



# BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer  
EXECUTIVE DIRECTOR

## REGULAR MEETING MINUTES BAYSHORE REGIONAL SEWERAGE AUTHORITY Monday, October 15<sup>th</sup>, 2012

At 7:09 P.M. on Monday, October 15, 2012 Commissioner DiNardo call the 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.

Commissioner DiNardo asked all in attendance to stand for the Pledge of Allegiance and a Moment of Silence for the safety of US Troops all over the world. Commissioner Requested a Roll Call of attendees recorded as follows

Present: Commissioner Cohen – by phone  
Commissioner DiNardo  
Commissioner Sutton  
Commissioner Vella

Absent : Commissioner Tedeschi & Chairwoman Parsells

Also in Attendance: Mr. Robert C. Fischer, Executive Director  
Peter Canal, BRSA Engineer

*Committed to a Clean Environment for Today, Tomorrow and Generations to Come*  
BRSA staff, November 2006

**MOTION** – to accept the **TREASURER'S REPORT** of September, 2012

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

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

Regular Operating Fund Req. # 487	\$568,276.98
Payroll Operating Fund Req.# P134	\$184,209.04

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

**STATEMENT OF CASH RECEITPS AND CASH DISBURSEMENTS**

TD BANK TRUSTEE ACCOUNTS	Balance 9-30-2012
<b><u>UNRESTRICTED</u></b>	
Revenue Fund	\$3,916,698.10
General Fund	<u>\$ 871,791.30</u>
<b>Total Unrestricted</b>	<b>\$4,788,759.40</b>
<b><u>RESTRICTED</u></b>	
<b>Bond Service Fund</b>	
1985 Bond Service Fund	\$ 817.08
2002 Bond Service Fund	<u>\$ 0.00</u>
<b>Total Bond Service Funds</b>	<b>\$ 817.08</b>
Bond Reserve Fund	<u>\$ 0.00</u>
<b>Total Bond Reserve Fund</b>	<b>\$ 0.00</b>
<b><u>2010 NJEIT BONDS</u></b>	
Revenue	\$ 0.00
Construction	\$1,103,149.11
Bond Service	<u>\$ 0.05</u>
<b>Total NJEIT</b>	<b>\$1,103,149.16</b>
<b><u>TOTAL TRUSTEE ACCOUNTS</u></b>	<b>\$5,892,725.64</b>
<b><u>AUTHORITY ACCOUNTS</u></b>	
Incoming Revenue Account	\$ 1,572.17
Operating Regular Account	\$ 148,296.63
Operating Payroll Account	<u>\$ 127,092.00</u>
<b><u>TOTAL AUTHORITY ACCOUNTS</u></b>	<b>\$ 276,960.80</b>
<b><u>TOTAL</u></b>	<b>\$6,169,686.44</b>

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

**SCHEDULE OF ACCOUNTS RECEIVABLE**

<b><u>SERVICES CHARGES</u></b>	Balance as of 9-30-12
Hazlet Township Sewer Dept.	\$ 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
<b><u>TOTAL</u></b>	<b><u>\$ 0.00</u></b>

**OUTFALL AUTHORITY CHARGES**

Hazlet Township Sewer Dept.	\$ 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
<b><u>TOTAL</u></b>	<b><u>\$ 0.00</u></b>

**BALANCE OF RENT RESERVE ACCOUNTS AS OF SEPTEMBER 25, 2012**

Hazlet Township Sewer Dept.	\$1,521,741.74
Township of Holmdel	\$ 425,910.50
Borough of Union Beach	\$ 417,633.20
Borough of Keyport	\$ 643,037.58
Borough of Keansburg	\$ 603,289.14
Borough of Matawan	\$ 822,301.74
Western Monmouth Utilities Authority	\$ 192,000.90
Township of Aberdeen	\$ 667,773.98
<b><u>TOTAL</u></b>	<b><u>\$6,536,890.75</u></b>

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

Commissioner DiNardo opened the meeting to the public for any comments or questions regarding the following Resolutions. No public participants spoke at this time. Commissioner DiNardo closed this public portion of the meeting and called for **MOTIONS** on the following **RESOLUTIONS**.

