



# BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer  
EXECUTIVE DIRECTOR

## BAYSHORE REGIONAL SEWERAGE AUTHORITY

### Regular Meeting Minutes

March 19<sup>th</sup>, 2012

At 7:02 P.M., Vice Chairman Cohen called the Regular Meeting of March 19<sup>th</sup>, 2012 to order and read 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 Cohen asked all in attendance to please stand for a **Pledge of Allegiance** and a **Moment of Silence** for the safety of US Troops all over the world. The Board Secretary called roll, recorded as follows:

Present: Commissioners DiNardo, Sutton, Tedeschi (7:19), Vella and Vice Chairman Cohen  
Absent: Chairwoman Parsells

Also In Attendance: Mr. Robert C. Fischer, Executive Director  
Manuel Ponte, P.E. BRSA Consulting Engineer  
Kimberly Newins, Admin. Assistant (Recording Secretary to the Board)

Vice Chairman Cohen called for the **Approval of the Minutes** of the Reorganization and Regular Meeting of February 27, 2012

**OFFERED BY:** Commissioner Sutton and **SECONDED BY:** Commissioner Vella and carried by voice vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen.

Vice Chairman Cohen called for a **MOTION** to approve the **TREASURER'S REPORT** for February 2012 as presented by Commissioner Vella, Treasurer and reflected on the following pages.

**OFFERED BY:** Commissioner DiNardo and **SECONDED BY:** Commissioner Vella and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

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

*BRSA staff, November 2006*

## STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

<b>TD BANK</b>	<b>Balance</b>
<b><u>TRUSTEE ACCOUNTS</u></b>	<b><u>2-29-12</u></b>
 <b><u>UNRESTRICTED</u></b>	
Revenue Fund	2,841,826.33
General Fund	<u>4,125,255.75</u>
Total Unrestricted	6,967,082.08
 <b><u>RESTRICTED</u></b>	
<b>Bond Service Fund</b>	
1985 Bond Service Fund	817.16
2002 Bond Service Fund	<u>0.00</u>
<b>Total Bond Service Funds</b>	<b>817.08</b>
<b>Bond Reserve Funds</b>	
1985 Bond Reserve Fund	<u>6,243,068.89</u>
<b>Total Bond Reserve Funds</b>	<b><u>6,243,068.89</u></b>
 <b><u>2010 NJEIT BONDS</u></b>	
Revenue	0.00
Construction	1,319,123.93
Bond Service	<u>0.00</u>
<b>TOTAL NJEIT</b>	<b>1,319,123.93</b>
 <b>TOTAL TRUSTEE ACCOUNTS</b>	 <b>14,530,091.98</b>
 <b><u>AUTHORITY ACCOUNTS</u></b>	
Incoming Revenue Account	67,984.01
Operating Regular Account	61,102.24
Operating Payroll Account	<u>216,731.34</u>
<b>TOTAL AUTHORITY ACCOUNTS</b>	<b><u>345,817.59</u></b>
 <b>TOTAL</b>	 <b>14,875,909.57</b>

**SCHEDULE OF ACCOUNTS RECEIVABLE**

<b>SERVICE CHARGES:</b>	<b>Balances as of <u>February 29<sup>th</sup>, 2012</u></b>
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>
<b>TOTAL</b>	<b>\$ 0.00</b>

<b>OUTFALL AUTHORITY CHARGES</b>	
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	\$ 30.00
Township of Aberdeen	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 30.00</b>

<b>Balance of Rent Reserve Accounts as of February 28<sup>th</sup>, 2012</b>	
Hazlet Township Sewer Utility	\$ 1,519,971.56
Township of Holmdel	\$ 723,963.73
Borough of Union Beach	\$ 417,147.39
Borough of Keyport	\$ 806,904.44
Borough of Keansburg	\$ 502,587.36
Borough of Matawan	\$ 821,345.20
Western Monmouth Utilities Authority	\$ 188,280.86
Township of Aberdeen	<u>\$ 872,129.75</u>
<b>TOTAL</b>	<b>\$ 5,852,330.29</b>

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 Vice Chairman opened the meeting to the public to discuss Resolutions on the Agenda. With no questions or comments regarding Resolutions, Vice Chairman Cohen closed this public portion and called for **MOTIONS** on the following Resolutions, recorded as follows:

**RESOLUTION (40/12) To adopt the Fourth Quarter/Final Flow Report for 2011 as presented by Arcadis-US.**

**WHEREAS**, Arcadis - US, Consulting Engineers for the Bayshore Regional Sewerage Authority (BRSA) have determined the quantity of sewage from each of the Towns and Authorities connected to the BRSA system for the Fourth and Final Quarter of the year 2011; and

**WHEREAS**, said flow figures have been calculated from actual meter readings, maintenance service reports, meter calibration reports and other data, and

**WHEREAS**, said flow figures have been reviewed by the Commissioners of this Authority,

**NOW THEREFORE BE IT RESOLVED** that this Authority hereby accepts the flow calculations, certified by Arcadis – US for the Fourth and Final Quarter of the year 2011.

