



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

BAYSHORE REGIONAL SEWERAGE AUTHORITY Reorganization and Regular Meeting Minutes

February 28, 2011

At 7:03 P.M., Chairman Colligas called the Reorganization Meeting of the Bayshore Regional Sewerage Authority to order and made the following announcement:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act, that adequate notice of this meeting has been sent to the Newark Star Ledger and Asbury Park Press. Notice has also been sent to the Clerks of Aberdeen, Hazlet, Holmdel, Keansburg, Keyport, Matawan, Union Beach and Marlboro and the Western Monmouth Utilities Authority. This notice is also posted in the lobby of the Bayshore Regional Sewerage Authority Administration Building. Chairman Colligas called for a **Pledge of Allegiance to our Flag** and a **Moment of Silence** for the safety of US Troops serving all over the world.

Chairman Colligas then requested a roll call recorded as follows:

Present: Commissioners DiNardo, Parsells, Pisano, Wells and Chairman Colligas
Absent: Commissioner Cohen (available by telephone conference)

Also In Attendance: Mr. Robert C. Fischer, Executive Director
Louis E. Granata, Esq., General Counsel
John Draikowicz, Esq., Bond Counsel
Michael Bart, CPA, Auditor
Kimberly Newins, Admin. Assistant (Recording Secretary to the Board)

Chairman Colligas **OFFERED** the **MOTION** - to nominate Commissioner Louis Pisano to the office of **CHAIRMAN**:

This was **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners DiNardo, Parsells, Pisano, Wells and Chairman Colligas

Chairman Colligas passed the gavel to Chairman Pisano and thanked his fellow Board members for the opportunity to serve as their Chairman. He said it was a whole year of new education for him and he can honestly tell his children that one never stops learning. Commissioner Wells said Chairman Colligas did an outstanding job in the face of very trying circumstances and he wanted to thank John for the wisdom, knowledge and experience he has shared with all of them. All Commissioners, Staff and Professionals present thanked Chairman Colligas and applauded him for a job well done.

Committed to a Clean Environment for Today, Tomorrow and Generations to Come

Chairman Pisano called for a **MOTION** recommending Commissioner Frank A. Wells for the office of **VICE-CHAIRMAN**.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano called for a **MOTION** - recommending Commissioner James DiNardo for the office of **SECRETARY:**

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano called for a **MOTION** recommending Commissioner John Colligas for the office of **ASST-SECRETARY**

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano called for a **MOTION** recommending Commissioner Kathleen Parsells for the office of **TREASURER**.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano called for a **MOTION** recommending Commissioner David Cohen for the office of **ASST-TREASURER**

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano called for **MOTIONS** on the following Resolutions:

1. RESOLUTION: (06/11) Designating the *Asbury Park Press*, as the Official newspaper of the Bayshore Regional Sewerage Authority and *Bayshorersa.com* as the Official Website for Public Notices and any other official informational postings of the Authority.

WHEREAS, the Bayshore Regional Sewerage Authority is required to make publication of various notices, bids and other items in a local newspaper from time to time;

NOW THEREFORE BE IT RESOLVED that the official newspaper of the Bayshore Regional Sewerage Authority within which advertising shall be placed, be and is hereby designated as *The Asbury Park Press*, and *Bayshorersa.com* is also the Official Website for Public Notices.

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

2. RESOLUTION: (07/11) Readopt a Cash Management Plan as set forth pursuant to provisions of NJSA 40A: 5-14.

WHEREAS, pursuant to the provisions of NJSA 40A:5-14, the Bayshore Regional Sewerage Authority is required to establish a Cash Management Plan (the "Plan") and;

WHEREAS the Plan is required in order to set forth the basis for deposits and investments of public funds of said Authority; and

WHEREAS, the Plan is intended to assure that all public funds identified within it are deposited and invested in compliance with the terms set forth and required by N.J. S.A. 40A:5-14, and

WHEREAS, the Authority's Auditor and the Commissioners have reviewed the following **Cash Management Plan:**

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J. S.A. 40A: 5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Bayshore Regional Sewerage Authority (BRSA), pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The further intent of the Plan is to provide that the decisions made with regard to the Deposits and Permitted Investments will be done to ensure the safety, liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments,

11. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN.

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Bayshore Regional Sewerage Authority:

- Revenue Fund
- General Fund
- Bond Service Fund(s)
- Bond Reserve Fund(s)
- Other Trustee Funds/Trustee Accounts

The custodian of the accounts shall be the Treasurer. All disbursements shall be made by checks signed by three authorized signatures with the exception of Payroll, which requires one authorized signature only. Authorized Signers shall be the Commissioners of the Authority and Executive Director.

III. DESIGNATION OF OFFICIALS OF THE BRSA AUTHORIZED TO MAKE DEPOSITS OR INVESTMENTS UNDER THE PLAN.

The Executive Director (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such official of the BRSA is directed to supply all depositories or, any other parties, with whom the Deposits or Permitted Investments are made a written copy of this Plan, which shall be

acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan.

Designating TD Bank any other Official Depository which qualifies under the Government Unit Deposit Protection Act that would yield the highest rate of return on investments as potential Depositories of the Bayshore Regional Sewerage Authority.

All such depositories shall acknowledge in writing receipt of this plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

VI. DESIGNATION OF INVESTMENT STRATEGY

In order to provide guidance with regard to investments of Authority funds, the following policies are established for each fund.

Revenue Fund - All revenue of the Authority shall be deposited in the Revenue Fund. From the Revenue Fund, monies may be transferred to other BRSA Accounts/Funds. Funds for the monthly Regular and Payroll payables shall be held in the Revenue Fund. Deposits or Investments shall be "laddered" in amounts required to cover approved bills in the paying accounts and shall be available on the Thursday after the Regular Meeting of the Authority. Funds are to be invested in U.S. Treasury Bills, Certificates of Deposit or Institutional Liquid Assets Treasury Obligations Portfolio.

General Fund - Funds not immediately needed for Authority purposes shall be maintained in the General Fund. Funds are to be "laddered" up to a maximum of 18 months and are to be invested in U.S. Treasury Bills, Certificate of Deposit and Notes or Institutional Liquid Assets Treasury Obligations Portfolio.

Bond Service Fund - Funds shall be transferred to the Bond Service Fund as required to pay the Debt service as detailed in a schedule of Debt Service prepared by Bart & Bart, CPA's. Funds shall be invested in U.S. Treasury Bills, maturing on the Thursday before the Bond payment date, Certificates of Deposit and/or Institutional Liquid Assets Treasury Obligations Portfolio.

Bond Reserve Fund - In order to maximize investment income, funds in the Bond Reserve Fund are invested for longer terms than the previously listed funds. Investments may be made up to the term of the bond. Funds shall be invested in U.S. Treasury Certificates of Deposit or Federal Agency Obligations, for a term consistent with the yield curve.

Funds in excess of Reserve requirements, due to interest income or reserve requirement reduction, shall be transferred to the revenue account for use by the Authority.

VI. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIAL(S) MAY DEAL.

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the BRSA referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official (s) referred to in Section III above. *(No designated firms as of February, 2011)*

VII. PERMISSIBLE INVESTMENTS

A. Investments shall be limited by the express authority of the Local Fiscal Affairs Law, N.J.S.A. 40A: 5:15. 1 and except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds,
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section I of P.L. 1977, c.281 (C. 52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a.;
 - b. the custody of collateral is transferred to a third party,
 - c. the maturity of the agreement is not more than 30 days;
 - d. the underlying securities are purchased through a public depository as defined in section I of P.L. 1970, c.236 (C. 17:19-41); and
 - e. a master repurchase agreement providing for the custody and security of collateral is executed.

(9) Certificates of Deposit

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940", 15 U.S. C. sec. 80a- I et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) which is rated by a nationally recognized statistical rating organization.

Local Government Investment Pool - An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec.270.2a.7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization,
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 4 10 (c. 52:1413- 1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;

- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchases or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 of P.L. 1967 c,93 (C49:3-56) and has at least \$25 Million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

VIII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the BRSA, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the BRSA to assure that there is no unauthorized use of the funds or the Permitted Investments of Deposits. Purchase of any Permitted Investments that involve Securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the BRSA or by a third party custodian prior to or upon the release of the BRSA funds.

