

THE LINDEN ROSELLE SEWERAGE AUTHORITY

The minutes of the regular meeting held on Wednesday, August 28, 2019 at 12:00 P.M. in the office of the Linden Roselle Sewerage Authority.

Chairman Strano 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 12/28/18 to the Local Source, Star Ledger, Home News Tribune, and to the municipal clerks of Linden and Roselle for posting in a public place.

Present: Ralph Strano, Chairman; Jamel Holley, Vice-Chairman; Edward Mikolajczyk, Treasurer; Mayor Armstead, Secretary; James Moore, Alternate Member

Absent: Reginald Atkins, Alternate Member

Attending: David G. Brown II, Executive Director; Jeffrey A. Williams, Superintendent; Thomas Schoettle, CDM Smith; Sean McGowan, Authority's Attorney

Visitor(s): None

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Strano, the Board unanimously approved the Agenda set forth below.

Recorded Vote: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Mikolajczyk, the Board unanimously approved the minutes of the July 24, 2019 Regular Board Monthly Meeting.

Recorded Vote: Mr. Strano – Yes; Mr. Holley – Abstain
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;

MOTION: Upon motion of Mr. Mikolajczyk, seconded by Mr. Strano, the Board unanimously approved the minutes of the July 24, 2019 Executive Session Meeting.

Recorded Vote: Mr. Strano – Yes; Mr. Holley – Abstain
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;

MOTION: Upon motion of Mr. Mikolajczyk, seconded by Mr. Strano, the Board unanimously accepted Treasury Report as read.

Recorded Vote: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;

EXECUTIVE DIRECTOR'S REPORT

The Executive Director presented to the Board his monthly report (see attached report). No questions of the Executive Directors report.

SUPERINTENDENT'S REPORT

Superintendent presented to the Board his monthly report (see attached report). No questions of the Superintendent report.

ENGINEERS REPORT

Engineer presented his written report to the Board (see attached report).

There was discussion among the attendees in regard to the emergency generator switchgear replacement. No other questions of the Engineer's report.

BUSINESS AGENDA

Resolution #72-19

To Call Upon the New Jersey Legislature to Reject Senate Bill 3870 and Assembly Bill 5391

The Executive Director stated this resolution is to call upon the New Jersey Legislature to Reject Senate Bill 3870 and Assembly Bill 5391. The Association Environmental Authorities / AEA sent out letters to the Authorities with information about the above bills, as they wholeheartedly reject these bills. Basically these two bills eliminate the public referendum currently required for the sale of a sewer system and so deprive the public of the opportunity to decide about the ownership and operation of one the most basic and important of local services. Both bills permit approaches to valuation of a sewer system that will unfairly inflate the sales price and burden ratepayers in the selling community and elsewhere in the State with paying for inflated cost. The Executive further stated that the above bills are in favor of an investor-owned utility purchaser. Therefore, to protect the best interests of the rate payers and preserve, for the public good, public ownership and operation of sewer systems to vote no on S3870 and A5391.

MOTION: Upon motion of Mr. Strano, seconded by Mr. Mikolajczyk the Board unanimously approved Resolution #72-19 as read and presented. (Resolution #72-19 attached)

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Abstain;
Mr. Mikolajczyk -Yes; Mr. Armstead - Yes;

Mr. Holley added that at this time he has to abstain as it might come before Assembly and he said that he will be a voice in Trenton to oppose the bill.

Resolution #73-19

Amending the Hiring Policies of the LRSA

Authority's Attorney stated that at last month's Board Meeting the Board expressed concern that qualified candidates will be not consider for employment by the Authority simply due to the fact that they are relatives of the Board Members. Attorney continued saying that was probably not right especially considering the fact that Authority has had difficulty finding qualified employees. Attorney further stated that he prepared Resolution for consideration to delete entirely the anti-nepotism policy within the LRSA Hiring Policies, however there is an additional provision in the Resolution that states that any potential employee before the Board that is a relative of a Commissioner that the Commissioner must abstain from voting on employment actions.

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Strano the Board unanimously approved Resolution #73-19 as read and presented. (Resolution #73-19 attached)

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk -Yes; Mr. Armstead - Yes;

Resolution #74-19

Approving Agreement to License the LRSA's Dock to Brayco Marine LLC.