1. **RESOLUTION (87/12): To accept the Third Quarter Flow Report for 2012.**

**WHEREAS**, R3M Engineering, consulting Engineers for the Bayshore Regional Sewerage Authority (BRSA) have determined the quantity of sewerage from each of the Towns and Authorities connected to the BRSA system for the first nine months (3<sup>rd</sup> quarter) of the year 2012; and

**WHEREAS**, said flow figures have been calculated from actual meter readings, maintenance service reports, and other available 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 R3M Engineering for the first nine months (3<sup>rd</sup> quarter) of the year 2012

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

2. **RESOLUTION (88/12): To Execute the Sewer Service Agreement with Matawan.**

**WHEREAS**, the Bayshore Regional Sewerage Authority is in receipt of an executed Sewer Service Agreement (“SSA”) from the Borough of Matawan; and

**WHEREAS**, the Commissioners of the Authority deem it in the best interest of the customers it serves in the Borough of Matawan to execute the contract in accordance with the terms and conditions contained therein,

**NOW THEREFORE BE IT RESOLVED**, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the execution of the SSA with the Borough of Matawan effective October 16, 2012 and return the excess Rent Reserve according to the executed SSA in the amount of \$501,617.00

The Executive Director commented that Matawan signed an older version Agreement but will be signing the current version, the Authority Commissioners will execute the Agreement upon receipt of the current Agreement

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

3. **RESOLUTION (89/12): To Execute the Sewer Service Agreement with Keansburg.**

**WHEREAS**, the Bayshore Regional Sewerage Authority is in receipt of an executed Sewer Service Agreement (“SSA”) from the Borough of Keansburg; and

**WHEREAS**, the Commissioners of the Authority deem it in the best interest of the customers it serves in the Borough of Keansburg to execute the contract in accordance with the terms and conditions contained therein,

**NOW THEREFORE BE IT RESOLVED**, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the execution of the SSA with the Borough of Keansburg effective October 16, 2012 and return the excess Rent Reserve according to the executed SSA in the amount of \$302,064.00.

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

4. **RESOLUTION (90/12): To Execute the Sewer Service Agreement with Keyport.**

**WHEREAS**, the Bayshore Regional Sewerage Authority is in receipt of an executed Sewer Service Agreement (“SSA”) from the Borough of Keyport; and

**WHEREAS**, the Commissioners of the Authority deem it in the best interest of the customers it serves in the Borough of Keyport to execute the contract in accordance with the terms and conditions contained therein,

**NOW THEREFORE BE IT RESOLVED**, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the execution of the SSA with the Borough of Keyport effective October 16, 2012 and return the excess Rent Reserve according to the executed SSA in the amount of \$312,794.00.

Resolution (90/12) was tabled. A member of the audience, Mr. Charles Hoffman of Hazlet asked why? The Executive Director stated that Keyport had an issue that was not resolved before tonights meeting.

5. **RESOLUTION (91/12): To Accept the 2013 Authority Budget Flows**

**WHEREAS**, R3M Engineering, 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 time period October 1, 2011 to September 30, 2012, and

**WHEREAS**, said flows will serve as the basis for treatment charges for the 2013 Authority Budget and

**WHEREAS**, said flows have been calculated from actual meter readings, maintenance service reports, and other available data, and

**WHEREAS**, said flows have been reviewed by the Commissioners of the Authority,

**NOW THEREFORE BE IT RESOLVED** that this Authority hereby accepts the flow calculations certified by R3M Engineering for the period October 1, 2011 to September 30, 2012 and authorize its use in calculating treatment charges for the 2013 Authority Budget.

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

6. **RESOLUTION (92/12): To approve the 2013 Authority Budget**

**WHEREAS**, the Annual Budget and Capital Budget program for the Bayshore Regional Sewerage Authority for the fiscal year beginning January 1, 2013 and ending December 31, 2013, has been presented for approval before the Commissioners of the Bayshore Regional Sewerage Authority at its Open Public meeting of October 15, 2012; and

**WHEREAS**, the Annual Budget as presented for approval reflects Total Revenue of \$9,509,691.00, Total Appropriations, including any Accumulated Deficit, if any, of \$6,509,691.00 and Total Unreserved Retained Earnings utilized of \$0.00 and

**WHEREAS**, the Capital Budget as presented for approval reflects Total Capital Appropriations of \$3,000,000.00 Total Unreserved Retained Earnings planned to be utilized as funding thereof, of \$3,000,000.00; and

**WHEREAS**, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and provide for such reserves, all as may be required by law, regulations or terms of contracts and agreements, and

**WHEREAS**, the Capital/Budget Program, pursuant to NJAC 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purpose described in this section of the budget must be granted elsewhere, by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority, at an Open Public meeting held on October 15, 2012, that the Annual Budget, including appended Supplemental Schedules and the Capital Budget Program of the Bayshore Regional Sewerage Authority for the fiscal year beginning January 1, 2013 and ending December 31, 2013 is hereby approved; and

**BE IT FURTHER RESOLVED**, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, terms, provisions as stipulated in the said Authority's outstanding debt obligation, capital lease arrangements, service contracts, and other pledged agreements; and

**BE IT FURTHER RESOLVED**, that the governing body of the Bayshore Regional Sewerage Authority will conduct an Open Public Hearing and consider the Annual Budget and Capital Budget program for adoption on December 17, 2012.

