

Minutes of Meeting No. 632, April 30, 2024 – Stony Brook Regional Sewerage Authority

LOCATION: Via Teleconference, Hopewell Borough Hall, Hopewell, NJ

MEMBERS PRESENT: Downey, Antebi, Bhosle, Goldfarb, Morehouse, Patel

MEMBERS ABSENT:

CONSULTANTS: Alexander, McNinch

STAFF PRESENT: Chong, Christiano, Doelling, Hilty, Hinkel, Smith, Stewart, Thomas

632.01

Dr. Downey opened the regularly scheduled meeting at 6:30 p.m. Chairman Downey indicated, pursuant to Section 13 of the Open Public Meetings Act, that adequate notice of the time and place of this meeting and the teleconference information was given by filing with the Authority's official newspapers, each Clerk of each municipality, and by posting on the Princeton Bulletin Board and the Authority's website.

Dr. Downey indicated that the Board meeting would begin with the Finance Report.

632.02 Finance

Mr. Goldfarb moved Resolution 2024-027 to Approve Payment of Bills and Claims in the amount of \$1,071,252.90 with two signatures instead of three. Mr. Morehouse seconded the motion, which was passed by a roll call vote of 6 to 0. Resolution 2024-027 follows.

Payment of Bills and Claims

Resolution to Approve Payment of Bills and Claims

Resolution No. 2024-027

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 \$1,071,252.90 be approved for payment with checks bearing two authorized signatures instead of three authorized signatures.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse ⁽¹⁾	X			
Bharat Patel	X			

(1) Abstained from payments to Allied Construction and Kleinfelder

Treasurer's Report

Mr. Chong reported a net income of \$1,251,756 for the 2024 fiscal year-to-date. The Authority has total cash and investments of \$21,371,018. The current construction project balance is \$1,197,749, and there are sufficient funds for these projects. The outstanding bond principal balance is \$12,598,889.

Monthly Sludge Business Analysis

Mr. Chong reported that March's net income was \$123,939, and the cumulative net income for the fiscal year to date was \$444,218.

Fiscal Year 2023 Audit

Mr. McNinch reported the material findings of the 2023 financial year-end audit and the necessary adjustments for SBRSA's financial reporting to remain current. Two key findings were highlighted: one concerning the pension liability adjustment and the other regarding the update of inventory items on the financial statement.

Mr. McNinch reported that the resolutions for the Certify Member Review of the 2023 Audit and Certify Corrective Action Plan for the 2023 Audit must be submitted with the SBRSA 2024 Budget to the State of New Jersey.

Mr. McNinch also reported non-material findings, noting the need to reconcile certain financial balances and the requirement for a budget transfer. If any capital project exceeds its allocated budget, a resolution must be made to amend the budget accordingly.

A discussion occurred regarding a Renewal & Replacement program and the corresponding budgeted line item.

Mr. Smith reported that the Authority plans to engage a consultant to facilitate the asset management program.

A discussion occurred regarding the graphs presented by Mr. McNinch that highlight how SBRSA reports funding for capital projects compared to other Authorities.

Dr. Downey requested a motion to approve Resolution 2024-028, Certify Member Review of the 2023 Audit. Mr. Goldfarb moved the resolution, seconded by Ms. Bhosle, and passed by a roll call vote of 6 to 0. Resolution 2024-028 follows.

Resolution to Certify Member Review of the 2023 Audit

Resolution No. 2024-028

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual report for the fiscal year ended November 30, 2023, has been completed and will be filed with the State of New Jersey, Division of Local Government Services, Department of Community Affairs, Bureau of Authority Regulation, Local Finance Board pursuant to N.J.S.A. 40A:5A-15, and

WHEREAS, N.J.S.A. 40A:5A-17 requires that the governing body of each authority, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has reviewed the annual audit report, and specifically the sections of the audit report entitled “General Comments” and “Recommendations” and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

WHEREAS, the members of the governing body received the annual audit and has personally reviewed the annual audit report, and specifically the sections of the annual audit report entitled “General Comments” and “Recommendations” in accordance with N.J.S.A. 40A:5A-17.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Stony Brook Regional Sewerage Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended November 30, 2023, and specifically has reviewed the sections of the audit report entitled “General Comments” and “Recommendations” and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED that the Secretary of the authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel	X			

Mr. Goldfarb moved Resolution 2024-029, to Certify Corrective Action Plan for the 2023 Audit,

seconded by Ms. Bhosle and passed by a roll call vote of 5 to 0. Resolution 2024-029 follows.

Resolution to Certify Corrective Action Plan for 2023 Audit

Resolution No. 2024-029

WHEREAS, by Resolution, the Board Members of the Stony Brook Regional Sewerage Authority (the “Authority”) have certified that they have received the 2023 annual audit and, have personally reviewed the audit, and have specifically reviewed the sections of the annual audit report entitled “General Comments” and “Recommendations” in accordance with N.J.S.A. 40A: 5A-17; and

WHEREAS, the Audit includes “Comments” and “Recommendations” requiring action by the Authority; and

WHEREAS, N.J.A.C. 5:31-7.6(i) requires a “corrective action plan, in the form of a resolution, to be adopted by the members of the governing body with respect to Comments and Recommendations made in the audit, shall be filed forthwith the Division within 45 days of receipt of the annual audit”; and

WHEREAS, a corrective action plan addressing these Comments and Recommendations has been prepared by the Authority; and

WHEREAS, the Board Members of the Authority have reviewed this 2023 Corrective Action Plan (attached hereto).

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Stony Brook Regional Sewerage Authority, the following:

1. The Board Members hereby approve and adopt the 2023 Corrective Action Plan.
2. The Secretary of the Authority is hereby directed to promptly submit to the Director of the Division of Local Government Services the Corrective Action Plan, accompanied by a certified true copy of this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel ⁽¹⁾				

(1) no vote due to technical difficulties

2023 CORRECTIVE ACTION PLAN

Name of Authority: Stony Brook Regional Sewerage Authority

County: Mercer

Audit Year Ending: 11/30/2023

Contact Person: David Smith, Executive Director

Telephone Number: (609) 924-8881

Finding 2023-01

Description: The Authority has not updated the net pension obligation, pension-related deferred outflow, accounts payable-pension or pension-related deferred inflow accounts to a measurement date acceptable under current accounting standards.

Corrective Action: The Authority relies on an actuarial valuation that is provided by the State of New Jersey to update these accounts. At the time of the audit report release date, this valuation was not yet available. The Authority plans to update all future financial statements to comply with GASB No. 68 once this valuation is complete and has been made public by the State of New Jersey.

Implementation: Immediately.

Finding 2023-02

Description:	The Authority should maintain a property, plant and equipment subsidiary ledger and reconcile it to the general ledger control account.
Corrective Action:	The Authority is currently investigating different options to update the property, plant and equipment subsidiary ledgers and hopes to have this finding corrected in the near future.
Implementation	Immediately.

Mr. Goldfarb moved Resolution 2024-030, Authorizing the Issuance of Not to Exceed \$22,000,000 Subordinate Bonds (Hopewell WWTP Project) of the Stony Brook Regional Sewerage Authority and Providing for Their Sale to the New Jersey Infrastructure Bank and the State of New Jersey and Authorizing the Execution and Delivery of Certain Agreements in Connection, seconded by Mr. Morehouse and passed by a roll call vote of 5 to 0. Resolution 2024-030 follows.

Resolution Authorizing the Issuance of Not to Exceed \$22,000,000 Subordinate Bonds (Hopewell WWTP Project) of the Stony Brook Regional Sewerage Authority and Providing for Their Sale to the New Jersey Infrastructure Bank and the State of New Jersey and Authorizing the Execution and Delivery of Certain Agreements in Connection Therewith.

Resolution No. 2024-030

WHEREAS, the Stony Brook Regional Sewerage Authority (the “Authority”), a public body corporate and politic of the State of New Jersey (the “State”), has determined that there exists a need to acquire, construct, renovate, install or refinance the Project (the “Project”), as described herein and as further defined in each of that certain Loan Agreement (the “I-Bank Loan Agreement”) to be entered into by and between the Authority and the New Jersey Infrastructure Bank (the “I-Bank”) and that certain Loan Agreement (the “Fund Loan Agreement”) and, together with the I-Bank Loan Agreement, the “Loan Agreements”) to be entered into by and between the Authority and the State acting by and through the New Jersey Department of Environmental Protection all pursuant to the New Jersey Infrastructure Bank Financing Program (the “Program”); and

WHEREAS, the Authority has determined to finance or refinance the acquisition, construction, renovation, or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the “I-Bank Loan”) and the State (the “Fund Loan”) and, together with the I-Bank Loan, the “Loans”) pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively; and

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Authority to authorize, execute, attest and deliver the Authority's Subordinate Bond to the State (the "State Loan Bond") and Subordinate Bond to the I-Bank (the "I-Bank Loan Bond" and, together with the State Loan Bond, the "Authority Subordinate Bonds") pursuant to the terms of the Sewerage Authorities Law of the State, constituting Chapter 14A of Title 40 of the Revised Statutes of the State (the "Sewerage Authorities Law"), other applicable law and the Loan Agreements; and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Authority Subordinate Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the escrow agent named therein and the Authority; and

WHEREAS, N.J.S.A. §40:14A-12 of the Sewerage Authorities Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. §58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth in the following resolution; and

WHEREAS, the Authority has heretofore issued revenue bonds pursuant to a resolution of the Authority adopted on September 19, 1977, entitled: "Resolution Authorizing the Issuance of Revenue Bonds of the Stony Brook Regional Sewerage Authority", as amended and supplemented (the "General Bond Resolution"), whereunder, all the Revenues of the Authority, as defined and provided for therein, have been pledged to the payment of the principal of, redemption price, if any, and interest on any revenue bonds heretofore or hereafter issued by the Authority under the General Bond Resolution (the "Revenue Bonds"), to the extent and in the manner provided in the General Bond Resolution; and

WHEREAS, the provisions of Section 615 of the General Bond Resolution authorize the Authority to issue subordinate bonds payable out of the General Fund created and established by the General Bond Resolution, all in accordance with and upon the terms and conditions set forth in the General Bond Resolution and, in particular, Section 511 thereof; and

WHEREAS, bonds, notes, and other evidences of indebtedness of the Authority, including the Authority Subordinate Bonds, benefit from the provisions of the Service Contract (as defined in the General Bond Resolution); and

WHEREAS, any and all bonds and other obligations of the Authority, including the Authority Subordinate Bonds, benefit from the provisions of the Service Contract (as defined in the General Bond Resolution); and

WHEREAS, Section 202 and Section 203 of the Service Contract provide that the Authority may at any time and at its discretion alter, improve, enlarge, and extend the System (as defined in the Service Contract) in any respect or renew or replace any part thereof and issue bonds to finance such work; and

WHEREAS, the Authority is desirous of authorizing the issuance of the Authority Subordinate Bonds as subordinate bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE STONY BROOK REGIONAL SEWERAGE AUTHORITY, and the members or commissioners thereof, **AS FOLLOWS:**

Determination to Undertake the Project. The Authority does hereby determine to undertake the Project, which shall consist of the improvement of the Authority’s System (as defined in the General Bond Resolution), including the Hopewell Wastewater Treatment Plant by the upgrade of the infrastructure thereof and the improvement of the effluent system, together with all necessary and incidental equipment, apparatus, structures and appurtenances and all personal property necessary or desirable for the efficient construction and operation of such facilities, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Authority, as such plans and specifications may be amended or modified from time to time.

