

Minutes of Meeting #566, February 25, 2019 – Stony Brook Regional Sewerage Authority

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

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

MEMBERS ABSENT:

CONSULTANTS: Alexander

STAFF PRESENT: Bixby, Carlino, Christiano, Doelling, Ireland, Irizarry, Kunert, Pchola, Pizarro, Roga, Sears, Stewart, Thomas

566.01 Vice Chairman Downey opened the regularly scheduled meeting at 7:30 pm. Vice Chairman Downey 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.

566.02 Approval of Minutes

The minutes from the January 28, 2019 Board meeting were approved as presented on a motion by Mr. Goldfarb, seconded by Mr. Compton and passed by a vote of 6 to 0.

566.03 Board Related Activities

Report of the Nominating Committee

Vice Chairman Downey noted that this is the Authority's reorganization meeting and the next item of business is the Report from the Nominating Committee and the election of officers for 2019.

Mr. Compton, Chairman of the Personnel Committee, nominated the following slate of officers for 2019:

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

The nomination of officers was closed and elected on a motion by Mr. Goldfarb, seconded by Mr. Compton and passed by a vote of 6 to 0.

Committee Assignments

Chairman Downey made the following Committee assignments for 2019:

Construction Committee

C. Schuyler Morehouse, Chairman  
Harry Compton  
Miguel Vilaro-Munet

Finance Committee

David A. Goldfarb, Chairman  
Bharat Patel

Personnel Committee

Bharat Patel, Chairman  
Harry Compton

Oversight Liaison

Miguel Vilaro-Munet

Resolution 2019-08, To Authorize the Defense and Indemnification of the Members and Employees of the Stony Brook Regional Sewerage Authority

Ms. Pchola explained that this Resolution has been passed on an annual basis at the Authority's reorganization meeting.

Ms. Pchola indicated that the Authority will provide for the defense of and indemnify past and present Board members and employees of the Authority unless the act was: not within the scope of the such member or employee's duties or was carried out in an individual capacity; subject matter of any action brought by the SBRSA against the member or employee; or is due to actual fraud, actual malice, willful misconduct, an intentional wrong or a violation of the Local Government Ethics Law.

Ms. Pchola noted that the Resolution will take effect immediately and will automatically expire unless reauthorized at each annual reorganization meeting of the Authority.

Ms. Pchola recommended approval of Resolution 2019-08, To Authorize the Defense and Indemnification of the Members and Employees of the Stony Brook Regional Sewerage

Authority. The resolution was moved by Mr. Goldfarb and seconded by Mr. Compton and passed by a roll call vote of 6 to 0. Resolution 2019-08 follows.

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

**Resolution No. 2019-08**

**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.

Recorded Vote:	AYE	NO	ABSTAIN	ABSENT
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

Consultant List

The consultant list was provided for information. Ms. Pchola stated that there were no contracts pending award tonight.

566.04 Planning and Administration

Chairman Downey indicated that according to news sources, 2018 was a record wet year for the State of New Jersey. Of the one hundred and twenty-five (125) years of rainfall recordkeeping, 2018 ranked first as the wettest year. Chairman Downey indicated that SBRSA recorded 3.9 inches of rainfall this month which was less than the Rutgers Climate (RC) website for Mercer County. The RC website is run by the National Oceanic and Atmospheric Administration (NOAA) which utilizes the best method for rainfall measurement. Mercer County is represented by the average of three metering sites located in Hamilton Township, Trenton and Hopewell Township.

Chairman Downey explained that she reviewed the rainfall data from 2011, which was an extremely wet year, to the present. Utilizing the figures for each of those years, she calculated monthly totals and plotted those figures against SBRSA's monthly rainfall totals. The years from 2011 to 2017 were relatively the same except for 2018.

Chairman Downey commented that SBRSA installed a new weather station at the River Road WWTP in August 2017 on the roof of the Operations Building. However, the weather station does not have a standard rain gauge but rather an electronic system for measuring the impingement of rain drops to calculate a rainfall total.

Mr. Goldfarb stated that since the Rutgers/Mercer County website seems to be more reliable, SBRSA should use their data for rainfall totals. The Board agreed that moving forward SBRSA will use the Rutgers Climate website for rainfall totals.

Chairman Downey indicated that SBRSA staff will update our existing data from August 2017 to the present using the Rutgers Climate website for Mercer County. Staff will also be able to compare the rainfall totals to our totals obtained by our rain gauges at Hopewell and Pennington.

Ms. Pchola reported that the most current 12-month average daily flow at the River Road WWTP is 11,652,391 gpd with 652,505gpd of available capacity. The current 12-month average daily flow at the Hopewell WWTP is 315,005 gpd and is over capacity by 15,305 gpd. The current 12-month average daily flow at the Pennington WWTP is 347,530 gpd and is over capacity by 76,814 gpd.

A brief discussion followed regarding the rainfall figures.

Monthly Flow Transmittal

Ms. Pchola noted that an adjustment was made for the month of January.

Ms. Pchola reported that SBRSA staff performed the monthly meter verification at Meter Station No. 7 on February 1, 2019. The February 1<sup>st</sup> verification percent error was calculated as minus 8.75%. The previous verification conducted on January 3, 2019, indicated that the meter was reading high by 1.36%. The Meter Station No. 7 data for January 4, 2019 through January 31, 2019 was adjusted upward by 3.7% to account for the average percent error between the January 3rd and the February 1st monthly verifications.

Ms. Pchola indicated that staff continues to review historical flow data for South Brunswick Township and West Windsor Township. West Windsor Township has completed their temporary metering and they are reviewing the data. SBRSA will review the data when it becomes available.

566.05 Approval Requests and Actions

TWA-1 Approvals

**Ellsworth Center, Block 5, Lot 20, 20.01, 20.02, 20.03, 20.04 ,62 & 67, West Windsor Township**

Ms. Pchola reported that this project is for the extension of 260 linear feet of 8-inch diameter sanitary sewer to service three (3) buildings (N1, N2 and N3) consisting of 8,431 square feet of commercial space on the first floor and nine (9) one-bedroom apartments on the second floor.

