

ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY
MINUTES OF THE REGULAR SCHEDULED
BOARD MEETING
April 8, 2021

The regularly scheduled meeting of the Rockaway Valley Regional Sewerage Authority was held on Thursday, April 8, 2021. The meeting started at 7:00 PM.

NOTICE is hereby given, pursuant to Section 13 of the Open Public Meetings Act and guidance issued by the Department of Community Affairs, entitled Local Operational Guidance- Covid-19: Guidance for Remote Public Meetings in New Jersey, issued on April 24, 2020, that the regular meeting of the Rockaway Valley Regional Sewerage Authority will convene telephonically and/or Zoom Video on Thursday, April 8, 2021, at 7 P.M. Due to the COVID-19 pandemic, the offices of the RVRSA will be closed to the public for this meeting due to concerns for public health and safety however; the public is invited to participate in the meeting telephonically or through Zoom Video Meeting. The agenda is available on the website of the RVRSA at <https://rvrsa.org/agenda/>

Join Zoom Meeting

<https://us02web.zoom.us/j/84765300594?pwd=d2ZEYjFNcUtqcWFaa2NrVG5yWmdkQT09>

Meeting ID: 847 6530 0594 Passcode: 5hcaL3

One tap mobile +16465588656,,84765300594#,,,,*556850# US (New York)

+13017158592,,84765300594#,,,,*556850# US (Washington DC)

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+1 669 900 9128 US (San Jose) Meeting ID: 847 6530 0594 Passcode: 556850

Find your local number: <https://us02web.zoom.us/j/84765300594?pwd=d2ZEYjFNcUtqcWFaa2NrVG5yWmdkQT09>

- **This meeting was posted on the RVRSA website and on the public notice board in the main RVRSA building.**
- **This meeting was advertised in the Daily Record and the Star Ledger newspapers.**

Assistant Board Secretary, Janice Fox, read a statement that timely notice of the meeting had been provided in accordance with the Open Public Meeting Act to member municipalities, members of the Authority and designated newspapers.

The salute to the United States flag followed.

Roll Call Attendance was taken:

The following Board Members were present: Messrs. Andes of Town of Denville, Cegelka of Borough of Victory Gardens, Farrell of Township of Boonton, Guadagno of Township of Randolph, Howarth of the Borough of Rockaway, Isselin of Town of Dover, Recchia of Town of Boonton, Schorno of Township of Rockaway, and Zuppa of City of Jersey City.

The following members were absent: Messrs. Corbett of the Borough of Wharton

There was a quorum.

Also present was Diane Alexander and Joseph Maraziti, Esqs. Maraziti Falcon Authority staff present was JoAnn Mondsini, Robert Bocchino, and Janice Fox.

Correspondence

- Virtual Workshop April 7th for the Commissioners: Protecting Authorities from Cyber Attack

Consent Agenda

- **Approval of Minutes** of March 11, 2021 Board Meeting

Commissioner Schorno offered the Consent Agenda and second by Commissioner Cegelka and approved on a roll call vote as follows:

Yeas: (7) Cegelka, Farrell, Guadagno, Howarth, Isselin, Schorno and Zuppa

Nays: (0) None

Abstain: (2) Andes, Recchia

Absent: (1) Corbett

Consent Agenda passed on 7 yeas.

Executive Committee – No meeting held.

- No Report

Planning Committee - No meeting held.

- No Report

Operations Committee – Meeting held March 25, 2021.

- Report: Reviewed Economic Proposal for submission to IBT. The next negotiation meeting is April 15, 2021.
- Operation and Maintenance and Trunkline Reports are in the packet.

Infrastructure Committee – Meeting held March 31, 2021.

- Report:
 1. Discussed close out of Contract 40 (Clarifier Project) and possible settlement offer with Tomar.
 2. Reviewed Siphon inspection and discussed conceptual plan for bypass piping around siphon inlet located in Canal Side Park.
 3. Reviewed request for modification of Contract with Mott MacDonald for Bid Phase/CSRI Services for Contract 41 (Filtration and Phosphorus Removal Project)
 4. Reviewed status of mediation regarding Contract 35 re-bid II- (Washington Street

Crossing and Siphon Outlet Replacement Project).

Commissioner Andes offered **Resolution 21-058** (The agenda shows this resolution as 21-051 which is a duplicate number) Resolution Amending Resolution Authorizing Execution of Contract to Mott MacDonald to Provide Construction Phase Engineering and Resident Project Representative (RPR) Services for the Filtration and Phosphorus Removal Facilities Project and second by Commissioner Schorno and approved on a roll call vote as follows:

Yeas: (8) Andes, Cegelka, Farrell, Guadagno, Howarth, Isselin, Schorno and Zuppa

Nays: (0) None

Abstain: (1) Recchia

Absent: (1) Corbett

Resolution 21-058 passed on 8 yeas.

Commissioner Andes offered **Resolution 21-052** Resolution Authorizing Execution of Utility Engineering and Construction Agreement (UECA-9-Rt 80-15 950442) Together with The Engineering and Construction Agreement amendment Between the Rockaway Valley Regional Sewerage Authority and the New Jersey Department Of Transportation and second by Commissioner Cegelka and approved on a roll call vote as follows:

Yeas: (9) Andes, Cegelka, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno and Zuppa

Nays: (0)

Abstain: (0) None

Absent: (1) Corbett

Resolution 21-052 passed on 9 yeas.

Commissioner Andes offered **Resolution 21-053** Resolution Authorizing Public Notice of DMI Permit Renewal and second by Commissioner Cegelka and approved on a roll call vote as follows:

Yeas: (9) Andes, Cegelka, Corbett, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno and Zuppa

Nays: (0) None

Abstain: (0) None

Absent: (1) Corbett

Resolution 21-053 passed on 9 yeas.

