



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 FOR REGULAR MEETING MONDAY, MAY 19, 2014

At 7:02 P.M. on Monday, May 19, 2014 Chairman Khachaturian called the meeting of the Bayshore Regional Sewerage Authority to order and makes 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 Asbury Park Press and is on the BRSA Official Website. 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 Khachaturian 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.

Chairman Khachaturian requested a roll call of attendance:

PRESENT: Commissioner McMullen, Steiner (arrived at 7:10 PM), Sutton, Vella & Chairman Khachaturian

ABSENT: Commissioner Pisano

Also in Attendance: Robert C. Fischer, Executive Director
J. Michael Broyles, BRSA Superintendent
Manuel Ponte, Consulting Engineer
James Gorman, BRSA Attorney
Michael Bart, BRSA Auditor
Susan DuBey, Admin. Assistant

Reports

BRSA Projects, Special Reports & Connection Applications

Mr. Fischer discussed the following:

- a. Current disaster recovery expenditures and reimbursement from insurance company and FEMA
- b. Approval by FEMA of the requests for extensions of time on permanent work
- c. A meeting at the State Recovery office in Lincroft regarding the Hazard Mitigation Proposal submitted by Arcadis and R3M
- d. Hiring of a Summer Engineering Intern
- e. The updating of the Authority Personnel Policy & Procedures Handbook

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

BRSA staff, November 2006

Michael Bart of Bart & Bart presented his findings of the 2013 BRSA Financial Audit of the Authority books. Mr. Bart reviewed all sections of the Audit report. There were no findings or recommendations for 2013.

Staff Engineer Report

In the absence of Pete Canal Mr. Fischer discussed:

- a. The status of the Dorr Oliver Incinerator and additional repairs needed prior to restart
- b. A change order request and recommendation for Iron Hills Construction for repairs to the Heat Exchanger identified by Chavond Barry Engineering.
- c. Contract amendment requested by Chavond Barry for work related to the incinerator start-up plus the submission of a Title V Operating Permit application with the State of New Jersey
- d. A contract amendment in accordance with the contract for Restoration and Mitigation of the Main Pump Station and Return Sludge Pump Station by PS&S. Work includes design at the Authority requested plans to move all motor control centers out of the basements to the higher practical elevation within the plant building.
- e. Connection application in Holmdel for Texas Roadhouse Grill

Consulting Engineer Report

Manuel Ponte discussed the following:

- a. The Restoration and Mitigation of the various Authority building project is 75% complete
- b. Ongoing discussion with FEMA regarding Blower Building #1 & 2 combination
- c. The Fire Alarm project is nearly complete
- d. A preconstruction meeting was recently held for the Lab/Office Bldg. HVAC project.

BRSA Superintendent's Report

Mike Broyles discussed the following:

- a. High April rainfall forced operations to put Plant #1 online to relieve the stress on Plant #2. Everything worked well however several tanks need mechanical repairs.
- b. High volume of rainfall flooded out Stony Brook MUA and BRSA was forced to send the sludge to Atlantic City UA until Stony Brook was up and running again.
- c. The Authority received 10 odor complaints in the month of May. The wind direction and speed was recorded and lemon freshener was applied.
- d. The Lab completed the 2014 NJDEP Water Pollution Proficiency Test and received acceptable results for all parameters analyzed.
- e. Safety Awards were handed out to 3 qualified employees. The Safety Committee will review the safety program to encourage more employees to participate.

Executive Director's Report

Mr. Fischer discussed the following:

- a. A new Web Site has been created and should be available on Wednesday. This site is more interactive than the old one.
- b. BRSA reached a settlement with the NJDEP on the 2008 Permit. BRSA joined forces with the Ocean Discharge Group regarding Common discharge items.
- c. BRSA also agreed to a settlement with NJDEP-Specific items, such as chloroform & toluene
- d. Hall & Associated submitted a proposal to issue a Mixing Zone Justification Report at a cost of \$9,000
- e. Township of Hazlet has requested BRSA to consider shared services for Gasoline. Their tanks are located at Leocadia Court off of Laurel Avenue. Hazlet also asked BRSA to look into the possibility of connecting their Pump Stations to BRSA's Scada System

Chairman Khachaturian called for a MOTION to approve the Treasure's Report

TREASURER'S REPORT

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	April 30, 2014
<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$ 1,357,174.89
Bond Service	\$.05
TOTAL TRUSTEE	\$ 1,357,174.94
TD BANK	
Incoming Revenue Account	\$ 307,432.98
Operating Payroll Account	\$ 193,069.36
Operating Regular Account	\$ 146,453.63
Reserve Account (NEW)	<u>\$10,072,092.06</u>
TOTAL AUTHORITY ACCOUNTS	<u>\$10,719,048.03</u>
TOTAL	\$12,076,222.97