Estimated Cost of the Project. The estimated maximum total cost of the Project, as defined in the Sewerage Authorities Law, is \$22,000,000.

Authorization of Authority Subordinate Bonds. In accordance with Section 11 of the Sewerage Authorities Law and subject to and pursuant to the provisions of this resolution, bonds of the Authority (herein referred to as the Authority Subordinate Bonds) are hereby authorized to be issued in the principal amount not to exceed \$22,000,000 for the purpose of raising funds to pay the costs of the Project (including for the purpose of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor), including the funding of any required or desirable reserves, capitalized interest and costs of issuance.

Payment of Authority Subordinate Bonds. The Authority does hereby determine that the Authority Subordinate Bonds shall be and constitute subordinate bonds and shall be payable from amounts in the General Fund established and created by the General Bond Resolution in the manner and upon the terms and conditions set forth in the General Bond Resolution and this resolution.

Award of Authority Subordinate Bonds. In accordance with N.J.S.A. §40:14A-12 of the Sewerage Authorities Law and N.J.S.A. §58:11B-9(a), the Authority hereby sells and awards its (a) I-Bank Loan Bond to the I-Bank in accordance with the provisions of this resolution and (b) Fund Loan Bond to the State in accordance with the provisions of this resolution.

Basic Terms of Authority Subordinate Bonds; Delegation of Power to Make Certain Determinations. The chairman or vice chairman of the Authority (the “Chairman”) or the Executive Director of the Authority (the “Executive Director”) is hereby authorized to determine, in accordance with the Sewerage Authorities Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions of this resolution, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

The aggregate principal amount of the I-Bank Loan Bond to be issued and the aggregate principal amount of the Fund Loan Bond to be issued, which amounts in the aggregate shall not exceed \$22,000,000;

The maturity or maturities and annual or semi-annual principal installments of the Authority Subordinate Bonds, which maturity or maturities shall not exceed thirty-five (35) years or such longer period of time as allowed by the Program (but in any event no longer than forty (40) years);

The date or dates of the Authority Subordinate Bonds;

The interest rates of the Authority Subordinate Bonds, provided that the effective cost of the I-Bank Loan Bond does not exceed seven per centum (7%) and that the interest rate on the Fund Loan Bond is zero per centum (0%);

The purchase price for the Authority Subordinate Bonds;

The terms and conditions under which the Authority Subordinate Bonds shall be subject to redemption prior to their stated maturities; and

Such other matters with respect to the Authority Subordinate Bonds as may be necessary, desirable, or convenient in connection with the sale, issuance, and delivery thereof, including (1) adding to the title of the Authority Subordinate Bonds the calendar year in which issued and, if applicable, conforming the title of any Authority Subordinate Bonds to the particular portion of the Project being financed by such Authority Subordinate Bonds, (2) issuing each Authority Subordinate Bond in the form of multiple subordinate bonds from time to time if the Project is funded in more than one installment by the Program and (3) combining the issuance of the Authority Subordinate Bonds with the issuance of other subordinate bonds of the Authority authorized or to be authorized to be issued for the Project or for other purposes.

Determinations Conclusive. Any determination made by the Chairman or the Executive Director pursuant to the terms of this resolution shall be conclusively evidenced by the execution and attestation of the Authority Subordinate Bonds by the parties authorized under Section 8(c) of this resolution.

Further Terms of Authority Subordinate Bonds. The Authority hereby determines that certain terms of the Authority Subordinate Bonds shall be as follows:

The Fund Loan Bond shall be issued in a single denomination and shall be numbered RA-1, or as may otherwise be determined by the Chairman or the Executive Director. The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered RB-1, or as may otherwise be determined by the Chairman or the Executive Director;

The Authority Subordinate Bonds shall be issued in fully registered form (convertible to bearer as therein provided) and shall (unless converted to bearer) be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America;

The Authority Subordinate Bonds shall be executed by the manual or facsimile signature of the Chairman, and the Secretary or the Assistant Secretary of the Authority (the “Secretary”), by manual signature, shall attest to the execution of the Authority Subordinate Bonds and shall affix, imprint, engrave or reproduce thereon the corporate seal of the Authority; and

In order to distinguish the Authority Subordinate Bonds from other bonds of the Authority, the Authority Subordinate Bonds shall have such letters and/or numbers incorporated in their titles as shall be determined by the Chairman or the Executive Director.

Forms of Authority Subordinate Bonds. The Fund Loan Bond and the I-Bank Loan Bond shall be substantially in the forms set forth in Exhibit A and Exhibit B hereto, respectively, with such changes, insertions, and omissions as may be approved by the Chairman, such approval to be evidenced by the signature of the Chairman on the Authority Subordinate Bonds.

Authorized Parties. The law firm of Hawkins Delafield & Wood LLP, bond counsel to the Authority, is hereby authorized to arrange for the printing of the Authority Subordinate Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Authority auditor and financial advisor are hereby authorized, if necessary, to prepare the financial information, if any, necessary in connection with the issuance of the Authority Subordinate Bonds. The Chairman, the Treasurer, the Executive Director, the Chief Financial Officer, and the Secretary (collectively, the “Authorized Authority Officers”) are hereby severally authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Report to the Authority. The Authorized Authority Officers are hereby directed to report in writing to the Authority at the meeting of the Authority next following the closing with respect to the Authority Subordinate Bonds as to the terms of the Authority Subordinate Bonds authorized to be determined by the Authorized Authority Officers pursuant to and in accordance with the provisions of this resolution.

Delivery of Authority Subordinate Bonds. Each Authorized Authority Officer is hereby authorized to execute any certificate or document necessary or desirable in connection with the sale of the Authority Subordinate Bonds and is hereby further authorized to deliver same to the I-Bank and the State upon delivery of the Authority Subordinate Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Execution of Agreements. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the “Financing Documents”) are hereby authorized to be manually executed and delivered on behalf of the Authority by the Chairman in substantially the forms required and traditionally used by the I-Bank and the State (which forms are available from

the I-Bank and the State), with such changes as the Chairman, in his or her sole discretion, after consultation with counsel, bond counsel and any other advisors to the Authority (the “Authority Consultants”) and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the “Program Consultants” and, together with the Authority Consultants, the “Consultants”), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by the Chairman. The Secretary is hereby authorized, if necessary, to attest by manual signature to the execution of the Financing Documents by the Chairman and to affix, imprint, engrave or reproduce the corporate seal of the Authority to such Financing Documents.

Authorized Actions. The Authorized Authority Officers are hereby further severally authorized to (i) manually execute and deliver and the Secretary is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Authority to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Authority Officers or the Secretary, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the Authority Subordinate Bonds and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate, (ii) perform such other actions as the Authorized Authority Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof including the application to one or more credit rating agencies for purposes of receiving a credit rating in connection with the issuance of the Authority Subordinate Bonds.

Subordinate Nature of Authority Subordinate Bonds. (A) In the event of any insolvency or bankruptcy proceedings, or any receivership, liquidation, reorganization, or other similar proceedings in connection therewith, relative to the Authority or to its property, or in the event of any proceedings for voluntary liquidation, dissolution or other winding up of the Authority, whether or not involving insolvency or bankruptcy, the holders of all Revenue Bonds shall be entitled to receive payment in full of all payments on such Revenue Bonds before the holders of all outstanding Authority Subordinate Bonds are entitled to receive any payment from the Revenues (as defined in the General Bond Resolution).

(B) In the event that any of the Authority Subordinate Bonds are declared due and payable before their expressed maturity because of the occurrence of a default (under circumstances when the provisions of (A) above shall not be applicable), the holders of all Revenue Bonds at such time outstanding shall be entitled to receive payment in full of all payments then due on such Revenue Bonds before the holders of such Authority Subordinate Bonds are entitled to receive any accelerated payment from the Revenues of principal or interest upon such Authority Subordinate Bonds. Any event of default with respect to the Authority Subordinate Bonds shall not in itself create the right to declare an event of default with respect to the Revenue Bonds.

(C) If any event of default with respect to the Revenue Bonds shall have occurred and be continuing (under circumstances when the provisions of (A) above shall not be applicable), the holders of all Revenue Bonds then outstanding shall be entitled to receive payment in full of all payments on all such Revenue Bonds before the holders of the Authority Subordinate Bonds are

entitled to receive any accelerated payment from the Revenues of principal or interest on such Authority Subordinate Bonds.

(D) No holder of any Revenue Bonds shall be prejudiced in such holder's right to enforce subordination of the Authority Subordinate Bonds by any act or failure to act on the part of the Authority.

(E) The provisions of (A), (B), (C), and (D) above are solely for the purpose of defining the relative rights of the holders of the Revenue Bonds on the one hand, and the holders of the Authority Subordinate Bonds on the other hand, and nothing herein shall impair, as between the Authority and the holders of the Authority Subordinate Bonds, the duty of the Authority, which is unconditional and absolute, to pay to the holders of the Authority Subordinate Bonds, the principal thereon and premium, if any, and interest thereon in accordance with their terms, nor shall anything herein prevent the holders of the Authority Subordinate Bonds from exercising all remedies otherwise permitted by applicable law upon default under the General Bond Resolution, subject to the rights under (A), (B), (C) and (D) above of the holders of the Revenue Bonds to receive cash, property or securities otherwise payable or deliverable to the holders of the Authority Subordinate Bonds.