To assure that all parties with whom the BRSA deals either by way of Deposits or Permitted Investments are aware of the authority and the Emits sets forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official (s).

IX. REPORTING REQUIREMENTS

At the public meeting of each month during which this Plan is in effect, the Designated Official (s) referred to in Section III hereof shall supply to the Commissioners of the BRSA a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the BRSA as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the Commissioners of the BRSA.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

3. RESOLUTION: (08/11) Designating TD Bank, qualified under the Government Unit Deposit Protection Act, as the Official Depository of the B.R.S.A.

WHEREAS, in accordance with N.J.S.A. 40A5:15 et seq. of the Local Fiscal Affairs Law, the Bayshore Regional Sewerage Authority ("the Authority") is required to designate an Official Depository; and

WHEREAS, the Authority deems it in the best interest of the customers it serves to designate TD Bank as the Official Depository but reserves the right to utilize any other bank which qualifies under the Government Unit Deposit Protection Act that would yield a higher rate of return on investments as a potential depository of the Bayshore Regional Sewerage Authority for investment purposes should such opportunity arise.

NOW THEREFORE BE IT RESOLVED that TD Bank qualifies under the Government Unit Deposit Protection Act as the Official Depository of the BRSA and is hereby designated the Official Depository of the Authority's Incoming Revenue, Regular Operating, Payroll and Rent Reserve Accounts of the BRSA.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

4. RESOLUTION: (09/11) Designating Mr. Robert C. Fischer, Executive Director of the BRSA as the Authorized Representative to sign and verify documents submitted to various Departments of the State of New Jersey, County of Monmouth; and various offices and agencies of the U.S. Federal Government.

WHEREAS, it is necessary for this Authority to select an authorized representative to sign and verify documents submitted to various Departments of the State of New Jersey, County of Monmouth, and to various offices and agencies of the United States Federal Government; as well as various contract documents of the Authority.

NOW THEREFORE BE IT RESOLVED that Robert C. Fischer, Executive Director of the Bayshore Regional Sewerage Authority is hereby appointed authorized signatory and representative of the Bayshore Regional Sewerage Authority for the above listed purposes.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

5. RESOLUTION: (10/11) Adopt Procedures to be followed in the Payment of Invoices.

WHEREAS, (the Authority) is desirous of specifying procedures to be followed with regard to the payment of invoices for employee benefits and wages; and

WHEREAS, the Authority has determined that it is in its best interest to make such payments for benefits and wages as they come due;

NOW THEREFORE BE IT RESOLVED, the Authority will make those payments in accordance with the terms outlined above and will ratify those payments at the Authority's Regular Meeting in conjunction with invoices to be paid in accordance with the procedures outlined below,

BE IT FURTHER RESOLVED, the Authority is desirous of specifying procedures to be followed with regard to the payment of invoices for service rendered and materials and supplies delivered to the Authority; and

WHEREAS, it is the intention of the Authority to hereby specify the procedures for the payment of invoices and that this Resolution and the procedures herein specified, shall supersede all Resolutions and Bylaws related to the payment of invoices;

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. as follows:

No check shall be executed by any Commissioner for disbursement of Authority funds except after compliance with the following procedure:

(a) Any person or entity seeking payment for services, materials, or supplies provided to the Authority, shall submit to the Authority, a fully executed voucher in form provided by the Authority, from time to time;

(b) The Executive Director shall review in association with said voucher, where same exists, a copy of the three written quotations or bids in excess of \$3,000; the supporting requisition and/or purchase order, and the packing slip, invoice, or requisition signed by the person receiving the goods or services thus indicating the full receipt of such goods or services. Said procedure shall constitute a complete payment package. ;

(c) The Executive Director shall then review each package and shall affix his signature thereto if he shall consider same to be in satisfactory form of payment;

(d) The Executive Director shall not later than the Thursday preceding the Regular Meeting of each month make the voucher, invoice and any additional items of said payment package so requested available to the Chairman of the Finance Committee or other member of the Authority at the Authority office

(e) The Chairman of the Finance Committee or other member of the Authority shall review each voucher and the supporting documentation and, if he shall find same satisfactory, affix his signature thereto in time for consideration and discussion by the Commissioners at the monthly Regular Meeting of the Authority. In the event a member of the Finance Committee is not available for said purposes, any BRSA Board member may review and affix his/her signature thereto.

(f) The Executive Director shall prepare and make available to the Commissioners at the Regular Meeting in each month, a listing of all vouchers received by the Authority on or before the close of business on the Thursday immediately preceding the Regular Meeting;

(g) The Chairmen of the respective Committees, having general responsibility for the subject matter of a particular voucher, may review same on or before the second Thursday of each month and in case he shall find it in his opinion to be satisfactory, he shall affix his signature to this voucher.

(h) At each Regular Meeting of the Authority, prior to the Commissioners taking a formal vote on payment of all vouchers which have undergone the processing aforesaid, the Commissioners shall be advised by the Executive Director as to which vouchers shall not have endorsed thereon, the approval of the Executive Director or the approval of the Finance Chairman or assigns and in connection with such vouchers, they shall not be deemed approved for payment unless the Commissioners shall, by majority vote, direct their payment notwithstanding the lack of one or more of said signatures.

(i) No vouchers shall be considered for payment in any month unless such voucher shall have been delivered to the Authority in proper form by 12:00 Noon of the Wednesday immediately preceding the Regular Meeting, provided however, that in special circumstances, upon Motion of any

Commissioners, at any regular meeting, payment of any voucher or vouchers may be directed by a majority vote of the Commissioners;

(j) Immediately following approval of payment of vouchers at any meeting of the Commissioners, the Executive Director shall promptly attend to the obtaining of the necessary Commissioners' signatures upon the checks in question and shall promptly release such checks to the payees thereof and the Executive Director shall not, without the approval of at least one Commissioner, delay or withhold the delivery of any checks so approved; in the event checks shall be delayed or withheld with the approval of at least one Commissioner, the Executive Director shall immediately so advise all of the Commissioners in writing of such delay or withholding and the reasons therefore, and the same shall be discussed at the next meeting of the Authority; and in accordance with NJAC 5:31-4.1,e, all checks other than payroll checks shall be signed by the Secretary, Chairman or Executive Director, and at least two other Commissioners.

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded after Mr. Fischer's comments:

COMMENT: Mr. Fischer said a minor change was made to this Resolution in subparagraph ("i") which changed the cutoff for submission of invoices for payment from Monday to Wednesday of the first week of the month. This is being done to allow more time for vendors to submit invoices for payment prior to the Treasurer's Report being prepared.

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

6. RESOLUTION: (11/11) Adopt Procedures to be followed in the Purchase of Equipment and Supplies.

WHEREAS, the Bayshore Regional Sewerage Authority is desirous of adopting a uniform procedure for the purchase of equipment and supplies and the provision of services to the Authority; and

WHEREAS, the Commissioners are desirous of setting forth this procedure to be applicable immediately upon adoption of this Resolution and to continue in full force and effect until the next reorganization meeting of the Authority held pursuant to N.J.S.A. 40:14A-1 et eq, at which time this Resolution shall terminate unless continued in its present or amended form;

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. as follows:

1. The procedures and authorities herein provided shall be applicable to the purchase of any materials, supplies or services except for professional services such as legal, engineering, accounting and similar services which shall only be upon Resolution of the Authority.

2. No purchase of or contract for materials, equipment, supplies or services shall be deemed binding upon the Authority or shall obligate the Authority for payment thereof except upon the following terms and conditions:

(a) The Executive Director shall cause to be attached to the voucher, where same exists, a copy of at least three written quotations or bids for items in excess of \$3,000.00, if practicable, the supporting requisition and/or purchase order, and the packing slip, invoice, or requisition signed by the person receiving the goods or services thus indicating the full receipt of such goods and services;

(b) Materials, services or supplies, the cost or obligation for which shall not exceed the sum of \$6,000 per item, may be purchased or contracted for on behalf of the Authority and payment therefore shall be made by the Authority upon the execution of a requisition for such materials, supplies or services by the Executive Director in accordance with (a) above.

(c) Materials, services or supplies, the cost or obligation for which exceeds \$6,000 per item, but less than \$17,500, may only be purchased or contracted for upon execution of a Purchase Order by any

Commissioner of the Authority and provided further, that three written quotations concerning the item or services authorized to be purchased shall have been obtained, except in cases of emergency, which emergency shall be stated in full on the Purchase Order executed by the Chairman, Vice-Chairman or any Commissioner.

