

**ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY
MINUTES OF THE REGULAR SCHEDULED BOARD MEETING
March 14, 2024**

The regularly scheduled meeting of the Rockaway Valley Regional Sewerage Authority was held on Thursday, March 14, 2024. The meeting started at 6:43 PM.

The agenda is available on the website of the RVRSA.

- **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.**

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: Andes of Town of Denville, Cegelka of the Borough of Victory Gardens, Corbett of the Borough of Wharton, Farrell of Township of Boonton, Howarth of Borough of Rockaway, Isselin of Town of Dover, Lavery of Town of Boonton, Potter of Township of Randolph, Schorno of Township of Rockaway, and Zuppa of City of Jersey City.

The following Board Members were absent: None

There is a quorum.

Also, present were Joseph Maraziti Esq. Maraziti Falcon LLP.

Authority staff present were: JoAnn Mondsini, Robert Bocchino, and Janice Fox.

Correspondence: None.

Public Portion – Agenda Items Only.

- No public present.

Consent Agenda

- **Approval of Minutes** of February 8, 2024, Regular Board Meeting.
- **Resolution 24-034** – Authorizing Execution of An Industrial Sewer Connection Permit Renewal to Polyfil, Incorporated, Block 22103/Lot 14, Township of Rockaway.

- **Resolution 24-035** – Authorizing Execution of An Initial Industrial Sewer Connection Permit to TerrAscend, NJ Block 41301/Lot 8, Township of Boonton.
- **Resolution 24-036** – Authorizing Execution of Contract for Aluminum Sulfate 8.3% AL₂O₃ Solution.
- **Resolution 24-037** – Authorizing Execution of Contract for Copier and Printer Services.

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

Yeas: (10) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, Lavery, Potter, Schorno and Zuppa.

Nays: (0) None

Abstain: (1) Farrell (on the Minutes only)

Absent: (0) None

The Resolutions contained in the Consent Agenda passed on 10 yeas, with the exception of the approval of the meeting minutes, which passed on 9 yeas, and one abstention of Commissioner Farrell.

Executive Committee – Hector Schorno, Chairman – No meeting held.

- **No Report**

Planning Committee – Donald Farrell, Chairman – No meeting held.

- **No Report**

Operations Committee – Hector Schorno, Chairman – No meeting held.

- **No Report**
- Operation and Maintenance and Trunkline Reports are in the packet.

Infrastructure Committee – Thomas Andes, Chairman – Meeting held March 13, 2024

- **Report** – Discussed **(1)** Change Order #1 for Contract 43 - Interceptor Sewer Replacement and Rehabilitation – Boonton Section Project; **(2)** Status of Contract 41 – Filtration and Phosphorus Removal Facilities Project, **(3)** Proposal for Contract Amendment #6 for Mott MacDonald related to Contract 41; and **(4)** Award of Contract 44 – Emergency Generators Replacement Project.

Commissioner Andes offered **Resolution 24-038** – Authorizing Execution of Change Order No. 1 to Contract 43, Interceptor Sewer Replacement and Rehabilitation – Boonton Section and Second by Commissioner Cegelka and approved on a roll call vote as follows:

Yeas: (10) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, Lavery, Potter, Schorno and Zuppa.

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Nays: (0) None
Abstain: (0) None
Absent: (0) None

Resolution 24-038 passed on 10 yeas.

Commissioner Andes offered **Resolution 24-039** – Authorizing 6th Amendment 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 Cegelka and approved on a roll call vote as follows:

Yeas: (10) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, Lavery, Potter, Schorno and Zuppa.

Nays: (0) None

Abstain: (0) None

Absent: (0) None

Resolution 24-039 passed on 10 yeas.

Commissioner Andes offered **Resolution 24-040** – Awarding Contract No. 44 Emergency Generators Replacement Project to FAI-GON Electric, Inc. Subject to Approval by the New Jersey Department of Environmental Protection and Second by Commissioner Cegelka and approved on a roll call vote as follows:

Yeas: (10) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, Lavery, Potter, Schorno and Zuppa.

Nays: (0) None

Abstain: (0) None

Absent: (0) None

Resolution 24-040 passed on 10 yeas.

Jersey City Committee – Glenn Corbett, Chairman - No meeting held.