**OFFERED BY:** Commissioner DiNardo and **SECONDED BY:** Commissioner Sutton and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

**RESOLUTION (41/12) To appoint MC2 Public Affairs, LLC as Energy Consultant for Regulatory and Community Affairs.**

**WHEREAS**, there exists a need for an Energy Consultant for Regulatory and Community Affairs concerning the Wind-to-Energy Project; and

**WHEREAS**, the Authority wishes to contract the services of MC<sup>2</sup> Public Affairs, LLC as the Authority's Energy Consultant to Regulatory and Community Affairs on a demand for services basis; and

**WHEREAS**, Fred DeSanti, of MC<sup>2</sup> Public Affairs, LLC has submitted a proposal for services dated February 28, 2012 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 March 19<sup>th</sup>, 2012 and continuing until February 25<sup>th</sup>, 2013.

**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.

**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.

**OFFERED BY:** Commissioner DiNardo and **SECONDED BY:** Commissioner Vella and carried by roll call vote recorded as follows:

Mr. Charles Hoffman of Hazlet, NJ asked the Vice Chair from the audience if he could comment. He questioned the Board about Mr. DeSanti's efforts in Trenton regarding the permitting of the wind turbine. He suggested Mr. DeSanti's actions were illegal. Commissioner Sutton asked to respond. He said, the legislation that prohibits lobbying on behalf of a public entity had not been passed at the time of Mr. DeSanti's efforts and the current proposal does not include lobbying. He added there was "no foul." The Vice Chairman then called for a vote on the Resolution, recorded as follows:

Ayes: Commissioners DiNardo, Vella and Vice Chairman Cohen

Nays: Commissioner Sutton

**RESOLUTION (42/12) To award a two-year contract for the Furnishing and Delivery of Liquid Polymer to Polydyne, Inc.**

**WHEREAS**, in accordance with Local Public Contracts Law, at 11:00 A.M. on Friday, March 9<sup>th</sup>, 2012, the Bayshore Regional Sewerage Authority advertised and received bids for the furnishing and delivery of Liquid Polymer for a two-year period; and

**WHEREAS**, the bids were publicly opened and read aloud, the lowest responsible bidder being Polydyne, Inc., Riceboro, Georgia, having submitted a unit price of \$0.096/lb and a total two-year bid of \$76,800.00 and;

**WHEREAS**, the Staff Engineer and General Counsel have reviewed all the bids received and recommend award of the contract to Polydyne, Inc., Riceboro, GA.

**NOW THEREFORE BE IT RESOLVED** that Polydyne, Inc., is hereby awarded the contract for the furnishing and delivery of Liquid Polymer for a two year period in accordance with the terms and conditions of the bid and contract documents.

**BE IT FURTHER RESOLVED**, that the Chairman and Secretary are hereby authorized to execute the Contract documents.

I hereby certify that the foregoing Resolution is a true copy of a Resolution

**OFFERED BY:** Commissioner DiNardo and **SECONDED BY:** Commissioner Vella and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

**4. RESOLUTION (43/12) To retain Birdsall Services Group to perform a preliminary assessment of the Maintenance Garage area.**

**WHEREAS**, in 2004 the Authority experienced an above ground fuel oil tank fuel oil leak which was resolved through the submission of a Remedial Investigation Report/Remedial Action Report/Deed Notice approved by the NJDEP on June 10, 2011; and

**WHEREAS**, during the investigative phase of the fuel oil leak, an unrelated compound (1, 1 dichlo ethene) was detected in the same vicinity; and

**WHEREAS**, in accordance with the NJDEP's Technical Requirements for Site Remediation, this unrelated compound requires a Preliminary Assessment be performed to identify the presence of any potentially contaminated areas of concern, or, to determine the area of concern is not believed to contain contaminants above the applicable remediation standards; and

**WHEREAS**, this assessment is required to be performed in accordance with the NJDEP Site Remediation Reform Act Program; and

**WHEREAS**, the firm of the Birdsall Services Group, has submitted a proposal to perform this Preliminary Assessment which has been reviewed by the Authority's Staff and Commissioners; and

**WHEREAS**, the funds are available for this purpose; and

**WHEREAS**, the Authority believes it is in the best interest of the customers it serves to conduct the Preliminary Assessment and take remedial action if necessary

**NOW THERFORE BE IT RESOLVED**, the Authority hereby accepts the proposal from Birdsall Services Group to perform the aforementioned Preliminary Assessment in accordance with the requirements of the State of New Jersey Department of Environmental Protection's Site Remediation Reform Act Program.

