



BAYSHORE REGIONAL SEWERAGE AUTHORITY

100 Oak Street, Union Beach, NJ 07735
732-739-1095 OFFICE 732-739-2459 FAX

Robert C. Fischer
EXECUTIVE DIRECTOR

MINUTES REGULAR MEETING MONDAY, FEBRUARY 25, 2013

At 7:35 P.M. Chairman Vella called the Regular Meeting of the Bayshore Regional Sewerage Authority to order.

James Gorman, General Counsel – joined the Commissioners.

TREASURERE'S REPORT

OFFEDER BY: Commissioner Sutton, **SECONDED BY:** Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

TREASURER'S REPORT

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	January 31, 2013
<u>UNRESTRICTED</u>	
Revenue Fund	\$ 6,484,367.62
General Fund	\$ 871,791.30
Total Unrestricted	\$ 7,356,158.92
<u>RESTRICTED</u>	
Bond Service Fund	
1985 Bond Service Fund	\$ 817.08
Total Restricted Funds	\$ 817.08
<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$ 1,357,006.92
Bond Service	\$.05
Total NJEIT	\$ 1,357,006.97
<u>TOTAL TRUSTEE ACCOUNTS</u>	\$ 8,713,982.97

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

TD BANK

Incoming Revenue Account	\$ 65,191.40
Operating Regular Account	\$ 93,558.68
Operating Payroll Account	\$ 154,573.42
<u>TOTAL AUTHORITY ACCOUNTS</u>	<u>\$ 313,323.50</u>
<u>TOTAL</u>	<u>\$ 9,027,306.47</u>

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

SCHEDULE OF ACCOUNTS RECEIVABLE

	Balance <u>January 31, 2013</u>
SERVICE CHARGES:	
Hazlet Township Sewerage Utility	\$ 0.00
Township of Holmdel	\$ 0.00
Borough of Union Beach	\$ 176,373.00
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	\$ 176,373.00
OUTFALL AUTHORITY CHARGES	
Hazlet Township Sewerage Authority	\$ 0.00
Township of Holmdel	\$ 0.00
Borough of Union Beach	\$ 17,311.39
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	\$ 17,311.39
Balance of Rent Reserve Accounts as of January, 2013	
Hazlet Township Sewerage Utility	\$ 1,522,575.14
Township of Holmdel	\$ 316,761.22
Borough of Union Beach	\$ 417,911.87
Borough of Keyport	\$ 321,281.66
Borough of Keansburg	\$ 301,472.38
Borough of Matawan	\$ 231,129.07
Western Monmouth Utilities Authority	\$ 195,050.58
Township of Aberdeen	<u>\$ 466,080.51</u>
TOTAL	\$ 3,862,444.43

RESOLUTIONS FOR REGULAR MEETING

Chairman Vella announced that 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.

There were no comments from the public.

RESOLUTION

Mr. Fischer explained to the Commissioners that a year ago the Board considered major capital improvements at the Plant and the need for engineering support. Notifications went out to engineering firms to express their interest in BRSA projects. BRSA received 21 responses, 14 firms were interviewed and out of the 14, 5 firms were chosen. A Resolution was passed to have these 5 firms on a short list to submit future proposals on the major projects that were coming up. The Commissioners felt our capital improvement plan would be too much for one firm. This gives BRSA a choice of firms with different expertise in their field.

He explained that in the examination of the future sludge management plan there are several issues to take into consideration including:

1. FEMA funding
2. Problem with current system – metal fatigue with the equipment
3. The use of the Dorr Oliver incinerator
4. New Regulations coming in 2016

Mr. Fischer, Pete Canal, Tim Gillen and Jerry Harris of CME evaluated the Sludge Management Alternative Study recently received proposals and out of 4 proposals Gannett Fleming had the best proposal. Mr. Gillen explained that the cost was not the only factor in choosing a firm. The overall experience of the firm as well as the employees work background, experience in fluidized bed incineration like BRSA, current and future compliance with DEP, EPA, OSHA, knowledge of FEMA and Trust Agreements was taken into consideration.

Mr. Gillen said that we are talking about millions of dollars and not just for the current conditions but to preclude a reoccurrence of a flood and the extreme damage to the components underground. We are looking to bring all the controls and major electrical equipment above flood levels.

Chairman Vella stated that this is a very big commitment.