Building N-1 through N-3	8,431 sf	0.1 gpd/sf		843 gpd
Building N-1 through N-3	9 one-bedroom apartments		150 gpd/unit	1,350 gpd
			Total Flow	2,193 gpd

Ms. Pchola noted that this project has been approved by West Windsor Township and has been endorsed by the Township Engineer.

Staff recommended approval of this application for a flow rate of 2,193 gpd through Resolution 2019-16, Authorizing Endorsement of Application for Treatment Works Approval Statement of Consent Ellsworth Center, Block 5, Lot 20, 20.01, 20.02, 20.03, 20.04, 62 & 67 West Windsor Township. So moved by Mr. Morehouse, seconded by Mr. Vilaro-Munet and passed by a roll call vote of 6 to 0. Resolution 2019-16 follows.

**Resolution Authorizing Endorsement of Application for Treatment Works Approval  
Statement of Consent**

**Ellsworth Center, Block 5, Lot 20, 20.01, 20.02, 20.03, 20.04, 62 & 67  
West Windsor Township**

**Resolution No. 2019-16**

**WHEREAS**, an application for Treatment Works Approval has been submitted to Stony Brook Regional Sewerage Authority (SBRSA) by Act Engineering representing the Applicant/Owner Ellsworth Reality Association, LLC for the Ellsworth Center located in West Windsor Township; and

**WHEREAS**, the applicant proposes an extension of 260 linear feet of 8-inch diameter sewer to serve three (3) two-story buildings (N1, N2, and N3) consisting of 8,421 square feet of commercial space and nine (9) one-bedroom apartments. The project is more particularly described in the Treatment Works Approval Permit Application Form (TWA-1), on file at the offices of the SBRSA; and

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

**WHEREAS**, SBRSA has reviewed the application based on the requirements of N.J.A.C. 7:14A-23.3 Projected Flow Criteria, and the flow associated with this application is 2,193 gallons per day (gpd); and

**WHEREAS**, this project has been endorsed by West Windsor Township's Engineer dated February 19, 2019 on Form WQM-003 Consent by Governing Body; and

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

Stony Brook recommends approved of the Treatment Works Approval application for the proposed allocation of 2,193 gpd.

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

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

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

**EPA Waiver Request, Hopewell Township, Block 46, Lot 15.02**

Ms. Pchola reported that staff provided an EPA waiver request letter (addressed to EPA) to the applicant's engineer for the above referenced project as discussed and approved at the January 2019 Board meeting. The applicant's engineer will provide all documentation required for the waiver and submit the letter request to EPA. A copy of the waiver request letter was provided to the Board.

Time Extensions

None.

NJPDES Applications

None.

Water Quality Management Plan Amendments

Ms. Pchola noted that on February 15, 2019, staff provided the requested information for all three (3) treatment plants including the current wastewater flows and committed flows (TWA approvals) to Mercer County Planning Department for their update to the Mercer County Wastewater Management Plan.

Capacity Assurance

Ms. Pchola indicated that staff is in the process of preparing a Capacity Analysis Report (CAR) for the Hopewell Wastewater Treatment Plant as required by NJDEP when a wastewater treatment plant exceeds 95% of its permitted capacity. This report must be submitted to NJDEP by May 29, 2019.



Allocated Flow Update

Staff provided West Windsor Township, South Brunswick Township and Princeton with a list of the approved TWA applications and flow status to date. Staff requested a status update of the projects.

South Brunswick Township and Princeton provided an update. The following projects have been removed from the inoperative flow listing as completed or partially completed.

<b>South Brunswick Township</b>	<b>Flow Removed, gpd</b>
Princeton Manor (Toll Bros)	15,692
Point of Woods	6,900
Heritage Village Adult Community	26,572
The Woods at Plainsboro	660
Greenwood at Princeton LLC	3,300
Parkdale, Ridge Road	4,800
Princeton Glen - Plainsboro	900
East Meadow Estates	3,000
Life Time Fitness	39,380
White Castle Restaurant	1,080
Cambridge Crossing	25,050
<b>Total</b>	<b>127,334</b>

<b>Princeton</b>	<b>Flow Removed, gpd</b>
Institute Advanced Study Short Term Academic Housing	3,059
Faculty Housing Godel Lane Institute for Advanced Study	2,250
Copperwood/Hillstop at Princeton	2,515
Princeton Redevelopment Building C (mixed use)	11,812
Princeton Univ: Stanworth Commons	5,810
Princeton Univ: Arts & Transit Neighborhood	12,698
Avalon Princeton	28,400
255 Nassau Street -	6,075
Chabad Lubavitch of Mercer County	462
Snowden Lane & Van Dyke	2,400
Palmer Square North. (Hulfish North)	3,320
<b>Total</b>	<b>78,801</b>

## 566.06 Regulatory Report

### Discharge Monitoring Report (DMR)/Residual Discharge Monitoring Report (RDMR)

Mr. Rahimi reported that the following reports are being prepared or have been submitted to the NJDEP during this reporting period:

- The Discharge Monitoring Reports for the month of December 2018 were submitted to the NJDEP. There were no violations reported.
- Staff is in the process of reviewing the January 2019 DMRs.
- The November 2018 RDMRs were submitted to NJDEP. All River Road parameters were compliant with the Authority's Air Permit requirements.
- Staff is in the process of reviewing the December 2018 RDMRs.
- The River Road 2018 annual Residuals Waste Characterization Report (RWCR) was submitted to the NJDEP. All parameters were within the expected ranges for this facility.
- The River Road WWTP 2018 Annual RWCR for sludge production was submitted to the NJDEP.
- The 2018 Hopewell and Pennington WWTPs Annual RWCRs for sludge production were submitted to the NJDEP.
- The Semi-annual RDMR for Hopewell and Pennington WWTPs (2<sup>nd</sup> half of 2018) were submitted to the NJDEP. The results were within the expected ranges for these facilities.