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

SERVICE CHARGES:	Balance
MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY CHARGES	April 30, 2014
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	<u>\$ 0.00</u>
TOTAL	\$ 0.00
Hazlet Township Sewerage Authority	\$ 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 March, 2014

Hazlet Township Sewerage Utility	\$ 740,178.32
Township of Holmdel	\$ 317,477.13
Borough of Union Beach	\$ 193,888.09
Borough of Keyport	\$ 322,007.79
Borough of Keansburg	\$ 302,153.73
Borough of Matawan	\$ 321,854.85
Western Monmouth Utilities Authority	\$ 111,767.52
Township of Aberdeen	<u>\$ 468,350.44</u>
TOTAL	\$2,777,677.87

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

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

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

Payment of Bills

Chairman Khachaturian called for a **MOTION** for payment of the following:

Operating Fund Req. No. P158	\$174,855.63
Operating Fund Req. No. 508 (Regular)	\$431,589.23
Operating Fund Req. No. 509 (Regular)	\$ 76,400.50
Operating Fund Req. No. S-19 (Sandy)	\$283,824.26

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

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

Public Portion

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 to 3 minutes.

Charles Hoffman, Florence Avenue, Hazlet asked for an explanation on Resolution 70/14 to issue a Notice of Default against Conti; he thought this should have been done months ago. Jim Gorman said it's a Resolution to declare Conti in default and begin the Arbitration and Litigation process. (note: the agenda listed two 69/14 Resolutions-Mr. Hoffman's questions was actually for 70/14)

Resolutions

RESOLUTION NO. (54/14): To Amend the Annual 2014/2015 Scheduled Meetings for the BRSA

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

WHEREAS, the BRSA is rescinding Resolution #45/14 passed at the April 21, 2014 meeting.

NOW THEREFORE BE IT RESOLVED by the Bayshore Regional Sewerage Authority that it hereby amends the Agenda Meeting dates during 2014/2015. The meetings 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. The following meetings shall take place on:

2014

Tuesday, October 14-agenda

2015

Monday, February 9 – agenda

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, Marlboro, Union Beach, Keyport, Keansburg, Matawan and the Western Monmouth Utilities Authority.

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

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

RESOLUTION No. (55/14): To Adopt the 2013 Annual Audit Report as presented by Bart and Bart, CPAs, BRSA Auditors

WHEREAS, N.J.S.A. 40:14A-7.1 requires the governing body of each local Authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended December 31, 2013 has been completed and will be filed with the members and customer towns served pursuant to N.J.S.A. 40:14A-7.1, and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit entitled "General Comments" and "Recommendation," and has evidenced same by group affidavit in the form prescribed by the Local Finance Board, and

WHEREAS, the Commissioners of the Bayshore Regional Sewerage Authority are the members of the governing body and have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby certify to the Local Finance Board of the State of New Jersey that each member has personally reviewed the annual audit for the fiscal year ended December 31, 2013, and specifically has reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations," and has evidenced same by group affidavit in form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

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

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

RESOLUTION No. (56/14): To Execute the Local Finance Board Group Affidavit Form.

We, the Commissioners constitute the members of the governing body of the Bayshore Regional Sewerage Authority being of full age and being duly sworn according to law, upon our oath depose and say:

- We are duly appointed Commissioners of the Bayshore Regional Sewerage Authority.
- We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended December 31, 2013 and specifically the sections of the audit report entitled "General Comments" and "Recommendations."

ADAM KHACHATURIAN Chairman

BART SUTTON Vice-Chairman

MARCY McMULLEN Secretary

CHARLES STEINER Assist. Secretary

WALTER VELLA Treasurer

LOUIS PISANO Asst. Treasurer

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

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

RESOLUTION No. (57/14): To Hire Thomas Petti as a Summer Engineering Intern at the BRSA.

WHEREAS, the Bayshore Regional Sewerage Authority is in need of assistants in the Engineering Department, and

WHEREAS, the Universities and Colleges of New Jersey have Career Development Departments for the placement of Engineering students in permanent or temporary positions, and

WHEREAS, the Authority wishes to hire a qualified student for summer employment to assist the Authority Engineer with day to day , as well as, specific engineering projects, and

WHEREAS, the BRSA advertised with the Career Development Department of Rutgers, NJIT, Stevens Institute and Rowan University and received over 20 resumes for the position, and

WHEREAS, the Authority interviewed 3 candidates and found the most qualified candidate to be Thomas Petti of Colonia, NJ, and

WHEREAS, Thomas Petti submitted an application of employment for the Summer Intern position.