(d) The purchase of any materials, supplies, equipment or contract for any services the cost or obligation for which is \$36,000 or more, to the extent same shall be applicable to the particular purchase or contract, shall be awarded only upon compliance with the bidding procedures provided by the Local Public Contracts Law except in those instances under the Local Public Contract Law where public bidding need not apply and then only upon specific Resolution of the Authority; and

(e) except as otherwise resolved by the Commissioners of the Authority, all purchases of materials, supplies and equipment or the contracting of services; the cost or obligation for which is between \$17,500 and \$36,000 also known as "Window Contracts" in New Jersey's Pay-to-Play Laws shall be awarded only after a fair and open process whose minimum requirements are:

- Publicly advertised (either conventionally in newspapers or posted on the BRSA website at least ten (10) calendar days prior to award (a copy of the website posting shall be kept on file); and
- Awarded under a process that provides for public solicitation of proposals or qualifications; and
- Established on the basis of an award and disclosure process documented in writing prior to any solicitation and
- Publicly opened and announced when awarded

BE IT FURTHER RESOLVED that this Resolution shall supersede all prior Resolutions of the Authority and all By Law provisions that may be in conflict with any of the terms and conditions specified; and

BE IT FURTHER RESOLVED that this Resolution shall continue in full force or effect until the next organization meeting of the Authority pursuant to NJSA 40:14A-1 et seq. at which time it shall terminate unless re-instituted in its existing or in an amended form by appropriate Resolution of the Commissioners.

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

7. RESOLUTION: (12/11) Adopt the Schedule of Financial Reports.

WHEREAS, the Commissioners of the Bayshore Regional Sewerage Authority (B.R.S.A.) are desirous of fully and faithfully discharging their duties and obligations and;

WHEREAS, the Commissioners wish to formalize the financial reporting procedures of the B.R.S.A.;

NOW THEREFORE BE IT RESOLVED by the Commissioners of the B.R.S.A. that the schedule of reports listed below be adopted and henceforth all affected employees and consultants shall adhere to the schedule.

SCHEDULE OF FINANCIAL REPORTS

1. Schedule of Accounts Receivable: This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report.

2. Statement of Cash Receipts and Cash Disbursements: This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report.

3. **Un-audited Financial Statement:** This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report. This financial statement shall contain the year to date expenditures, the year to date budget allocation, and the expenditures for the same period for each account. An explanation is to accompany this statement whenever unusual transfers are made among accounts or when unusual expenditures are made.

4. **Summary of Investments:** This report shall be prepared quarterly, and shall be in the Commissioners' hands Friday before the Regular Meeting in the month that the report is due. This report shall indicate such pertinent information as:

- A. Investment Institution.
- B. Amount invested.
- C. Interest rate for the investment.

5. **Bills to be Paid:** This report shall contain a listing of each bill to be paid, indicating the check number, the amount to be paid, the payee, and the reason for the payment. The report shall be in the hands of the Commissioners on the Friday before the Regular Meeting during which these payments will be approved.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

8. RESOLUTION: (13/11) Adopting and Publishing the Annual Notice of Scheduled Authority Meetings for the period March 2011, through February 2012.

WHEREAS, the Bayshore Regional Sewerage Authority is required to adopt, publish and disseminate annually, a notice of its scheduled Agenda and Regular Meetings;

NOW THEREFORE BE IT RESOLVED by the Bayshore Regional Sewerage Authority that it hereby adopts the following schedule of Agenda and Regular Meetings during 2011 All meetings in 2011 will commence at 7:00 P.M. prevailing time, All meetings will be held at the Authority offices, Administration Building, 100 Oak Street, Union Beach, NJ.

BE IT FURTHER RESOLVED, In accordance with O.P.M.A. N.J.S.A. 10:4-6, participation by Commissioners may take place by means of telephone communications equipment and formal action may be taken at any of the listed meetings.

AGENDA MEETINGS

2011	March 14	
	April 11	
	May 9	
	June 13	
	July 11	
	August 8	
	September 12	
	October 11*	
	November 14	
	December 12	
	2012	January 9
		February 13

REGULAR MEETINGS

2011	March 21	
	April 18	
	May 16	
	June 20	
	July 18	
	August 15	
	September 19	
	October 17	
	November 21	
	December 19	
	2012	January 16
		February 27*

BE IT FURTHER RESOLVED that the Organizational Meeting of the Bayshore Regional Sewerage authority shall commence at 7:00 P.M., prevailing time, immediately before the Regular

Meeting on Monday February 27th, 2012, at the Authority offices, 100 Oak Street, Union Beach, NJ, and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority be and is hereby directed to forthwith publish a true copy of this Resolution in the official newspaper so designated by the Authority and be posted on its official website, www.bayshorersa.com; and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority be and is hereby directed to post a true copy of this Resolution in a public place designed for such purposes; and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority is hereby directed to forthwith transmit a true copy of this Resolution to: the Municipal Clerks of Aberdeen, Hazlet, Holmdel, and Marlboro, Union Beach, Keyport, Keansburg, and Matawan; and the Western Monmouth Utilities Authority.

* Meetings are 2nd and 3rd Mondays of every month except where an asterisk appears.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

RESOLUTION: (14/11) To execute TD Bank Resolution for the B.R.S.A. Payroll Account together with appropriate signature cards.

BE IT RESOLVED, by the Bayshore Regional Sewerage Authority:

1. That an account or accounts be continued and maintained with **TD BANK** (hereinafter called the Bank) titled **Payroll Account**, and there may be deposited to its credit in one or more accounts with the Bank, any money, check and other instruments which may come into possession of this Authority. Any other property may be deposited with the Bank for safe keeping, custody and other purposes. Items for deposit, collection or discount may be endorsed by any person authorized to sign checks, or endorsements thereof, may be made in writing or by a stamp without designation of the person so endorsing.

2. Any one of the following: Executive Director, Chairman, Vice-Chairman, Secretary, Treasurer, Assistant Secretary, or Assistant Treasurer of this Authority are authorized, on behalf of this Authority and in its name, (a) to sign checks, savings withdrawals, drafts, notes, acceptances, and other instruments and orders for the payment of money or for the withdrawal or delivery of funds or other property at any time held by the Bank for the account of this Authority, and to receive any thereof, and to issue instructions for the conduct of any account of this Authority with the Bank, (b) to accept drafts, and other instruments payable at the Bank; and to waive demand, protest, and notice of protest or dishonor of any instrument made, drawn, or endorsed by this Authority; and (c) to endorse, negotiate, and receive, or authorize the payment of, the proceeds of, any negotiable or other instruments or orders for the payment of money payable to or belonging to this Authority.

3. The Bank may honor all such checks and other instruments for the payment or delivery of money or property when signed as authorized above, including any payable to the Bank or to any signer or other officer or employee of the Authority or to cash or bearer, and may receive the same in payment of or as security for the personal indebtedness of any signer or other officer or employee or other person to the Bank or in any transaction whether or not known to be for the personal benefit of any such person, without inquiry as to the circumstances of their issue or the disposition of their proceeds, and without

liability to the Bank, and without any obligation upon the Bank to inquire whether the same be drawn or required for the Authority's business or benefit.

BE IT FURTHER RESOLVED that the foregoing Resolution shall continue in full force and effect and Bank may rely on them until a certified copy of a subsequent Resolution of the Board of Directors of this Authority modifying or rescinding any or all such Resolutions shall have been actually received by the Bank.

I FURTHER CERTIFY that the names of the persons who respectively hold the offices or positions mentioned in the foregoing Resolutions and their actual signatures are as follows:

ROBERT C. FISCHER	Executive Director	_____
LOUIS PISANO	Chairman	_____
FRANK A. WELLS	Vice Chairman	_____
JAMES DINARDO	Secretary	_____
JOHN COLLIGAS	Asst. Secretary	_____
KATHLEEN PARSELLS	Treasurer	_____
DAVID COHEN	Asst. Treasurer	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 28th day of February 2011

/s/James DiNardo, BRSA Secretary

I, **LOUIS PISANO**, Chairman of the above named Authority, do hereby certify that James DiNardo, the Secretary of said Authority, is duly authorized to sign as above stated, without other signature, according to the above Resolution.