### Air Reporting

Mr. Rahimi indicated that the following reports are being prepared, reviewed and/or submitted:

- The 2018 Annual Belt Filter Press Report was submitted to the NJDEP. The calculated emissions were less than the Authority's Title V Permit limits.
- The 4<sup>th</sup> quarter 2018 Incinerator Sludge Metals Report was filed. There were no exceedances of the monthly or 12-month weighted average metals concentration limits or the 12-month rolling average lead or mercury emission limits.
- The 4<sup>th</sup> quarter 2018 Excess Emissions and Monitoring Report was submitted to the NJDEP. Only Incinerator No. 1 with the RTO operated during this monitoring period with no excess emissions or channel downtime for oxygen (O<sub>2</sub>) and carbon monoxide (CO).
- The semi-annual 40 CFR 60, Subpart O Report for the last six months of 2018 was submitted. There were no excess emissions reported for scrubber differential pressure and oxygen.
- The federal annual 40 CFR 503 Subpart E report was submitted to the EPA utilizing the Central Data Exchange (CDX) portal. The 40 CFR 503 limits were not exceeded for the seven reported metals. This report also provides daily and monthly averages

for combustion hearth temperatures, afterburner temperature, RTO temperature, pressure drop, CO and oxygen.

- The Title V 2018 Combined 2<sup>nd</sup> Half Semi-Annual Deviation 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 requirement for Subpart LLL.
- The 2018 Title V Annual Bypass Use report was submitted to the NJDEP.
- The 40 CFR 62 – Subpart LLL Annual Compliance Report and the Subpart LLL Semi-Annual Deviation Report were submitted.

Mr. Rahimi noted that one affirmative defense was submitted to the NJDEP for an emergency bypass event due to loss of commercial power.

#### Miscellaneous

Mr. Rahimi reported that the Incinerator Slag disposal annual recertification application was submitted to Waste Management of Pennsylvania on February 20, 2019 and was approved.

#### 566.07 Safety

Mr. Irizarry reported that as of February 15, 2019, Stony Brook Regional Sewerage Authority has gone 953 consecutive days without a “Lost Time Accident”.

Mr. Irizarry indicated that on January 22, 2019, an employee was injured when he lost his footing/balance while carrying a pump. As a result, he received abrasions to his hands, left knee, right thigh and a laceration to his nose. He was taken to the hospital for treatment and returned to work that same day.

Mr. Irizarry reported that staff received the indoor air quality test results that was conducted on December 3, 2018 for the front offices and the second-floor area of the Operations Building. A copy of the report was provided to the Board. In addition, a summary of the type of test conducted and the equipment used for the test was provided to the Board. All detected results were well under the Permissible Exposure Limits (PEL) in accordance with OSHA and NIOSHA.

Mr. Irizarry indicated that on February 1, 2019, staff conducted hydrogen sulfide testing in various locations of the Operations Building using the Jerome Hydrogen Sulfide Analyzer. All results were well under the PEL in accordance with OSHA and NIOSHA.

Mr. Irizarry stated that SBRSA has been experiencing issues with the fire alarm system at the River Road facility. The central monitoring station detected several trouble/supervisory alarms caused by weak/intermittent signals which do not usually show-up on the local fire alarm panel. On February 8, 2019, staff had a representative from Red Hawk come out and perform an evaluation of the system and concluded that the signal service in this area is weak

and therefore the signal from building to building is intermittent. This temporary loss of signal activates the alarm. Staff will investigate alternatives for obtaining a stronger signal.

Mr. Goldfarb asked Mr. Irizarry to provide the quarterly update to the Priority 1 items listed in the 2018 Annual Inspection Report from Kleinfelder for the March Board meeting.

#### 566.08 Litigation

The Litigation Report was provided with the following updates.

##### Hopewell NJPDES Permit Concerns

Ms. Alexander reported that the final permit was issued on February 7, 2019 and has been reviewed to confirm that it favorably addresses the contested issues raised by SBRSA. Since the permit favorably resolves all contested issues, it is recommended that the matter be withdrawn upon execution of the Stipulation of Settlement proposed by the NJDEP. Once her office receives the fully executed settlement document, the hearing request will be withdrawn, and the status conference scheduled for May 8, 2019 will be adjourned with respect to the Hopewell WWTP NJPDES permit appeal.

Mr. Goldfarb asked if this permit is in affect for an additional five years. Ms. Pchola explained that it is not. The permit expires on August 31, 2019 however the application for the permit renewal must be submitted by March 4, 2019.

A brief discussion followed regarding the issues with the Hopewell permit.

Staff recommended approval of Resolution 2019, Authorizing Execution of Stipulation of Settlement and Authorizing Withdrawal of NJPDES Permit Appeal. So moved by Mr. Goldfarb, seconded by Mr. Patel and passed by a roll call vote of 5 to 0. Resolution 2019-17 follows.

#### **Resolution Authorizing Execution of Stipulation of Settlement and Authorizing Withdrawal of NJPDES Permit Appeal**

##### **Resolution No. 2019-17**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (hereinafter "the Authority" or "SBRSA") received a New Jersey Pollutant Discharge Elimination System Permit ("NJPDES Permit") relevant to its discharge of highly treated wastewater from its Hopewell STP to the Beden Brook, which NJPDES permit contained conditions and requirements that SBRSA contends are arbitrary, capricious, unreasonable and without technical basis; and

**WHEREAS**, the Authority commenced litigation against the New Jersey Department of Environmental Protection ("NJDEP") entitled, Stony Brook Regional Sewerage Authority

v. New Jersey Department of Environmental Protection, Division of Water Quality, OAL Docket Number ELU 10494-2015S, Agency Reference No.: NJ0035301-46949, to contest certain provisions of SBRSA’s NJPDES Permit. The provisions at issue appertain to: 1) the nitrate effluent limitation; 2) the copper effluent limitation; 3) the use of three consecutive monthly average values of the committed flow as the trigger for implementation of the Capacity Assurance Program (CAP); and

**WHEREAS**, the NJDEP and SBRSA have engaged in settlement negotiations and NJDEP issued a proposed form of settlement document, attached hereto, resolving the contested issues; and

**WHEREAS**, the terms of the proposed settlement document meet the objectives of the SBRSA in commencing this litigation, and therefore a withdrawal of the above referenced litigation.