Withdrawals from the General Fund. In accordance with Section 511 of the General Bond Resolution and provided that the amount in every account or fund created and established by the General Bond Resolution, including the Bond Service Fund, the Sinking Fund, the Bond Reserve Fund and the Renewal and Replacement Fund, equals or exceeds the amount required to be therein and that the Authority is not in default in the payment of the principal of or interest on or redemption price of any Revenue Bonds, the trustee under the General Bond Resolution is hereby authorized and directed to withdraw from the General Fund from time to time amounts necessary to satisfy the debt service payments with respect to the Authority Subordinate Bonds.

Covenant to Pay Authority Subordinate Bonds. The Authority hereby particularly covenants and agrees with the holders of the Authority Subordinate Bonds and makes provisions which shall be a part of its contract with such holders, that the Authority will pay or cause to be paid the principal of every Authority Subordinate Bond and the interest thereon at the date and place and in the manner mentioned in such Authority Subordinate Bond according to the true intent and meaning thereof and will carry out and perform all of the acts and things required of it by the terms of this resolution.

Resolution Constitutes Contract. In consideration of the purchase and acceptance of the Authority Subordinate Bonds by those who shall hold the same from time to time, the provisions of this resolution shall be deemed to be and shall constitute contracts between the Authority and the holders from time to time of the Authority Subordinate Bonds.

No Recourse. No recourse shall be had for the payment of the principal or redemption price, if any, of or the interest on the Authority Subordinate Bonds or for any claim based thereon or on this resolution against any member or other officer of the Authority or any person executing the Authority Subordinate Bonds. The Authority Subordinate Bonds are not and shall not be in any way a debt or liability of the State or of any county or municipality, and do not and shall not create or constitute any indebtedness, liability or obligation of the State or of any

county or municipality, either legal, moral or otherwise.

Authorization for Resolution. This resolution is adopted by virtue of the Sewerage Authorities Law and pursuant to its provisions, and the Authority has ascertained and hereby determines that adoption of this resolution is necessary to carry out the powers, purposes and duties expressly provided in the Sewerage Authorities Law and that each and every matter and thing as to which provision is made in this resolution is necessary in order to carry out and effectuate the purposes of the Authority in accordance with the Sewerage Authorities Law.

Interim Financing. In anticipation of the issuance of the Authority Subordinate Bonds, the Authority hereby authorizes, if necessary or desirable, the issuance, sale and award of a note or notes (the "Subordinate Note") pursuant to the I-Bank's financing program. The Subordinate Note shall be substantially in the form required and traditionally used by the I-Bank (which form is available from the I-Bank). The execution and delivery of the Subordinate Note shall be in the same manner as herein prescribed with respect to the Authority Subordinate Bonds. An Authorized Authority Officer is hereby authorized to determine, pursuant to the terms and conditions established by the I-Bank under its financing program and the terms and conditions of this resolution, the following items with respect to the Subordinate Note: (a) the aggregate principal amount of the Subordinate Note to be issued and outstanding from time to time, which amount shall not exceed \$22,000,000; (b) the maturity of the Subordinate Note, which shall be no later than June 30 following the date that is five (5) years after the date of issuance thereof or such longer or extended period of time as may be permitted under the rules of the I-Bank's financing program; (c) the date of the Subordinate Note; (d) the interest rate or rates of the Subordinate Note (including different interest rates applicable to different drawdowns on the Subordinate Note), which shall not exceed three percent (3%) per annum or such higher rate as may be determined pursuant to the rules of the I-Bank's financing program; (e) the purchase price for the Subordinate Note; and (f) such other matters with respect to the Subordinate Note as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof, including without limitation (i) combining the issuance of the Subordinate Note with the issuance of other subordinate notes of the Authority authorized or to be authorized to be issued for the Project or for other purposes, (ii) issuing the Subordinate Note in the form of multiple subordinate notes from time to time if the Project is funded in more than one installment by the Program and (iii) applying to one or more credit rating agencies for purposes of receiving a credit rating. The Authorized Authority Officers are hereby further severally authorized to manually execute and deliver and the Secretary is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Authority to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Authority Officers or the Secretary, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Subordinate Note and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Filing of Resolution. The Secretary is hereby authorized and directed to cause copies of this resolution to be filed for public inspection in the following places: in the office of the Borough Clerk of the Borough of Pennington, in the County of Mercer, in the Municipal Building of said Borough, in the office of the Municipal Clerk of Princeton, in the County of

Mercer, in the Municipal Building of said municipality, in the office of the Borough Clerk of the Borough of Hopewell, in the County of Mercer, in the Municipal Building of said Borough, in the office of the Township Clerk of the Township of Hopewell, in the County of Mercer, in the Municipal Building of said Township, in the office of the Township Clerk of the Township of West Windsor, in the County of Mercer, in the Municipal Building of said Township, in the office of the Township Clerk of the Township of South Brunswick, in the County of Middlesex, in the Municipal Building of said Township, and in the office of the Authority, 290 River Road, Princeton, New Jersey.

Publication of Notice. The Secretary is hereby authorized and directed to cause to be published, after completion of filing of copies of this resolution as directed in the preceding Section, in the “*Trenton Times*”, a legally qualified public newspaper circulating in the district of the Authority, a notice in substantially the form attached as Exhibit C hereto and by this reference incorporated as if set forth in full herein.

Multiple Document Sets. Notwithstanding any other provision of this resolution to the contrary, if in connection with the participation of the Authority in the Program, the State and the I-Bank require that the Authority execute more than one set of documents, the provisions of this resolution shall be deemed to apply to the Authority Subordinate Bonds and the Financing Documents related to each set of documents; provided, however, that in no event may the aggregate principal amount of all Authority Subordinate Bonds issued and delivered pursuant to the provisions of this resolution be in excess of the amount authorized in Section 3 hereof.

Capitalized Terms. All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

Effective Date. This resolution shall take effect immediately.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel ⁽¹⁾				

(1) no vote due to technical difficulties

Mr. Goldfarb moved Resolution 2024-031, Authorize Participation in Cooperative Purchasing System Agreement with the Educational Services Commission of New Jersey as Part of a Cooperative Pricing System, which was seconded by Ms. Bhosle.

Mr. Smith stated that this resolution pertains to a vendor affiliated with a cooperative purchasing program, which will be utilized to procure new office furniture for the administration building.

Resolution 2024-031 was passed by a roll call vote of 5 to 0. Resolution 2024-031 follows.

**Resolution to Authorize Participation in Cooperative Purchasing System Agreement
with the Educational Services Commission of New Jersey
as Part of a Cooperative Pricing System**

Resolution No. 2024-031

WHEREAS, N.J.S.A. 40:11-11 specifically authorizes two (2) or more contracting units to enter into a cooperative pricing system or joint purchasing agreement for the provision and performance of goods and services; and

WHEREAS, Educational Services Commission of New Jersey (“ESCNJ”) serves as the lead agency of the Educational Services Commission of New Jersey Cooperative Pricing System No. 65-MCESCCPS (“65-MCESCCPS”) and is specifically authorized to establish cooperative purchasing programs pursuant to N.J.A.C. 5:34, and approved by the New Jersey Division of Local Government Services; and

WHEREAS, the MCESCCP has advertised and awarded contracts for a variety of goods and services; and

WHEREAS, Stony Brook Regional Sewerage Authority (the “Authority”), pursuant to P.L.2011.c.139; and N.J.A.C. 5:34-7.29(c) and per Local Finance Notice No. LFN 2011-35, may, by resolution and without advertising for bids, purchase of goods from any national and/or regional cooperative entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, Stony Brook Regional Sewerage Authority (the “Authority”) desires to participate in a cooperative pricing system with the ESCNJ and desires to designate ESCNJ as lead agency for the conducting of certain functions relating to the purchase of goods and services in a cost-efficient manner for the benefit of the Authority rate payers; and

WHEREAS, the Authority desires to become a member of the 65-MCESCCPS and that such membership shall continue in effect for a period not to exceed five (5) years ending April 30, 2029, and each renewal, thereafter of the system, unless the Authority elects to formally withdraw from the system.

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

1. Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Executive Director of the Stony Brook Regional Sewerage Authority is hereby authorized to take all steps necessary to obtain membership with ESCNJ, hereinafter referred to as the “Lead Agency,” for membership in the Educational Services Commission of New Jersey No. 65-MCESCCPS, for the conduct of certain functions relating to the purchase of goods and services for their respective jurisdictions.

2. Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et.seq.) and all other relevant provisions of the revised statutes of the State of New Jersey.

3. This Resolution shall take effect immediately.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				
<small>(1) no vote due to technical difficulties</small>				

The Board thanked Mr. McNinch for his services, and he left the meeting at approximately 7:08 PM.

632.03 Approval of Minutes

The revised Board minutes from the March 25, 2024, Board Meeting were approved on a motion by Mr. Antebi, seconded by Ms. Bhosle, and passed by a unanimous vote.

The Board meeting minutes from the SPECIAL MEETING on April 4, 2024, were approved as presented on a motion by Mr. Antebi, seconded by Ms. Bhosle, and passed by a vote of 5 to 0, 1 Abstained.

632.04 Open to the Public

Chairman Downey opened the public portion of the meeting at 7:12 p.m. Hearing no comments from the public, Chairman Downey closed the meeting to the public at 7:13 p.m. and continued as scheduled.

Due to technical difficulties, Mr. Patel was not in attendance at approximately 7:13 PM.

632.05 Board Related Activities

Mr. Smith reported that three (3) consultant contracts are to be awarded: One Water Consulting for additional sampling for the phosphorous study, Kleinfelder for the annual inspection, and GHD, Amendment No. 1 related to the sludge hopper screw replacement project. The contracts will be discussed in the Construction section of the meeting.

632.06 Planning and Administration

Mr. Smith reported that the current 12-month average daily flow at the River Road WWTP is 10,478,965 gpd with 1,474,360 gpd of inoperative flow, leaving an available capacity of 1,106,675 gpd. The current 12-month average daily flow at the Hopewell WWTP is 274,200 gpd with zero gpd of inoperative flow, leaving an available capacity of 25,800 gpd. The current 12-month average daily flow at the Pennington WWTP is 288,307 gpd with 23,672 gpd of inoperative flow, leaving an available capacity of 133,021 gpd.

Mr. Smith reported that staff completed the flow meter verifications on April 1, 2024. All flow meters were within $\pm 5\%$.

Mr. Smith reported that the flow totalizer for Meter Station No. 6 reset mid-day on March 1 and 2, 2024. The reported totalizer for those days was recalculated as the sum of the partial daily totalizer readings.

The flow totalizer for Meter Station No. 7 reset mid-day on March 1 and 2, 2024. The reported totalizer for those days was recalculated as the sum of the partial daily totalizer readings.