Authority's Attorney stated that the Authority is the owner of a Dock Facility located on LRSA property and the Arthur Kill waterway. Brayco Marine LLC, an affiliate of Brayco, Inc. is located

Resolution #74-19 (continued)

Approving Agreement to License the LRSA's Dock to Brayco Marine LLC.

in Linden and is a New Jersey limited liability company engaged in the business of welding and steel fabrication. Brayco desires to use the Dock Facility for its operations including loading and unloading of a barge and vessel carrying equipment and products used in its operations and for use as a staging area, subject to the right of LRSA to use the Dock Facility to load and unload Sewage Sludge onto barges about 30 days a year. Further Attorney stated that this agreement was negotiated for over a year and it is a 10 year agreement with an option to extend. This agreement is a License Agreement of the Use and Occupancy of the LRSA Dock Facility, which greatly benefits Authority due to the fact that the Dock Facility needs to be repaired, upgraded and maintained in good condition and Brayco is qualified, equipped and capable of performing such repairs, upgrades and maintenance. Furthermore, Attorney said that this Agreement provides for an obligation of Brayco to perform the needed repairs, upgrades and maintain in good condition for over 10 year period. Brayco will pay to the LRSA just compensation for its use of the Dock Facility with offsets to the just compensation for the value of the repairs, upgrades and maintenance that Brayco will provide to the Dock Facility. In addition the key component is that NuStar and Aries have expressed desire to use the Authority's Dock and Brayco has agreed to renegotiate this Agreement if and when NuStar and Aries also like to use the Dock for their respective needs, of which the cost of the repair/maintenance of the Dock will be shared amongst the various companies. The appraisal was conducted of the value of the LRSA Dock Facility and the compensation is the value of the Dock. The proposed Dock Use Agreement has been reviewed by the Authority's Executive Director, Superintendent, General Counsel, Insurance Advisor and Financial Advisor it has been determined that it is in the best interests of the LRSA to enter into a Dock Use Agreement, of which the LRSA shall provide a license to Brayco for the shared use of LRSA's Dock Facility and to provide for the terms and conditions for such use in the nature of a license. The Executive Director stated that the Dock Use Agreement is subject to the approval of the Bond Trustee pursuant to Section 9.09 of the Bond Trust Agreement.

MOTION: Upon motion of Mr. Strano, seconded by Mr. Holley the Board unanimously approved Resolution #74-19 as read and presented. (Resolution #74-19 attached)

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk -Yes; Mr. Armstead - Yes;

BIDS & PURCHASES

Resolution #75-19

Authorizing a contract for Removal and Replacement of Lab Exhaust Fan

Executive Director stated that the Authority awarded a contract to Fisher Scientific, for the purchase of laboratory equipment (iCAP 74 Duo) in order to ensure accurate testing to meet NJDEP reporting requirements. The Authority determined that the installation of this equipment requires the removal and replacement of the existing exhaust fan located in the ceiling of the Laboratory. After a solicitation of quotes, Elliott Lewis Corporation was selected and authorized to perform work, for an amount not to exceed \$16,708.

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Mikolajczyk the Board unanimously approved Resolution #75-19 as read and presented. (Resolution #75-19 attached)

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk -Yes; Mr. Armstead -Yes;

BIDS & PURCHASES (continued)

Resolution #76-19

Authorizing a purchase of Financial Software Package (PMIS)

Executive Director stated that the Authority has identified the need to procure a software program to manage the coordination and implementation of the Authority's various Capital Improvement Projects. SHI International Corp. has been awarded New Jersey State Contract and CDM Smith has recommended that the purchase of the e-Builder Program Management Information System (PMIS) would be in the best interest of the Authority. Purchase of this software is for an amount not to exceed \$50,000. The Authority has further resolved to pursue funding to cover all costs for these services through application to the New Jersey Infrastructure Bank (NJIB). The Executive Director further stated that this software will be used by all 5 engineering firms, the Authority, Program Manager and Aries, including all site plans, architectural plants, constructions schedules will be put into e-Builder Program, as far as the work that is being done at the plant. Authority will be able to use also for financial purpose. All this information will be compiled and contained in one system to be used for future projects.

MOTION: Upon motion of Mr. Strano, seconded by Mr. Mikolajczyk the Board unanimously approved Resolution #76-19 as read and presented. (Resolution #76-19 attached)

RECORDED VOTE: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk –Yes; Mr. Armstead – Yes;

Resolution #77-19

Awarding a contract for Implementation of Program Management Information System (PMIS)

The Executive Director stated that the Authority is in need to retain the services of a Consulting Engineer to provide for the initial implementation, administration and maintenance of the e-Builder Program Management Information System. Therefore the Authority requested a proposal from CDM Smith for these services. The Executive Director recommends that the best interests of the Authority are served by the selection of CDM Smith to provide these services for a sum not to exceed \$94,000. The Authority has further resolved to pursue funding to cover all costs for these services through application to the New Jersey Infrastructure Bank (NJIB).