NOW THEREFORE BE IT RESOLVED, the Commissioners of BRSA wish to hire Thomas Petti as a temporary Summer Intern Engineer at a rate of \$16.00 per hour without benefits for Monday thru Friday, 8:30 AM to 5:00 PM with a 30 minute unpaid lunch.

BE IT FURTHER RESOLVED that the date employment begins is May 27, 2014 terminating August 30, 2014.

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

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

RESOLUTION No. (58/14):To Approve Stipulation of Settlement with NJDEP for Common Issue Items of Appeal On 2008 Permit

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) periodically reissues a New Jersey Pollution Discharge Elimination System (NJPDES) permit (permit) to the Bayshore Regional Sewerage Authority (Authority) for the discharge of pollutants into Atlantic Ocean in accordance with the Water Pollution Control Act. N.J.S.A. 58:10A-1 et seq.; and

WHEREAS, at the time of the last permit cycle, the Authority submitted a timely request for an adjudicatory hearing to contest certain conditions the DEP placed in the Authority's permit; and

WHEREAS, after considerable time and effort, the DEP and the Bayshore Regional Sewerage Authority have come to an agreement to resolve the pending appeal issues, the term and conditions of which are as set forth in the Stipulation of Partial Settlement attached hereto and made a part hereof by reference; and

WHEREAS, the Executive Director and the Authority's counsel are of the opinion that the proposed settlement represents an appropriate, cost-effective resolution of the disputed permit issues and highly recommends the Authority to authorize entry into the same; and

WHEREAS, it is in the Authority's best interest to accept the proposed settlement and avoid the continuing costs and uncertainty associated with the appeal process.

NOW THEREFOR BE IT RESOLVED by the Bayshore Regional Sewerage Authority that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length, and

BE IT FURTHER RESOLVED that the settlement of all pending permit appeal issues with the DEP in accordance with the terms of the Stipulation of Partial Settlement attached hereto and made a part hereof and made a part hereof by reference be and is hereby approved; and

BE IT FURTHER RESOLVED that the Executive Director be and hereby is authorized and directed to execute such settlement documents as may be required to consummate the resolution of all outstanding appeal issues between the Authority and the DEP, including specifically the Stipulation of Partial Settlement attached hereto and made a part hereof by reference.

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

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

RESOLUTION No. (59/14): To Approve Stipulation of Settlement with NJDEP for Specific Items of Appeal On 2008 Permit

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) periodically reissues a New Jersey Pollution Discharge Elimination System (NJPDES) permit (permit) to the Bayshore Regional Sewerage Authority (Authority) for the discharge of pollutants into Atlantic Ocean in accordance with the Water Pollution Control Act. N.J.S.A. 58:10A-1 et seq.; and

WHEREAS, at the time of the last permit cycle, the Authority submitted a timely request for an adjudicatory hearing to contest certain conditions the DEP placed in the Authority's permit; and

WHEREAS, after considerable time and effort, the DEP and the Bayshore Regional Sewerage Authority have come to an agreement to resolve the pending appeal issues not included in the common appeals item of the Ocean Discharge Group, the term and conditions of which are as set forth in the Stipulation of Partial Settlement attached hereto and made a part hereof by reference; and

WHEREAS, the Executive Director and the Authority's counsel are of the opinion that the proposed settlement represents an appropriate, cost-effective resolution of the disputed permit issues and highly recommends the Authority to authorize entry into the same; and

WHEREAS, it is in the Authority's best interest to accept the proposed settlement and avoid the continuing costs and uncertainty associated with the appeal process.

NOW THEREFOR BE IT RESOLVED by the Bayshore Regional Sewerage Authority that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length, and

BE IT FURTHER RESOLVED that the settlement of all pending permit appeal issues with the DEP in accordance with the terms of the Stipulation of Partial Settlement attached hereto and made a part hereof and made a part hereof by reference be and is hereby approved; and

BE IT FURTHER RESOLVED that the Executive Director be and hereby is authorized and directed to execute such settlement documents as may be required to consummate the resolution of all outstanding appeal issues between the Authority and the DEP, including specifically the Stipulation of Partial Settlement attached hereto and made a part hereof by reference.