On March 3, 2024, at the Princeton Forrestal Connector Meter, a mass of solid grease became lodged under the flowmeter, causing the meter to erroneously report its maximum flow until SBRSA staff cleared the debris on March 4, 2024. The flow totals for March 3 and 4, 2024, were replaced with the flow total from the next comparable weekday, March 5, 2024.

On March 2, 6, 7, 9, 10, and 23, 2024, the Pennington WWTP Influent Flowmeter exceeded its maximum range (1.08 mgd) for more than half of the day. The flow totals for each day were replaced with the corresponding flow totals from the influent pump discharge electromagnetic flowmeter, which has a maximum range of 2.16 mgd.

632.07 Approval/ Extension Requests and Actions

Nothing to report for this period.

632.08 Regulatory Report

There were no Board member comments on the Regulatory Report. For information, the following Regulatory Report is included in the meeting minutes.

Discharge Monitoring Report (DMR)

The Discharge Monitoring Reports for the months of February and March 2024 were submitted with no violations reported.

Residuals Discharge Monitoring Report (RDMR)

The Discharge Monitoring Reports for the month of January 2024 were submitted with no violations reported.

February 2024 RDMRs are currently being reviewed.

Air Reporting

The 1st quarter 2024 Excess Emissions and Monitoring Performance Reports are currently being reviewed.

On April 11, 2024, in accordance with Section VIII, paragraphs 53 & 56 of the 2022 Consent Decree, notification of payment for stipulated penalties was sent to EPA, NJDEP, USDOJ, and NJOAG.

The 1st quarter 2024 Bypass report was submitted on April 18, 2024. During the first quarter of 2024, there were three (3) emergency bypass stack events.

On March 27, 2024, an Incinerator No. 22 RTO (OS28) RTO malfunction caused the incinerator to automatically transition from OS28 to OS3 (AB) while there was sludge combustion in the incinerator. An Affirmative Defense letter and a follow-up report (required by Section V, paragraph D.29 of the 2022 Consent Decree) were submitted to EPA, NJDEP, USDOJ, and NJOAG on April 22, 2024.

On March 28, 2024, the Emergency Bypass Stack opened due to a commercial power outage. The EPA, NJDEP, USDOJ, and NJOAG were notified via email of the incident within 72 hours (as required by the 2022 Consent Decree). An Affirmative Defense letter and a follow-up report (required by Section V, paragraph D.29 of the 2022 Consent Decree) were submitted to EPA, NJDEP, USDOJ, and NJOAG on April 22, 2024.

The 2023 Annual Emission Statement is being prepared.

The 2024 Q1 Quarterly Report detailed in paragraph 28 of the 2022 Consent Decree is being prepared. Staff anticipates submitting this document later this month. The report is due 45 days after the last day of the calendar quarter. A copy of the report (without attachments) will be included in next month's report.

Laboratory

The laboratory renewal certification applications for River Road, Hopewell, and Pennington WWTPs were submitted to NJDEP on March 24, 2024.

632.09 Safety

Mr. Smith reported that the Department of Homeland Security (DHS) evaluated the site at the River Road WWTP. To enhance security, DHS recommended repairing the fence in damaged areas, installing cameras, and clearing the vegetation surrounding the perimeter fence. Once the written report is available, it will be included in the Safety Report.

Mr. Thomas reported that Homeland Security will perform a penetration test to evaluate a computer system's security. The test will simulate an attack.

Mr. Smith reported that the current operation of the front gate did not appear to present a security issue.

There were no other Board member comments on the Safety Report. For information, the following Safety Report is included in the meeting minutes.

Accidents:

As of April 22, 2024, the Authority has gone 145 consecutive days without a “Lost Time” accident.

Inspections:

The Department of Homeland Security (DHS) inspected the River Road WWTP site perimeter. To enhance security, DHS recommended repairing the fence in damaged areas, installing cameras, and clearing the surrounding vegetation.

Training:

During this reporting period, staff attended the following training programs provided by the MEL Safety Institute:

- Bloodborne Pathogens
- Fire Extinguisher
- Fire Safety

Miscellaneous

The Safety Committee Meeting was held on April 19, 2024. The meeting minutes were provided in the Safety report.

632.10 Litigation

Ms. Alexander reported her office is working with DAG Delahunty regarding a status update for submission to Judge Caliguire, which would advise regarding ongoing efforts since the last correspondence and request additional time to pursue the resolution of the contested issues.

The next status conference with Judge Caliguire is scheduled for May 2, 2024.

632.11 Operations Report

Mr. Stewart reported that vegetation along the west side of the property where the tarp has been installed is clear.

The DHS representatives evaluated the perimeter fence, ingress, and egress points. Following the perimeter walk, suggestions were made regarding maintenance and strategies to consider moving forward. Staff are obtaining quotes for repairing the fence and removing trees and vegetation.

Mr. Smith reported that not all the vegetation will be removed at this time, and there have been discussions about changing door locks to security card access.

Mr. Stewart reported that the River Road Facility operated well during this reporting period.

Mr. Stewart reported that a delivery of polyaluminum chloride was to be received the week of April 29, 2024. Testing for total phosphorous (TP) will resume utilizing DeIPAC 1525. DeIPAC 1525 was the top performer for TP removal in conjunction with potential cost savings compared to the previously trialed product. Following the full-scale trial, bid documents will be finalized with the preferred chemical.

Mr. Stewart reported the UV channels were dewatered and cleaned during the week of April 22, 2024. A trailer-mounted diesel pump was used to dewater the channels. While the channels were empty, inspections and preventive maintenance could be conducted. Operators hosed and disinfected the walls and flooring of the channels to avoid any secondary growth after filtration. This will be added to the schedule for routine cleaning and inspection.

Facility Tours

During the week of April 22, 2024, the Princeton Environmental Commission (PEC) toured the River Road WWTP, accompanied by a member of the SBRSA Board. PEC has been planning to tour the facility for a few years to understand the local infrastructure better. Also, during the same week, a group of Princeton University engineering students toured the River Road facility to see processes and treatment works that they had recently learned about.

Upstream Facilities

Both Upstream Facilities operated well during this reporting period.

Mr. Stewart reported that during April, two (2) plant tours occurred, two (2) at the downstream facility and two (2) at the upstream facilities. On April 18, a representative of Mercer County Planning toured both the Pennington and Hopewell WWTPs. The representative, a resident of the upstream service area, also coordinated a tour for 6th, 7th, and 8th graders from the Pennington

school district. The school tour was guided by an SBRSA Lead Operator, who walked through the Pennington WWTP on April 26, 2024.

Odors

Since the last monthly report, staff have received no odor complaints from our surroundings. The total number of odor complaints received year to date is zero (0). The odor complaints appear on the provided graph showing the yearly complaints received from January 1998 to the present.

Customer Sludge Deliveries

The reported quantity of liquid sludge was 10% above the budgeted amount, sludge cake was 11% above the budgeted amount, and gray water was 150% above the budgeted amount for March 2024.

632.12 Maintenance

There were no other Board member comments on the Maintenance Report. For more information, the following Maintenance Report is included in the meeting minutes.

Work Order/Preventative Maintenance Order Summary

Maintenance completed eighty-five (85) Work Orders and one hundred sixty (160) Preventative Maintenance Orders. Currently, there are nineteen (19) open work order requests and three (3) outstanding preventative maintenance orders that are four (4) days overdue on average. Open work orders and outstanding preventative maintenance orders are tracked and illustrated on the attached graphs.

Major Maintenance Repairs

On March 14, 2024, an issue was discovered with Sludge Storage Bin Screw Drive No. 7, where one of the two feed screws was not rotating. To address this, the Sludge Storage Hopper Bin was pumped down, and the remaining sludge was hosed out of Storage Bin Drives No. 7 and No. 8 to gain access. During this process, the Incinerator was taken offline. Once access was gained by removing a lower hatch, it was found that the driven screw on Screw Drive No. 7 had jammed and sheared three of the tail end stub shaft bolts. The steel screw tunnels, which convey the sludge into Schwing Pump No. 3, had partially collapsed and needed to be removed to free up the jammed screw. After installing and tightening the three stub shaft bolts and testing the screws, the operation was confirmed. The hatch was then resealed, and on March 17, 2024, the Sludge Storage Bin Screw Drive No. 7 was back in service.

On March 20, 2024, the shift operator reported ash leakage during the operation of Ash Hopper Feed Screws No. 2 and No. 4. Upon inspection, it was discovered that the lower screw shaft flange bearings and seal had worn significantly and needed replacement. The necessary parts were obtained from inventory, and the repair was scheduled to isolate and lock out the equipment. On

March 22, 2024, the bearings and seals were successfully replaced, and Ash Hopper Feed Screws No. 2 and No. 4 were tested and returned to operation.

On March 21, 2024, the Incinerator Basement Sump Pumps, responsible for handling the WESP flushing cycles, was reported unable to maintain the level in the sump well, resulting in flooding in the basement. Upon inspection, it was found that the No. 1 sump pump was inoperable. A new sump pump was promptly installed from inventory. Additionally, one of the two check valves was internally broken and exhibited considerable wear. Temporary repairs were made to restore the sump pumps to service, and two new 4-inch check valves and connecting hardware were ordered. Once all the necessary items were acquired, the two new check valves were installed and tested. On March 28, 2024, the Incinerator Sump Pumps were back in full service.

On April 28, 2024, at 9:28 pm, the River Road WWTP experienced a loss of commercial power due to a downed electric wire caused by a fallen tree branch during strong wind gusts. This incident caused the Substation Main Breaker to trip open, triggering the Turbine Generator to start. However, the Gas Generator failed to start, leading to the shutdown of the Turbine Generator due to high oil temperature. The Gas Generator's failure to start was attributed to an invalid alarm indicating that the Gas Generator breaker was racked out. Despite attempts to provide emergency power to the River Road WWTP, it was found that commercial power was active at the Substation Supply. The Main Breaker was reset and closed, restoring commercial power to the River Road WWTP. The resulting event led to a power outage lasting one (1) hour and thirty-two (32) minutes, with no indication that the alarm was related to an actual present condition.

Further troubleshooting and testing revealed that the alarm resulted from a faulty PLC Input Module. This prevented the generator switchgear from completing an automatic transition to emergency backup power because the system indicated that one of the breakers was not installed. It was determined that this alarm was not critical, and it was temporarily disabled in the PLC's program until replacement parts arrived.