- **Report** – Oral Arguments held on March 6, 2024.
- Joseph Maraziti gave a summary of Oral Arguments: We have been through the court's multiple times with this lawsuit, which began in 2010, on motions for judgments, which we mostly won. The Orders on Summary Judgement were appealed by Jersey City. The City's argument is that the Settlement Agreement, which results in Jersey City paying millions of dollars a year for the sewerage treatment of Morris County Municipalities, is against public policy, is invalid for a variety of reasons, one which is that it is a perpetual contract, and that the court should declare it invalid and set it aside. The City also argued that the User Charge System that the Authority has used, is violative of Federal Law because Federal Law says that payment by users of sewer systems must be based on the amount of use. Jersey City has virtually no use in the sewer system. So, the allegation there is that the Agreement with Jersey City is invalid for that reason and it is violative of the Federal Law. Jersey City also argued that the Agreement lacks consideration, that is, that nothing of value was given by the municipalities to Jersey City in exchange for the Agreement.
- Our response to the argument that the Agreement is violative of public policy because it is perpetual, is that it is not in perpetual, as it has an end date. It is not a fixed end date, but it ends when the plant no longer treats sewerage. Two assignment judges in the

Our response to the agreement that the agreement is voidable at public policy because it is perpetual is that it is not perpetual as it has an end date. It is not a fixed end date but it ends when the plant no longer treats sewage. Two assignment judges in the

Jersey City in exchange for the agreement. Jersey City is voidable for the agreement reason and it is voidable of the Federal Law. Jersey City also argued that the agreement is not a perpetual contract, that is, that nothing of value was given by the municipalities to Jersey City in exchange for the agreement. The City also argued that the User Charge System that the Authority has used, a voidable of Federal Law because Federal Law says that payment by users of sewer systems must be based on the amount of use. Jersey City has actually no use in the sewer system. So the allegation there is that the agreement with Jersey City is voidable for that reason and it is voidable of the Federal Law. Jersey City also argued that the agreement is against public policy, is invalid for a variety of reasons, one which is paying millions of dollars a year for the sewerage treatment of Morris County. The City's argument is that the Settlement Agreement which results in Jersey City we mostly won. The Order on Summary Judgment was appealed by Jersey City multiple times with the lawsuit which began in 2010, on motions for judgments, which Joseph Ichniowski gave a summary of Oral Agreement. We have been through the court's Report -- Oral Arguments held on March 8, 2024.

Jersey City Committee - Glenn Galletti, Chairman - No meeting held.

Resolution 24-040 passed on 10 year.

Absent: (0) None

Present: (0) None

Absent: (0) None

Present: (0) None

Year: (10) Andre Gaglio, Corbett, Farrell, Howarth, Jasehn, Lavery, Potter, Scarnio and Zappa

on a roll call vote as follows:

Department of Environmental Protection and Board by Commissioner Gaglio and approved Commission Resolution Project to FAH-GON Electric, Inc. Subject to Approval by the New Jersey Commissioner Andre offered Resolution 24-040 -- Awarding Contract No. 44 Emergency

Resolution 24-039 passed on 10 year.

Absent: (0) None

Present: (0) None

Absent: (0) None

Present: (0) None

Year: (10) Andre Gaglio, Corbett, Farrell, Howarth, Jasehn, Lavery, Potter, Scarnio and Zappa

Commissioner Gaglio and approved on a roll call vote as follows:

(RFP) Services for the Princeton and Princeton Renovate Facilities Project and Second by MacDonell to Provide Construction Phase Engineering and Resident Project Representative Commission Andre offered Resolution 24-038 -- Authorizing 6th Amendment of Contract to Mobil

Resolution 24-038 passed on 10 year.

Absent: (0) None

Present: (0) None

Absent: (0) None

Present: (0) None

courts below, found that the language in the Settlement Agreement is sufficient to determine when the agreement ends. Also, the Sewerage Authority's law under, which the Authority is organized, specifically says that contracts, relating to the treatment of sewerage, may be for an indefinite duration.

- Our response to the absence of consideration, is that the Rockaway Valley Sewerage Authority in 1971, took over the legal obligation that Jersey City had at that time, to build a new treatment plant at its sole cost and expense. That obligation was at the Order of The Department of Health, that later became an Order of The Superior Court. Jersey City was relieved of that obligation by the settlement agreement, and that spared it of millions of dollars of expense over time. The other argument is that Jersey City waived this argument along with some others. The 1984 Settlement Agreement states that Jersey City waives any claim it may have had up to that moment. The waiver provision would waive the argument about the violation on Federal Policy on user charge system, it would waive the argument that there's no consideration, it would wave the argument that it's against public policy.
- We do not know when the decision will be rendered, but it has been estimated to take about a year to issue an Opinion of the Appellate Division, due to the factual and legal complexity of the case and the size of the record.

Sewer User Committee – Donald Farrell, Chairman – No meeting held.