WITNESS my hand and the seal of said Authority the day and year above written.

(seal)

/s/ **LOUIS PISANO** Chairman

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

10. RESOLUTION: (15/11) To execute TD Bank Resolutions for B.R.S.A. Incoming Revenue, Operating, and Rent Reserve accounts together with appropriate signature cards.

BE IT RESOLVED, by the Bayshore Regional Sewerage Authority:

1. That an account or accounts be continued and maintained with **TD BANK** (hereinafter called the Bank) titled **Incoming Revenue, Operating Account, and Rent Reserve Accounts**, and there may be deposited to its credit in one or more accounts with the Bank, any money, check and other instruments which may come into possession of this Authority. Any other property may be deposited with the Bank for safe keeping, custody and other purposes. Items for deposit, collection or discount may be endorsed by any one person authorized to sign checks, or endorsements thereof, may be made in writing or by a stamp without designation of the person so endorsing.

2. Any three of the following: Executive Director, Chairman, Vice-Chairman, Secretary, Treasurer, Assistant Secretary, Assistant Treasurer of this Authority are authorized, on behalf of this Authority and in its name, (a) to sign checks, savings withdrawals, drafts, notes, acceptances, and other instruments and orders for the payment of money or for the withdrawal or delivery of funds or other property at any time held by the Bank for the account of this Authority, and to receive any thereof, and to issue instructions for the conduct of any account of this Authority with the Bank, (b) to accept drafts, and other instruments payable at the Bank; and to waive demand, protest, and notice of protest or dishonor of any instrument made, drawn, or endorsed by this Authority; and (c) to endorse, negotiate, and receive, or

authorize the payment of, the proceeds of, any negotiable or other instruments or orders for the payment of money payable to or belonging to this Authority, except that in the wire transfer of funds for the payment of taxes, employee payroll, benefits or other such obligation as may be required of the Authority, the Executive Director is authorized to make such wire transfers using the financial institutions' secured portals. All such wire transfers shall be ratified at the first Authority meeting subsequent to transfer of funds.

3. The Bank may honor all such checks and other instruments for the payment or delivery of money or property when signed as authorized above, including any payable to the Bank or to any signer or other officer or employee of the Authority or to cash or bearer, and may receive the same in payment of or as security for the personal indebtedness of any signer or other officer or employee or other person to the Bank or in any transaction whether or not known to be for the personal benefit of any such person, without inquiry as to the circumstances of their issue or the disposition of their proceeds, and without liability to the Bank, and without any obligation upon the Bank to inquire whether the same be drawn or required for the Authority's business or benefit.

BE IT FURTHER RESOLVED that the foregoing Resolution shall continue in full force and effect and Bank may rely on them until a certified copy of a subsequent Resolution of the Board of Directors of this Authority modifying or rescinding any or all such Resolutions shall have been actually received by the Bank.

I FURTHER CERTIFY that the names of the persons who respectively hold the offices or positions mentioned in the foregoing Resolutions and their actual signatures are as follows:

ROBERT C. FISCHER	Executive Director	_____
LOUIS PISANO	Chairman	_____
FRANK A. WELLS	Vice Chairman	_____
JAMES DINARDO	Secretary	_____
JOHN COLLIGAS	Asst. Secretary	_____
KATHLEEN PARSELLS	Treasurer	_____
DAVID COHEN	Asst. Treasurer	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 28th day of February 2011

/s/James DiNardo, BRSA Secretary

I, **LOUIS PISANO**, Chairman of the above named Authority, do hereby certify that James DiNardo, the Secretary of said Authority, is duly authorized to sign as above stated, without other signature, according to the above Resolution.

WITNESS my hand and the seal of said Authority the day and year above written.

(seal) /s/ **LOUIS PISANO** Chairman

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded after Mr. Fischer's comments:

COMMENT: Mr. Fischer said a minor change was made to this Resolution in Paragraph ("2") which addresses the wire transfer of funds for the payment of taxes, employee payroll, benefits or other such obligation as may be required of the Authority, and authorizes the Executive Director to make such wire transfers using the financial institutions' secured portals. All such wire transfers will be ratified at the first Authority meeting subsequent to transfer of funds.

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

11. RESOLUTION: (16/11) To authorize the award of Non-fair and open contracts pursuant to the provisions of NJSA19:44A-20.5.

WHEREAS, the Bayshore Regional Sewerage Authority has a need to acquire services to be provided as an non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the acquisitions may exceed \$17,500, in each instance; and

WHEREAS, the anticipated term of these contracts are one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Louis E. Granata, Esq., Manuel Ponte, P.E., Michael J. Bart, CPA, and Louis T. Barry, P.E, ("the Professionals") have submitted proposals indicating they will provide the descriptions of their services for the contract prices as specified individually therein; and

WHEREAS, the Professionals have completed and submitted Business Entity Disclosure Certifications which certify that the Professionals have not made any reportable contributions to any political or candidate committee in the Townships of Hazlet and Holmdel or the Borough of Union Beach or to any of the political candidates committees of customer towns or legislative district listed on the Bayshore Regional Sewerage Authority's Political Disclosure Form in the previous one year, and that each respective contract will prohibit the Professionals from making any reportable contributions through the terms of their respective contracts; and they have also submitted Political Contribution Disclosure Forms listing all reportable contributions made in the 12 months prior.

WHEREAS, funds are available for this purpose, in accordance with NJAC 5:30-5.4 and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the non-fair and open contract appointments without competitive bidding will be publicly advertised within ten (10) days of their award;

NOW THEREFORE BE IT RESOLVED, that the Bayshore Regional Sewerage Authority authorized the Chairman to enter into the above referenced contracts as described herein; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certifications, and the Political Disclosure Certifications be placed on file with the respective Resolutions

This was **OFFERED BY**: Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

12. RESOLUTION: (17/11) Engaging Louis E. Granata, Esq. as General Counsel, and authorize the Chairman and Secretary to execute the contract.

WHEREAS, there exists a need for an Attorney for the Bayshore Regional Sewerage Authority; and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Louis E. Granata, Esq., has submitted a proposal for services dated January 6, 2011 indicating he will provide General Consulting Services as Legal Counsel to the BRSA at an hourly rate of \$195

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Louis E. Granata, Esq., 210 Main Street, Matawan, NJ, as Attorney for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012

BE IT FURTHER RESOLVED that the said Attorney shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is therefore exempt under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days its adoption and will be posted on the BRSA official website.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

13. RESOLUTION: (18/11) Engaging Mark Tabakin, Esq. as Labor Attorney, and authorize the Chairman and Secretary to execute the contract.

WHEREAS, there exists a need for an Labor Attorney for the Bayshore Regional Sewerage Authority, and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Mark A. Tabakin, Esq. submitted a proposal for services dated February 4, 2011 indicating he will provide General Consulting Services as Labor Counsel to the BRSA at an hourly rate of \$150

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Mark A. Tabakin, Esq., of the firm Weiner Lesniak, 629 Parsippany Road, Parsippany, NJ as Labor Attorney for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012

BE IT FURTHER RESOLVED that the said Attorney shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is therefore exempt under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days its adoption and will be posted on the BRSA official website.

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

14. RESOLUTION: (19/11) Engaging Bart & Bart, CPAs as Auditors, and authorize the Chairman and Secretary to execute the contract.

WHEREAS, there exists a need for an Auditor for the Bayshore Regional Sewerage Authority;
and

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Michael Bart, CPA, has submitted a proposal for services dated February 1, 2011 indicating he will provide General Consulting Services as Auditor to the BRSA at an hourly rate of \$160

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Bart and Bart, 104 Main St., Woodbridge, NJ, 07095 as Auditor for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012

BE IT FURTHER RESOLVED that the said Auditor shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is, therefore, exempt under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days of its adoption and will be posted on the BRSA official website.

This was **OFFERED BY**: Commissioner Parsells and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

15. RESOLUTION: (20/11) Engaging Gibbons Del Deo, et al. as Bond Counsel, and to authorize the Chairman and Secretary to execute the contract.