MOTION: Upon motion of Mr. Mikolajczyk, seconded by Mr. Holley the Board unanimously approved Resolution #77-19 as read and presented. (Resolution #77-19 attached)

RECORDED VOTE: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk –Yes; Mr. Armstead –Yes;

Resolution #78-19

Awarding a Non-Fair and Open Contract for On-Call Program and Construction Management Services

The Executive Director stated that the Authority has a need to acquire the services to be provided hereunder as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A as it was determined that the value of these services may exceed \$17,500. The anticipated term of this contract is six months. The Executive Director further stated that Grant Engineering and Construction Group, LLC, has submitted a proposal to provide on-call Program Management and Construction Management Services for the coordination and successful implementation of the Authority's various Capital Improvement Projects for the not to exceed amount of \$90,000.00. In addition the Authority has further resolved to pursue funding to cover all costs for these services through application the New Jersey Infrastructure Bank (NJIB).

Resolution #78-19 (continued)

Awarding a Non-Fair and Open Contract for On-Call Program and Construction Management Services

MOTION: Upon motion of Mr. Mikolajczyk, seconded by Mr. Holley the Board unanimously approved Resolution #78-19 as read and presented. (Resolution #78-19 attached)

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk -Yes; Mr. Armstead -Yes;

PUBLIC COMMENT

No public in attendance.

MOTION: Upon motion of Mr. Holley, seconded by Mr. Strano the Board unanimously closed the public comment.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk -Yes; Mr. Armstead -Yes;

Authority's Engineer, Thomas Schoettle left the meeting.

EXECUTIVE SESSION

MOTION: Upon motion of Mr. Mikolajczyk, seconded by Mr. Armstead the Board unanimously approved the Resolution to hold an Executive Session to discuss "Personnel Matters, Union Negotiation" and any other matters as may come before the Members. (At 1:06 P.M., Resolution #06E-19 attached)

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead - Yes;

MOTION: Upon motion of Mr. Strano, seconded by Mr. Mikolajczyk, the Executive Session was closed 1:18 P.M. and the regular business meeting resumed.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead -Yes;

Meeting open to the public. No public in attendance.

The following actions has to be taken:

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Strano, the Board unanimously approved 30-day Leave of Absence for Authority's employee Darren Eldridge who is under Worker's Compensation. This is a 1st request of LOA and it is from August 16, 2019 to September 14, 2019.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead - Yes;

MOTION: Upon motion of Mr. Strano, seconded by Mr. Mikolajczyk, the Board unanimously approved and accepted amended Union Agreement as presented.

RECORDED VOTE: Mr. Strano - Yes; Mr. Holley - Yes;
Mr. Mikolajczyk - Yes; Mr. Armstead - Yes;

LINDEN ROSELLE SEWERAGE AUTHORITY
MEETING MINUTES
August 28, 2019

The Executive Director and Superintendent requested that the next Board Monthly Meeting be changed to either September 16 or 17, 2019 at 12 Noon due to upcoming conferences. Also the Authority needs to have a Special Meeting for Aries project on September 9, 2019 at 10 AM.

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Mikolajczyk, the Board unanimously concurred with the Executive Director and Superintendent recommendation that the next Monthly Board Meeting will be held on Monday, September 16, 2019 and 12 Noon and the Special Meeting will be held on Monday, September 9, 2019 at 10:00 AM

RECORDED VOTE: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;

BILLS AND CLAIMS

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

Operating Fund

MOTION: Upon motion of Mr. Holley, seconded by Mr. Strano the Board unanimously approved payment of the Operating Bills in the amount of \$570,215.30 (Resolution attached).

RECORDED VOTE: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;

Renewal and Replacement Fund

MOTION: Upon motion of Mr. Armstead, seconded by Mr. Holley the Board unanimously approved payments of the Renewal and Replacement Bills in the amount of \$25,749.45 (Resolutions attached).

RECORDED VOTE: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;

ADJOURNMENT

MOTION: Upon motion of Mr. Holley, seconded by Mr. Armstead, the meeting was adjourned at 1:30 P.M. and it was ordered that the monthly Board Meeting of the LRSA be held on Monday, September 16, 2019 at 12:00 P.M. in the office of the Authority.

RECORDED VOTE: Mr. Strano – Yes; Mr. Holley – Yes;
Mr. Mikolajczyk – Yes; Mr. Armstead – Yes;