Commissioner McMullen asked Mr. Gillen what were the cost of the proposals. Mr. Gillen explained CH2MHill was \$164,000, Gannett Fleming was \$129,900, CBE was \$75,000 and CDM Smith was \$39,000. Mr. Gillen went on to explain that the proposals were weighted against a stated criteria which included overall firm experience with Sludge Management Projects, experience of individual assigned to the BRSA project with regards to fluidized bed incinerators, understanding of the BRSA project scope, cost and current workload.

Overall, with all criteria considered, Gannett Fleming had the best proposal.

Commissioner Steiner asked if Gannett Fleming had an organizational chart. Mr. Gillen said that they did.

Mr. Fischer stated that between CME and BRSA they put a lot of time and thought into the selection knowing that this is the first and most important step in the road to the Authority's future incineration system.

Commissioner McMullen asked how many employees Gannett will be using on this project and Mr. Gillen stated approximately 13.

Chairman Vella stated we need to get it right in this first step.

RESOLUTION (50/13) – to award a contract for the furnishing & delivery of Sodium Hypochlorite to JCI Jones Chemicals for a one year period.

WHEREAS, in accordance with Local Public Contracts Law, at 2:00 P.M. on Thursday, February 14, 2013 the Bayshore Regional Sewerage Authority advertised and received bids for the furnishing and delivery of Sodium Hypochlorite for a one (1) year period, and

WHEREAS, the bids were publicly opened and read aloud, the lowest responsible bidder being JCI Jones Chemicals Inc. of Warwick N.Y., having submitted a unit price of .72/gal. and a total of (1) one year bid of \$216,000.00, and

WHEREAS, the Staff Engineer and General Counsel have reviewed all the bids received and recommend award of the contract to JCI Jones Chemicals Inc., Warwick, N.Y.

NOWHEREFORE BE IT RESOLVED that JCI Jones Chemicals, Inc. is hereby awarded the contract for the furnishing and delivery of Sodium Hypochlorite for a (1) one 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.

OFFERED BY: Commissioner Khachaturian, **SECONDED BY:** Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

RESOLUTION (51/13) – to award a contract for the furnishing & delivery of Bioxide to Siemens Industry for a one year period.

WHEREAS, in accordance with Local Public Contracts Law, at 3:00 P.M. on Thursday, February 14, 2013 the Bayshore Regional Sewerage Authority advertised and received bids for the furnishing and delivery of Bioxide for a one (1) year period, and

WHEREAS, the bids were publicly opened and read aloud, the lowest responsible bidder being Siemens Industry, Sarasota, Fl., having submitted a unit price of 2.35/gal. and a total of (1) one year bid of \$28,200.00, and

WHEREAS, the Staff Engineer and General Counsel have reviewed all the bids received and recommend award of the contract to Siemens Industry, Sarasota, Fl.

NOWHEREFORE BE IT RESOLVED that Siemens Industry is hereby awarded the contract for the furnishing and delivery of Bioxide for a (1) one 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.

OFFERED BY: Commissioner Sutton, **SECONDED BY:** Commissioner Steiner and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

RESOLUTION (52/13) – to award the contract for the Sludge Management Alternative Study to Gannett Fleming for a fee of \$129,900.

WHEREAS, the Bayshore Regional Sewerage Authority has previously authorized the solicitation of proposals for a Sludge Management Alternative Study, and

WHEREAS, proposals were received from Gannett Fleming Engineering, CDM Smith, CH2MHill and Chavond Barry on February 22, 2013, and

WHEREAS, the Authority staff and consulting engineer CME Associates have reviewed the proposals and weighted each in accordance with a previously established criteria schedule that includes qualifications, experience, cost and other factors, and

WHEREAS, based upon the evaluation in accordance with previously stated weighted criteria the highest ranking firm was found to be Gannett Flemming by consulting engineer CME and the Bayshore Regional Sewerage Authority staff, and

WHEREAS, Gannett Flemming has completed a Bayshore Regional Sewerage Authority pay-to-play form.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority award the contract for a Sludge Management Alternative Study to Gannett Flemming at a cost of \$129,000.00.

BE IT FURTHER RESOLVED a Notice of this award shall be posted in the Asbury Park Press.

OFFEDER BY: Commissioner Steiner, **SECONDED BY:** Commissioner Khachaturian and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

RESOLUTION (53/13) – to execute the Service Agreement with the Township of Hazlet and return excess funds in their Rent Reserve.