WHEREAS, there exists a need for the services of a Bond Counsel, and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, John Draikowicz, Esq., has submitted a proposal for services dated February 7, 2011 indicating he will provide General Consulting Services as Bond Counsel to the BRSA at an hourly rate of \$295

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Gibbons, Del Deo, Dolan, Griffinger, and Vecchio, One Riverfront Plaza, Newark, NJ as Bond Counsel for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012

BE IT FURTHER RESOLVED that the said Bond Counsel shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is therefore exempt under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days of its adoption and will be posted on the BRSA official website.

This was **OFFERED BY**: Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

16. RESOLUTION: (21/11) Engaging Manuel Ponte, P.E. of Arcadis – US as our Consulting Engineer, and to authorize the Chairman and Secretary to execute the contract.

WHEREAS, there exists a need for an Engineer for the Bayshore Regional Sewerage Authority; and

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Manuel Ponte, P.E., has submitted a proposal for serviced dated February 11, 2011 indicating he will provide General Consulting Services as Consulting Engineer to the BRSA at an hourly rate of between \$150 and \$245

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Manuel Ponte, P.E., of Arcadis – US, 105 Fieldcrest Avenue, Raritan Center, Edison, NJ as Engineer for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012

BE IT FURTHER RESOLVED that the said Engineer shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is, therefore, exempt under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days of its adoption and will be posted on the BRSA official website.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

17. RESOLUTION: (22/11) Engaging Michael Avalone of the firm Conner Strong Insurance Services, as Risk Management Consultant and to authorize the Chairman and Secretary to execute the contract.

WHEREAS, the Bayshore Regional Sewerage Authority has resolved to join the New Jersey Utility Authorities Joint Insurance Fund, following a detailed analysis; and

WHEREAS, the bylaws of said Fund requires that each Authority appoint a Risk Management Consultant to perform various professional services as detailed in the bylaws; and

WHEREAS, the bylaws indicate a minimum fee equal to six percent (6 %) of the Authority's assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Authority;

WHEREAS, Michael Avalone will be listed as the "Broker of Record" for our Differences in Conditions Policy to be included as part of this 6%; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(m) Insurance Consultant services are exempt from Public Bidding;

NOW THEREFORE, be it resolved that the Bayshore Regional Sewerage Authority does hereby appoint Michael Avalone of Conner Strong Insurance Services as its Risk Management Consultant in accordance with the Fund's bylaws for a term commencing February 28th, 2011 and continuing until February 27th, 2012

BE IT FURTHER RESOLVED that the Chairman is hereby authorized and directed to execute the Risk Management Consultant's Agreement, a copy of which is available for inspection at the Authority's office, and to cause a notice of this decision to be published in the official newspapers of the BRSA according to N.J.S.A 40A:11-5 (1) (a) (i) and will be posted on the BRSA official website.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

18. RESOLUTION: (23/11) Engaging Morehouse Engineering as the Instrumentation Consultant and authorize the Chairman and Secretary to execute the contract.

WHEREAS, the Bayshore Regional Sewerage Authority has determined there exists a need for the services Consulting Instrumentation and Control Engineering, and

WHEREAS, the services of a Consulting Instrumentation and Control Engineer is a recognized profession, licensed and regulated by law and is exempt under NJSA 40A: 11-5; and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, C. Schulyer Morehouse, P.E. has submitted a proposal for services dated February 3, 2011 indicating he will provide General Consulting Services as Instrumentation and Control Engineering Consultant to the BRSA at an hourly rate of \$195

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Morehouse Engineering, 43 Railroad Place, Hopewell, New Jersey as Special Consultant for Instrumentation and Control Engineering for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012

BE IT FURTHER RESOLVED that the said Instrumentation Consultant Engineer shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED the Chairman and Secretary are hereby authorized to execute said contractual agreement; and

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days of its adoption and will be posted on the BRSA official website.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

19. RESOLUTION (24/11) To appoint ABB Instrumentation as our Meter Calibration and Maintenance Firm and authorize the Chairman and Secretary to execute the contract.

This was **TABLED** pending submittal of complete contract documents by Commissioner Parsells and the **TABLE** was **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

20. RESOLUTION (25/11) To appoint Chavond Barry Engineering as Incinerator Engineering Consultant and authorize the Chairman and Secretary to execute the contract.

WHEREAS, the Bayshore Regional Sewerage Authority owns and operates two process Incinerators at the treatment plant facilities; and

WHEREAS, there exists a need for an Incinerator Consulting Engineer for the Bayshore Regional Sewerage Authority; and

WHEREAS, Louis T. Barry, P.E. has submitted a proposal for services dated February 7, 2011 indicating he will provide General Consulting Services as Incinerator Consulting Engineer to the BRSA at an hourly rate of \$225

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised;

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Chavond Barry Engineering, 400 Route 518, Blawenbergl, NJ as Incinerator Consultants for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012.

BE IT FURTHER RESOLVED that the said Engineer shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is, therefore, exempt under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days of its adoption and will be posted on the BRSA official website.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

21. RESOLUTION (26/11) To appoint Acacia Financial Group, Inc. as Financial Advisors and authorize the Chairman and Secretary to execute the contract.

WHEREAS, there exists a need for a Financial Advisor for the Bayshore Regional Sewerage Authority; and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Noreen P. White has submitted a proposal for services dated January 21, 2011 indicating he will provide General Consulting Services as Financial Advisor to the BRSA at an hourly rate of \$250

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Acacia Financial Group, Inc., Four Greentree Center, Suite 206, Marlton, NJ 08053, as Financial Advisor for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012.

BE IT FURTHER RESOLVED that the said Advisors shall be compensated at the reasonable value of the services rendered as more specifically set forth in a contract entered into and available for inspection at the Authority's office; and

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is, therefore, exempt under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days of its adoption and will be posted on the BRSA official website.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

22. RESOLUTION (27/11) To appoint MC² Public Affairs, LLC as Public Relations Consultant.

WHEREAS, the Bayshore Regional Sewerage Authority ("BRSA") adopted Resolution (39/10) engaging the services of MC² Public Affairs, LLC in accordance with their proposal dated March 11, 2010 which closed out and eliminated any previous contract specifications; and

WHEREAS, the Authority wishes to continue the services of MC² Public Affairs, LLC as the Authority's Energy Consultant to Regulatory and Community Affairs on a demand for services basis; and

WHEREAS, Fred DeSanti, has submitted a proposal for services dated February 2, 2011 indicating he will provide Energy Consulting Services as noted to the BRSA at an hourly rate of \$180

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of MC² Public Affairs, LLC, as Energy Consultant for the Authority for a term commencing February 28th, 2011 and continuing until February 27th, 2012.

BE IT FURTHER RESOLVED that the said Consultant shall be compensated at the reasonable value of the services rendered as more specifically set forth in the proposal submitted and available for inspection at the Authority's office.

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

COMMITTEE APPOINTMENTS (OFFERED BY the Chairman who may preside over any Sub-Committee Meeting with adequate public notice.)

2011 Committee Appointments

FINANCE COMMITTEE:

David Cohen, Chair
Commissioner DiNardo
Commissioner Parsells

LEGAL COMMITTEE:

Frank A. Wells, Chair
Commissioner DiNardo

Commissioner Colligas

ENGINEERING COMMITTEE:

David Cohen, Chair
Commissioner Colligas
Commissioner Wells

PERSONNEL COMMITTEE:

John Colligas, Chair
Commissioner DiNardo
Commissioner Parsells

MOTION - to accept Chairman's appointments:

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano called for a **MOTION** - to adjourn the Reorganization Meeting of 2011.

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano called the Regular Meeting of the Bayshore Regional Sewerage Authority to order and announced that pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been advertised and mailed as previously announced and is also posted in the lobby of the Bayshore Regional Sewerage Authority Administration Building.