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

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

RESOLUTION No. (60/14): To Amend PS&S Design Contract to Include Authority Requested Improvements

WHEREAS, Hurricane Sandy severely damaged the BRSA buildings and processes on October 29, 2012 requiring engineering services for design and restoration and repair of these building and processes, and

WHEREAS, the BRSA has utilized a Request for Proposal (RFP) process to seek engineering proposals for the restoration, mitigation and improvement of the Pump Stations project from the short-list of qualified engineering firms, and

WHEREAS, the BRSA approved Resolution No. 01/14, appointing Paulus, Sokolowski & Sartor, LLC (PS&S) as the Design Engineer for this project, for a Lump Sum amount of \$201,547, and

WHEREAS, the scope of work required PS&S to perform an Alternative Evaluation to identify possible relocation areas to further protect the MCC's and electrical equipment, and

WHEREAS, PS&S has completed this study and is recommending in their May 9, 2014 proposal to relocate MCC 1 and MCC 1A to a higher elevation, and

WHEREAS, PS&S is requesting a lump sum fee of \$67,223 for the additional engineering services required for this work, and

WHEREAS, the BRSA staff find the proposal to be fair and reasonable, and

WHEREAS, funds are available for this purpose, and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA hereby award Amendment No. 1 in the amount of \$67,223 to Paulus, Sokolowski & Sartor, LLC of Wall Township, NJ, in accordance with the terms and conditions of their proposal dated May 9, 2014, increasing their contract amount from \$201,547 to \$268,770.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the proposal to PS&S of Wall Township, NJ.

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

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

RESOLUTION No. (61/14): To Approve the Update of the Policies & Procedure Manuel

WHEREAS, it is the policy of the Bayshore Regional Sewerage Authority to treat employees and perspective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the Authority has adopted a Personnel Policy and Procedure and Employee Manuel for Bargaining Unit and Management employees, and

WHEREAS, certain previsions of the policy manual are updated from time to time to be consistent with all applicable employment laws and regulations,

WHEREAS, the certain provisions of the manual are being amended in accordance with the recommendations of the N.J. Utility Authority Joint Insurance Fund and with the approval with the Authority Labor Attorney; and

WHEREAS, the amendments addressed are recommendations, changes and additions of the Authority's Communication Media Policy, Video Surveillance Policy, Domestic Violence Leave Policy and the Family and Medical Leave Act.; and

NOW THEREFOR BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the amendments to the Personnel Policies and Procedure and Employee Handbook are hereby adopted.

BE IT FURTHER RESOLVED that the Executive Director shall distribute the updated manuals to all Authority staff.

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

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

RESOLUTION No. (62/14): To Present the Safety Incentive Awards to Qualified Employees for the Year 2013/2014

WHEREAS, the Bayshore Regional Sewerage Authority has initiated a Safety Incentive Program as part of their ongoing efforts to establish a safe workplace; and

WHEREAS, a Safety Incentive Program has been established for members of the Operating, Maintenance, Laboratory and Administrative Staff; and

WHEREAS, the Safety Incentive Program makes available to all members of the Authority Staff who choose to participate, a Personal Day off if they achieve a proven level of commitment to their own safety, the safety of others and the enhancement of safety practices at the Authority facilities; and have demonstrated through active, continuous involvement, a desire to maintain the Authority as an accident-free workplace, and

WHEREAS, each year by April 1, the Safety Committee evaluates all points awarded during the prior year and establishes a list of members eligible for award; and

WHEREAS, the Safety Committee Chairman has presented such a list to the Executive Director for the Year April 1, 2013 to March 31, 2014 which four (3) members of the Staff are eligible; and

WHEREAS, the Executive Director has reviewed the list and recommends the Board adopt a Resolution providing award to all those who have successfully demonstrated their commitment to their own safety, the safety of others and the enhancement of safety practices at the Authority facilities as indicated in a memorandum to the Executive Director from the Superintendent dated April 24, 2014.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority hereby endorses the Safety Incentive Program for the year April 1, 2013 to March 31, 2014 and congratulates and encourages all employees to continue to practice safety consciousness.

