

## THE LINDEN ROSELLE SEWERAGE AUTHORITY

The minutes of the regular meeting held on Wednesday, April 27, 2016 at 12:00 P.M. in the office of the Linden Roselle Sewerage Authority.

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Chairman Koczur announced that the Public Notice of time and date of the Public Meeting has been duly executed in accordance with the Open Public Meeting Act, P.L., 1975, Ch. 231, notification being mailed 12/31/15 to the Local Source, Star Ledger, Home News Tribune, and to the municipal clerks of Linden and Roselle for posting in a public place.

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**Present:** Frank Koczur, Chairman; Robert Sadowski, Secretary; Edward Mikolajczyk, Treasurer; George Vircik, Alternate Member;

**Absent:** John Sheehy, Vice Chairman; Yves Aubourg, Alternate;

**Attending:** Gary G. Fare, Executive Director; Richard Rudin, Board Attorney; Tom Laustsen and Tom Schoettle from CDM Smith; Michele Mikolajczyk, Linden resident.

**MOTION:** Upon motion of Mr. Koczur, seconded by Mr. Sadowski, the Board unanimously appointed Mr. Vircik as a voting Member.

**MOTION:** Upon motion of Mr. Sadowski, and seconded by Mr. Vircik, the Board unanimously approved the Agenda set for below.

**MOTION:** Upon motion of Mr. Sadowski, and seconded by Mr. Vircik, the Board unanimously approved the minutes of the March 23, 2016 Executive Session.

**MOTION:** Upon motion of Mr. Sadowski, and seconded by Mr. Vircik, the Board unanimously approved the minutes of the March 23, 2016 Regular Board Monthly Meeting.

Treasurer's report accepted as read.

Tom Laustsen, Tom Schoettle and Mrs. Mikolajczyk left the board room due to executive session.

### EXECUTIVE SESSION

**MOTION:** Upon motion of Mr. Sadowski, seconded by Mr. Vircik, the Board unanimously approved the Resolution to hold an Executive Session to discuss "Personnel Matters" and any other matters as may come before the Members.  
(At 12:07 P.M., Resolution #04E-16 attached).

**MOTION:** Upon motion of Mr. Koczur, seconded by Mr. Vircik, the Executive Session was closed 1:05 P.M. and the regular business meeting resumed.

The regular business meeting resumed; Tom Laustsen, Tom Schoettle from CDM Smith and Mrs. Mikolajczyk rejoined the meeting.

April 27, 2016

The following action have to be taken by Motion:

**MOTION:** Upon motion of Mr. Sadowski, seconded by Mr. Mikolajczyk, the Board unanimously approved recommendation of the Executive Director to hire temporary employee Christina Tsirkas to the position of Monitoring Supervisor to fulfill position of an employee who is going on maternity/family leave for the period of six months at a starting salary of \$49,503.

**MOTION:** Upon motion of Mr. Mikolajczyk, seconded by Mr. Sadowski, the Board unanimously approved to solicit again for the Laboratory Technician according the Authority's hiring procedure, due to resignation of previous candidate Crystal Santiago.

DECISION IN REGARD TO SUMMER HELP WAS POSTPONED UNTIL NEXT BOARD MEETING.

**PUBLIC COMMENT** - Linden resident, Michele Mikolajczyk, read the attached statement/comment.

Mr. Rudin concluded as he said before that, "as far as he is concerned it is not a question of whether or not Matthew should be hired, it is a question of whether or not Matthew's grandfather is permitted to vote on his hiring".

Mrs. Mikolajczyk said that she does understand this response, but what she is saying is that "it is not how she thinks it is rolling".

**BUSINESS AGENDA / EXECUTIVE DIRECTOR'S REPORT**

**New Customer**

As previously reported a new laundry company Unitex located at the former G.M. site will be commencing operation after the Authority issues them a discharge permit. They requested a Special Board Meeting for the purpose of adopting their discharge permit as soon as possible to enable them to commence operations. Since the permit comment period does not expire until May 13, 2016 and allowing time to address any comments moving the Board Meeting a week earlier may not be feasible, which was explained to Unitex and they understood the situation.

**Right To Know**

The Executive Director stated that the State has advised the Authority that the annual Right to Know survey is due July 15, 2016. The survey is prepared with the joint efforts of the Staff and the Safety Consultant.

**Linden Property Holdings**

The Executive Director stated that this project is moving along well. The bridge design from Jacobs Engineering was reviewed by the Authority's Engineers, CDM Smith. CDM has agreed in concept with the design with the comment of vibration monitoring near the main sewer line.

