



# BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer  
EXECUTIVE DIRECTOR

## MINUTES REORGANIZATION & REGULAR MEETING MONDAY, FEBRUARY 27, 2017

At 7:03 P.M., Chairman Pisano made the following announcement:

The Reorganization Meeting of the Bayshore Regional Sewerage Authority will now come to order. 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.

Chairman Pisano 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 Pisano called for a roll call of attendance:

**PRESENT:** Commissioners Khachaturian, McMullen, Steiner, Sutton, Whalen and Chairman Pisano

Also In Attendance: Mr. Robert C. Fischer, Executive Director  
J. Michael Broyles, Superintendent  
Peter J. Canal, BRSA Engineer  
Manuel Ponte, P.E., Consulting Engineer  
John Napolitano, Esq.  
Susan DuBey, Admin. Assistant

## MOTIONS FOR REORGANIZATION

Chairman Pisano called for a **MOTION** on the following:

**MOTION** - for the office of **CHAIR: Commissioner McMullen**

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

Chair McMullen called for **MOTIONS** on the following:

**MOTION** - for the office of **VICE-CHAIRMAN – Commissioner Steiner**

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**MOTION** - for the office of **TREASURER - Commissioner Whalen**

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**MOTION** - for the office of **ASSIST-TREASURER – Commissioner Khachaturian**

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**MOTION** - for the office of **SECRETARY – Commissioner Sutton**

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**MOTION** - for the office of **ASSIST-SECRETARY – Commissioner Pisano**

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

## **PUBLIC PORTION**

Chair McMullen announced that this portion of the meeting is now open to the public for comments or questions related to Reorganization Agenda items only. The public is reminded; only questions or comments specific to the scope of the Agenda items are to be addressed at this time. As a courtesy to all, please be mindful of limiting your comments accordingly.

Charles Hoffman, Florence Avenue, Hazlet asked that in reading the title of the resolutions to please incorporate the name of the individual or corporation being appointed to said positions.

Sam Lauro, 9<sup>th</sup> Street, Union Beach commented that no odors are coming from the plant and everything has been very good.

## RESOLUTIONS

RESOLUTIONS No. 14/17 thru 25/17 are by Consent Agenda. All matters listed under Consent Agenda are considered to be routine by the Authority's Commissioners and will be enacted by one motion

### RESOLUTION No. (14/17) - To Adopt a Non-Fair and Open Policy for Annual Professional Service Contracts

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to acquire Professional Services as a 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 certain Professional Service Contracts may exceed \$17,500.00, and

**WHEREAS**, the anticipated term of the Professional Service Contracts are one year, and

**WHEREAS**, Professionals seeking contracts with the Authority under the Non-Fair and Open process must submit acceptable Business Entity Disclosure Certifications which certify that the Professionals have not made any reportable contributions to any Political or Candidate Committee in the Township of Hazlet and Holmdel or the Borough of Union Beach or to any of the Political Candidate Committees of customer Towns or Legislative District listed on the Bayshore Regional Sewerage Authority Disclosure Form in the previous one year and that each respective contract will prohibit the Professional from making any reportable contribution through the terms of their respective contracts; and they have also submitted Political Contribution Disclosure Forms listing all reportable contributions made in the 12 months prior.

**NOW THEREFORE BE IT RESOLVED** the Commissioners of the Bayshore Regional Sewerage Authority adopt a Non-Fair and Open Policy for Professional Service Contracts as described in the Memorandum dated February 11, 2016 from the Executive Director.

### RESOLUTION No. (15/17) - Designating *The Asbury Park Press* as the Official newspaper and [www.bayshorersa.com](http://www.bayshorersa.com) as *The BRSA Official Website*.

**WHEREAS**, the Bayshore Regional Sewerage Authority is required to make publication of various notices, bids and other items in a local newspaper from time to time and may also make publication of such notices, bids and other items on its official website

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that the official newspaper of the Bayshore Regional Sewerage Authority within which such notices shall be placed, be and is hereby designated as *The Asbury Park Press*,

**BE IT FURTHER RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority [www.bayshorersa.com](http://www.bayshorersa.com) is the Official Website of the Bayshore Regional Sewerage Authority

### RESOLUTION No. (16/17) - Readopt a Cash Management Plan as set forth pursuant to provisions of NJSA 40A:5-14

**WHEREAS**, pursuant to the provisions of NJSA 40A:5-14, the Bayshore Regional Sewerage Authority (the "Authority") is required to establish a Cash Management Plan (the "Plan") and;

**WHEREAS** the Plan is required in order to set forth the basis for deposits and investments of public funds of said Authority; and

**WHEREAS**, the Plan is intended to assure that all public funds identified within it are deposited and invested in compliance with the terms set forth and required by N.J. S.A. 40A:5-14, and

