

BAYSHORE REGIONAL SEWERAGE AUTHORITY
Regular Meeting Minutes
of September 19th, 2011

At 7:00 P.M., on Monday, September 19th, Vice Chairman Wells called the Regular 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. Vice-Chairman Wells then 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. Vice Chairman Wells requested a roll call recorded as follows:

Present: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

Absent: Commissioner Parsells, and Chairman Pisano

Also In Attendance: Mr. Robert C. Fischer, Executive Director

Peter J. Canal, BRSA Engineer

Louis E. Granata, Esq., General Counsel

APPROVAL OF MINUTES –Regular Meeting Minutes of August 15th, 2011

OFFERED BY Commissioner Cohen and **SECONDED BY** Commissioner DiNardo and carried unanimously by voice vote recorded as follows:

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

TREASURER’S REPORT (by Commissioner Parsells for August, 2011)

OFFERED BY Commissioner DiNardo and **SECONDED BY** Commissioner Cohen and carried unanimously by voice vote recorded as follows:

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

MOTION - to approve payment of bills listed on:

Operating Fund Req. No. 468 (Regular)	\$ 460,872.81
Payroll Account Req. No. P 121	\$ 199,412.65
Construction Requisition #13	\$ 613,198.47*

* D&D Contractor's payment request submitted as part of Construction Req. #13 was approved contingent upon D&D's submission of required documents to the State of NJ. The payment request is in the amount is \$17,125.71.

OFFERED BY Commissioner Cohen and **SECONDED BY** Commissioner Wells and carried unanimously by voice vote recorded as follows:

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
<u>TRUSTEE ACCOUNTS</u>	<u>08/31/11</u>
<u>UNRESTRICTED</u>	
Revenue Fund	2,042,018.24
General Fund	<u>2,625,255.41</u>
Total Unrestricted	4,667,273.65
<u>RESTRICTED</u>	
Bond Service Fund	
1985 Bond Service Fund	817.08
2002 Bond Service Fund	<u>28,610.00</u>
Total Bond Service Funds	29,427.08
Bond Reserve Funds	
1985 Bond Reserve Fund	<u>7,319,706.26</u>
Total Bond Reserve Funds	<u>7,319,706.26</u>
<u>2010 NJEIT BONDS</u>	
Revenue	0.00
Construction	1,331,126.29
Bond Service	<u>0.05</u>
TOTAL NJEIT	1,331,126.34
TOTAL TRUSTEE ACCOUNTS	13,347,533.33
<u>AUTHORITY ACCOUNTS</u>	
Incoming Revenue Account	1,119.61
Operating Regular Account	65,184.91
Operating Payroll Account	<u>138,267.72</u>
TOTAL AUTHORITY ACCOUNTS	<u>204,572.24</u>
TOTAL	13,552,105.57

SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balances as of <u>August 31, 2011</u>	
Hazlet Township Sewer 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	\$	<u>0.00</u>
TOTAL	\$	0.00
OUTFALL AUTHORITY CHARGES		
Hazlet Township Sewer 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	\$	<u>0.00</u>
TOTAL	\$	0.00
Balance of Rent Reserve Accounts as of August 30th, 2011		
Hazlet Township Sewer Utility	\$	1,880,898.44
Township of Holmdel	\$	715,632.51
Borough of Union Beach	\$	475,227.99
Borough of Keyport	\$	806,091.99
Borough of Keansburg	\$	750,773.74
Borough of Matawan	\$	820,518.21
Western Monmouth Utilities Authority	\$	182,688.77
Township of Aberdeen	\$	<u>845,293.41</u>
TOTAL	\$	6,477,125.06

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

ANNOUNCEMENT (by the Chairman): This portion of the meeting is now open to the public for comments or questions related to Agenda items only. **The public is reminded; only questions or comments specific to the scope of the Agenda items are to be addressed at this time.** As a courtesy to all, please be mindful of limiting your comments accordingly.

1. RESOLUTION (72/11) To execute the NJDEP Agreement regarding Dissolved Oxygen Monitoring 1-2011 in accordance with the terms and conditions set forth therein.