WHEREAS, the Bayshore Regional Sewerage Authority is in receipt of an executed Sewer Service Agreement (SSA) from the Township of Hazlet; and

WHEREAS, the Commissioners of the Authority deem it in the best interest of the customers it serves in the Township of Hazlet to execute the agreement 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 Township of Hazlet effective February 26, 2013 and return the excess Rent Reserve according to the executed SSA in the amount of \$796,224.39.

OFFEDER BY: Commissioner Sutton, **SECONDED BY:** Commissioner Steiner and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

RESOLUTION (54/13) – to amend Incinerator Engineers contract for work performed due to Hurricane Sandy

WHEREAS, the Authority has awarded a contract to Incinerator Engineers Chavond Barry by Resolution No. 31/12, and

WHEREAS, on October 29, 2012 Hurricane Sandy caused extensive damage to the Authority Treatment Plant including severe damage to the incineration system rendering the system inoperable, and

WHEREAS, the Authority has called on Chavond Barry in this time of emergency to assist the Authority in developing damage assessments, compiling FEMA preliminary baseline cost estimates, inspecting the incinerator for damages, negotiation with the New Jersey Department of Environmental Protection for a permit modification of the Dorr Oliver and other tasks as requested to otherwise assist the Authority in handling the damages to the incineration system, and

WHEREAS, the above listed services are above and beyond the scope of work approved by the Authority under Resolution No. 15/13, and

WHEREAS, the firm of Chavond Barry is requesting a modification to their contract to ratify work performed at the request of the Authority in respect to damages caused by Hurricane Sandy, and

WHEREAS, the work performed at the request of the Authority has exceeded their contract by \$14,740.00.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority amend the contract with Chavond Barry for engineering services related to the incineration system by \$14,740.00 bringing the total contract value to \$45,380.00.

BE IT FURTHER RESOLVED a notice of this modification shall appear in the Asbury Park Press.

OFFERED BY: Commissioner Sutton, **SECONDED BY:** Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

RESOLUTION (55/13) – to enter into an agreement with Two Rivers Reclamation Authority to borrow a sludge hauling container

WHEREAS, the Bayshore Regional Sewerage Authority has a need for additional containers for the hauling of cake sludge from the interim sludge handling process, and

WHEREAS, the Two Rivers Water Reclamation Authority has a spare DEP approved container that can be lent to the Bayshore Regional Sewerage Authority at no cost for these purposes on an interim basis for as long as it requires, and

WHEREAS, the Two Rivers Authority wish to enter into an agreement to set forth covenants, promises and agreements for the lending of the spare cake sludge container, and

WHEREAS, the Authority counsel has reviewed the agreement and finds it acceptable.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority authorize the Executive Director to enter into an agreement with the Two Rivers Water Reclamation Authority for the lending of a cake sludge container.

OFFERED BY: Commissioner McMullen, **SECONDED BY:** Commissioner Steiner and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

RESOLUTION (56/13)-RESOLUTION PROVIDING FOR THE DECLARATION OF OFFICIAL INTENT UNDER TREASURY REGULATION SECTION 1.150-2 TO REIMBURSE PRIOR EXPENDITURES RELATED TO VARIOUS SYSTEM IMPROVEMENTS

Adopted: February 25, 2013

WHEREAS, the Bayshore Regional Sewerage Authority (the "Authority") intends to issue debt obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and that will be used to finance various capital improvements to its sewer system caused by Super Storm Sandy (the debt obligations herein referred to as "Project Debt Obligations" herein referred to as the "Project");

WHEREAS, the Authority intends to finance the Project, in part, with the Project Debt Obligations but may pay for certain costs of the Project ("Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Authority which are not borrowed funds;

WHEREAS, the Authority desires to preserve its rights to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid by the Authority prior to the issuance of the Project Debt Obligations as expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141-150 of the Code.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Authority as follows:

Section 1. The Authority reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Authority's official intent to reimburse the Authority for expenditure of Project Costs by the Authority paid prior to the issuance of the Project Debt Obligations with the proceeds of the Project Debt Obligations, in accordance with Treasury Regulation Section 150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$25,000,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulation Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Project Debt Obligations used to reimburse the Authority for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds", or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulation Section 1.148-1) of the Project Debt Obligations or another issue of debt obligations of the Authority, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulation Section 1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of: (i) the date the expenditure from a source other than the Project Debt Obligations is paid; or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulation Section 1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution will take effect immediately.