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority, on this 25<sup>th</sup> day of February 2019, as follows:

1. The Executive Director is authorized and directed to execute a settlement document in substantially the form attached hereto and made a part hereof. Further, upon receipt of a fully executed settlement document, Counsel for the Stony Brook Regional Sewerage Authority is authorized and directed to withdraw the Administrative Hearing Request entitled, Stony Brook Regional Sewerage Authority v. New Jersey Department of Environmental Protection, Division of Water Quality, OAL Docket Number ELU 10494-2015S, Agency Reference No.: NJ0035301-46949.
2. This Resolution shall take effect as provided by law.

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

### River Road Facility

Mr. Kunert reported that SBRSA is expected to receive sludge cake from Camden County Municipal Utilities Authority (CCMUA). It is anticipated that CCMUA will bring approximately 150 yards per week for an estimated period of six to seven months.

Mr. Kunert indicated that on January 20, 2019 SBRSA experienced a commercial power outage for approximately ten (10) hours due to a downed power line on Princeton Sewer Operating Committee's (PSOC) property. The commercial power loss began at 10:22 hours and was restored at 17:00 hours, when PSE&G completed the repairs. However, the main breaker in our electrical substation would not switch back to commercial power. Scott Testing was contacted to assist with identifying the problem. Scott Testing was able to find the problem, which was a reset switch, and commercial power was restored at 20:08 hours. Mr. Kunert noted that both generators operated as designed.

Mr. Kunert explained that on February 4, 2019 a potable water main break was discovered at the front lawn area at the Princeton Pumping Station approximately eighty (80) feet before the metering chamber. This line was installed as part of the headworks project. Jingoli & Sons, Inc. was contacted, and the repair was completed that same day.

Mr. Kunert stated that on February 1, 2019, staff received an email from New Jersey American Water, informing SBRSA that water usage during January 2019 was excessive when compared to January 2018. Staff conducted an extensive investigation the week of February 4, 2019. The investigation revealed two (2) underground potable water leaks. One leak appears to be in the piping in front of the Operations Building, which is part of the fire hydrant system. The second leak appears to be in the piping that runs along the entire length in the rear of our property. Although both leaks have been isolated, locating the leaks will prove difficult to find since water did not reach the ground surface. Staff will most likely wait for drier weather conditions before any action is taken. Currently, the service that provides water to these two lines has been turned off.

A lengthy discussion regarding what this water line services, why water has not reached the surface and what alternatives are available took place.

### Upstream Facilities

Mr. Kunert reported that the Upstream facilities operated well during this reporting period.

### Odor Report

Mr. Kunert reported that staff received no odor complaints during the month of January and no odor complaints during the partial February reporting period.

### Customer Septage and Sludge Deliveries

The quantities of liquid sludge and sludge cake were above the budgeted amounts, while the quantity of gray water was below its budgeted amount for the month of January by a small percentage.

#### 566.10 Maintenance

Mr. Stewart reported that Scott Testing (ST) was on site on December 31, 2018 to troubleshoot MCC-8E circuit breaker located in the substation for a repeated ground fault. ST determined that the failures were caused by a trip unit. ST replaced the breaker with a breaker from SBRSA's inventory that had a new AC Pro trip unit. Following installation, the breaker was placed into service with no ground faults to date.

Mr. Stewart indicated that Orbal Tank No. 1 at the Hopewell WWTP was taken offline due to continuous motor overloads. Staff investigated the issue and found that the grease port was obstructed. This caused the bearing to fail which made it extremely difficult for the shaft to rotate. The bearing was replaced with one from inventory and the grease port was cleared of grease. No overloads have been experienced since then.

Mr. Stewart stated that Fly Ash Pump No. 3 was removed from service due to a failing 8-inch check valve. The existing check valve was replaced with a new check valve and the support brackets were modified. The pump was tested and placed in standby.

The current monthly progress report and the list of completed Work Orders and Preventative Maintenance for the month of January 2019 were provided to the Board. SBRSA is currently averaging two days overdue and the number of overdue units is approximately five (5).

Also provided to the Board is a list of completed Work Orders and Preventative Maintenance for the month of January 2019.

#### 566.11 Construction Report

##### Upstream Facilities Process Evaluation/Planning Study

Mr. Doelling reported that SBRSA had requested that this report be updated to include the 2018 flows. Staff received the report on February 22, 2019 and is in the process of reviewing the information.

##### Phosphorous Impact Modeling Study

Mr. Doelling indicated that there has been no change to this project.

##### Title V Permit

Mr. Doelling indicated that a response letter addressing the questions received in a December 20, 2018 USEPA letter requesting additional information has been drafted by staff and is being reviewed by the Authority's counsel.

Mr. Doelling stated that on February 8, 2019, we received a request from NJDEP for information regarding nine (9) select hotline calls. A copy of the NJDEP letter was provided to the Board. Staff submitted the response letter on February 22, 2019. While reviewing the requested items, staff noted that a September 2017 Emergency Bypass event was not included in the 2017 Annual Bypass Use Report. The report was amended and submitted on February 18, 2019.

Mr. Doelling reiterated that several reports were submitted to the EPA and the NJDEP: the Subpart LLL Annual Compliance Report and the Subpart LLL Semi-Annual Deviation Report were submitted to the EPA; the TVOP Annual Compliance Certification Report and the TVOP Semi-annual Deviation Report.