The Chairman then called for **MOTIONS** on the following:

APPROVAL OF MINUTES - Regular Meeting of January 17th, 2011

This was **OFFERED BY:** Commissioner Colligas and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

TREASURER'S REPORT (by Commissioner Wells for Cohen for January, 2011)

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	1-31-11
<u>UNRESTRICTED</u>	
Revenue Fund	\$1,881,321.92
General Fund	<u>\$3,522,416.41</u>
Total Unrestricted	\$5,403,738.33
<u>RESTRICTED</u>	
Bond Service Fund	
1985 Bond Service Fund	\$ 927,962.95
2002 Bond Service Fund	<u>\$ 805.00</u>
Total Bond Service Funds	\$ 928,767.95
Bond Reserve Funds	
1985 Bond Reserve Fund	<u>\$7,360,714.95</u>
Total Bond Reserve Funds	<u>\$7,360,714.95</u>
<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$1,268,025.20
Bond Service	<u>\$ 0.00</u>
TOTAL NJEIT	\$1,268,025.20
TOTAL TRUSTEE ACCOUNTS	\$14,961,246.43
<u>AUTHORITY ACCOUNTS</u>	
Incoming Revenue Account	\$ 1,977,753.95
Operating Regular Account	59,545.00
Operating Payroll Account	<u>130,476.54</u>
TOTAL AUTHORITY ACCOUNTS	<u>\$ 2,167,775.49</u>
TOTAL	13,549,640.44

SCHEDULE OF ACCOUNTS RECEIVABLE

<u>SERVICE CHARGES:</u>	Balances as of January 31st, 2011	
Hazlet Township Sewerage Utility	\$	0.00
Township of Holmdel	\$	0.00
Borough of Union Beach	\$	0.00
Borough of Keyport	\$	0.00
Borough of Keansburg	\$	0.00
Borough of Matawan	\$	0.00
Western Monmouth Utilities Authority	\$	0.00
Township of Aberdeen	\$	0.00
TOTAL	\$	0.00
OUTFALL AUTHORITY CHARGES		
Hazlet Township Sewerage Utility	\$	0.00
Township of Holmdel	\$	0.00
Borough of Union Beach	\$	0.00
Borough of Keyport	\$	0.00
Borough of Keansburg	\$	0.00
Borough of Matawan	\$	0.00
Western Monmouth Utilities Authority	\$	0.00
Township of Aberdeen	\$	0.00
TOTAL	\$	0.00
Balance of Rent Reserve Accounts as of January 31st, 2011		
Hazlet Township Sewerage Utility	\$	1,827,286.26
Township of Holmdel	\$	689,474.34
Borough of Union Beach	\$	459,414.77
Borough of Keyport	\$	804,856.20
Borough of Keansburg	\$	749,622.76
Borough of Matawan	\$	819,260.30
Western Monmouth Utilities Authority	\$	175,293.10
Township of Aberdeen	\$	807,750.31
TOTAL	\$	6,332,958.04

Detail of the Trustee accounts, receipts and disbursements, including investment activity, are on file in the Administrative Office of the Bayshore Regional Sewerage Authority.

The Chairman opened the meeting to the public in attendance to discuss **Resolutions** on the Regular Agenda. There were no public comments at this time.

1. RESOLUTION (28/11) To extend the current contract with Siemens Water Technologies for the furnishing and delivery of Bioxide for a period of one additional year in accordance with NJ State Local Public Contracts Law.

WHEREAS, the Bayshore Regional Sewerage Authority currently has a contract for the furnishing and delivery of Bioxide with Siemens Water Technologies of Sarasota, FL for Bioxide for a total bid price of \$27,360.00; and

WHEREAS, that Contract will expire in March 2011; and

WHEREAS, the Authority and the Company are mutually agreeable to extending the original Contract under the same terms and with the same prices for a period of one (1) additional year; and

WHEREAS, the original Contract provides by mutual agreement, and Local Public Contracts Law allows for one (1) year contract extensions for a maximum of 2 years; and

WHEREAS, extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents;

WHEREAS, the funds are available for this purpose; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize an extension of the original Contract for the furnishing and delivery of Bioxide with Siemens Water Technologies of Sarasota, FL for the furnishing and delivery of Bioxide for a period of one (1) additional year.

BE IT FURTHER RESOLVED, the Qualified Purchasing Agent and Staff Engineer are hereby authorized to prepare the contract extension documents.

BE IT FURTHER RESOLVED, the Chairman and Secretary are hereby authorized to execute the contract extension documents.

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

2. RESOLUTION (29/11) To extend the current contract with Jones Chemical Company for the furnishing and delivery of Sodium Hypochlorite for a period of one additional year in accordance with NJ State Local Public Contracts Law.

WHEREAS, the Bayshore Regional Sewerage Authority currently has a contract for the furnishing and delivery of Sodium Hypochlorite with Jones Chemical, Inc. of Warwick, NY for total bid price of **\$185,000.00**, and

WHEREAS, that Contract will expire in March 2011; and

WHEREAS, the Authority and the Company are mutually agreeable to extending the original Contract under the same terms and with the same prices for a period of one (1) additional year; and

WHEREAS, the original Contract provides by mutual agreement, and Local Public Contracts Law allows for one (1) year contract extensions for a maximum of 2 years; and

WHEREAS, extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents;

WHEREAS, the funds are available for this purpose; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize an extension of the original Contract for the furnishing and delivery of Sodium Hypochlorite

with Jones Chemical, Inc. of Warwick, NY for the furnishing and delivery of Sodium Hypochlorite for a period of one (1) additional year.

BE IT FURTHER RESOLVED, the Qualified Purchasing Agent and Staff Engineer are hereby authorized to prepare the contract extension documents.

BE IT FURTHER RESOLVED, the Chairman and Secretary are hereby authorized to execute the contract extension documents.

This was **OFFERED BY**: Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

3. RESOLUTION (30/11) To extend the current contract with Polydyne, Inc., for the furnishing and delivery of Liquid Polymer for a period of one additional year in accordance the current Consumer Price Index allowable increase of 2% and NJ State Local Public Contracts Law.

WHEREAS, the Bayshore Regional Sewerage Authority currently has a contract for the furnishing and delivery of Liquid Polymer with Polydyne, Inc. of Riceboro, GA for a bid price of \$0.0795 per pound for a period of one (1); and

WHEREAS, that Contract will expire in March 2011; and

WHEREAS, the Authority and the Company are mutually agreeable to extending the original Contract under the same terms and with a minimal increase in price from \$0.0795 per pound to \$0.0811 per pound, which is 2% and equal to the allowable current Consumer Price Index ("CPI") increase of 2%; for a period of one (1) additional year; and

WHEREAS, the original Contract provides by mutual agreement, and Local Public Contracts Law allows for one (1) year contract extensions for a maximum of 2 years with increases no greater than the current Consumer Price Index of 2%; and

WHEREAS, extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents;

WHEREAS, the funds are available for this purpose; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize an extension of the original Contract for the furnishing and delivery of Liquid Polymer with Polydyne, Inc., at \$0.0811 per pound with Polydyne, Inc. of Riceboro GA for a period of one (1) additional year.

BE IT FURTHER RESOLVED, the Qualified Purchasing Agent and Staff Engineer are hereby authorized to prepare the contract extension documents.

BE IT FURTHER RESOLVED, the Chairman and Secretary are hereby authorized to execute the contract extension documents.

This was **OFFERED BY**: Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

4. RESOLUTION (31/11) To authorize the advertisement of final specifications for the replacement of the Incinerator/Dewatering Facility Generator's Fuel Oil Tank in accordance with NJ State Local Contracts Law.

WHEREAS, the Bayshore Regional Sewerage Authority owns and operates an Incinerator/Dewatering Facility Generator ("the Generator") to serve the wastewater treatment process in accordance with NJPDES Permit No. 0024708; and

WHEREAS, the Fuel Oil Tank that serves the Generator is in need of replacement with a separate, above-ground storage tank; and

WHEREAS, Arcadis-US, Engineering Consultants to the Authority are preparing preliminary Fuel Oil Tank specifications for its replacement; and

WHEREAS, the specifications upon completion will require authorization to bid in accordance with Public Contracts Law; and

NOW THEREFORE BE IT RESOLVED, upon review and approval of the Executive Director, a Notice to Bidders may be placed in the Authority's official newspaper for the Fuel Oil Tank Replacement in accordance with Local Public Contracts Law.

This was **OFFERED BY**: Commissioner Colligas and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

5. RESOLUTION (32/11) To authorize the payment of accumulated time owed retired Operator Richard Kopka.

WHEREAS, Richard Kopka, a Bayshore Regional Sewerage Authority Operator of 33 years has retired effective December 1, 2010, from his employment with the Authority; and

WHEREAS, the Payroll Clerk has calculated the time owed Mr. Kopka upon his retirement; and

WHEREAS, the Executive Director has reviewed the calculations and found them to be in compliance with the current Collective Bargaining Agreement

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby approve the time owed Mr. Kopka upon retirement as detailed in the memorandum from the Payroll Clerk dated February 16, 2011.