The Executive Director's report presentation was interrupted due to a phone call from Edward Mikolajczyk's Attorney. Tom Laustsen, Tom Schoettle and Michele Mikolajczyk left the board room due to Executive Session #2.

**EXECUTIVE SESSION #2**

**MOTION:** Upon motion of Mr. Vircik, seconded by Mr. Sadowski, the Board unanimously approved the Resolution to hold an Executive Session to discuss "Personnel Matters" and any other matters as may come before the Members.  
(At 1:16 P.M., Resolution #04E-16 attached).

**MOTION:** Upon motion of Mr. Vircik, seconded by Mr. Sadowski, the Executive Session was closed 1:29 P.M. and the regular business meeting resumed.

The regular business meeting resumed; Tom Laustsen, Tom Schoettle from CDM Smith along with Mrs. Mikolajczyk rejoined the meeting.

**EXECUTIVE DIRECTOR'S REPORT (continued)**

**HIGHLIGHTING DEPARTMENTS**

**Operations Department**

➤ **Plant Performance**

The plant operated well during the month of March 2016, meeting all permit limits.

**Maintenance Department**

- **Corrective Repairs and Replacements** – most of the work was done as preventative maintenance on the gas collection systems, which is to replace the pressure release valves as it is important because of the Authority's NJDEP Title V permit to prevent any gases going into atmosphere.

**Monitoring Department**

- **Rainfall** - March 2016 rainfall was 1.20 inches.

➤ **NJPDES Permit**

- ◆ **Local Limits Evaluation** – NJDEP requested that LRSA revisit the local limits evaluation conducted in July 2015 because the NJPDES permit limits did not include Mercury. The Executive Director stated that every 5 years the Authority has to do a local limits evaluation. The Authority submitted results of the NJPDES monitoring for the last three years to demonstrate consistent compliance. Therefore a local limit does not need to be developed. The State has concurred with the Authority's assessment not requiring a local limit for Mercury.
- ◆ **NJPDES Permit Fee** – The State has assessed the Authority's NJPDES permit fee, which is based on prior year loadings to the receiving waters and the State Budget. This year's fee is \$79,037 which is up from 2015 fee of \$68,282. The Authority only budgeted \$72,000 and will use contingency line item to make up the difference.
- ◆ **Annual IPP Report** – NJDEP found one issue with the Annual Report filed December 1, 2015. They assessed that Linden Bulk is classified as "a significant non-complier" and therefore is subject to the annual public notice per Federal Pretreatment Regulation. Authority and NJDEP's interpretation of SNC differed, which is why Authority did not publish the notice due annually by February 1<sup>st</sup> or 60 days after the IPP annual report due date. Authority will comply with NJDEP's determination and the public notice will be published, May 5, 2016.

➤ **IPP Program**

**City of Linden Landfill PCB Investigation** – The Authority has sent the City of Linden a letter indicating that it is not in agreement with the City's Consultant's Position. The Authority will not accept the City not looking into the reduction of PCB's. The Authority is recommending the City explore the treatment options available and determine whether this is a feasible alternative. The Executive Director stated in the event the findings indicate that it is not cost effective, the Authority could accept this position and wait for EPA to provide more guidance and/or mandate.

Mr. Vircik stated that within two weeks he should have response from their Consultants regarding above issue.

**Safety Kleen PCB investigation** – Safety Kleen reported that they will replace the exit pipe from one of the monitoring wells where higher PCBs were measured. They anticipate that contamination in the exit pipe/sample port is contributing to PCBs in the final discharge to the sewer.

**Monitoring Department (continued)**

➤ **Safety Issues**

- ◆ All the Safety items cited in the January 21, 2016 inspection conducted by the Authority's Consultant T&M have been addressed.
- ◆ Respirator Training was conducted during the month along with Blood Borne Pathogens by PEOSHA.
- ◆ On March 30<sup>th</sup>, members of LIMAC participated in a drill held by the LFD and the Phillips 66 Refinery in which LRSA and neighboring businesses were escorted through the LIMAC evacuation route. The Authority will request that drills are held periodically to better prepare for an actual evacuation.

➤ **Laboratory**

The Chemical Hygiene Plan was updated to reflect a revised protocol for measuring exhaust rates in the lab fume hoods. An annual check of the ducts and exhaust fan will be scheduled to insure the duct material has not deteriorated from exposure to chemical vapors and the fan is functioning properly. Once every two years, an independent contractor will conduct inspections of the four lab hoods.

**Business Department**

➤ **Expenditure Report**

The Authority's third month of the expenditures for 2016 indicating the expenditures are at a level of 27% at 25% of the fiscal year.