**WHEREAS**, the Authority's Auditor and its Commissioners have reviewed the following Plan,  
**NOW THEREFORE** be it resolved by the Commissioners of the Bayshore Regional Sewerage Authority as follows:

**Cash Management Plan**

**I. STATEMENT OF PURPOSE**

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J. S.A. 40A: 5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Bayshore Regional Sewerage Authority (BRSA), pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The further intent of the Plan is to provide that the decisions made with regard to the Deposits and Permitted Investments will be done to ensure the safety, liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments,

**II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN.**

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Bayshore Regional Sewerage Authority:

Revenue Fund

Reserve Fund

Operating Fund

Payroll Fund

NJEIT Project Fund

Other Trustee Funds/Trustee Accounts, as may be required by trust or bond indenture

The custodian of the accounts shall be the Treasurer. All disbursements shall be made by checks signed by three authorized signatures with the exception of Payroll, which requires two signatures. Authorized Signers shall be the Commissioners of the Authority and Executive Director.

**III. DESIGNATION OF OFFICIALS OF THE AUTHORITY AUTHORIZED TO MAKE DEPOSITS OR INVESTMENTS UNDER THE PLAN.**

The Executive Director (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such official of the Authority is directed to supply all depositories or, any other parties, with whom the Deposits or Permitted Investments are made a written copy of this Plan, which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

**IV. DESIGNATION OF DEPOSITORIES**

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan.

*TD Bank, National Association*

All such depositories shall acknowledge in writing receipt of this plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

**V. DESIGNATION OF INVESTMENT STRATEGY**

In order to provide guidance with regard to investments of Authority funds, the following policies are established for each fund.

**Incoming Revenue Fund** - All revenue of the Authority shall be deposited in the Incoming Revenue Fund. From the Incoming Revenue Fund, monies may be transferred to other Authority Accounts/Funds. Funds for the monthly Regular and Payroll payables shall be held in the Incoming Revenue Fund. Deposits or Investments shall be "laddered" in amounts required to cover approved bills in the paying accounts and shall be available on the Thursday after the Regular Meeting of the Authority. Funds are to be invested in U.S. Treasury Bills, Certificates of Deposit or Institutional Liquid Assets Treasury Obligations Portfolio.

**Reserve Fund** - Funds not immediately needed for Authority purposes shall be maintained in the Reserve Fund. Funds are to be "laddered" up to a maximum of 18 months and are to be invested in U.S. Treasury Bills, Certificate of Deposit and Notes or Institutional Liquid Assets Treasury Obligations Portfolio.

## **VI. PERMISSIBLE INVESTMENTS**

A. Investments shall be limited by the express authority of the Local Fiscal Affairs Law, N.J.S.A. 40A: 5:15. 1 and except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds,
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section I of P.L. 1977, c.281 (C. 52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
  - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a.;
  - b. the custody of collateral is transferred to a third party,
  - c. the maturity of the agreement is not more than 30 days;
  - d. the underlying securities are purchased through a public depository as defined in section I of P.L. 1970, c.236 (C. 17:19-41); and
  - e. a master repurchase agreement providing for the custody and security of collateral is executed.

(9) Certificates of Deposit

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

**Government Money Market Mutual Fund.** An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940", 15 U.S. C. sec. 80a- I et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.

- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- (c) which is rated by a nationally recognized statistical rating organization.

**Local Government Investment Pool** - An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec.270.2a.7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization,
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 4 10 (c. 52:1414- 1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchases or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 of P.L. 1967 c,93 (C49:3-56) and has at least \$25 Million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

**VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN**

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Authority, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Authority to assure that there is no unauthorized use of the funds or the Permitted Investments of Deposits. Purchase of any Permitted Investments that involve Securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Authority or by a third party custodian prior to or upon the release of the Authority funds.

To assure that all parties with whom the Authority deals either by way of Deposits or Permitted Investments are aware of the authority and the Emits sets forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official (s).

## VIII. REPORTING REQUIREMENTS

At the public meeting of each month during which this Plan is in effect, the Designated Official (s) referred to in Section III hereof shall supply to the Commissioners of the Authority a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Authority as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the Commissioners of the Authority.

### **RESOLUTION No. (17/17) - To designate TD Bank, qualified under the Government Unit Deposit Protection Act, as the Official Depository of the Bayshore Regional Sewerage Authority**

**WHEREAS**, in accordance with N.J.S.A. 40A5:15 et seq. of the Local Fiscal Affairs Law, the Bayshore Regional Sewerage Authority ("the Authority") is required to designate an Official Depository; and

**WHEREAS**, the Authority deems it in the best interest of the customers it serves to designate TD Bank as the Official Depository but reserves the right to utilize any other bank which qualifies under the Government Unit Deposit Protection Act that would yield a higher rate of return on investments as a potential depository of the Authority for investment purposes should such opportunity arise.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that TD Bank qualifies under the Government Unit Deposit Protection Act as the Official Depository of the Authority and is hereby designated the Official Depository of the Authority's Incoming Revenue, Regular Operating, Payroll, Reserve, Rent Reserve and NJEIT Project Fund Accounts of the Authority.