BE IT FURTHER RESOLVED, the Executive Director shall prepare a check for payment to be sent to Mr. Kopka at his current residence.

This was **OFFERED BY**: Commissioner Wells and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

6. RESOLUTION (33/11) To authorize the payment of accumulated time owed former Assistant Superintendent Francis J. Bonaccorso.

WHEREAS, effective February 12, 2011, Bayshore Regional Sewerage Authority Assistant Superintendent Francis J. Bonaccorso resigned in good standing from his employment with the Authority; and

WHEREAS, Mr. Bonaccorso has requested payment of his accumulated vacation time, sick and/or personal time be released; and

WHEREAS, the Payroll Clerk has calculated the time owed Mr. Bonaccorso; and

WHEREAS, the Executive Director has reviewed the calculations and found them to be in compliance with the current Personnel Policies and Procedures of the Authority for Management Staff,

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby approve the time owed Mr. Bonaccorso as detailed in the memorandum from the Payroll Clerk dated February 11, 2011.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner Wells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

The Chairman called for a **MOTION** - to approve payment of bills listed on:

Operating Fund Req. No. 462 (Regular)	\$129,583.09
Payroll Account Req. No. P114	\$ 82,432.22
Construction Fund Requisition No. 9	\$207,155.90

This was **OFFERED BY:** Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

At 7:25 Chairman Pisano called for a **MOTION** - to go into Closed Session in accordance with Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permitting the exclusion of the public from a meeting in certain circumstances. This action was taken to discuss matters of employment, terms and conditions of collective bargaining agreement or the purchase or lease of real property with public funds. It is anticipated at this time that the above stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.

This was **OFFERED BY:** Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Closed Session Minutes are recorded separately.

At 8:02 P.M. Chairman Pisano calls for a **MOTION** to end Closed Session.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Chairman Pisano then opened the meeting to the public to discuss any BRSA matters the public might care to address.

Mr. Eugene Geer of Hazlet, NJ was present and asked various questions about the "extra 15 feet that you are going to need for the turbine to be raised because of the 100 year flood plain?" Mr. Fischer said the foundation was not raised 15ft., but approximately one foot to address the flood plain requirements. Mr. Geer then asked is the height now 15ft higher? and Mr. Fischer said "no, it is approximately one foot higher. He then asked how much each Commissioner earns from the Authority and if they received medical or pension benefits. Commissioner Parsells said each Commissioner earns

\$2,000 taxable dollars per year - a compensation that has not changed since the inception of the Authority in 1971 and the Commissioners do not get Health Benefits. Mr. Geer asked about a "soil contamination issue" with the turbine site. The Chairman and Mr. Fischer clarified his misinformed statement explaining there is no contamination at the site. Mr. Geer then asked if the Authority was planning on hiring a Deputy Executive Director. Mr. Fischer said, "no" The Chairman said, no. Mr. Geer said word spreads around. Commissioner Parsells said rumors spread around and the first three questions you asked must have been based upon rumors. Mr. Geer then asked if the Authority had any plans to treat water from hydrofracting. Mr. Granata said the Authority is only authorized to accept domestic waste and industrial waste from the municipalities it serves. Mr. Geer then referenced an article from www.etsolar.com entitled "Looking for Wind Industry Leadership in Reducing Noise Impacts." He said it talks about the effects of low frequency noise and that 40% of wind projects in Europe end up in Court because of noise. He was asked if he was talking about a single turbine or a wind farm. Mr. Geer said the one turbine down at the University of Delaware has drawn a lot of complaints. Commissioner Wells said, you have made that comment at numerous meetings, and I checked into it. He said one man is on record as complaining about that turbine, not "a lot of people." Mr. Geer said that was not true and he provided a newspaper article to that effect. Commissioner Parsells said a lot of things that are reported to the newspapers are not true. Many articles have been printed about this project with information provided by your group that are just not true and should be retracted. Mr. Geer said his information reflects that the wind industry has "to clean up their act." He said the article says you really should be recording sound levels in Dbc and not dba. The Chairman thanked him for his comments and asked for the next member of the public to take the floor.

Retired Navy Captain Charles Hoffman, Hazlet, NJ took the floor and spoke about an article in *The New York Times* regarding fracking wastewater being pawned off on wastewater treatment facilities and that there are no regulations in the EPA about this fracking water and high levels of radiation that are being released, and in your case, it would go into your retention basin. Mr. Granata said, Mr. Hoffman, you are speaking about a hypothetical situation that would never apply here at BRSA. Captain Hoffman yelled at Mr. Granata to "shut up" because he had the floor and to "sit there and let me be heard!" The Chairman reminded Captain Hoffman to control himself. Captain Hoffman went on to talk about the topic and said in your case, it would come through here, go into the retention basin and then be pumped out to sea by Sandy Hook. Mr. Fischer said we do not accept any of that kind of waste, as a matter of fact we have had developers come before us and ask us if they cleaned up contaminated soils, would we take the discharge water from that cleaning process and the answer is always no. Mr. Fischer said this Authority has one thing that some other Authorities do not and that is the BRSA is a Delegated Local Agency by the NJ Department of Environmental Protection, and as such we administer our own Industrial Pretreatment Program which sets limits and conditions upon dischargers through a Permit system. We do not accept any of that kind of waste. If industrial waste in our area does not meet the standard, we require them to pre-treat that waste before it comes here for treatment and discharge. Captain Hoffman said, ok, that's great. He said right now, do you have any mechanism in place to monitor radioactive content? Mr. Fischer said, no. Commissioner Wells said he hopes this issue will be addressed by the EPA as well. He then asked about the studs for bolting down the turbine tower and wondered if because the tower had been raised another foot, the bolts still went down far enough into the foundation of the tower to keep it secure. Mr. Fischer said that was taken into consideration before they poured the foundation. Captain Hoffman was concerned the studs were part of the monolithic base. Mr. Fischer said the foundation was poured *after* the increase in height was applied and as one monolithic pour there was no extension applied. Captain Hoffman then suggested the name Hazlet Township Sewerage Authority be changed on the Treasurer's Report to reflect that it is now the Hazlet Township Sewer Utility. The Chairman thanked him for his comments and noted this change would be made.

Mr. Bart Sutton of 110 Herbert Street in Union Beach took the floor and said the NJDEP website lists the BRSA as a known contaminated site. He asked what the Authority is contaminated for and what happened to the dirt that left here. Mr. Fischer explained that emergency generators on site have an above ground #2 fuel oil tank and four or five years ago there was a small leak in the underground pipe that made its way into the sump below the oil tank itself. All of that was excavated we have had monitoring wells put in and extraction wells put in and they have pulled out all of the free product and they have been doing testing to see whether or not there is any product left in the soil or groundwater and we are about to sign a letter with the State that indicates there is no further action required. Mr. Sutton said, so it is in the front of the property. Mr. Fischer said, yes. Mr. Sutton said, okay. Mr. Sutton was informed there is a sign posted at the front of the plant that posts this information in a very public spot.

Mr. Marco Oldhafer of 503 Bay Avenue in Union Beach asked what the Court date was for the Union Beach Planning Board matter. He asked if it was a public meeting. Mr. Granata provided Mr. Oldhafer with the Docket number MON-L 0032-11 and the date of the Hearing. Mr. Oldhafer said the Holmdel Town Council has tabled their Resolution against the turbine and he wondered when the presentation from the BRSA was going to take place with that public body. Commissioner Colligas clarified that the Holmdel Township Committee was not against it, they said they were going to discuss it. Mr. Oldhafer said there is a Resolution to "oppose" the turbine and he wondered when the BRSA presentation would take place. Chairman Colligas said he spoke with the Mayor and the BRSA has offered to supply any information they would like. He said, subsequently, he has been informed that Committeemen Fink and Hinds have been appointed as a Sub-Committee to follow up on the matter. No date for that presentation has been set. Commissioner Colligas said the Township has been very busy with creating their 2011 Budget and may not have had the time to address this matter yet. Mr. Oldhafer said he was merely interested in attending the presentation.