On April 17, 2024, the Incinerator Instrument Air Compressor's Air Dryer displayed a fault indication on the diagnostic display. Upon investigation, it was decided to install a spare air dryer from the inventory to maintain the air quality for the various controllers and air-actuated devices supplied by the air dryer. On April 18, 2024, the instrument compressed air dryer was temporarily bypassed to ensure continued operation. The faulty air dryer was disconnected from the supply piping, and the new air dryer was installed. Once connected to the supply piping, the new air dryer was activated, and proper operation was confirmed. The Instrument Air Compressor's Air Dryer was returned to service on April 18, 2024.

632.13 Construction Report

Mr. Doelling reported on the River Road WWTP Phosphorous Impact Modeling Study. As SBRSA has done over the last two years (2022 and 2023), SBRSA proposes to continue the collection of nutrient, diurnal dissolved oxygen, and algae data from the Millstone River over the summer. This data collection program was, at first, needed to update the 2016 Nutrient Total

Maximum Daily Load (TMDL) study (based on data from 2004 through 2011), and more recently, due to the appearance of a Harmful Algal Bloom (HAB) during the summer of 2022. One Water Consulting has submitted the provided proposal dated April 4, 2024. The proposed budget for the 2024 sampling is \$89,700. All work would be billed on a time-plus-expenses basis, with the cost of the sampling study apportioned between SBRSA and Montgomery Township. Based on permitted flow, the apportionment is 82% to SBRSA and 18% to Montgomery Township. Therefore, SBRSA's portion of the cost is \$73,554.

Staff recommends approval of Resolution 2024-033, Authorizing Amendment No.1 to a "No Political Contributions Allowed" Contract for Additional Lower Millstone Watershed Sampling to One Water Consulting LLC.

Resolution 2024-033 was moved by Mr. Morehouse and seconded by Mr. Antebi.

A discussion occurred regarding the purpose of the River Road WWTP Phosphorous Impact Modeling Study.

Resolution 2024-033 was passed by a roll call vote of 4 to 1. Resolution 2024-033 follows.

**Resolution Authorizing Amendment No.1 to a "No Political Contributions Allowed"
Contract for Additional Lower Millstone Watershed Sampling to
One Water Consulting LLC**

Resolution No. 2024-033

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA), Somerset Raritan Valley Sewerage Authority (SRVSA), and Montgomery Township entered into an agreement with Kleinfelder on March 28, 2016, to conduct a modeling study to determine if phosphorus is causing a deleterious nutrient impact on the non-tidal segment of the Raritan River or if stringent phosphorus limits would alleviate such impacts as a contract that does not allow for political contributions to the Authority or its members ("No Political Contributions Allowed" contract) pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

WHEREAS, Kleinfelder submitted Amendment No. 1 dated July 18, 2017, to provide NJDEP with additional information, address NJDEP's questions, and assist NJDEP in their review of the results of the modeling study for the Lower Millstone/Mainstem Raritan Watershed Phosphorus TMDL Study, and

WHEREAS, Kleinfelder completed the Phosphorus Impact Modeling Study, presented the findings to the New Jersey Department of Environmental Protection (NJDEP), provided additional information at the request of NJDEP and met with NJDEP for discussions; and;

WHEREAS, Kleinfelder submitted Amendment No. 2 dated July 18, 2017, to provide NJDEP with additional information, address NJDEP's questions, and further assist NJDEP in their review of the results of the modeling study for the Lower Millstone/Mainstem Raritan Watershed Phosphorus TMDL Study, and

WHEREAS, Kleinfelder submitted Amendment No. 3, dated August 13, 2021, to collect additional data to update the study, needed to contest regulatory action by NJDEP; and

WHEREAS, the sampling was conducted in July 2022, and as a result, the study discovered significant impacts in the Millstone River from Harmful Algal Blooms (HABs), which is believed to be a result of a bloom upstream in Carnegie Lake, and

WHEREAS, NJDEP has taken the position that the HABs were exacerbated by point source wastewater effluent loads of phosphorus from SBRSA (and, to a lesser extent, Montgomery Township), and

WHEREAS, One Water Consulting, LLC has submitted a proposal dated May 16, 2023, indicating they will provide collection of nutrient and diurnal dissolved oxygen data, as well as algae data, to better understand the true cause of HABs in the Millstone River; and

WHEREAS, Due to significantly wetter than normal 2023 summer, the 2024 sampling program was limited due to weather conditions, resulting only two water quality samples being collected, and the remaining, unused funds (\$67,200) returned; and,

WHEREAS, the continued collection of data in the Millstone River, to better understand the nutrient dynamics and the impacts those nutrients could be having on the formation of a HAB, is still needed; and,

WHEREAS, One Water Consulting, LLC has submitted a proposal dated April 4, 2024, indicating they will provide collection of nutrient and diurnal dissolved data, as well as algae data, to better understand the true cause of HABs in the Millstone River; and

WHEREAS, in the original study, it was agreed that the study cost would be apportioned to all three entities: 62% to SRVSA, 35% to SBRSA and 3% to Montgomery Township based on permitted flow; and

WHEREAS, the proposed sampling will be targeted toward the Millstone River, and these sampling efforts only concern the Millstone River dischargers, which are SBRSA and Montgomery Township; and

WHEREAS, the cost of the sampling study would be apportioned to SBRSA and Montgomery Township, and

WHEREAS, the apportionment to only SBRSA and Montgomery Township, based on permitted flow, would be 82% to SBRSA and 18% to Montgomery Township, and

WHEREAS, the proposed total cost of the 2024 sampling study is \$89,700 and billed on a time-and expense basis, not to exceed \$73,554 (SBRSA's portion) without written permission from SBRSA, and

WHEREAS, approval of this amendment is contingent upon approval by Montgomery Township; and

WHEREAS, the term of this study will take place during SBRSA’s FY 2024; and,

WHEREAS, One Water Consulting, LLC has submitted a Business Entity Disclosure Certification which certifies that One Water Consulting, LLC its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to a municipal political party committee of a governing body that appoints members to the Authority including, Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township, and Pennington Borough, when the contract is awarded, or to any municipal candidate committee of any candidate for or holder of municipal elective public office of any such municipality when the contract is awarded, and

WHEREAS, the SBRSA Finance Director has determined and certified in writing that the contract value of the work will exceed \$17,500; and,

WHEREAS, the Finance Director has certified funds are available in capital budget line item 0001-0625; and,

NOW, THEREFORE, BE IT RESOLVED that the Board of the Stony Brook Regional Sewerage Authority authorizes the Chairman to enter into a contract with One Water Consulting, LLC as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value is on file.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb		X		
C. Schuyler Morehouse	X			
Bharat Patel				X

Mr. Doelling reported that Kleinfelder provided a proposal for the 2024 Annual Inspection per staff request. The Annual Inspection is required by SBRSA’s Bond Indenture and is also used as a means for SBRSA to identify areas/items needing repair or requiring further investigation. Kleinfelder has been conducting the Annual Inspection in cooperation with Mr. Eduardo Amaba, ELECSYS Engineering Group for the electrical inspection, since 2013. As indicated in the past, Kleinfelder and Mr. Amaba are very familiar with the SBRSA facilities.

Staff recommended approval of Resolution No. 2024-034, Authorizing the Award of a “No Political Contributions Allowed” Contract for the 2024 Annual Inspection of SBRSA Facilities to

Kleinfelder for the amount of \$19,850. The 2023 Annual Inspection Contract amount was \$19,850.

Resolution 2024-034 was moved by Mr. Antebi, seconded by Ms. Bhosle, and passed by a roll call vote of 4 to 0, 1 Recused. Resolution 2024-034 follows.

Resolution Authorizing the Award of a “No Political Contributions Allowed” Contract for the 2024 Annual Inspection of SBRSA Facilities to Kleinfelder

Resolution No. 2024-034

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) has a need for the inspection of our wastewater treatment facilities for compliance with our Bond Agreement as a contract that does not allow for political contributions to the Authority or its members (“No Political Contributions Allowed” contract) pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

WHEREAS, the annual inspection identifies the condition of the SBRSA facilities and is utilized by SBRSA staff to identify areas needing repair or requiring further investigation; and

WHEREAS, the Finance Director has determined and certified in writing that the value of the work will exceed \$17,500; and

WHEREAS, the term of this contract will take place during SBRSA’s FY 2024; and,

WHEREAS, Kleinfelder has submitted a proposal dated April 12, 2024, and an Agreement to provide annual inspection services for a lump sum fee not to exceed \$19,850 without prior written approval from SBRSA; and

WHEREAS, Kleinfelder has completed and submitted a Business Entity Disclosure Certification for FY 2024 which certifies that Kleinfelder has not made any reportable contributions to a municipal political party committee of a governing body that appoints members to the Stony Brook Regional Sewerage Authority including Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township and Pennington Borough in the previous one year, and that the contract will prohibit Kleinfelder, from making any reportable contributions through the term of the contract, and

WHEREAS, the Finance Director has certified funds are available in the 2024 Budget Service Contracts/Outside Services line account 4000-3511.

NOW THEREFORE, BE IT RESOLVED that the Board of the SBRSA authorizes the Chairman to enter into a contract with Kleinfelder as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>RECUSED</u>	<u>ABSENT</u>
Gale D. Downey	X				
Julian Antebi	X				
Arundhati Bhosle	X				
David A. Goldfarb	X				
C. Schuyler Morehouse				X	
Bharat Patel					X

Mr. Doelling reported on Contract 20-1 River Road Sludge Storage Hopper Feed Screw Replacement Project. The repair of the SCSH has recently been elevated to a high-priority project due to recent damage found by SBRSA. (Refer to the April Maintenance Report for details.) Since some time has passed since the award of Bidding Support and Construction Phase Engineering Services, staff has asked GHD to submit a contract amendment which includes refamiliarization with the project and the replacement of damaged equipment recently discovered by staff. At the request of SBRSA staff, GHD submitted the provided proposal, dated April 24, 2024, for amended services. The proposal amends the original contract cost by \$57,716 for a total Construction Phase Engineering Services not to exceed the cost of \$107,676, invoiced on a time and expense basis.

Mr. Morehouse moved Resolution 2024-035, Authorizing the Amendment No. 1 to the “No Political Contributions Allowed” Contract for Construction Phase Engineering Services for the Sludge Cake Storage Hopper Screw Replacement Project to GHD as was discussed in the Construction Committee meeting, seconded by Mr. Antebi, and passed by a roll call vote of 5 to 0. Resolution 2024-035 follows.