Commissioner Andes offered **Resolution 21-054** Resolution Selecting Honorable Victor Ashrafi as Mediator; Authorizing Execution of Mediation Engagement Letter and Payment of Mediator Retainer Deposit for the Mediation of Disputes as to Contract No. 35 Rebid II – RVRSA Rockaway River Regional Interceptor Boonton Section Replacement Project and second by Commissioner Cegelka and approved on a roll call vote as follows:

Yeas: (9) Andes, Cegelka, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno and Zuppa

Nays: (0) None

Abstain: (0) None

Absent: (1) Corbett

Resolution 21-054 passed on 9 yeas.

Jersey City Committee – No meeting held.

- No Report

Sewer User Committee – Meetings held April 6 & 7, 2021

- Report- Discussed TerrAscend Update, Five-year flow estimation for RVRSA SSA, and KRE Application for endorsement of Wet Land Waiver Application.

Commissioner Farrell made a motion to table **Resolution 21-055** Resolution Authorizing Endorsement of Grant Condition Waiver KRE Acquisition Corporation and second by Commissioner Guadagno and tabled on a roll call vote as follows:

Yeas: (9) Andes, Cegelka, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno and Zuppa

Nays: (0) None

Abstain: (0) None

Absent: (1) Corbett

Resolution 21-055 was tabled on 9 yeas.

Finance Committee – Meeting held April 1, 2021.

- Report: Discussed Budget Amendment for anticipated receipt of FEMA funds associated with Hurricane Irene and payment of conventional and I-Bank short term loans.
- CFO's Report is in the packet.

Commissioner Schorno offered **Resolution 21-056** Resolution to Amend the 2021 Annual Budget and second by Commissioner Guadagno and approved on a roll call vote as follows:

Yeas: (9) Andes, Cegelka, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno and Zuppa

Nays: (0) None

Abstain: (0) None

Absent: (1) Corbett

Resolution 21-056 passed on 9 yeas.

Commissioner Schorno offered **Resolution 21-057** Resolution to Authorize Payment of Vouchers for \$1,012,976.69 and Second by Commissioner Guadagno and approved on a roll call vote as follows:

Yeas: (8) Cegelka, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno and Zuppa

Nays: (0) None

Abstain: (1) Andes

Absent: (1) Corbett

Resolution 21-057 passed on 8 yeas.

Executive Director's Report

- HR/Safety Coordinators Report is in the packet.
- Executive Directors Report is in the packet.

Engineers Report

- Engineering Report is in the packet.
- Industrial Pre-Treatment Report is in the packet.
- Electrical Engineer's Report is in the packet.
- IPP Report is in the packet.

Lawyers Report

- Joseph Maraziti gave an update on Jersey City Trial:
 1. The trial has been going on for several days on the phase for damages.
 2. The current status is that we put in our case through testimony of JoAnn Mondsini and Tim Bradley. Testimony by expert witness for Jersey City, William McConnell and those three witnesses have been cross examined.
 3. The defense, Jersey City, is reading into the record, testimonies for depositions of Sandy Thai, Robert Bocchino and the Fletcher Platt. We will then have the expert testimony for Jersey City, Mr. Gaul.
 4. This case is about seeking damages for Jersey City to pay for debt service for five projects: They are Contract 35 Rebid II, which is the work on the Boonton interceptor leading up to the Washington Street Crossing, then the work done on preliminary treatment facility, and then the work done on the biosolids facility, the Monroe Street Pump Station that was installed as a result of a damaged washout old Jersey City line under the Rockaway River because of Hurricane Irene, and then the work done because of the collapse of the pipe in the Boonton Park area known as Santaland. These five projects, so far, have calculated to be over \$6,000,000 in unpaid debt services based upon the estimates we submitted. Our claim is that we are entitled to be paid at 100% on the debt service on those projects with exception of the bio biosolid facility that we have provided a credit to Jersey City. Those payments to the IBank will continue for a period of many, many years and we asked the judge determine that Jersey City pay for that as well.
 5. We were prepared to put in testimony on the cost of the clarifier, as well as the description of what the final clarifier work is, however, Jersey City objected to that, and the judge agreed with the objection because we haven't yet sent the bill to Jersey City for the debt service payment for that project. Once we go to permanent financing, will have to be subject to another proceeding, if in fact, Jersey City refuses to pay for that.
 6. All the testimony has gone in and Jersey City has made a motion to dismiss our case on the basis that we haven't proved the damages. There is an issue on what the definition of the cost is based on the judges ruling in October 2018 where he defined the term lowest cost. We have maintained that lowest cost means looking at the full life cycle cost of the project, not just the initial upfront cost.
 7. There will be a continuation of the trial next Friday, April 16th, to continue the testimony of Jersey City, cross examination, then a rebuttal case.
 8. Don Farrell has been at this trial the entire process on the ZOOM.
 9. This is all a matter of public record, any questions or concerns can be addressed in

a closed session if needed.

Old Business

- No Report

New Business

- No Report

Public Portion

The public portion was open at 7:28 PM. There was public present. No comments.
The public portion ended at 7:29 PM.

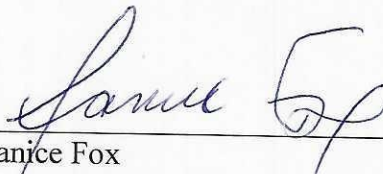
Closed Session

- None

Commissioner Schorno made a motion to adjourn the meeting.
Second by Commissioner Howarth and approved by all present.

Meeting ended at 7:29 PM.

The next scheduled meeting is May 13, 2021



Janice Fox
Assistant Board Secretary