WHEREAS, the Bayshore Regional Sewerage Authority (“BRSA”) has a NJPDES Permit regulating the discharge of Sanitary Wastewater from its Treatment Plant; and

WHEREAS, the Authority and the NJDEP have reached a Settlement Agreement in the amount of \$768.00 for failure to submit a complete Discharge Monitoring Report for January 2011 by omitting the dissolved oxygen result; and

WHEREAS, the Authority desires to execute the Settlement Agreement in accordance with the terms as stated in a letter dated August 10, 2011; and

NOW THEREFORE BE IT RESOLVED, the Authority hereby accepts the Settlement as set forth by the Department and herewith agrees to pay the NJDEP penalties accessed at \$768.00.

BE IT FURTHER RESOLVED, the Authority hereby authorizes the Executive Director to execute the Settlement Agreement.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

2. RESOLUTION (73/11) To accept the proposal submitted by Skyline Environmental, Inc. for a BRSA Safety and Training Program regulatory compliance evaluation.

WHEREAS, The Bayshore Regional Sewerage Authority advertised Requests for proposals in accordance with the directives of Resolution 63/11 to evaluate the BRSA Safety and Training Program for compliance with State and/or Federal Regulations; and

WHEREAS, the Authority received one proposal from Skyline Environmental, Inc.; and

WHEREAS, the proposal has been reviewed by the Authority’s Certified Purchasing Agent and Staff Engineer; and

WHEREAS, the Certified Purchasing Agent, and Staff Engineer have determined Skyline Environmental, Inc., to be in compliance with all of the proposal specifications and submitted an acceptable price for the scope of the work at a price not to exceed \$10,200; and

WHEREAS, the funds are available for this purpose,

NOW THEREFORE BE IT RESOLVED the Commissioners of the Authority deem it in the best interest to continue to maintain the BRSA Safety and Training Program in compliance with State and Federal Regulations and to accept the proposal from Skyline Environmental, Inc., at a price not to exceed \$10,200 and according to the terms and conditions set forth in the Request for Proposal documents.

BE IT FURTHER RESOLVED the Executive Director is hereby authorized to execute the Contract documents.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

3. RESOLUTION (74/11) To renew BRSA Difference in Conditions Insurance coverage for Flood and Earthquake coverage.

WHEREAS, the Difference in Conditions (DIC) policy, for Flood and Earthquake damages currently in effect is scheduled to expire on September 1, 2011; and

WHEREAS, Michael Avalone of Commerce Risk Control Services, as the Risk Management Consultants to the Bayshore Regional Sewerage Authority has reviewed the renewed premium and coverage for the DIC policy and has provided this Authority with a recommendation to renew of the existing Flood and Earthquake Insurance DIC Coverage provided by the Westchester Fire and Surplus Lines Insurance Company at an annual premium of \$50,316.00, and

WHEREAS, the funds are available for this purpose

WHEREAS, the Commissioners have determined that it is in the Authority's best interest to renew this coverage with Westchester Fire and Surplus Lines.

NOW THEREFORE BE IT RESOLVED that the Bayshore Regional Sewerage Authority hereby authorizes the renewal of the DIC policy as presented by Commerce Risk Control Services for the Authority.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

4. RESOLUTION (75/11) To approve a Final Quantities Change Order (57-01) for Contract 57 - Dorr-Oliver Incinerator Phase II: Mechanical Repairs.

WHEREAS, on August 15th, 2011, the Bayshore Regional Sewerage Authority ("BRSA") adopted Resolution 63/11 accepting Change Order 57-01 to amend the total contract price for Contract 57 - Dorr-Oliver Incinerator Phase II: Mechanical Repairs; from a total bid price of \$138,593.00 to \$147,976.00 to cover additional work recommended by Incinerator Consultants Chavond Barry Engineering ("CBE"); and

WHEREAS, during the course of the additional work, the contractor discovered it was necessary to repair a horizontal seam on the tray scrubber; and

WHEREAS, this repair results in an additional expense in the amount of \$1,800 to complete the work, and the BRSA Engineer in consultation with Incinerator Consultants Chavond Barry Engineering ("CBE") reviewed the condition and found it to be a necessary repair and the price proposed to be appropriate, fair and reasonable; and

WHEREAS, the Change Order (Numbered 57-01) requires an amendment to reflect these costs and be deemed a Final Quantities Change order for a total of \$11,183.00; and

WHEREAS, the funds are available for this purpose; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA deem it in the best interest of the Authority to ensure the performance and reliability of the Dorr Oliver Incinerator by accepting the amendment and hereby authorize Iron Hills Construction's to perform said repairs,

BE IT FURTHER RESOLVED the Final Quantities Change Order for No 57-01 is hereby amended to \$11,183.00 and thereby amends the total contract price for Contract 57 to a total not to exceed amount of \$149,776.00.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to forward a copy of this Resolution granting the Final Quantities Change Order No. 57-01 to the Contractor on behalf of the Authority.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

5. RESOLUTION (76/11) To authorize payment to Mr. Emmett (Earl) Chapman for accumulated vacation time, and/or personal time owed upon his retirement.