RECORDED VOTE

AYE

NAY

ABSTAIN

Commissioner Khachaturian
Commissioner McMullen
Commissioner Pisano
Commissioner Steiner
Commissioner Sutton
Chairman Vella

The foregoing is a true and complete copy of a resolution adopted by the governing body of Bayshore Regional Sewerage Authority at a meeting thereof duly called and held on February 25, 2013.

Louis Pisano

Secretary

[SEAL]

OFFERED BY: Commissioner Sutton, **SECONDED BY:** Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

Mr. Fischer stated that the Monmouth County Planning Board is the planning agency for Wastewater Treatment in Monmouth County. They have been working on a plan adoption for many years that would among other things update the map indicating where sewer service was available within Monmouth County, areas that are identified as discharge to ground water, and areas that are removed from sewer service entirely.

Although the County is not prepared to adopt the Wastewater Management Plan at this time, they are prepared to adopt the Wastewater Management Plan Map.

Mr. Fischer stated that the current map up for adoption includes areas that BRSA had requested in the past, such as areas adjacent to the Art Center as well as the Lucent Properties. It did not however include identification of the South Slope as sewer service area; the plan does indicate though that the South Slope is in the BRSA franchise area.

Mr. Gorman talked about a lawsuit a number of years ago concerning the BRSA, TOMSA and the South Slope of Holmdel.

Mr. Fischer stated that to his knowledge Holmdel has approved the map already.

Mr. Gorman stated he didn't know whether Holmdel has a position one way or the other.

Conversation regarding Holmdel's position ensued and Commissioner Steiner asked Mr. Fischer to look for an extension of time for the approval of the map.

RESOLUTION (57/13) -A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: MONMOUTH COUNTY FUTURE WASTEWATER SERVICE AREA MAP

WHEREAS, the Bayshore Regional Sewerage Authority desires to provide for the orderly development of wastewater facilities within Monmouth County, and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with and approved WQM plan, and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan, and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on January 7, 2013 as the Monmouth County Future Wastewater Service Area Map has been submitted on behalf of the Monmouth County Board of Chosen Freeholders.

NOW THEREFORE BE IT RESOLVED on this 25th day of February, 2013, by the governing body of the Bayshore Regional Sewerage Authority that:

1. The Bayshore Regional Sewerage Authority hereby consents to the amendment entitled Monmouth County Future Wastewater Service Area Map, and publicly noticed on January 7, 2013, prepared by Monmouth County, for the purpose of its incorporation into the applicable WQM plan(s).
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4 and to the County of Monmouth Division of Planning.

OFFEDER BY: Commissioner Sutton, **SECONDED BY:** Commissioner Steiner and carried by a voice vote recorded as follows:

AYES: Commissioners Pisano, Steiner, Chairman Vella
NAYS: Commissioners Khachaturian, McMullen and Sutton

Chairman Vella announced that Commissioner McMullen spoke to the Township of Holmdel and they DID commit to the new Wastewater Service Area Map.
A revote was taken

2nd Vote on Resolution 57/13

RESOLUTION (57/13) -A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: MONMOUTH COUNTY FUTURE WASTEWATER SERVICE AREA MAP

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WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan, and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on January 7, 2013 as the Monmouth County Future Wastewater Service Area Map has been submitted on behalf of the Monmouth County Board of Chosen Freeholders.

NOW THEREFORE BE IT RESOLVED on this 25th day of February, 2013, by the governing body of the Bayshore Regional Sewerage Authority that:

1. The Bayshore Regional Sewerage Authority hereby consents to the amendment

entitled Monmouth County Future Wastewater Service Area Map, and publicly noticed on January 7, 2013, prepared by Monmouth County, for the purpose of its incorporation into the applicable WQM plan(s).

2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4 and to the County of Monmouth Division of Planning.

OFFERED BY: Commissioner Steiner, **SECONDED BY:** Commissioner Sutton and carried by a voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

Mr. Fischer announced that Manuel Ponte would like to report on the rehabilitation of the Administration Building which was one of the buildings damaged in Hurricane Sandy.

Manuel Ponte of R3M Engineering reported that after speaking to FEMA he needed to come up to a baseline dollar amount to repair and/or replace equipment in the Administration building.

That estimate has been set at \$553,000. He reported that the bathrooms must be upgraded to ADA standard and that cost is about \$10,000. The replacement of the back door, side door and putting in double front doors would cost about \$22,000.

Commissioner McMullen asked if the front double door would be a cost saving on heat.

Mr. Ponte said he hasn't calculated the savings yet.