Resolution Authorizing Amendment No. 1 to the “No Political Contributions Allowed” Contract to GHD for Construction Phase Engineering Services for the Sludge Cake Storage Hopper Screw Replacement Project

Resolution No. 2024-035

WHEREAS, the Stony Brook Regional Sewerage Authority (SBRSA) has a need for construction administration services for the Sludge Cake Storage Hopper Screw Replacement Project as a contract that does not allow for political contributions to the Authority or its members (“No Political Contributions Allowed” contract) pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, GHD was awarded the contract to provide the Design of the Sludge Cake Storage Hopper Screw Replacement Project at the River Road Wastewater Treatment Plant on December 16, 2019; and,

WHEREAS, SBRSA had requested and GHD submitted a proposal dated June 17, 2021 indicating they will provide Bidding/Awarding & Construction Phase Engineering Services for the Sludge Cake Storage Hopper (SCSH) Screw Replacement Project on a time charge fee basis at a cost of \$49,960; and

WHEREAS, on June 28, 2021, the Stony Brook Regional Sewerage Authority (SBRSA) entered into a contract with GHD for the provision of Bidding/Awarding & Construction Phase Engineering Services as a contract that does not allow for political contributions to the Authority or its members (“No Political Contributions Allowed” contract) pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and,

WHEREAS, the project was postponed; and,

WHEREAS, in April of 2024, there is a renewed need for the Sludge Cake Storage Hopper Screw Replacement Project; and,

WHEREAS, and there are additional Bidding/Awarding, Construction Phase Engineering, and Design services that were not originally provided for in the original Agreement; and

WHEREAS, on April 24, 2024, GHD submitted a request for additional funding in the lump sum amount of \$57,716, for a total amended contract amount of \$107,676; and

WHEREAS, the additional work includes addressing recent damage to the SCSH feed screw trough, addressing new bid documentation requirements, and additional construction phase assistance; and,

WHEREAS, GHD has on file with SBRSA, a Business Entity Disclosure Certification which certifies that Kleinfelder its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding December 1, 2020 that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to a municipal political party committee of a governing body that appoints members to the Authority including, Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township, and Pennington Borough, when the contract is awarded, or to any municipal candidate committee of any candidate for or holder of municipal elective public office of any such municipality when the contract is awarded, and

WHEREAS, the Finance Director has certified that funds are available in the capital budget line item account 0001-0303; and,

NOW THEREFORE, BE IT RESOLVED that the Board of the Stony Brook Regional Sewerage Authority authorizes the Chairman to amend the contract with GHD through Amendment No. 1 as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			

Julian Antebi	X	
Arundhati Bhosle	X	
David A. Goldfarb	X	
C. Schuyler Morehouse	X	
Bharat Patel		X

Mr. Doelling reported on Contract 19-2 River Road WWTP UV Disinfection and Filtration Project. Allied Construction Group has submitted two (2) Contract Modifications for this month. The first Contract Modification is for excavating test pits 13 Cubic Yards in excess of the quantity included in Bid Item 3 in the amount of \$520, which is Resolution 2024-036. The second Contract Modification is to provide a duct bank and wiring for additional 120VAC 20A circuits from the Backwash Storage Tank to the UV Disinfection Building for the amount of \$44,621.28, which is Resolution 2024-037.

Mr. Morehouse moved Resolutions 2024-36 and 2024-037 as they were discussed during the Construction Committee meeting, seconded by Mr. Antebi, and passed by a roll call vote of 5 to 0. Resolutions 2024-036 and 2024-037 follow.

Resolution Authorizing the Approval of Contract Modification CM-034, Excavate Test Pits 13 Cubic Yards in Excess of Quantity included in Bid Item 3 for the River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2

Resolution No. 2024-036

WHEREAS, on September 15, 2020, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the “River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2”; and

WHEREAS, the SBRSA, at its March 23, 2021 Board meeting, awarded the River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2, to Allied Construction Group, Inc. (ACG) in the amount of \$15,963,000.00; and

WHEREAS, the SBRSA at its May 24, 2021 Board meeting approved Contract Modification CM-001 in the amount of \$10,308; and at its August 23, 2021 Board meeting approved Contract Modification CM-002 in the amount of \$2,701.27 and Contract Modification CM-003 in the amount of \$19,222.21; and at its October 25, 2021 Board meeting approved Contract Modification CM-004 in the credit amount of (\$1,325.21), Contract Modification CM-005 in the amount of \$3,291.41 and Contract Modification CM-006 in the amount of \$2,445.07; and at its January 24, 2022 Board meeting approved Contract Modification CM-007 in the amount of \$13,087.98, Contract Modification CM-008 in the amount of \$7,246.62, Contract Modification CM-009 in the amount of \$3,420.30, Contract Modification CM-010 in the amount of \$5,460.46 and Contract Modification CM-011 in the amount of \$14,857; and at its May 23, 2022 Board meeting approved Contract Modification CM-012 in the amount of \$1,809.60; and at its July 25, 2022 approved Contract Modification CM-013 in the amount of \$3,391.73, Contract Modification CM-014 in the amount of \$13,694.73 and Contract Modification CM-015 in the amount of \$1,657.12; and at its September 19, 2022 Board meeting approved Contract Modification CM-016 in the amount of \$57,331.28; and at its October 24, 2022 Board meeting

approved Contract Modification CM-017 in the amount of \$55,015.79 and Contract Modification CM-018 in the credit amount of (\$124,811.90); and at its December 12, 2022 Board meeting approved Contract Modification CM-019 in the amount of \$8,268.93, Contract Modification CM-020 in the amount of \$2,753.98, Contract Modification CM-021 in the amount of \$4,490.61 and Contract Modification CM-022 in the amount of \$4,109.12; and at its March 27, 2023 Board meeting, approved Contract Modification CM-023 in the amount of \$4,490.61, Contract Modification CM-024 in the amount of \$9,309.70 and Contract Modification CM-025 in the amount of \$6,628.40; and at its July 24, 2023 Board meeting, approved Contract Modification CM-026 in the amount of \$5,585.24; and at its August 28, 2023 Board meeting, approved Contract Modification CM-027 in the amount of \$0.00; and at its November 13, 2023 meeting approved Contract Modification CM-028 in the amount of (\$3,447.79), Contract Modification CM-029 in the amount of \$2,924.37, Contract Modification CM-030 in the amount of \$2,901.36, Contract Modification CM-031 in the amount of \$1,932.78, Contract Modification CM-032 in the amount of \$2,452.45, and Contract Modification CM-033 in the amount of \$11,526.15, resulting in a total Contract amount is \$16,117,903.42; and,

WHEREAS, Bid Item 3 for the River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2, assigned a 100 cubic yard quantity of the excavation of test pits; and,

WHEREAS, Allied Construction Group bid \$40.00/cubic yard, for a total of \$4000.00 toward Bid Item 3 ; and,

WHEREAS, a total of 113 cubic yards of test pits were needed on the project; and,

WHEREAS, The quantity of test pit excavation needed to locate underground obstructions and utilities exceeded the bid item quantity by 13 CY; and,

WHEREAS, Allied Construction submitted a detailed contract modification request for the costs associated with the additional scope of work; and,

WHEREAS, the abovementioned changes to Contract 19-2 are more fully set forth and incorporated within the March 26, 2024 Contract Modification CM-034 document resulting in an amount of \$520.00, for a revised total contract amount of \$16,118,423.42; and,

WHEREAS, the contract completion date for the project shall remain unchanged as a result of Contract Modification CM-034; and,

WHEREAS, this project is funded through the New Jersey Water Bank (NJWB); and,

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

1. The Chairman is authorized and directed to execute Contract Modification CM-034 with Allied Construction Group, Inc. in the amount of \$520.00, resulting in adjusted contract amount of \$16,118,423.42; and

2. This Resolution shall take effect immediately; and

BE IT FURTHER 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>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X

Resolution Authorizing the Approval of Contract Modification CM-035 to Provide a Duct Bank and Wiring for Additional 120VAC 20A Circuits from the Backwash Storage Tank to the UV Disinfection Building for the River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2

Resolution No. 2024-037

WHEREAS, on September 15, 2020, the Stony Brook Regional Sewerage Authority (SBRSA) issued a Notice to Bidders seeking the receipt of sealed public bids for the “River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2”; and

WHEREAS, the SBRSA, at its March 23, 2021 Board meeting, awarded the River Road WWTP UV Disinfection and Effluent Filtration Project, Contract 19-2, to Allied Construction Group, Inc. (ACG) in the amount of \$15,963,000.00; and

WHEREAS, the SBRSA at its May 24, 2021 Board meeting approved Contract Modification CM-001 in the amount of \$10,308; and at its August 23, 2021 Board meeting approved Contract Modification CM-002 in the amount of \$2,701.27 and Contract Modification CM-003 in the amount of \$19,222.21; and at its October 25, 2021 Board meeting approved Contract Modification CM-004 in the credit amount of (\$1,325.21), Contract Modification CM-005 in the amount of \$3,291.41 and Contract Modification CM-006 in the amount of \$2,445.07; and at its January 24, 2022 Board meeting approved Contract Modification CM-007 in the amount of \$13,087.98, Contract Modification CM-008 in the amount of \$7,246.62, Contract Modification CM-009 in the amount of \$3,420.30, Contract Modification CM-010 in the amount of \$5,460.46 and Contract Modification CM-011 in the amount of \$14,857; and at its May 23, 2022 Board meeting approved Contract Modification CM-012 in the amount of \$1,809.60; and at its July 25, 2022 approved Contract Modification CM-013 in the amount of \$3,391.73, Contract Modification CM-014 in the amount of \$13,694.73 and Contract Modification CM-015 in the amount of \$1,657.12; and at its September 19, 2022 Board meeting approved Contract Modification CM-016 in the amount of \$57,331.28; and at its October 24, 2022 Board meeting approved Contract Modification CM-017 in the amount of \$55,015.79 and Contract Modification

CM-018 in the credit amount of (\$124,811.90); and at its December 12, 2022 Board meeting approved Contract Modification CM-019 in the amount of \$8,268.93, Contract Modification CM-020 in the amount of \$2,753.98, Contract Modification CM-021 in the amount of \$4,490.61 and Contract Modification CM-022 in the amount of \$4,109.12; and at its March 27, 2023 Board meeting, approved Contract Modification CM-023 in the amount of \$4,490.61, Contract Modification CM-024 in the amount of \$9,309.70 and Contract Modification CM-025 in the amount of \$6,628.40, and at its July 24, 2023 Board meeting, approved Contract Modification CM-026 in the amount of \$5,585.24; and at its August 28, 2023 Board meeting, approved Contract Modification CM-027 in the amount of \$0.00; and at its November 13, 2023 meeting approved Contract Modification CM-028 in the amount of (\$3,447.79), Contract Modification CM-029 in the amount of \$2,924.37, Contract Modification CM-030 in the amount of \$2,901.36, Contract Modification CM-031 in the amount of \$1,932.78, Contract Modification CM-032 in the amount of \$2,452.45, and Contract Modification CM-033 in the amount of \$11,526.15; and assuming that Contract Modification CM-034 in the amount of \$520.00 is approved at the November 13, 2023 Board meeting, resulting in a total Contract amount of \$16,118,423.42; and,