OFFERED BY: Commissioner Vella, SECONDED BY: Commissioner Cohen and carried by unanimous voice vote recorded as follows:, Ayes:Comissioners Cohen, DiNardo, Sutton Vella

7. **RESOLUTION (93/12): To Reallocate Funds for Design and Services during**

Construction for the NIRO Incinerator Repair

**WHEREAS**, the Bayshore Regional Sewerage Authority authorized the Engineering firm of Chavond Barry to perform visual inspection, failure analysis and design of repairs of the Niro Incinerator's Primary Heat Exchanger (PHE) in the amount of \$46,269.00 by resolution (49/12) on April 16, 2012, and

**WHEREAS**, the Bayshore Regional Sewerage Authority authorized the Engineering firm of Chavond Barry to perform Engineering and Construction Services for the repair of the PHE in the amount of \$16,678.00 by Resolution (67/12) on July 16, 2012, and

**WHEREAS**, the design work has been completed under budget at a total cost of \$23,135.45 leaving \$23,135.45 unused funds, and

**WHEREAS**, during the Construction Services contract CBE identified additional design improvements that will enable the PHE to operate for longer periods of time prior to metal fatigue, and

**WHEREAS**, the Authority desires to reallocate the remaining funds from the design contract to the construction services contract to cover the costs of design of the unanticipated work, and

**WHEREAS**, the reallocation of funds will reduce the design contract to \$23,135.45 and increase the services during construction contract to \$39,813.53 leaving the total engineering budget for the two combined contracts unchanged.

**NOW THEREFORE BE IT RESOLVED** the Commissioners of the Bayshore Regional Sewerage Authority deem it in the best interest of the Authority and Customer towns to reallocate the Design Budget and Services during Construction budget a presented in a letter from CBE dated October 4, 2012, leaving the total engineering budget for the project unchanged.

OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner Vella and carried by unanimous voice vote recorded as follows: Ayes:Comissioners Cohen, DiNardo, Sutton, Vella



8. **RESOLUTION (94/12): To Amend the Contract for Environmental Planning Services for the Single Sampling Point Project**

**WHEREAS**, the Bayshore Regional Sewerage Authority previously authorized the firm of Planning Progress LLC (PP) to perform Environmental Planning Services in the amount of \$8,995.00 for the future Single Sampling Point required by our NJPDES Permit No. NJ0024708 by resolution no. (77/12), and

**WHEREAS**, PP has incurred additional reimbursable expenses in the amount of \$2075.00 beyond their original estimate, a portion of which resulted from additional scope requested by the Authority, and printing, postage and shipping, and

**WHEREAS**, the increase in budget to provide for these reimbursed expenses in the amount of \$2,075.00 will increase the total budget for Engineering Planning Services

**WHEREAS**, these expenses are to cover such items as subcontractor costs, for the Single Sampling Point project to \$11,070.00, and

**WHEREAS**, the BRSA engineer has reviewed these costs and finds them to be reasonable.

**NOW THEREFORE BE IT RESOLVED** the Commissioners deem it in the best interest of the Authority and Customers towns to amend the budget for Environmental Planning Services for the Single Sampling Point Project by \$2075.00 bringing the total Budget to \$11,070.00

**BE IT FURTHER RESOLVED** the Executive Director is authorized to take the necessary action to affect this amendment.

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

9. **RESOLUTION (95/12): To Grant Regular Status to Probationary Employee**

**WHEREAS**, Robert Ostervich was hired as a probationary employee in the job title of Utility Man on July 1, 2012, and

**WHEREAS**, the probationary period expired on October 1, 2012, and

**WHEREAS**, the Superintendent and Maintenance Superintendent have reviewed Mr. Ostervich's work performance and have recommended that Mr. Ostervich be granted Regular Status effective October 1, 2012.

**NOW THEREFORE BE IT RESOLVED** that Robert Ostervich is hereby granted Regular Status as an employee of the Bayshore Regional Sewerage Authority, and is further granted the rights and privileges, and responsibilities of the position.