➤ **Revenue Report**

The Authority's loading data for the first two months of 2016 from class A&B users is down, especially since Public Service loadings are not presented with their annual maintenance activities and they had shut down for about three weeks.

➤ **Elizabeth Sewer Rate / Advisement**

The Elizabeth sewer rates increased 15.6% this is the charge for properties in Linden discharging into Elizabeth. Their sewer rate has not increased since 2012. The Authority has the same arrangement for the properties in Elizabeth discharging into Linden.

No questions of the Executive Director's Report.

**BIDS AND PURCHASES - NONE**

**ENGINEERS REPORT**

No question of the Engineers Report.

**BILLS AND CLAIMS**

Certification and recommendation received from the Executive Director, Purchasing/Contract Manager, and Financial Manager.

**Renewal and Replacement Fund**

MOTION: Upon motion of Mr. Sadowski, seconded by Mr. Mikolajczyk the Board unanimously approved payment of the Renewal and Replacement Bills in the amount of \$46,059.15 (Resolution attached).

**Operating Fund**

MOTION: Upon motion of Mr. Sadowski, seconded by Mr. Mikolajczyk, the Board unanimously approved payment of the Operating Bills in the amount of \$790,674.51 (Resolution attached).

Chairman called for a vote and asked for a motion for the hiring of a Skilled Laborer position.

A motion was made by Mr. Sadowski to postpone decision until next month's Board Meeting pending clarification in the matter regarding hiring Matthew Mikolajczyk for the position of Skilled Laborer. No one seconded /Motion dismissed.

**MOTION:** A motion was made by Mr. Koczur, seconded by Mr. Vircik to hire Ronald Brant for the position of Skilled Laborer at a starting salary as specified in the Union Contract of \$42,318.

Chairman called for a roll call to hire Ronald Brant for position of Skilled Laborer:

**VOTE:** Mr. Sadowski – NO; Mr. Vircik – YES; Mr. Koczur – YES;

Mr. Rudin concluded that decision was made to hire Ronald Brant - Vote was 2:1.

**ON THE RECORD:** Mr. Mikolajczyk stated that he was denied the right to vote again on the above issue.

#### **ADJOURNMENT**

**MOTION:** Upon motion of Mr. Vircik, seconded by Mr. Sadowski, the meeting was adjourned at 1:45 P.M. and it was ordered that the next monthly meeting of the LRSA be held on Wednesday, **May 25, 2016 at 12:00 P.M.** in the office of the Authority.

THE LINDEN ROSELLE SEWERAGE AUTHORITY

MONTHLY RECEIPTS

*March 1, 2016 - March 31, 2016*

REVENUE FUND

Non-Major User

City of Linden 123,876.05

Municipality

Borough of Roselle 0.00

Major Industry Users

North East Linen (4th Qtr. 2015) 60,293.74

Merck (2015 Capacity Fee) 31,770.00

Safety Kleen (2015 Capacity Fee) 2,715.00

Miscellaneous

PSE&G (Mo. Effluent February-16) 19,819.00

**Total Revenue Fund \$238,473.79**

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OPERATING FUND

Miscellaneous (faxes, copies, bids, etc.) 1.00

Fortune Metal (Sale of Scrap) 53.50

Safety Kleen (Reimb. Sanitary Landfill PCB Evaluation) 2,250.00

2016 1st Qtr. EE Medical (Reimbursement) 47,177.44

Northfield Transfer 600,000.00

**Total Operating Fund \$649,481.94**

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Linden Property Holding Escrow Account

Beginning Balance as of 03/01/16 78,541.65

LPH Negotiations & Agreement for Easements/Licenses 0.00

**Ending Balance as of 03/31/16 \$78,541.65**

GOOD AFTERNOON BOARD MEMBERS, MR. FARE AND LEGAL COUNCIL: THANK YOU FOR THE OPPORTUNITY TO SPEAK AND TO VOICE MY OPINION AND BRING TO LIGHT AN ISSUE THAT JUST DOESN'T SIT RIGHT WITH ME.

MATTHEW MIKOLAJCZYK IS MY SON...AND HAS APPLIED FOR THE POSITION OF SKILLED LABORER.

THE WALLS WITHIN THE AUTHORITY ARE VERY THIN....THE TALK AND CHATTER REACH FURTHER THAN YOU MAY REALIZE WITH EVERYONE KNOWING SOMEONE.

MY ELDEST SON ADAM WHO IS A PREVIOUS EMPLOYEE HERE WAS CONTACTED BY A FEW OF YOUR CURRENT EMPLOYEES ABOUT MATTHEW BEING CONSIDERED FOR HIRE.