WHEREAS, the Contract documents specify that existing electrical circuits are to be reused for connecting power to the rehabilitated Backwash Storage Tank; and,

WHEREAS, the circuits designated for reuse were found to be defective; and,

WHEREAS, A duct bank and electrical wiring connecting the Backwash Storage Tank to the MCC in the UV Disinfection Building is needed to provide the required 120 VAC, 20A power; and,

WHEREAS, two additional conduits will be provided from the tank to the UV Building MCC's as spares for future use; and,

WHEREAS, Allied Construction submitted a detailed contract modification request for the costs associated with the additional scope of work; and,

WHEREAS, the abovementioned changes to Contract 19-2 are more fully set forth and incorporated within the March 26, 2024 Contract Modification CM-035 document resulting in an amount of \$44,621.28, for a revised total contract amount of \$16,163,044.70; and,

WHEREAS, the contract completion date for the project shall remain unchanged as a result of Contract Modification CM-035; and,

WHEREAS, this project is funded through the New Jersey Water Bank (NJWB); and,

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

3. The Chairman is authorized and directed to execute Contract Modification CM-034 with Allied Construction Group, Inc. in the amount of \$44,621.28, resulting in adjusted contract amount of \$16,163,044.70; and

4. This Resolution shall take effect immediately; and

BE IT FURTHER 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>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X

Mr. Doelling reported on Contract 24-7, RRWWTP Nitrification Clarifier No. 4 Improvements Project. On April 2, 2024, bids for Contract 24-7, River Road WWTP Nitrification Clarifier No. 4 Improvements Project, were opened and read aloud. Of the ten (10) bidding documents distributed to potential bidders, seven (7) bids were received. The apparent lowest responsive bidder was Brayco, Inc. of Cream Ridge, NJ.

Staff recommended approval of Resolution 2024-038, Awarding Contract No. 24-7 River Road WWTP Nitrification Clarifier No.4 Improvements Project to Brayco, Inc. in the amount of \$349,000.

Resolution 2024-038 was moved by Mr. Morehouse and seconded by Mr. Antebi.

Mr. Doelling reported that the engineer’s estimate was \$350,000.

Resolution 2024-038 was passed by a roll call vote of 5 to 0. Resolution 2024-038 follows.

**RESOLUTION AWARDING CONTRACT NO. 24-7
RIVER ROAD WWTP NITRIFICATION CLARIFIER NO.4
IMPROVEMENTS PROJECT TO BRAYCO, INC.**

Resolution No. 2024-038

WHEREAS, the Stony Brook Regional Sewerage Authority (hereinafter the “Authority”) issued a Notice to Bidders seeking sealed competitive bids for Contract No. 24–7 “River Road WWTP Nitrification Clarifier No. 4 Improvements Project”; and

WHEREAS, the Authority received seven (7) sealed competitive bids on April 2, 2024, at 2:00 p.m. from the following bidders:

<u>Bidder</u>	<u>Bid Price</u>
Brayco, Inc. Cream Ridge, NJ	\$349,000.00

Allied Construction Group Parlin, NJ	\$412,500.00
GMH Associates of America, Inc. Trenton, NJ	\$429,000.00
VNL, Inc. Whitehouse Station, NJ	\$441,000.00
BR Welding, Inc. Howell, NJ	\$444,000.00
Iron Hills Construction Wayne, NJ	\$479,000.00
Pact Two, LLC Ringoes, NJ	\$545,000.00

WHEREAS, the bid of Brayco, Inc. does not contain any material defects; and

WHEREAS, the bid submitted by Brayco, Inc. included a signed and completed Federal Non-Debarment Certification for Parts I, II, but not for Parts III and IV of that Certification as individuals or entities owning more than fifty percent of the voting stock and as to contractor-controlled entities, if any; and

WHEREAS, N.J.S.A. 52:32-44.1(c) does not require the submission of a completed Federal Non-Debarment Certification at the time of the receipt of bid, but rather it must be completed and submitted prior to award of contract and the law requires the Authority to verify the Certification prior to award of contract by consulting the Federal System for Award Management; and

WHEREAS, after the receipt of bid, Brayco, Inc. has submitted a fully completed Federal Non-Debarment Certification for all parts of the Certification and the Authority has consulted the Federal System for Award Management to ensure compliance prior to the Board’s consideration of this Resolution; and

WHEREAS, Bryaco, Inc. will be utilizing M&M Electrical, LLC, having a business office at 279 Richwood Road, Mullice Hill, New Jersey 08062 as a subcontractor and the Authority has received a copy of the license issued to M&M Electrical, LLC from the State of New Jersey Board of Examiners of Electrical Contractors; and

WHEREAS, the Finance Director certifies that funds to finance Contract No. 24-7 – “River Road WWTP Nitrification Clarifier No. 4 Improvements Project” to be awarded to Brayco, Inc. as the lowest responsible bidder are available in Authority Capital Budget Line Item 0001-0656; and

WHEREAS, the bidding documents include design plans for the improvement to public property; and

WHEREAS, N.J.S.A. 59:4-6 provides that neither the public entity nor a public employee is liable for an injury caused by the plan or design of public property or any improvement thereto where the plan or design was approved in advance of construction or improvement by the Authority or a public employee exercising discretionary authority to give such approval on its behalf where such plan or design was prepared in conformity with standards previously approved by the Authority; and

WHEREAS, the Authority desires to record its approval of said plans and design for Contract No. 24-7 – “River Road WWTP Nitrification Clarifier Improvements Project” for the purpose of plan and design immunity provided by N.J.S.A. 59:4-6.

NOW THEREFORE BE IT RESOLVED by the Stony Brook Regional Sewerage Authority in the County of Mercer and the State of New Jersey on this 30th day of April, 2024 as follows:

1. All immaterial defects contained in the bid submission of Brayco, Inc., if any, are waived and the Authority awards Contract No. 24-7 “River Road WWTP Nitrification Clarifier No. 4 Improvements Project” to Brayco, Inc., having a business address of 951 Route 537, Cream Ridge, New Jersey 08514 in an amount not to exceed the bid price of \$349,000.00 as the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.
2. The Executive Director is authorized to execute said contract and all bid security, except the three apparent lowest responsible bidders, shall be returned and the bid security for the remaining unaccepted bids shall be released and returned within three days, Sundays and holidays excepted, after the full execution of the contract and the approval of the contractor’s performance and payment bond.
3. The entire design, specifications, and plans prepared and to be utilized for Contract No. 24-7 – “River Road WWTP Nitrification Clarifier No. 4 Improvements Project” are hereby approved for the purpose of the immunity to be provided to the Authority and its employees in accordance with N.J.S.A. 59:4-6.
4. The Executive Director, staff and consultants are authorized to take all appropriate actions to effectuate the terms of this Resolution and to take measures to ensure that all appropriate documents, as required by Contract No. 24-7 – “River Road WWTP Nitrification Clarifier No. 4 Improvements Project” are provided by Brayco, Inc. prior to the issuance of a Notice to Proceed.
5. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value is on file.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X

Mr. Doelling reported on Project 24-8, Princeton Pump Station Variable Frequency Drives Replacement: The four (4) 150-horsepower variable frequency drives at the Princeton Pump Station need to be replaced due to their age. The supply and installation of the new drives can be purchased through the North Jersey Wastewater Cooperative Purchasing System, Contract No. B369-2, for the amounts of \$180,996.00 for the drives and \$ 21,680.00 for remove/replacement labor, for a total cost of \$202,676 from Willier Electric Motor Repair Co. Inc.

Staff recommended approval of Resolution 2024-039, Authorizing the Award of a Contract to Willier Electric Motor Repair CO, Inc. for Products and Services for the Replacement of Variable Frequency Drives at the Princeton Pump Station Facility.

Resolution 2024-039 was moved by Mr. Morehouse, seconded by Mr. Antebi, and passed by a roll call vote of 5 to 0. Resolution 2024-039 follows.

Resolution Authorizing the Award of a Contract to Willier Electric Motor Repair CO, Inc. for Products and Services for Replacement of the Variable Frequency Drives at the Princeton Pump Station Facility

Resolution No. 2024-039

WHEREAS, the Stony Brook Regional Sewerage Authority currently operates four (4) 150-horsepower variable frequency drives, manufactured by Robicon Corporation, at the Princeton Pump Station; and,

WHEREAS the drives are critical to SBRSA’s wastewater treatment operations; and,

WHEREAS the drives are over thirty years old, inefficient, and at risk of failure due to their age; and,

WHEREAS, to become more reliable, staff recommends that all four drives be replaced with new, high-efficiency, low harmonic units; and,

WHEREAS, the supply and installation of the new drives can be purchased through the North Jersey Wastewater Cooperative Purchasing System, Contract No. B369-2, for the amounts

of \$180,996.00 (supply) and \$21,680.00 (remove/replacement labor from Willier Electric Motor Repair Co. Inc.; and,

WHEREAS, SBRSA is a member of the North Jersey Wastewater Cooperative Purchasing System, Contract No. B369-2; and,

WHEREAS, Willier Electric Motor Repair Co. Inc. reviewed the Princeton Pump Station facility and presented their proposal, and other details, to SBRSA staff at an onsite meeting on April 10 and 12, 2024; and,

WHEREAS, services were priced using the Johnson Controls Fire Protection LP Sourcewell Contract No. 030421-JHN, which expires April 22, 2025; and,

WHEREAS, SBRSA is a member of the Sourcewell Co-operative Purchasing System, and may purchase goods or services using vendors and pricing from Sourcewell contracts; and,

WHEREAS, the total cost of the Willier Electric Motor Repair Co. Inc. VFD replacement via the North Jersey Wastewater Cooperative Purchasing System, Contract No. B369-2 is \$202,676; and,

WHEREAS, the Finance Director has determined and certified in writing that the value of the service upgrade will exceed \$17,500; and,

WHEREAS, Willier Electric Motor Repair Co. Inc. has submitted a Business Entity Disclosure Certification which certifies that Johnson Controls, Inc., its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to a municipal political party committee of a governing body that appoints members to the Authority including, Princeton, South Brunswick Township, West Windsor Township, Hopewell Borough, Hopewell Township, and Pennington Borough, when the contract is awarded, or to any municipal candidate committee of any candidate for or holder of municipal elective public office of any such municipality when the contract is awarded; and,

WHEREAS, the Finance Director has certified funds are available from the capital budget line item in account 0001-0379; and,

NOW, THEREFORE, BE IT RESOLVED that the Board of the Stony Brook Regional Sewerage Authority authorizes the Chairman to enter into a contract with Willier Electric Motor Repair Co. Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

<u>Recorded Vote:</u>	<u>AYE</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Gale D. Downey	X			
Julian Antebi	X			
Arundhati Bhosle	X			
David A. Goldfarb	X			
C. Schuyler Morehouse	X			
Bharat Patel				X

There were no other Board Member comments on the Construction Report. For information, the following construction report is included in the meeting minutes.