#### NJPDES Permit

Mr. Doelling reported that both the Hopewell and the Pennington WWTPs NJPDES permits expire on August 31, 2019. The renewal applications are required to be submitted by March 4, 2019.

#### River Road WWTP UV Disinfection/Filtration Design

Mr. Doelling indicated that Kleinfelder continues with the preliminary design and addressing SBRSA staff's comments and concerns.

#### Contract 14-1, SBRSA Emergency Generator Project

Mr. Doelling reported that this project stands at 99% complete. During this reporting period staff conducted a load test of the emergency generator system. During the shutdown sequence the system generated three false alarms on the generator main control panel.

Mr. Doelling stated that Centrica has been made aware of the issue and is working to resolve the problem. Thomas Controls and Siemens continue to work on the short circuit study.

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

Mr. Doelling indicated that this project remains at 90% complete. The contractor is waiting for valves to be delivered. A problem developed in the hydraulic system for Schwing Pump No. 3. The hydraulic fluid level was low and the fluid in the reservoir was discolored. Schwing was on site February 11, 2019 and determined that the differential cylinders were badly scarred allowing hydraulic fluid to leak out and water to leak in.



Mr. Doelling noted that Schwing is in the process of obtaining the required parts and materials and expects to complete the repairs to Pump No. 3 the week of February 25, 2019. All work on Pump No. 3 is being completed under warranty.

Contract 17-1 Pennington WWTP Upgrade and Expansion

Mr. Doelling reported that as of Payment No. 6, this project is 21% complete. Mr. Doelling indicated that there are two change orders for this contract.

Change Order No. 1 is for the relocation of a 2-inch potable water line that was incorrectly located on the contract drawings and the addition of a shutoff valve and a check valve to incorporate the potable water system for the new PACL Building into the existing Operations Building potable water pressure system. The change order includes labor and materials and is in the amount of \$19,509.37.

Staff recommended approval of Resolution 2019-13, Authorizing the Approval of Change Order No. 1 for the Relocation of a 2-inch Potable Water Line and Installation of Additional Valves for the Pennington WWTP Upgrade and Improvement Project, Contract 17-1. So moved by Mr. Compton, seconded by Mr. Patel and passed by a roll call vote of 6 to 0. Resolution 2019-13 follows.

**Resolution Authorizing the Approval of Change Order No. 1 for the Relocation of 2-inch Potable Water Line and Installation of Additional Valves for the Pennington WWTP Upgrade and Improvements Project, Contract 17-1**

**Resolution No. 2019-13**

**WHEREAS**, on June 7, 2018, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the “Pennington WWTP Upgrade and Expansion Project, Contract 17-1”; and

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

**WHEREAS**, the record drawings for the Pennington WWTP site piping indicated that the existing 2-inch potable water line for the Operations Building ran outside of the footprint for the new Filter/Disinfection Building; and

**WHEREAS**, while excavating a test pit near the Operations Building to locate the existing Secondary Effluent line, it was discovered that the existing 2-inch water line was located within the new building’s footprint; and

**WHEREAS**, prior to excavating for and constructing the new Filter/Disinfection Building, the existing water line shall be relocated; and

**WHEREAS**, the original contract called for the existing potable water line to be extended to the new PACL Building. The water is to be used for the safety shower and eyewash station; and

**WHEREAS**, to maintain adequate water pressure in the new PACL Building, one additional shutoff valve and one addition check valve shall be installed to allow the PACL Building to be incorporated into the existing Operations Building potable water pressure system; and

**WHEREAS**, CMS submitted a change order request in the amount of \$19,509.37; and

**WHEREAS**, the abovementioned changes to Contract 17-1 are more fully set forth and incorporated within the February 21, 2019 Contract Change Order No. 1 document in the amount of \$19,509.37 resulting in an adjusted contract amount of \$9,689,009.37; and

**WHEREAS**, the contract completion date for the project shall remain unchanged as a result of Change Order No. 1; 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 No. 1 with CMS Construction, Inc. in the amount of \$19,509.37 resulting in an adjusted contract amount of \$9,689,009.37.
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.

Recorded Vote:	AYE	NO	ABSTAIN	ABSENT
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

Mr. Doelling indicated that Change Order No. 2 is for the modification of Secondary Settling Tank No. 2 Sludge Line in the amount of \$12,145.42. The change order includes labor and material for the installation of additional pipe fittings and a valve to connect the new 8-inch secondary sludge line for Secondary Settling Tank No. 2 to the existing plant drain system.

Staff recommended approval of Resolution No. 2019-14, Authorizing the Approval of Change Order No. 2 for the Modification of Secondary Settling Tank No. 2 Sludge Line for the Pennington WWTP Upgrade and Improvement Project, Contract 17-1. So moved by Mr. Compton, seconded by Mr. Patel and passed by a roll call vote of 6 to 0. Resolution 2019-14 follows.

**Resolution Authorizing the Approval of Change Order No. 2 for the  
Modification of Secondary Settling Tank No. 2 Sludge Line  
for the  
Pennington WWTP Upgrade and Improvements Project, Contract 17-1**

**Resolution No. 2019-14**

**WHEREAS**, on June 7, 2018, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the “Pennington WWTP Upgrade and Expansion Project, Contract 17-1”; and

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

**WHEREAS**, the original contract drawings indicated that the new 8-inch Secondary Sludge Line (SSL) from Secondary Settling Tank No. 2 was to be connected to the existing SSL line and a new 8-inch SSL line was to be installed from Secondary Settling Tank No. 1 to the Operations Building; and

**WHEREAS**, the piping plan called for the new SSL from Secondary Settling Tank No. 1 to be installed adjacent to the existing 3,000-gallon Aboveground Storage Tank (AST). The AST contains the fuel oil supply for the facilities emergency generator; and