Mr. Oldhafer wanted to talk about the wind turbine base. He said he knew that flood elevation level is underground for most of Union Beach and a lot of people are building or renovating their homes much closer to the ground than his house is, indicating his home's flood plain is about five feet below the soil of his home and the house itself is ten feet above that. He asked how high above or below the flood plain the turbine base is. He said he knows it has to be at least 15 feet above. Commissioner Wells said that is why the turbine design was raised the extra foot; to comply with the 100 year flood plain. Mr. Fischer said he would have the definite coordinates for him tomorrow if he wanted to come by for the exact number. Mr. Oldhafer thanked the Board. A brief discussion of the hurricanes, nor'easters and floods in the area of 1938, 1960 and 1991 took place with Captain Hoffman.

Mr. Bill Shewan of Hazlet took the floor. He said he had one inquiry and three requests. He wanted to know what the Financial Advisor's responsibilities were to the Authority. Mr. Fischer said the Financial Advisors provide input to the Authority from time to time on investments and whenever it goes out to bond. Mr. Shewan asked if they were retained on an annual basis or hourly. Mr. Fischer said, hourly as needed, but appointed at Reorganization for the record.

Mr. Shewan then requested that as a public service he would like to see the Agenda posted on the BRSA internet website and also asked for the Minutes to be posted there as well. Another request he had was that the Closed Session be conducted at the end of the meeting, so the public did not have to wait to be heard. Commissioner Wells said we had some professionals here tonight to advise us on some matters, and it costs the Authority less money to take care of that business first to reduce professional

billing time. Ms. Newins suggested to Mr. Shewan that he knows the public has always been addressed first and this evening's meeting was the only exception to this practice. Mr. Shewan acknowledged this was true but hoped it would not happen again. His last request was to be taken on a tour of the Authority's computer to see how the plant is run in terms of the computerization. He said he went to the Atlantic City Utilities Authority and found their operation very interesting. He said he would like to see the process because he has heard a lot about the process and he thinks it would be very interesting to see. Mr. Fischer said by all means. Commissioner DiNardo said he will be fascinated to see how well the BRSA is run.

The Chairman thanked Mr. Shewan and asked for any other public comments. Captain Hoffman asked what the term "non-fair and open" means. Mr. Granata explained the Legislature had adopted Pay-to-Play Laws that require the choice be made between utilizing the "fair and open" process whereby proposals are solicited for each professional and selected at their discretion, or the "non-fair and open" process which allows a public body to maintain the professionals they have established a working history with for continuity. Mr. Fischer further explained the "non-fair and open process" requires each professional to certify that they have not in the previous year, or nor will they in the appointed year, make contributions to the political parties affiliated with these local governing elected officials. Mr. Granata said in this Authority that applies to all eight municipalities served by the Authority. Captain Hoffman conveyed the process by which the Federal government awarded contracts in his experience and the financial benefits of public bidding. Mr. Fischer said the Commissioners of this Authority do not want to have any Consultants with political influence over this Authority whatsoever. A brief discussion of the Pension system took place and addressed questions posed by Mr. Geer, Captain Hoffman and Mr. Shewan.

The Chairman then closed the public portion of the meeting.

At 8:45 P.M., Chairman Pisano called once again for a MOTION - to go into Closed Session in accordance with Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permitting the exclusion of the public from a meeting in certain circumstances. This action was taken to discuss any matters falling within attorney-client privileges, pending or anticipated litigation, any matters of employment, terms and conditions of collective bargaining agreement or the purchase or lease of real property with public funds. It is anticipated at this time that the above stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Closed Session Minutes are recorded separately.

At 9:50 P.M. Chairman Pisano calls for a **MOTION** to end Closed Session.

This was **OFFERED BY:** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

ANNOUNCEMENT (by the Chairman)

The next **Agenda Meeting** of the B.R.S.A. is scheduled for **Monday, March 14th, 2011**, at 7:00 P.M. The next **Regular Meeting** of the B.R.S.A. is scheduled for **Monday, March 21st, 2011** at 7:00 P.M. All meetings take place in the Administration Building of the Authority located at 100 Oak Street,
Union Beach, NJ 07735.

At 9:51 P.M., Chairman Pisano calls for a **MOTION** to Adjourn the meeting.

This was **OFFERED BY:** Commissioner Colligas and **SECONDED BY** Commissioner Parsells and carried by voice vote recorded as follows:

Ayes: Commissioners Colligas, DiNardo, Parsells, Wells and Chairman Pisano

Respectfully submitted,



Kimberly A. Newins
Administrative Assistant
Recording Secretary to the Board

NOTICE OF CONTRACTS AWARDED

The Bayshore Regional Sewerage Authority has awarded the following contract without competitive bidding as professional services, pursuant to NJSA 40A:1105 (1) (a). These Contracts and the Resolutions authorizing them for the term February 23, 2009 through February 22, 2010 are available for public inspection in the offices of the Authority at 100 Oak Street, Union Beach, NJ 07735.

1. Michael J. Bart, CPA, Bart & Bart, CPAs - Auditors
2. Louis E. Granata, Esq., - General Counsel
3. Mark Tabakin, Esq., of the firm Weiner Lesniak - Labor Counsel
4. John Draikowicz, Esq. Gibbons, Del Deo, et al. - Bond Counsel
5. Michael Avalone of the firm Conner Strong Insurance Services - Risk Management Consultants
6. Schulyer Morehouse, P.E. Morehouse Instrumentation and Consulting Engineering - Consultants
7. Larry Rosensweet, ABB, Inc. - Instrumentation Calibration Engineers
8. Louis T. Barry, P.E. - Chavond Barry Engineering – Incineration Engineering Consultants
9. Noreen White - Acacia Financial Group, Inc., Financial Advisors

By Order of:

Bayshore Regional Sewerage Authority
100 Oak Street
Union Beach, NJ 07735

/s/ James DiNardo, Secretary

**RESOLUTION ADOPTING AND SPECIFYING THE ANNUAL NOTICE OF
SCHEDULED MEETINGS FOR 2011
OF THE BAYSHORE REGIONAL SEWERAGE AUTHORITY
NO.: (13/11)**

WHEREAS, the Bayshore Regional Sewerage Authority is required to adopt, publish and disseminate annually, a notice of its scheduled Agenda and Regular Meetings;

NOW THEREFORE BE IT RESOLVED by the Bayshore Regional Sewerage Authority that it hereby adopts the following schedule of Agenda and Regular Meetings during 2011 All meetings in 2011 will commence at 7:00 P.M. prevailing time, All meetings will be held at the Authority offices, Administration Building, 100 Oak Street, Union Beach, NJ.

BE IT FURTHER RESOLVED, In accordance with O.P.M.A. N.J.S.A. 10:4-6, participation by Commissioners may take place by means of telephone communications equipment and formal action may be taken at any of the listed meetings.

AGENDA MEETINGS

REGULAR MEETINGS

2011 March 14
 April 11
 May 9
 June 13
 July 11
 August 8
 September 12
 October 11*
 November 14
 December 12

2012 January 9
 February 13

2011 March 21
 April 18
 May 16
 June 20
 July 18
 August 15
 September 19
 October 17
 November 21
 December 19

2012 January 16
 February 27*

BE IT FURTHER RESOLVED that the Organizational Meeting of the Bayshore Regional Sewerage authority shall commence at 7:00 P.M., prevailing time, immediately before the Regular Meeting on Monday February 27th, 2012, at the Authority offices, 100 Oak Street, Union Beach, NJ, and

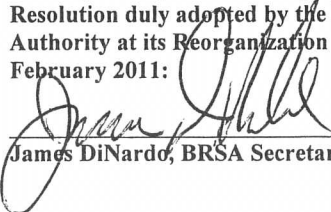
BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority be and is hereby directed to forthwith publish a true copy of this Resolution in the official newspaper so designated by the Authority and be posted on its official website, www.bayshorersa.com; and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority be and is hereby directed to post a true copy of this Resolution in a public place designed for such purposes; and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority is hereby directed to forthwith transmit a true copy of this Resolution to: the Municipal Clerks of Aberdeen, Hazlet, Holmdel, and Marlboro, Union Beach, Keyport, Keansburg, and Matawan; and the Western Monmouth Utilities Authority.

* Meetings are 2nd and 3rd Mondays of every month except where an asterisk appears.

I hereby certify that the foregoing Resolution is a true copy of a Resolution duly adopted by the Bayshore Regional Sewerage Authority at its Reorganization Meeting on the 28th day of February 2011:


James DiNardo, BRSA Secretary