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

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

RESOLUTION No. (63/14): To Authorize Hall & Associates to Complete a Mixing Zone Justification Report

WHEREAS, the Authority has executed a Stipulation of Settlement with the New Jersey Department of Environmental Protection to address issues of appeal of the 2008 Permit to discharge to surface waters, and

WHEREAS, a specific issue of appeal requires the Department to provide the Authority with a dilution factor in accordance with the dimensions of the discharge outfall pipe relative to the shoreline, otherwise known as the ¼ distance rule as opposed to the standard 100 meter rule previously used, and

WHEREAS, in order to obtain said dilution factor the Authority must provide the Department with a Mixing Zone Justification Report in accordance with their rules and regulations, and

WHEREAS, the firm of Hall and Associates has provided the Authority with a proposal to conduct a Mixing Zone Justification Report for the fee of \$9,000 to be shared in equal portions with the Township of Middletown Sewerage Authority, and the Monmouth County Bayshore Outfall Authority.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority to authorize the Executive Director to accept the proposal to perform a Complete Mixing Zone Justification Report from Hall and Associates for \$9,000 and to submit such report to the Department of Environmental Protection.

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

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

RESOLUTION No. (64/14): To Amend Budget & Scope of Work on Title V Operation Permit Conducted by Chavond Barry Engineering

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) is required to submit an application to the New Jersey Department of Environmental Protection for a Title V Operating Permit by March 2014 in accordance with the new air emissions regulations for sewage sludge incinerators; and

WHEREAS, a Title V application is a single facility wide permit that replaces all of the BRSA's air permits; and

WHEREAS, the filing of the Title V Operating Permit will involve three major steps; (1) components Inventory, (2) individual component source review, and (3) submission of the Title V application; and

WHEREAS, the BRSA approved Resolution No. 156/13, authorizing the firm Chavond-Barry Engineering (CBE) to perform Step 1 at a cost of \$19,144; and

WHEREAS, CBE has submitted a proposal dated April 10, 2014 for Step 2, in the amount of \$14,067; and

WHEREAS, CBE is also requesting a budget amount for correspondence and revisions to the permit with the NJDEP, in the amount of \$15,000; and

WHEREAS, the BRSA staff find the proposal to be fair and reasonable, and

WHEREAS, funds are available for this purpose, and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA hereby award Step 2 of a Title V Operating Permit Application in the amount of \$29,067 to CBE of Blawenburg, NJ in accordance with the terms and conditions of their proposal dated April 10, 2014.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the proposal to CBE of Blawenburg, NJ.

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

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

RESOLUTION No. (65/14): To award Construction Management & Inspection Services to R3m Engineering for Matawan Pump Station HVAC Improvements Contract No. 75-S in the amount of \$46,559 - TABLED

RESOLUTION No. (66/14):To award Contract Change Order No. 4 in the amount of \$45,799.56 for additional repairs required for Dorr Oliver Incinerator, Contract No. 68-S.

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) facility was severely damaged during Super Storm Sandy on October 29, 2012, and

WHEREAS, the Dorr Oliver Incinerator requires extensive repairs as a result of Super Storm Sandy flooding damage, and

WHEREAS, in accordance with Local Public Contract Law, Contract 68-S, Dorr Oliver Incinerator Repairs, was awarded to Iron Hills Construction (IHC) on July 15, 2013 for a total price of \$1,359,589 by Resolution No. 109/13, and

WHEREAS, during start-up of the incinerator, additional investigation and repairs are required totaling \$22,834.35, and

WHEREAS, after performing the investigative work, additional repairs are expected on the Heat Exchanger, therefore, an if and where directed amount of \$20,000 is necessary, and

WHEREAS, repairs on the tank monitoring system were required in PCO No. 16, totaling \$2,965.21, and

WHEREAS, CDM and BRSA staff have reviewed Change Order No.4, in the total amount of \$45,799.56 and find it to be fair and reasonable, and

WHEREAS, funds are available for this purpose.

NOW THEREFORE BE IT RESOLVED the Commissioners approve Change Order No.4 for Iron Hills Construction, in amount of \$45,799.56, increasing the contract amount from \$1,393,208.20 to \$1,439,007.76.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to approve this Change Order.

