \$40,000 or half of the total rebate.

The Authority has total cash and investments of \$19,168,029 at an average interest rate of 0.27%. The current construction projects balance is \$17,111,270. Mr. Sears noted there are sufficient funds for these projects. The outstanding bond principal balance is \$22,591,559. A bond principal payment of \$160,964 was made on February 1, 2016. The New Jersey Cash Management Fund yield is 0.15%.

Resolution 2016-17, Specifying Proprietary Replacement Parts for the Schwing Pumps

Mr. Sears recommended approval of Resolution 2016-17, Specifying Proprietary Replacement Parts for the Schwing Pumps which will be included in the specifications for bid.

So moved by Dr. Downey, seconded by Mr. Goldfarb and passed by a roll call vote of 6 to 0. Resolution 2016-17 follows.

**RESOLUTION OF THE STONY BROOK REGIONAL SEWERAGE AUTHORITY  
FOR SPECIFYING PROPRIETARY REPLACEMENT PARTS FOR THE  
SCHWING PUMPS**

**Resolution No.: 2016-17**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (“Authority”) has determined that its existing Schwing Pumps will require parts replacement; and

**WHEREAS**, to the Authority’s knowledge, there are no manufacturers other than Schwing Bioset that fabricates parts that are fully compatible with Schwing Pumps; and

**WHEREAS**, to the Authority’s knowledge, the only parts that may be authorized for use in the Authority’s Schwing Pumps are manufacturer-specified parts; and

**WHEREAS**, it is the Authority’s experience that manufacturer-specified Schwing Pump parts have superior operational performance due to their reliability and compatibility with Schwing Pumps; and

**WHEREAS**, the Authority has determined that Schwing Bioset - manufactured parts are of a “specialized nature” because of their unique ability to reliably convey thickened sludge through Schwing Pumps; and

**WHEREAS**, the Authority has a compelling need to specify the same manufacturer for its spare parts as the Original Equipment Manufacturer; and

**WHEREAS**, as authorized by N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1(a) 1.i and 2.i, the proprietary designation of Schwing Bioset-manufactured parts overshadows the public benefit of use of “brand name or equivalent”; and

**WHEREAS**, the Authority’s attorney has reviewed the proposed certification for the specialized nature of the proprietary equipment necessary for the conduct of SBRSA’s affairs and has advised of its applicability and acceptability pursuant to N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1;

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

1. That the Authority agrees that due to the specialized nature of the equipment necessary for the conduct of its affairs, the only acceptable manufacturer for its Schwing Pump replacement parts is the manufacturer of the equipment, Schwing Bioset of Somerset Wisconsin.
2. Funds are available for the purchase of spare parts.
3. This resolution for proprietary equipment shall be made part of the bid documents.

Recorded Vote:	AYE	NO	ABSTAIN	ABSENT
Robert A. Bartolini	X			
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			

Resolution 2016-18, Authorizing the Award of a “No Political Contributions Allowed” Contract(s) for Non-Professional Service Vendors

Mr. Sears recommended approval of Resolution 2016-18, Authorizing the Award of a “No Political Contributions Allowed” Contract for Non-Professional Service Vendors for parts and supplies that will likely exceed \$17,500. Mr. Sears noted that all the vendors listed submitted the required disclosure forms.

The resolution was moved by Dr. Downey and seconded by Mr. Goldfarb

Mr. Goldfarb asked if these vendors are on the State Contract list. Mr. Sears indicated that these vendors are ones that the Authority has chosen to use. Mr. Goldfarb asked if staff obtained quotes to use these vendors. Mr. Kantorek explained that these are vendors used to purchase small items. Quotes are obtained for larger purchases.

The resolution was passed by a roll call vote of 6 to 0. Resolution 2016-18 follows.