WHEREAS, effective September 1, 2011, Bayshore Regional Sewerage Authority Mechanic Emmett (Earl) Chapman, retired from his employment with the Authority; and

WHEREAS, Mr. Chapman is entitled to payment of his accumulated vacation and/or personal time; and

WHEREAS, said payment is in accordance with the current Collective Bargaining Agreement and the Payroll Clerk prepared a calculation of the aforementioned compensation for the Executive Director and Commissioners' review; and

WHEREAS, the calculation was reviewed by the Commissioners on September 12th, 2011

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize payment to Mr. Emmett (Earl) Chapman for his accumulated vacation and/or personal time in the gross amount of \$7,274.24.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

5. RESOLUTION (77/11) To approve the request for donation from the Union Beach Fire Department.

WHEREAS, Union Beach Fire Department has asked for financial support of their activities; and

WHEREAS, the Bayshore Regional Sewerage Authority is appreciative of the assistance and service provided to the Authority by Union Beach Fire Department in the past, and supports the activities and assistance provided to all residents of Union Beach in a time of need by Union Beach Fire Department, and

WHEREAS, the funds are available for this purpose; and

NOW THEREFORE BE IT RESOLVED, that the Executive Director is hereby directed to prepare a donation to the Union Beach Fire Department in the amount of \$500.00.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

At 7:21 PM Vice-Chairman Wells 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 pending litigation. 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 Cohen and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Cohen, Colligas, Wells and Vice-Chairman Wells

(Closed Session Minutes are recorded separately.)

At 7:34 P.M. Vice-Chairman Wells called for a **MOTION** to end Closed Session. This was **OFFERED BY:** Commissioner Cohen and **SECONDED BY** Commissioner Colligas and carried by voice vote recorded as follows:

Ayes: Commissioners Cohen, Colligas, Wells and Vice-Chairman Wells

Vice-Chairman Wells then opened the meeting to the public to discuss any BRSA matters the public may care to address.

Mr. Charles Hoffman of Hazlet, NJ took the floor and stated the Commissioners should have been aware that the National Association of realtors is not involved in appraisals of property with respect to wind turbine projects and the Association's statement that property values do not seem to be impacted by wind turbine projects has little meaning.

Vice Chairman Wells stated that Mr. Hoffman conveniently left out the fact that BRSA had certified appraisers conduct an independent study on the property values of homes in the vicinity of the five (5) turbines at ACUA and the appraiser's found there was no difference in sale values for these homes as compared to the rest of the homes in Atlantic City.

Mr. Hoffman wanted to know if the Shadow Flicker Study conducted by the Authority was done before or after the DEP EDD Report. Mr. Fischer said he could not recall from memory, but offered the information would be available to him on September 20th, 2011 during regular business hours, if he would like to return in the morning to review it.

Mr. Hoffman once again claimed the model of the treatment plant and the turbine in the lobby was not to scale and accused the Authority of deliberately deceiving the public. Mr. Fischer demonstrated to him, using Mr. Hoffman's measuring instrument, how Mr. Hoffman was mistaken and the turbine is, in fact, to scale with the plant model. Mr. Fischer also noted that the Google earth image of the treatment plant that Mr. Hoffman had superimposed a turbine upon was also incorrect, because he had placed the turbine in the wrong location.

ANNOUNCEMENT (by the Chairman)

The next Agenda Meeting of the B.R.S.A. is scheduled for **Tuesday, October 11th, 2011 @ 7:00 P.M.** The next Regular Meeting of the Authority will be held on **Monday, October 17th, 2011 @ 7:00 PM.** All meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

At 7:42P.M., Vice-Chairman Wells calls for a **MOTION** to Adjourn the meeting.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

Respectfully submitted,

Kimberly A. Newins
Recording Secretary to the Board