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

**10. RESOLUTION (96/12): To Grant Regular Status to Probationary Employee**

**WHEREAS**, James DiNardo was hired as a probationary employee in the job title of Custodian on July 1, 2012, and

**WHEREAS**, the probationary period expired on October 1, 2012, and

**WHEREAS**, the Superintendent and Maintenance Superintendent have reviewed Mr. DiNardo's work performance and have recommended that Mr. DiNardo be granted Regular Status effective October 1, 2012.

**NOW THEREFORE BE IT RESOLVED** that James DiNardo is hereby granted Regular Status as an employee of the Bayshore Regional Sewerage Authority, and is further granted the rights and privileges, and responsibilities of the position.

OFFERED BY: Commissioner Vella, SECONDED BY: Commissioner Sutton and carried by unanimous voice vote recorded as follows: Ayes: Commissioners Cohen, Sutton, Vella  
Abstained: Commissioner DiNardo

**11. RESOLUTION (97/12): To Grant Regular Status to Probationary Employee**

**WHEREAS**, Justin Broyles was hired as a probationary employee in the job title of Utility Man on July 1, 2012, and

**WHEREAS**, the probationary period expired on October 1, 2012, and

**WHEREAS**, the Superintendent and Maintenance Superintendent have reviewed Mr. Broyles work performance and have recommended that Mr. Broyles be granted Regular Status effective October 1, 2012.

**NOW THEREFORE BE IT RESOLVED** that Justin Broyles is hereby granted Regular Status as an employee of the Bayshore Regional Sewerage Authority, and is further granted the rights and privileges, and responsibilities of the position.

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

12. **RESOLUTION (98/12): To Award Contract for Repair of Manhole C-24 and U-5**

**WHEREAS**, the Bayshore Regional Sewerage Authority maintains the interceptor system manholes in the BRSA interceptor sewer system, and

**WHEREAS**, from time to time the manholes require repair necessitating contractors experienced in this type of work, and

**WHEREAS**, the Bayshore Regional Sewerage Authority identified manholes C24 and U5 as in need of such repair, and

**WHEREAS**, a request for quotation for the repair of Manholes C24 and U5 has been solicited and on October 12, 2012 quotes were received and opened, and

**WHEREAS**, the lowest quote received was from will be available before meeting at a total price of \$0.00, and

**WHEREAS**, the Authority Engineer and Qualified Purchasing Agent have reviewed the quotes and find the quote from will be available before meeting to be acceptable, and

**WHEREAS**, the Commissioners of the Bayshore Regional Sewerage Authority deem it in the best interest of the Authority and the Customer Towns it serves to award the contract to Swerp Inc. for the Repair of manholes C24 and U5.

**NOW THEREFOR BE IT RESOLVED** the Commissioners of the Bayshore Regional Sewerage Authority hereby award the contract for repair of Manhole C24 and U5 to Swerp Inc. for the cost of \$10,995.00 and authorize the Executive Director to take all actions necessary to effectuate the contract.

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

Commissioner DiNardo opened the meeting once again to the public for questions or comments not previously addressed; and/or specific to the scope of BRSA's operations or projects.

There were no Public Comments.

Commissioner Vella asked Mr. Hoffman if he wanted to speak. Mr. Hoffman said no.

CLOSED SESSION MINUTES RECORDED SEPERATELY.

Commissioner DiNardo called for a **MOTION** to go into Closed Session at 7:15 P.M. 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 will be taken to discuss matters falling within attorney-client privileges, specifically, pending and anticipated litigation, matters of employment and the terms and conditions of the collective bargaining agreement. 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.

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

At 7:17 P.M. Commissioner DiNardo called for a **MOTION** to end Closed Session  
OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner Vella and carried by unanimous voice vote recorded as follows: Ayes: Commissioners Cohen, DiNardo, Sutton, Vella.

Commissioner Vella made a **MOTION** to hire an Executive Assistant, SECONDED BY: Commissioner DiNardo and carried by unanimous voice vote recorded as follows: Ayes: Commissioners Cohen, DiNardo, Sutton, Vella

Commissioner DiNardo announced that the next Agenda Meeting of the Authority will be held on Monday, November 12, 2012 at 7:00 P.M. prevailing time. The next Regular Meeting of the Authority will be held on Monday, November 19, 2012 at 7:00 P.M. prevailing time. All meetings take place in the Administration Building of the Bayshore Regional Sewerage Authority (Building 2) located at 100 Oak Street, Union Beach, NJ, 07735.

At 7:18 P.M. Commissioner DiNardo calls for a **MOTION** to Adjourn the meeting.

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