THEY MADE MENTION OF HOW CERTAIN PEOPLE ARE TALKING, COMPLAINING AND OF HOW WRONG IT WOULD LOOK TO HAVE A RELATIVE OF A BOARD MEMBER HIRED.

THERE WAS EVEN MENTION OF AN EMPLOYEE WHO WAS DENIED THE POSITION BASED ON HIS PERSONEL RECORD AND WHO ALSO CONFRONTED GARY ABOUT MATTHEW AND TOLD GARY THAT HE KNEW WHY MATTHEW WOULD BE HIRED, SINCE HE IS A BOARD MEMBER'S GRANDSON. FURTHER, IT WAS ALSO MENTIONED THAT THE MOTHER OF ANOTHER CANDIDATE WOULDN'T LIKE THE IDEA OF A BOARD MEMBER'S RELATIVE BEING HIRED AND THAT IT'S NOT GOING TO LOOK GOOD WHEN THE PUBLIC HEARS SUCH.

I'M TELLING YOU...THERE IS ALOT BEING SAID AND THE THOUGHT OF MATTHEW NOT BEING HIRED BECAUSE GARY IS AFRAID OF WHAT THESE PARTICULAR PEOPLE AS WELL AS OTHERS MAY THINK AND DO IS SUCH BLATANT DISCRIMINATION AGAINST MATTHEW IN MY OPINION.

WHILE IT MAY BE DENIED, AND SAY THE OTHER CANDIDATE IS "MORE QUALIFIED THAN MATTHEW", I FEEL WE ALL KNOW WHAT THE TRUTH IS...THAT IT WOULD "LOOK" BETTER IF MATTHEW WAS NOT HIRED.

MY BEING A FORMER EMPLOYEE OF THE LRSA, I KNOW OF QUITE A FEW PEOPLE WHO WERE HIRED HERE AND HAVE HAD SOME SORT OF FAMILY CONNECTION TO A CURRENT OR PAST BOARD MEMBER OR EMPLOYEE. PUBLIC PERCEPTION HAS NEVER BEEN AN ISSUE. WHEN MY ELDEST SON ADAM WAS HIRED HERE AND ACQUIRED HIS S-1 LICENSE WITHIN 1 YEAR OF HIS EMPLOYMENT, THERE WAS NEVER ANY ISSUE OF HIM BEING THE GRANDSON OF A BOARD MEMBER: HE

HAS SINCE MOVED ON TO THE LINDEN POLICE DEPARTMENT. I ALSO UNDERSTAND GARY FARE'S DAUGHTER KAITLYN IS EMPLOYED HERE AT THE AUTHORITY...DOES IT NOT LOOK GOOD FOR HIM HAVING HER EMPLOYED HERE? REGARDLESS OF HER QUALIFICATIONS AND/OR WHO RECOMMENDED HER? HOW SHOULD THE PUBLIC PERCEIVE THIS?

IM MY OPINION, HAVE THIS EMPLOYEE NEVER CONFRONTED GARY IN HIS OFFICE, OR THE MENTION FROM OTHERS, I HAVE NO DOUBT GARY WOULD NOT HAVE ANY ISSUE WITH THE HIRING OF MATTHEW. BUT BEING THE CIRCUMSTANCES ARE WHAT THEY ARE, I FEEL MATTHEW IS BEING DISCRIMINATED AGAINST BECAUSE OF THESE CLAIMS.

WHILE YOU MAY BE THINKING THIS AS BOARD OFFICIALS, KNOW THAT I HAVE NOT BEEN TOLD BY MY FATHER-IN-LAW ANYTHING THAT I SHOULD NOT BE PRIVY TO REGARDING BOARD DISCUSSIONS....HE HOLDS HIS LRSA BOARD POSITION AND RESPONSIBILITIES VERY SERIOUSLY.

MATTHEW IS A RESPONSIBLE AND RESPECTFUL YOUNG MAN WHO DESERVES AN HONEST CHANCE AT THE OPPORTUNITY OF A BRIGHT AND SUCCESSFUL CARRER HERE AT TH LRSA.

I THANK YOU FOR THE OPPORTUNITY TO VOICE MY CONCERN AND I'M TELLING YOU THIS BECAUSE THE TALK IS OUT THERE. MATTHEW AS WELL AS HIS FATHER AND I FEEL VERY STRONGLY THAT HE IS BEING DISCRIMINATED AGAINST AND WILL SEE THIS THROUGH TO THE END.