Chairman Vella asked if that would protect the building from further flooding.

Mr. Ponte said probable not.

Commissioner Steiner asked if an air curtain would be better.

Mr. Fischer said the doors needed to be updated anyway because of bad drafts coming through the current doors. He said that they are not ADA compliant. R3M will look into the air curtain idea.

Mr. Ponte continued by stating that the filing system would be changed to a high density system.

Chairman Vella asked if the new filing system would replace the current upright cabinets.

Mr. Ponte said yes and would leave a lot of room of the flat files for all the plans.

Commissioner Steiner said that the Monmouth County Archives have a high density filing system that are about 12 feet high. He said we should put them higher above the floor so that water could never get to them again.

Mr. Ponte explained that the through-wall electric wall heaters in the building would have to come out because they were the major source of the water coming in. He said he was planning on putting a unit on the roof.

Commissioner McMullen asked Mr. Ponte how much is FEMA's reimbursement on all of this.

Mr. Ponte said that FEMA would reimburse about 75% of eligible costs.

Mr. Fischer told the Commissioners that BRSA also had separate insurance of \$500,000 on the Administration Building and the eligible cost from FEMA would be picked up after insurance.

Our plan is to advertise bids for March, award contract in April and begin work in April/May.

Commissioner McMullen asked if the employees could work in the building during renovation.

Mr. Fischer said yes, that is the plan right now.

Commissioner Khachaturian asked Mr. Ponte to breakout the extra cost for the ADA ramp and the double doors in the front as an alternate.

PAYMENT OF INVOICES AND VOUCHERS

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

Operating Fund Req. No. 492 (Regular)	\$587,667.81
Operating Fund Req. No.04 (Sandy)	\$358,994.87
Payroll Account Req. No. P139	\$ 84,811.62

OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner Khachaturian and carried by a voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

PUBLIC PORTION

At 8:10 P.M. Chairman Vella announced that this portion of the meeting is OPEN TO THE PUBLIC to discuss any BRSA matters the public may care to address.

The public is reminded, only questions or comments not previously addressed; and/or specific to the scope of BRSA's operations or projects will be addressed.

As a courtesy to all members of the public wishing to speak, please be mindful of limiting your comments and time accordingly.

PUBLIC PORTION

Chairman Vella announced that 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.

Joseph Reynolds Co-Chair of the Bayshore Regional Watershed Council read the following letter dated Monday, February 25, 2013 into the records:

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

RE: Wind Turbine at Bayshore Regional Sewerage Authority, near Conaskonk Point in Union Beach
Dear Authority Commissioners: Adam Khachaturian, Marcy McMullen, Louis Pisano, Charles Steiner, Bart Sutton, and Walter Vella,

The Bayshore Regional Watershed Council, an all volunteer environmental organization made up of local citizens, scientists, and policy makers dedicated to cleaning up the waters of Raritan Bay & Sandy Hook Bay, wish to make a formal objection to the continuation of the planning and construction of the proposed wind turbine cited above. We state our objection on the following grounds detailed below.

Super-storm Sandy has recently dealt a devastating blow to the Borough of Union Beach and to several municipalities along the Bayshore region of Monmouth County. In the past several years, the wind turbine project has set off a dividing line in the local community and around the Bayshore region to those opposed and those for. It has galvanized many local residents on all issues around wind turbines and energy. The watershed council believes strongly that the continuation of the proposed wind turbine will cause further division, additional loss of tranquility, and create a significant impairment to bring local residents together at a time when partnerships, collaborations, relationships and a strong community for a generation if more is needed to rebuild Union Beach and the entire coastline of Raritan Bay.

In addition, the watershed council has felt for some time that the proposed wind turbine is far too large, too close to people's homes (less than a mile from private property), and will be an alien structure in a suburban working-class environment. The turbine will dramatically alter the landscape character of the area both in the immediate locality and from important vantage points, it will breakdown intrinsic local character, and degrade the diversity of landscapes at Conaskonk Point (one of the few remaining large-scale intact tidal wetland system left in the Bayshore region) and to its wildlife, especially to migratory shorebirds, non-tropical songbirds, and regional bat populations. Certainly, we live in a time when we do need to think about alternative energy methods and unfortunately some concessions have to be made. Yet, the watershed council believes we need to be realistic and think wisely before altering vital wetlands in Conaskonk Point to accommodate a long-term industrial energy project. Members of the watershed council are very concerned about building this turbine here and its negative effects. We believe the harm to the community of Union Beach and to the local environment weights against the proposal.