**WHEREAS**, in order to avoid disturbing the soil around the AST and risk undermining the AST, SBRSA Engineering Staff, in coordination with the design engineer Kleinfelder, decided that the new SSL line for Settling Tank No. 1 be connected to the existing SSL line and a new SSL line be installed from Settling Tank No. 2 to the Operations Building; and

**WHEREAS**, the new SSL line for Secondary Settling Tank No. 2 could be installed away from the AST and thus avoid any negative impacts to the tank; and

**WHEREAS**, when this change was reviewed with Operations Management staff, Staff requested that the new line from Secondary Settling Tank No. 2 be connected to the existing plant drain line; and

**WHEREAS**, the requested piping modification allows the settling tank to be emptied when taken out of service; and

**WHEREAS**, this option exists for the current settling tanks and consequently Secondary Settling Tank No. 1 with the revised piping configuration; and

**WHEREAS**, CMS submitted a change order request in the amount of \$12,145.42 for the installation of the required additional fittings and valve to connect the new SSL to the existing plant drain line; and

**WHEREAS**, the abovementioned changes to Contract 17-1 are more fully set forth and incorporated within the February 21, 2019 Contract Change Order No. 2 document in the amount of \$12,145.42 resulting in an adjusted contract amount of \$9,701,154.79; and

**WHEREAS**, the contract completion date for the project shall remain unchanged as a result of Change Order No. 2; 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 No. 2 with CMS Construction, Inc. in the amount of \$12,145.42 resulting in an adjusted contract amount of \$9,701,154.79.
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>
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

Contract 18-3, Millstone Pump Station Odor Abatement Design

Mr. Doelling indicated that bids were received on February 20, 2019. Of the ten (10) potential bidders, nine (9) bids were received. The apparent low bidder was BR Welding, Inc. in the amount of \$524,000.

Mr. Doelling reported that on February 21, 2019, SBRSA received a bid protest letter from Allied Construction Group, Inc. (Allied). Allied submitted the second lowest bid for the project. In their letter, Allied indicated that the bid of BR Welding was unresponsive because

the work for the project involves work that is required to be completed by a heating, ventilation, air conditioning and refrigeration (HVACR) contractor licensed by the State of New Jersey; BR Welding did not name a licensed subcontractor and BR Welding cannot perform the work since they are not a licensed HVACR contractor.

Mr. Doelling explained that staff forwarded the letter to SBRSA's counsel and the design engineer, R3M, for review and comment. In a letter dated February 22, 2019, R3M indicated that the work called for in the plans and specifications does not represent HVACR type of work and therefore, does not require a licensed HVACR contractor. R3M's letter was reviewed by the Authority's counsel and in counsel's opinion the bid submitted by BR Welding, Inc. does not contain any material defects and the Authority can award the contract to the lowest responsive bidder, BR Welding, Inc.

Staff recommended approval of Resolution 2019-15, Award of Contract 18-3 Millstone Pump Station Odor Control Improvements to BR Welding, Inc in the amount of \$524,000. So moved by Mr. Compton and seconded by Mr. Patel.

Mr. Goldfarb stated that the letter from the consulting engineer states that this question was asked and included in Addendum No. 1 to the bid documents. Therefore, there was constructive notice to all bidders. Does this preclude Allied from making the same claim now.

Ms. Alexander indicated that a bidder can always challenge; however, Allied was not successful in their challenge. The issue was whether an HVACR licensed contractor was required and the design engineering firm indicated that it was not.

Resolution 2019-15 was then approved by a roll call vote of 5 to 0. Mr. Morehouse abstained. Resolution 2019-15 follows.

**Resolution Authorizing the Award of Contract 18-3, Millstone Pump Station Odor Control Improvements**

**Resolution No. 2019-15**

**WHEREAS**, the Stony Brook Regional Sewerage Authority (Authority) advertised for the receipt of sealed competitive bids in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. for the "Millstone Pump Station Odor Control Improvements, Contract 18-3"; and

**WHEREAS**, sealed competitive bids were received by the Authority on February 20, 2019, as more fully set forth as attached; and

**WHEREAS**, the Authority has determined that the bid of BR Welding, Inc. is the lowest bid in the amount of \$524,000; and

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

**WHEREAS** the Stony Brook Regional Sewerage Authority has funds available in its retained earnings.

**NOW, THEREFORE, BE IT RESOLVED** by the Stony Brook Regional Sewerage Authority that it hereby awards the contract to BR Welding, Inc., the lowest responsive bidder; for the Millstone Pump Station Odor Control Improvements, Contract 18-3 in the amount of \$524,000; 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.

<i>Bidder</i>	<i>Bid Amount</i>
BR Welding, Inc.	\$524,000
Allied Construction Group, Inc.	\$552,600
Iron Hills Construction Co., Inc.	\$590,000
Spectraserv, Inc.	\$594,000
DeMaio Electric Company, Inc.	\$619,500
Shorelands Construction Inc.	\$636,483
Blooming Glen Contractors, Inc.	\$684,223
Eastern Environmental Contractors, Inc.	\$697,380
CMS Construction, Inc.	\$707,774

Recorded Vote:            AYE            NO            ABSTAIN            ABSENT

Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse			X	
Bharat Patel	X			
Miguel Vilaro-Munet	X			

Contract 18-1, Hopewell WWTP Primary Tank Sludge Collector Replacement Project

Mr. Doelling stated that the project is 73% complete. Blooming Glen Contractors (BGC) was on-site and corrected the issue with the installation of the sludge collector return rails on Tank No. 2. During this same visit, plant operations staff reported that the drive unit for the two sludge collectors tripped out on a shear pin alarm and could not be reset. It was determined that the drive unit and both sludge collector units were fine, but the two shear pin limit switches were faulty. The switches have been removed from the control circuit and the manufacturer has been notified of the problem.