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

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

RESOLUTION No. (67/14): To award Construction Management & Inspection Services to R3m Engineering for Laboratory/Office Building HVAC Improvements Contract No. 72 in the amount of \$56,480 - **TABLED**

RESOLUTION NO. (68/14): To award Developer Approval to Texas Roadhouse Holdings, LLC in Holmdel

WHEREAS, on April 28, 2014 the Texas Roadhouse Holdings, LLC submitted a Commercial Developer application for a 289 seat restaurant, located at Holmdel Towne Center, Route 35 and Laurel Ave., also known as Block 58, Lot 21.01, in Township of Holmdel, NJ, and

WHEREAS, the new restaurant, Texas Roadhouse will replaces an existing 253 seat restaurant Macaroni Grill/Hibachi Grill, and

WHEREAS, the Texas Roadhouse restaurant will utilize the existing 6-inch sanitary sewer lateral, and

WHEREAS, the applicant is requesting a credit for the existing 253 seat restaurant, and

WHEREAS, the calculated connection fees based on the current rate for this project are \$33,864, and

WHEREAS, the BRSA staff find the connection fee of \$33,864 to be appropriate for this applicant, and

WHEREAS, the project received all local approvals including sanitary sewer service, and

NOW THEREFORE BE IT RESOLVED THE Commissioners of the BRSA hereby approve

Texas Roadhouse Holdings, LLC, located at Holmdel Towne Center, Route 35 and Laurel Ave., also known as Block 58, Lot 21.01, in Township of Holmdel, NJ.

BE IT FURTHER RESOLVED, this approval is good for one year.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents for Texas Roadhouse Holdings, LLC, located at Holmdel Towne Center, Route 35 and Laurel Ave., also known as Block 58, Lot 21.01, in Township of Holmdel, NJ.

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

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

RESOLUTION No. (69/14): To award Amendment No.1 to Chavond-Barry Engineering for 2014 Annual Incinerator Consulting Engineer in the amount of \$20,000

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) has a need to acquire Incinerator Consulting Engineer 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 acquisition may exceed \$17,500; and

WHEREAS, the BRSA approved Resolution No. 31/14, appointing Chavond-Barry Engineering (CBE) as the annual Incinerator Consulting Engineer; and

WHEREAS, the Dorr Oliver Incinerator repair work requires additional engineering; and

WHEREAS, CBE submitted a proposal on April 10, 2014, to amend their budget amount from \$10,000 to \$30,000; and

WHEREAS, the BRSA staff find the proposal to be fair and reasonable, and

WHEREAS, funds are available for this purpose, and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA hereby award Amendment No. 1 in the amount of \$20,000 to CBE of Blawenburg, NJ in accordance with the terms and conditions of their proposal dated April 10, 2014, increasing their budget amount to \$30,000.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the proposal to CBE of Blawenburg, NJ.

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

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

Second 69/14 Resolution is actually 70/14. Mr.Gorman announced that this Resolution would be voted on after Closed Session.

Public Portion

ANNOUNCEMENT (by Chairman Khachaturian) – 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 to 3 minutes.

Charles Hoffman of Florence Avenue, Hazlet asked if Resolution (69/14) 70/14 is the Basic industrial Turbine contract with Conti. Mr. Gorman said yes. Mr. Hoffman distributed a handout to the Board. He also referenced an article in the NY Times titled Protect Our Bats.

James Gorman announced going into Executive Session and revisiting the Open Public Meeting for further action.

Executive Session

Chairman Khachaturian calls for a **MOTION** to go into Closed Session at 8:32 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. 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 McMullen, SECONDED BY: Commissioner Sutton, and carried by a unanimous voice vote recorded as follows:

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

CLOSED SESSION MINUTES ARE RECORDED SEPERATELY

At 9:19 P.M. Chairman Khachaturian calls for a **MOTION** to end Closed Session and re-open the Regular Meeting .

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

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

RESOLUTION No. (70/14):To issue a Notice of Default and a Notice of Claim to Conti Enterprises, Inc.

WHEREAS, Bayshore Regional Sewerage Authority entered into Contract No. 54 with Conti Enterprises, Inc., for a Wind-To-Energy Project, and

WHEREAS, the wind turbine components were damaged prior to delivery, within the control, custody and possession of Conti Enterprises, Inc., and

WHEREAS, Conti Enterprises, Inc. has not repaired such damage.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that it hereby holds Conti Enterprises, Inc. in default, and authorized that a Notice of Default and a Notice of Claim be served upon Conti Enterprises, Inc. by the Authority's General Counsel.

BE IT FURTHER RESOLVED that the Authority selects nonbinding mediation as an alternative dispute resolution procedure as set forth in the contract.

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

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

Adjournment

ANNOUNCEMENT (by Chairman Khachaturian)

The next Agenda/Regular Meeting of the Bayshore Regional Sewerage Authority is on Monday, June 16, 2014. All meetings are held in the Administration Building at 100 Oak Street, Union Beach, NJ.

At 9:21 PM Chairman Khachaturian calls for a **MOTION** to Adjourn the meeting.

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

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

Respectfully Submitted,

Susan A. DuBey
Administrative Assistant