Studies/General

NJPDES Permit: On April 5, 2024, One Water Consulting (OWC) submitted a Quality Assurance Sampling Plan (QASP) for the Millstone River nitrate monitoring to the NJDEP. OWC met with NJDEP on the QASP for the nitrate study and has prepared an additional letter summarizing how the dynamic modeling approach is in compliance with the existing regulations and how dynamic modeling has been used historically in NJPDES Permits. Staff received a copy of the draft letter on April 17, 2024. The letter was finalized and sent to NJDEP on April 19, 2024.

Expansion of River Road Planning Report: The hydraulic capacity analysis portion of the report has been updated, but due to several unexpected issues, staff anticipates receiving the draft expansion study report by the May 2024 Board meeting.

River Road WWTP Main Substation Replacement or Rehabilitation Study: On April 22, 2024, ELECSYS submitted a draft preliminary design report (PDR). The draft report was reviewed by staff with minimal comments. ELECSYS will finalize the PDR.

The recommended method of replacing the Main Substation and converting the electrical power system to double-ended supply and fully rated dual loop feeders has the following objectives: 1. eliminate a single point of failure and enhance reliability, safety, flexibility, and ease of O&M; 2. facilitate future plant expansion or damaged feeder replacement using the dual loop distribution.

Construction, following design, is estimated to take three to four years and cost approximately \$8,800,000.

Dewatering Alternatives Evaluation / Belt Filter Press Replacement Study: Kleinfelder continues to work on this project.

Design

Fly Ash Slurry Pump Suction/Discharge Header Rehabilitation (Project 24-1): Staff is coordinating with Kleinfelder to schedule a project kick-off meeting.

Project 23-7: Engineering Trailer: The trailer manufacturer’s account manager visited the River Road WWTP site on April 22, 2024, and dropped off additional signed/sealed drawings. The

drawings have been forwarded to SBRSA's consulting engineer for further action associated with Princeton Planning Board Review.

Construction

Contract 22-4 Hopewell WWTP Upgrade: NJDEP Authorization to Award was received on April 16, 2024. Staff is working with the Contractor to schedule a pre-construction meeting.

Contract 24-4 Front Office Repair: A pre-construction meeting for the project occurred on April 18, 2024. Notice to Proceed was issued on April 24, 2024. The final completion date for the contract work is June 8, 2024. Permits for the construction work were submitted to Princeton for approval. Upon completion of the 24-4 contract work, SBRSA will schedule the flooring and furniture installation, which will be performed under state contract.

An amendment to Resolution 2024-26 was deemed necessary to specify an account to apply contract work expenses that are not reimbursed by insurance (i.e. installation of new walls/doorway). The amendment to Resolution 2024-26 will be discussed in the New Business section of the meeting.

Small Capital Projects:

Contract 24-9: RRWWTP Operations Building Rear Parking Lot Paving Project: In an effort to repair damaged pavement throughout SBRSA facilities, staff will begin contracting for repaving work each year. With input from all departments, the rear parking lot of the Operations Building was determined to be the highest priority. This project will include replacing the surface course asphalt pavement and pavement markings. The estimated cost of this work is \$100,000. Staff anticipates advertising this project for bid in May 2024 and awarding the contract at the May or June 2024 Board Meeting.

Project 24-10: RRWWTP Fire Hydrant Replacement: The fire hydrants at the River Road WWTP are failing due to age and causing leaks in the service water supply, requiring the service water supply valve to remain closed to avoid wasting water. Eight (8) new fire hydrants were ordered and delivered on April 24, 2024. Staff will be contracting the installation of all new hydrants to standardize the system and correct the existing leaks, allowing the service water line to remain pressurized.

Process Control/SCADA: Preventive maintenance was completed for all field devices and process control loops.

Miscellaneous Repair: Instrumentation staff completed the following list of unscheduled repairs during this reporting period.

- River Road WWTP
 - Assist IT and Contractor with the automation of PLC alarms for the UV and Filter Building.
 - Install new VFD on polymer pump number 3.
 - Replaced boot pressure sensor (sensor 3) and conduits under SF-7.

- Replaced circuit breaker on UV bank 2A.
- Replaced thermocouple on Hearth 2 of Incinerator 2.
- Remove and replace light on Hearth 2 level.
- Cleaned and adjusted the Hopewell high filter float after receiving erroneous alarms at the wrong set point.
- Hopewell WWTP
 - Installed a chemical feed pump to help battle the Nocardia issue.
- South Brunswick Pump Station
 - Installed intake fan on the VFD cabinet for Sewage Pump No. 1.

Information Technology

General:

Preventative maintenance was completed for all Information Technology devices and services.

During this reporting period:

- Three server backups (*ws-instr-lt1*, *ws-instr-lt2*, *docker*) were checked for corruption and readability. All backups are valid and recoverable.
- Hardware refresh status: One desktop is yet to be deployed.
- Of 5 Helpdesk tickets this period, 0 are outstanding.
- The UPS at the headworks facility was replaced for upgraded capacity.

Projects:

- **Public Address System Repairs**
There are no changes to report for this period.
- **Surveillance Cameras**
Ordered a set of 20 new cameras to replace the dated equipment, as well as a few new locations.

TRACE Web

Trace No changes to report this period.

Miscellaneous:

- **Monthly IT Meeting Minutes:** The April IT meeting was held on the 19th of the month.
 1. Planned Topics of Discussion:
 - a. Surveillance System:
 - i. New equipment ordered.
 - ii. Permissions updated.

- b. Fire Alarm Project:
 - i. Fiber Optic connection
 - 1. Quotes have been requested for the spool of fiber we will need.
 - 2. Fiber is to be run from the Server Room to the Cake Bldg.
 - 3. The plan is to use the existing pipe galley between the incinerator and the cake building.
 - 4. Once installed, staff plans to have a vendor come in to terminate the fiber ends as LC connectors.
- c. Trace Environmental
 - i. The incinerator is still operating on the old DAS2K system.
 - 1. This is due to the WebDAS system having some anomalous output regarding run times.
 - ii. Due to only having 2 points of collection to compare, IT will be running another standalone system to compare data.
 - 1. Using a 3rd system will allow us to determine what the norm should be while evaluating the data.
- d. Additional Topics Discussed:
 - i. Front Office
 - 1. Maintenance requested support in identifying defunct network cables abandoned in front office walls.

632.14 Personnel Report

Mr. Smith reported that a Maintenance Mechanic III started on April 8, 2024, Mr. Garzon, an Instrumentation Mechanic, was promoted to Instrumentation Mechanic II on March 17, 2024, and Mr. Perez went back out on worker’s compensation from a previous injury.

632.15 Correspondence

For information only.

632.16 Old Business

Nothing to report.

632.17 New Business

Mr. Smith reported that Resolution 2024-032 is an amendment to Resolution 2024-026. The amended resolution includes an expense account for expenses related to the administration office remediation project that will not be reimbursed by our insurance company.

Staff recommended Resolution 2024-032, Resolution Amending Resolution 2024-026, and Affirming the Award of Contract 24-4, River Road WWTP Operations Building Administrative Office Remediation Project.

Resolution 2024-032 was moved by Mr. Morehouse and seconded by Ms. Bhosle.

A discussion occurred regarding whether a budget resolution would be needed for the expense line item related to the administration remediation of non-refundable expenses. It was determined that these expenses are budgeted for in the current budget, and no budget resolution is required.

The resolution was passed by a roll call vote of 5 to 0. Resolution 2024-32 follows.

**Resolution Amending Resolution 2024-026 and Affirming the Award of Contract 24-4
River Road WWTP Operations Building Administrative Office Remediation Project**

**Amended Resolution No. 2024-032
Original Resolution No. 2024-026**

WHEREAS, the Stony Brook Regional Sewerage Authority (Authority) adopted Resolution 2024-026 at a Special Meeting of the Authority held on April 4, 2024, and after advertising and 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 “River Road WWTP Operations Building Administrative Office Remediation Project, Contract 24-4”; and

WHEREAS, Resolution 2024-026 established that the bid of Levy Construction Company, Inc., is the lowest bid, and the Authority wishes to amend Resolution 2024-026 to state that it was also the sole bid, in the amount of \$76,600.00; and

WHEREAS, Resolution 2024-026 included a certification that funds are available in account 0001-0122, and the Authority desires to amend Resolution 2024-026 to include account 3000-4530, which shall also be utilized to fund this project.

NOW, THEREFORE, BE IT RESOLVED by the Stony Brook Regional Sewerage Authority that it hereby affirms its award of a contract to Levy Construction Company, Inc., the sole responsive bidder for the River Road WWTP Operations Building Administrative Office Remediation Project, Contract 24-4, in the amount of \$76,600.00; and hereby amends Resolution 2024-026, adopted April 4, 2024, to provide that the Authority CFO hereby certifies that sufficient funds for this project is available in accounts 0001-0122 and account 3000-4530.

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>
Gale D. Downey	X			
Julian Antebi	X			

Arundhati Bhosle	X	
David A. Goldfarb	X	
C. Schuyler Morehouse	X	
Bharat Patel		X

632.18 Open to the Public

Chairman Downey opened the public portion of the meeting at 8:05 p.m. Hearing no comments from the public, Chairman Downey closed the meeting to the public at 8:06 p.m. and continued as scheduled.

632.19 And such other issues as may come before the Board

There was nothing to report.

632.20 Adjournment

As no further business was to come before the Board, the meeting was adjourned at 8:07 p.m. on a motion by Mr. Morehouse, seconded by Mr. Antebi, and passed by unanimous vote.

Respectfully Submitted,

David Smith
Secretary

Recorded and Written by
Angela Christiano
May 10, 2024