### Contract 18-5, Millstone Pump Station Parshall Flume Replacement Project

Mr. Doelling indicated that on January 31, 2019 staff issued a purchase order to the contractor, CFM Construction, for the flume replacement. Shop drawings have been submitted and returned. CFM has a site visit scheduled for February 26, 2019.

### Process Control/SCADA

Mr. Doelling noted that the monthly flow meter verification was conducted by SBRSA staff on February 1, 2019. Preventative maintenance was completed for all field devices and process control loops.

### Plant Influent Flow Meter

Mr. Doelling reported that the comparison summary for the sum of the billing meters versus the River Road Plant influent meter was provided to the Board.

Chairman Downey noted that there was no difference between the billing meters and the influent meter this month.

### Information Technology

Mr. Thomas reported that with the funds received from the water damage to the server room on September 28, 2018, staff has begun to order replacement equipment. Three (3) new uninterruptible power supplies (UPS) are on order and the specifications for a new server are being reviewed. The new server will replace the two that were destroyed during that event.

Mr. Thomas indicated that Meter Station No. 7 has been having communications issues. SBRSA's instrumentation technicians determined the conduit between our metering equipment and the nearby utility pole appeared to have been flooded and frozen. A temporary cable was installed, and communications were restored. Permanent repairs will be completed when the weather permits.

Mr. Thomas noted that staff received and installed the new firewall (WatchGuard) appliances. The firewall is operating in a redundant mode so if the primary fails the secondary will automatically take effect.

Mr. Goldfarb questioned why an emergency bypass incident was not included in the 2017 Annual Bypass Use Report and if staff understands why it was not included.

Mr. Doelling indicated that there were hotline calls on September 6<sup>th</sup> and September 7<sup>th</sup> for the two (2) Pepcon units that were down. The use of the emergency bypass incident was reported on the same hotline form. Ms. Pchola noted that SBRSA was operating under the old Title V permit when that incident took place and the use of the emergency bypass was

still allowed. Ms. Pchola indicated that the Authority was below the eighty (80) hours per year limit.

Mr. Doelling stated that to avoid this omission from happening again, each incident is being logged separately and double checked by Mr. Stewart.

56.12 Finance

Payment of Bills and Claims

Mr. Goldfarb moved for approval of Resolution 2019-09 for the payment of bills and claims in the amount of \$1,556,986.88 with two signatures instead of three. The motion was seconded by Mr. Morehouse.

Mr. Goldfarb asked who was going to Atlantic City and why. Mr. Sears stated that it is for the AEA Convention being held on March 12, and March 13, 2019. Ms. Pchola, Mr. Doelling, Mr. Sears and Mr. Stewart will be attending the convention. Mr. Morehouse indicated that the convention is worth attending.

Resolution 2019-09 was then passed by a roll call vote of 6 to 0. Resolution 2019-09 follows.

**Resolution Regarding Payment of Bills and Claims**

**Resolution No. 2019-09**

**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 \$1,556,986.88 be approved for payment with checks bearing two authorized signatures instead of three authorized signatures.

Recorded Vote:	AYE	NO	ABSTAIN	ABSENT
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			



Treasurer's Report

Mr. Sears reported net income for the second month of the 2019 fiscal year ending January 31, 2019 was \$99,963. The Authority has total cash and investments of \$17,817,424. The current construction projects balance is \$11,747,433. Mr. Sears noted there are sufficient funds for these projects. The outstanding bond principal balance is \$17,731,279.

Monthly Sludge Business Analysis

Mr. Sears reported that the monthly net income figure for the month of January is \$119,792 and the cumulative net income is \$178,658.

Resolution 2019-10, Establishing Emergency Contract Authorization Procedure and Chain of Command

Mr. Sears recommended approval of Resolution 2019-10, Establishing Emergency Contract Authorization Procedure and Chain of Command. This creates the policies and procedures for declaring an emergency and identifies who at the Authority can declare said emergency.

So moved by Mr. Goldfarb, seconded by Mr. Vilaro-Munet.

Mr. Goldfarb asked if this was a new policy and did the Authority have it in place prior to now. Mr. Sears indicated that it is required under the Local Public Contracts Law. Mr. Sears noted that he did not research if this had been in place before.

Resolution 2019-10 was then passed by a roll call vote of 6 to 0. Resolution 2019-10 follows.

**Resolution Establishing Emergency Contract Authorization Procedure and Chain of Command**

**Resolution No. 2019-10**

**WHEREAS**, N.J.S.A. 40A:11-6 of the Local Public Contracts Law permits local contracting units to use emergency purchasing procedures, and, pursuant to corresponding Local Public Contracts Law rules adopted by the State's Division of Local Government Services on December 4, 2000, the governing body of each contracting unit shall adopt rules to ensure that there are written procedures for determining and confirming the existence of an emergency; and

**WHEREAS**, according to N.J.A.C. 5:34-6.1(b) such rules or regulations shall include such provisions that ensure that, if initially designated individuals are not available, there is a clear chain of command of employees to act in lieu of the Executive Director to ensure that there are always appropriate individuals to make such decisions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Stony Brook Regional Sewerage Authority (SBRSA), County of Mercer and State of New Jersey that when an

emergency arises requiring certain purchases to be made pursuant to emergency purchasing procedures, the following is adopted as the Policy Governing Emergency Purchasing Procedures and Procedure for the Declaration of an Emergency for SBRSA.

#### POLICY GOVERNING EMERGENCY PURCHASING PROCEDURES:

Contracts, including purchase orders, shall be entered into, and funds committed or expended for an emergency pursuant to N.J.S.A. 40A:11-6 and corresponding Rules, N.J.A.C. 5:34-6.1, subject to the following requirements:

- An actual or imminent emergency must exist requiring the immediate delivery of the goods or the performance of the service(s);
- The emergency must directly affect the public health, safety or welfare, and requires the immediate delivery of goods or the performance of service(s);
- Emergency purchasing shall not be used for administrative convenience or for failure to plan. Sound business practices shall be used when an emergency purchase must be made;
- The emergency purchasing procedure may not be used unless the need for the goods or performance of the service(s) could not have been reasonably foreseen or the needs for such goods or service(s) has arisen notwithstanding a good faith effort on the part of the Authority to plan for the purchase of any required goods or service(s);
- The contract shall be of such limited duration as to meet only the immediate needs of the emergency declared;
- Under no circumstances shall the emergency purchasing procedure be used to enter into a multiyear contract;
- Any emergency condition(s) in which the estimated cost is in excess of the statutory minimum bid threshold established in N.J.S.A. 40A:11-3(a) shall be approved by the Board.