Sincerely

Joseph Reynolds

Co-Chair

Thank You

Charles Hoffman of Hazlet asked about the damage to the generators and to the wind turbine. Mr. Fischer stated the generator in the front of the plant was OK, the generator in the back was damaged and the generator at the blower building was not damaged. He said the fuel tank lifted up which is piped to the building and set back down on its foundation. He said that there was some damage to the turbine at the storage facility.

Mr. Hoffman said the Authority should sue Conti and the Port of Authority for the damages because Conti put it there.

Mr. Fischer said the Port of Authority has nothing to do with it. Conti has insurance on the turbine and we will be meeting with them soon to discuss it.

Bill Shewin of Hazlet said he was speaking as the Treasurer/Secretary of the Bayshore Regional Watershed Council and agrees 100% with Mr. Reynolds. Now speaking as a citizen he referred to Resolution 53/13 – refund to Hazlet Township from their rent reserve account. He said that \$796,000 was a substantial refund and asked how it was calculated.

Chairman Vella told Mr. Shewin that the new service agreement went from a 6 month reserve to a 3 month reserve and there was a reduction in the rate as well. The combination lowered what was due from Hazlet.

Mr. Shewin asked about the intent of Resolution 56/13.

Mr. Fischer told Mr. Shewin that this resolution reserves the right to reimburse. If BRSA has to Bond to replace essential equipment, with this resolution, BRSA can reimburse itself for any expenditure it is presently spending prior to bonding.

Mark Oldhofer of 503 Bay Avenue, Union Beach said he was not in favor of the turbine. He went on to congratulate Mr. Fischer for the super job he did at BRSA after Hurricane Sandy.

Mr. Fischer reported that he received a letter from CME stating the Mayor of Union Beach hopes the truck traffic ends as soon as possible. He also reported that he spoke to the DEP about a new permit that would allow BRSA to run the Dorr Oliver Incinerator 24/7 instead of the current 1536 hours.

DEP said BRSA should submit a letter of request which would take about 120 days to respond. Mr. Fischer said the only condition was that BRSA could not run the Dorr Oliver and the Niro together.

Commissioner McMullen asked if there have been any more odor complaints.

Mr. Fischer said he was not aware of any since the press was moved indoors.

Mr. Fischer informed the Commissioners that he received a faxed letter dated February 25, 2013 from Assemblywoman Amy Handlin. Commissioner Sutton read the letter aloud:

Bart Sutton

Bayshore Regional Sewerage Authority

100 Oak Street

Union Beach, NJ 07735

Dear Commissioners:

As your state representative I have been asked to reach out to the Commissioners of the Bayshore Regional Sewerage Authority (BRSA) in light of the effects from Superstorm Sandy.

With infrastructure rebuilding as our first priority throughout the Bayshore I urge the BRSA to partner with Union Beach to help with the housing crisis, restoring of emergency services and the economic rejuvenation that are imperative at this time.

I hope and expect wind turbine project will take a back seat to equipment repair and replacement.

Given the enormous tasks of recovery ahead of us, I hope that BRSA will turn a new page and forge a strong working partnership with Union Beach. Please call on me if I may be of any help.

Sincerely,

Amy Handlin

Assemblywoman, 13th Legislative District

Chairman Vella stated that everyone here knows the turbine project has taken a back seat and our main focus is to rebuild this plant.

Commissioner McMullen asked Mr. Fischer about funds from FEMA

Mr. Fischer said that we requested \$3.1 million in emergency restoration funding of which we should see approx. \$2.4 million sometime in the next few weeks. He said FEMA has told us that they will be sending 50% of the awarded amount up front of approx. \$1.2 million dollars.

Chairman Vella asked Mr. Fischer if he was working on getting the gate fixed.

Mr. Fischer said that it will be working by next meeting.

ADJOURMENT

Chairman Vella announced:

The next Agenda Meeting of the B.R.S.A. is scheduled for Monday, March 11th, 2013, at 7:00 P.M.
The next Regular Meeting of the B.R.S.A. is scheduled for Monday, March 18th, 2013 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 8:57 P.M., Chairman Vella calls for a **MOTION** to adjourn the meeting.

OFFERED BY: Commissioner McMullen, SECONDED BY: Commissioner Sutton and carried by a
voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

Submitted by:

Susan DuBey
Acting Secretary To The Board