**OFFERED BY:** Commissioner Sutton and **SECONDED BY:** Commissioner DiNardo and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

**5. RESOLUTION (44/12) To release the Contractor's Performance Bond, accept the Maintenance Bond and close out Contract 58 Rehabilitation of Belt Filter Presses 3&4.**

**WHEREAS**, Ashbrook Simon-Hartley was awarded BRSA Contract 58 – Rehabilitation of Belt Filter Presses 3 & 4 by way of BRSA Resolution 60/11 dated June 20<sup>th</sup>, 2011 for a total price of \$298,000; and

**WHEREAS**, Contract 58 has been successfully completed and both units are in operation and working well; and

**WHEREAS**, the project was completed under budget at a total contract cost of \$284,960 and a Final Quantities Change Order in the credit amount of \$13,040 has been prepared; and

**WHEREAS**, the necessary close-out documents have been received and reviewed by the BRSA Engineer; including the requisite two-year Maintenance Bond and Contractor's Release, and have been found to be in order

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Authority hereby take the following actions:

- (1) Approve the Final Quantities Change Order in the credit amount of < \$13,040.00 > ; and
- (2) Release Contract 58's Performance Bond; and
- (3) Accept the two-year Maintenance Bond; and
- (4) Release retainage on the Contract to the Contractor in the amount of \$5,699.20

**BE IT FURTHER RESOLVED**, the Commissioners and Staff of the Authority congratulate Ashbrook Simon-Hartley for a job well done and hereby declare Contract 58 – Rehabilitation of Belt Filter Presses 3 & 4 successfully complete.

**OFFERED BY:** Commissioner Vella and **SECONDED BY:** Commissioner Sutton and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

**6. RESOLUTION (45/12) To declare Industrial User, Cosmetic Essence Inc., Significantly Non-Compliant and to impose penalties and Publicly Notice their Non-Compliance Status in accordance with the Rules and Regulations of the BRSA and NJDEP.**

**WHEREAS**, the Bayshore Regional Sewerage Authority is a Delegated Local Agency of the State of New Jersey Department of Environmental Protection Agency administering an Industrial Pretreatment Program and related Discharge Permits to Significant Industrial Users within its Sewer Service Area; and

**WHEREAS**, Cosmetics Essence Incorporated, ("CEI") Holmdel Facility located at 2182 NJ State Highway 35 South in Holmdel, NJ has been designated a Significant Industrial Use Discharger by way of BRSA SIU Permit No. BRSA000005 since November 1, 2007; and

**WHEREAS**, On June 17, 2011, September 15, 2011 and October 27, 2011 the BRSA issued Notices of Violations ("NOVs") for failure to sample and analyze Metals, Closed Cup Flash Point, Lower Explosive Limit(%LEL) and BODs, TSS and COD, respectively; and

**WHEREAS**, additionally, BRSA issued several NOVs for incomplete reports for Metals, Total Toxic Organics and Total Hazardous Substances during this same time period; and

**WHEREAS**, as a result of these violations, CEI meets the definition of: "*Significant Noncomplier Federal*" for "Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules" found at 3.71 (f.) of the Rules and Regulations of the Bayshore Regional Sewerage Authority as well as failure to comply with N.J.A.C. 7:14-8.16, State of NJ Department of Environmental Protection Law."

**NOW THEREFORE BE IT RESOLVED**, the BRSA hereby declares CEI a *Significant Noncomplier*, and subjects CEI to a minimum mandatory penalty assessment in accordance with State Law.

**BE IT FURTHER RESOLVED**, the Authority hereby authorized the publication of CEI's "*Significant Noncomplier*" status in its official newspaper, The Asbury Park Press and on its official website, www.bayshorersa.com, in accordance with applicable Pretreatment Standards and Requirements and Federal Law.

**OFFERED BY:** Commissioner DiNardo and **SECONDED BY:** Commissioner Sutton and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

**OFFERED BY:** Commissioner DiNardo and **SECONDED BY:** Commissioner Vella and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

**MOTION** - to approve payment of bills listed on:

Operating Fund Req. No.477 (Regular)	\$857,812.18
Payroll Account Req. No. P 127	\$327,474.18

**OFFERED BY:** Commissioner Vella and **SECONDED BY:** Commissioner DiNardo and carried by roll call vote recorded as follows: Ayes: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen

The Vice Chairman opened the meeting to the public once again to discuss any BRSA matters the public may care to address. Mr. Shewan of Hazlet asked about BRSA electrical billings. Mr. Hoffman of Hazlet said he wanted the Authority to ditch the turbine and use the turbine's platform to cantilever solar panels over the entire area of the wetlands.

Manuel Ponte, P.E. was present and informed the Board that he was leaving the firm of Arcaidis-US to join of R3M Engineering effective April 1, 2012.

With no further business before the Board, Vice Chairman Cohen announced, the next Agenda Meeting of the B.R.S.A. is scheduled for **Monday, April 9<sup>th</sup>, 2012 @ 7:00 P.M.** and the next **Regular Meeting** will be held on **Monday, April 16<sup>th</sup>, 2012 @ 7:00 PM.** He announced all meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

At 8:40 P.M., Vice Chairman Cohen called for a **MOTION** to Adjourn the meeting.

This was **OFFERED BY:** Commissioner Sutton and **SECONDED BY:** Commissioner Tedeschi and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners DiNardo, Sutton, Tedeschi, Vella and Vice Chairman Cohen.

Respectfully submitted,



Kimberly A. Newins  
Board Recording Secretary  
Administrative Assistant