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

**Resolution No. 2016-18**

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

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

**WHEREAS**, the anticipated term of this contract is for fiscal year 2016 (1 year) and may be extended as approved by this governing body; and,

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

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

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

**BE IT FURTHER RESOLVED** that the Business 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>
Robert A. Bartolini	X			
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			

Resolution 2016-26, Authorizing the Award of a “No Political Contributions Allowed”  
Contract for Lawn Maintenance Services

Mr. Sears recommended approval of Resolution 2016-26, Authorizing the Award of a “No Political Contributions Allowed” Contract for Lawn Maintenance Services. Four quotes were received ranging in price from \$27,640 to \$38,600. Vizcarra’s Landscaping, LLC submitted the lowest quote in the amount of \$27,640.

So moved by Dr. Downey, seconded by Mr. Goldfarb and passed by a roll call vote of 6 to 0. Resolution 2016-26 follows.

**Resolution Authorizing the Award of a “No Political Contributions Allowed”  
Contract for  
Lawn Maintenance Services**

**Resolution No. 2016- 26**

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

**WHEREAS**, the qualified purchasing agent, Diane Redding has determined and certified in writing that the value of this contract (by purchase order) will exceed \$17,500; and,

**WHEREAS**, the anticipated term of this contract is for fiscal 2016 (1 year) and may be extended as approved by this governing body; and,

**WHEREAS**, the following quotes were received, DJ Fox Landscapes, Inc., \$38,600; Szul’s Landscapes, \$33,630; Total Lawn Care & Landscapes Services, LLC, \$28,315 and Vizcarra’s Landscaping, LLC, \$27,640; and,

**WHEREAS**, Vizcarra’s Landscaping, LLC has submitted the lowest cost quote in the amount of \$27,640; and,

**WHEREAS**, Vizcarra’s Landscaping, LLC 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 that the contract will prohibit this vendor from making any reportable contributions through the term of the contract; and,

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

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

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

Recorded Vote:                      AYE                      NO                      ABSTAIN                      ABSENT

Robert A. Bartolini	X
Harry Compton	X
Gale D. Downey	X
David A. Goldfarb	X
C. Schuyler Morehouse	X
Bharat Patel	X

Audit Extension Request

Mr. Sears indicated that the Authority has not received the Schedule of Employer Allocations and Schedules of Pension Amounts for the pension from the State of New Jersey. Therefore, as directed by the Finance Committee at the March 23, 2016 meeting, the Authority has asked and received an extension from the Department of Community Affairs (DCA) on the receipt of the 2015 audits. Normally, this is due four months after the close of the fiscal year.

Mr. Kantorek noted that this is a new requirement on the Financials to show the Authority's portion of the net pension liability. The Authority has the figure for 2014 but the State has not provided the figure for 2015.

Estimated Project Debt Service Adjustment 2017-2022 for Participants

Mr. Sears explained that a letter was sent to all the Chief Financial Officers of our participants with the estimated Project Debt Service Adjustment from 2017 through 2022.

Monthly Sludge Business Analysis

Mr. Sears reported that net income for the month of February is \$85,611 and the cumulative net income is \$233,484. Gas usage for the month of February was 105,676 therms. The remaining simple payback for the RTO project is 1.85 years.

531.13 Personnel Report

The Personnel Report was provided for member information.

Mr. Kantorek indicated that the new employee for the Operator VI position began working today. This leaves two vacancies: one for an IT Manager and one open position.

531.14 Correspondence

For information.

531.15 Old Business

None

531.16 New Business

None.

531.17 Open to the Public

None.

531.18 And Such Other Issues as May Come Before the Board

None.

531.19 Executive Session

The Board entered into Executive Session at 9:04 pm to discuss the Union Contract on a motion by Mr. Goldfarb, seconded by Mr. Compton and passed by unanimous vote.

Return From Executive Session

The Board returned from Executive Session at 9:30 pm on a motion by Dr. Downey, seconded by Mr. Morehouse and passed by unanimous vote. The Board then approved the proposed Union Contract by unanimous vote.

531.19 Adjournment

As there was no further business to come before the Board, the meeting was adjourned at 9:31 p.m. on a motion by Dr. Downey, seconded by Mr. Compton and passed by unanimous vote.

Respectfully Submitted,

John Kantorek  
Secretary

Recorded and Written by  
Patricia Carlino  
April 5, 2016