#### PROCEDURE FOR THE DECLARATION OF AN EMERGENCY:

1. A Department head, or in their absence his/her designee, as soon as reasonably possible, shall notify the Executive Director of the need for awarding of a contract or purchase order, the nature of the emergency, the time of its occurrence and the need for invoking the emergency provisions of the law;
2. If the Executive Director is satisfied that an emergency exists, they shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs;

3. Within 72 hours of an emergency occurrence, the Department head, or in their absence his/her designee, shall submit to the Executive Director the Emergency Certification Form, which is attached hereto and made a part hereof, providing the information referenced above;
3. In the Executive Director’s absence, the chain of command for adherence to the requirements of 1, 2 and 3 shall be:
  - Plant Manager
  - Manager of Engineering
  - Assistant Plant Manager
  - Assistant Engineering Manager

**BE IT FURTHER RESOLVED** that any existing emergency contract/purchase procedures be, and they are hereby repealed.

Recorded Vote:	AYE	NO	ABSTAIN	ABSENT
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

Resolution 2019-11, For Specifying Proprietary Replacement Parts for the Schwing Pumps

Mr. Sears recommended approval of Resolution 2019-11, Specifying Proprietary Replacement Parts for the Schwing Pumps due to the specialized nature of the parts and there are no other manufacturers other than Schwing Bioset that fabricates these parts. The Resolution will become part of the bid specifications.

So moved by Mr. Morehouse, seconded by Mr. Patel and passed by a roll call vote of 6 to 0. Resolution 2019-06 follows.

**Resolution of the Stony Brook Regional Sewerage Authority for Specifying Proprietary Replacement Parts for the Schwing Pumps**

**Resolution No.: 2019-11**

**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;

**WHEREAS**, the CFO has certified funds are available in the 2019 Budget Spare Parts line account 5000-4525.

**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 in 2019 Budget spare parts line account 5000-4525.
3. This resolution for proprietary equipment shall be made part of the bid documents.

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

Resolution 2019-12, Authorizing the Emergency Procurement of Services for the Repair of the Leaking Potable Water Line at the Princeton Pump Station

Mr. Sears indicated that, as mentioned in the Operations Report, there was a water main break at the Princeton Pump Station.

Mr. Sears recommended approval of Resolution 2019-12, Authorizing the Emergency Procurement of Services for the Repair of the Leaking Water Line at the Princeton Pump Station. So moved by Mr. Goldfarb, seconded by Mr. Compton and passed by a roll call vote of 6 to 0. Resolution 2019-12 follows.

**Resolution Authorizing the Emergency Procurement of Services for the Repair of the Leaking Potable Water Line at the Princeton Pump Station**

**Resolution No. 2019-12**

**WHEREAS**, an emergency situation developed, which could not have been reasonably foreseen, with respect to the need to repair a leaking potable water line at the Princeton Pump Station. Specifically, excavating in the vicinity where water was ponding on the ground surface, locating and repairing the leaking 6-inch water line, including restoration of the grounds; and

**WHEREAS**, the Authority has reviewed the attached Emergency Procurement Report prepared by the Assistant Plant Manager, regarding the emergency procurement of services in connection with the work required to repair the leaking water line; and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

**WHEREAS**, the Authority is satisfied that, for the reasons articulated in the Emergency Procurement Report prepared by the Assistant Plant Manager, attached hereto and made a part hereof, the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-6, and regulations promulgated thereto, N.J.A.C. 5:34-6.1; and

**NOW, THEREFORE, BE IT RESOLVED BY THE STONY BROOK REGIONAL SEWERAGE AUTHORITY AS FOLLOWS:**

The Authority declares that an emergency exists with respect to the immediate need to repair the leaking potable water line at the Princeton Pump Station as further described in the attached Emergency Procurement Report prepared by the Assistant Plant Manager, which emergency requires the immediate emergency procurement of services in order to protect public health, safety and welfare.

1. The Executive Director is authorized to execute a Contract without public advertising for bids and bidding in accordance with N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, with Joseph Jingoli & Son, Inc. with an estimated amount of \$14,000 for the provision of emergency services for the repair of the leaking potable water line at the Princeton Pump Station.

2. A Contract shall not be executed unless there is proof of the contractor's New Jersey Business Registration, Certificates of Insurance, together with all documents required by law.
3. This Resolution shall take effect as provided by law.

RECORDED VOTE:	AYE	NO	ABSTAIN	ABSENT
Harry Compton	X			
Gale D. Downey	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			
Miguel Vilaro-Munet	X			

566.13 Personnel Report

The Personnel Report was provided for member information.

Ms. Pchola noted that one employee (Mechanic I) retired.

566.14 Correspondence

An article regarding turning biosolids into bricks was provided to the Board.

566.15 Old Business

There was no Old Business

566.16 New Business

There was no New Business to report.

566.17 Open to the Public

Chairman Downey opened the public portion of the meeting. As there was no one from the public present, the public portion of the meeting was closed.

566.18 And such other issues as may come before the Board

566.19 Adjournment

As there was no further business to come before the Board, the meeting was adjourned at 8:41 p.m. on a motion by Mr. Patel and seconded by Mr. Compton and passed by unanimous vote.

Respectfully Submitted,

Antonia Pchola  
Secretary

Recorded and Written by  
Patricia Carlino  
March 7, 2019