- No Report

Finance Committee – Glenn Corbett, Chairman – No meeting held.

- No Report.
- CFO's Report is in the packet.

Commissioner Corbett offered **Resolution 24-041** – Resolution Authorizing Payment of Vouchers in the amount of **\$1,417,125.74** and Second by Commissioner Cegelka and approved on a roll call vote as follows:

Yeas: (9) Cegelka, Corbett, Farrell, Howarth, Isselin, Lavery, Potter, Schorno, and Zuppa.

Nays: (0) None

Abstain: (1) Andes

Absent: (0) None

Resolution 24-041 passed on 9 yeas.

Executive Director's Report

- **Report**-Our HR/Safety Coordinator, Corinne Mosher, has resigned. We are actively interviewing candidates.
- HR/Safety Coordinators Report is in the packet.
- Executive Directors Report is in the packet.

Engineers Report- Robert Bocchino

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counts below, found that the language in the Settlement Agreement is sufficient to determine when the agreement ends. Also, the Sewerage Authority's law unit, which the Authority is organized, specifically says that contracts relating to the treatment of sewage may be for an indefinite duration.

Our response to the absence of consideration, is that the Parkway Valley Sewerage Authority in 1971, took over the legal obligation that Jersey City had at that time to build a new treatment plant at its own cost and expense. That obligation was at the Order of the Department of Health, that later became an Order of the Superior Court. Jersey City was relieved of that obligation by the settlement agreement, and that agreed to millions of dollars of expenses over time. The other argument is that Jersey City waived the argument along with some others. The 1994 Settlement Agreement states that Jersey City waives any claim it may have had up to that moment. The waiver provision would waive the argument about the violation of Federal Policy on user charge system. It would waive the argument that there's no consideration. It would waive the argument that it's against public policy.

We do not know when the decision will be rendered, but it has been estimated to take about a year to issue an Opinion of the Appellate Division, due to the factual and legal complexity of the case and the size of the record.

State Bar Committee - Donald Farrell, Chairman - No meeting held

* No Report

Finance Committee - Glenn Cooper, Chairman - No meeting held

* No Report

* CFO's Report is in the packet

Commissioner Cooper offered Resolution 24-947 - Resolution Authorizing Payment of \$2,000,000 in the amount of \$1,417,122.74 and \$582,877.26 by Commissioner Cooper and approved on a roll call vote as follows:

- Yes: (8) Cooper, Cooper, Farrell, Howard, Lewis, Lavery, Fisher, Etkin, and Lucas
 - Yes: (0) None
 - Abstain: (1) Auluck
 - Absent: (0) None
- Resolution 24-947 passed on 8/1/94.

Executive Director's Report

- * Report on HRB's Committee, Chairman Monitor, has resigned. We are actively interviewing candidates.
- * HRB's Committee Report is in the packet.
- * Executive Director Report is in the packet.

Executive Director's Report Meeting

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- **Report-** We are seeking mediation for Contract 41, the filter building project.
- Engineer Report is in the packet.
- Industrial Pre-Treatment Report is in the packet.
- Electrical Engineer Report is in the packet.

Lawyers Report – Joseph Maraziti

- **Report-** We received the recorded copy of license agreement for the Firemen's Home.

Old Business

- **No Report**

New Business

- **No Report**

Public Portion

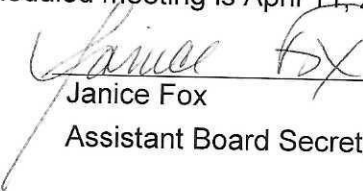
The public portion was open at 7:00 PM. No public was present.
The public portion ended at 7:00 PM.

Closed Session

- **None**

Commissioner Corbett offered a motion to adjourn and second by Commissioner Cegelka and all in favor.

Meeting ended at 7:00 PM. The next scheduled meeting is April 11, 2024.


Janice Fox

Assistant Board Secretary

* Report- We are seeking mediation for Contract #1, the filter building project.

- * Electrical Engineer Report is in the packet.
- * Industrial Pre-Treatment Report is in the packet.
- * Final cost Report is in the packet.

General Session - Opened Meeting

* Report- We received the recorded copy of license agreement for the Plaman's Home.

Old Business

* No Report

New Business

* No Report

Public Portion

The public portion was open at 7:00 PM. No public was present.
The public portion ended at 7:00 PM.

Closed Session

* None

Commissioner Corbett offered a motion to adjourn and record by Commissioner Corbett and at its favor.

Meeting ended at 7:00 PM. The next scheduled meeting is April 21, 2024.

Assistant Board Secretary

Jessica Fox