### **RESOLUTION No. (18/17) - Confirming Robert C. Fischer, Executive Director as the Signatory and Authorized Representative of the Authority to sign and verify documents submitted to all Departments of the State of New Jersey, County of Monmouth; and various offices and agencies of the U.S. Federal Government.**

**WHEREAS**, it is necessary for the Bayshore Regional Sewerage Authority ("Authority") to select an authorized representative to sign and verify documents submitted to various Departments of the State of New Jersey, County of Monmouth, and to various offices and agencies of the United States Federal Government; as well as various contract documents of the Authority.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that Robert C. Fischer, Executive Director of the Authority is hereby appointed authorized signatory and representative of the Authority for the above listed purposes.

**RESOLUTION No. (19/17) - Procedures to be followed in the Payment of Invoices.**

**WHEREAS**, the Bayshore Regional Sewerage Authority ("Authority") is desirous of specifying procedures to be followed with regard to the payment of invoices for employee benefits and wages; and

**WHEREAS**, the Authority has determined that it is in its best interest to make such payments for benefits and wages as they come due.

**NOW THEREFORE BE IT RESOLVED**, the Authority will make those payments in accordance with the terms outlined above and will ratify those payments at the Authority's Regular Meetings in conjunction with invoices to be paid in accordance with the procedures outlined below,

**BE IT FURTHER RESOLVED**, the Authority is desirous of specifying procedures to be followed with regard to the payment of invoices for service rendered and materials and supplies delivered to the Authority; and such procedures shall be in accordance with NJSA40A:5-16, and

**WHEREAS**, it is the intention of the Authority to hereby specify the procedures for the payment of invoices and that this Resolution and the procedures herein specified, shall supersede all Resolutions and Bylaws related to the payment of invoices;

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority as follows:

No check shall be executed by any Commissioner for disbursement of Authority funds except after compliance with the following procedure:

(a) Any person or entity seeking payment for services, materials, or supplies provided to the Authority, shall submit to the Authority, a fully executed voucher in form provided by the Authority, from time to time;

(b) The Executive Director shall review in association with said voucher, where same exists, a copy of the three written quotations where practicable or bids in excess of \$4,000; the supporting requisition and/or purchase order, and the packing slip, invoice, or requisition signed by the person receiving the goods or services thus indicating the full receipt of such goods or services. Said procedure shall constitute a complete payment package;

(c) The Executive Director shall then review each package and shall affix his signature thereto if he shall consider same to be in satisfactory form of payment;

(d) The Executive Director shall not later than the Thursday preceding the Regular Meeting of each month make the voucher, invoice and any additional items of said payment package so requested available to the Chairman of the Finance Committee or other member of the Authority at the Authority office;

(e) The Chairman of the Finance Committee or other member of the Authority shall review each voucher and the supporting documentation and, if he shall find same satisfactory, affix his signature thereto in time for consideration and discussion by the Commissioners at the monthly Regular Meeting of the Authority. In the event a member of the Finance Committee is not available for said purposes, any Authority Board member may review and affix his/her signature thereto;

(f) The Executive Director shall prepare and make available to the Commissioners at the Regular Meeting in each month, a listing of all vouchers received by the Authority on or before the close of business on the Thursday immediately preceding the Regular Meeting;

(g) The Chairmen of the respective Committees, having general responsibility for the subject matter of a particular voucher, may review same on or before the second Thursday of each month and in case he shall find it in his opinion to be satisfactory, he shall affix his signature to this voucher;

(h) At each Regular Meeting of the Authority, prior to the Commissioners taking a formal vote on payment of all vouchers which have undergone the processing aforesaid, the Commissioners shall be advised by the Executive Director as to which vouchers shall not have endorsed thereon, the approval of the Executive Director or the approval of the Finance Chairman or assigns and in connection with such vouchers, they shall



not be deemed approved for payment unless the Commissioners shall, by majority vote, direct their payment notwithstanding the lack of one or more of said signatures;

(i) No vouchers shall be considered for payment in any month unless such voucher shall have been delivered to the Authority in proper form by 12:00 Noon of the Thursday immediately preceding the Regular Meeting, provided however, that in special circumstances, upon Motion of any Commissioners, at any regular meeting, payment of any voucher or vouchers may be directed by a majority vote of the Commissioners;

(j) Immediately following approval of payment of vouchers at any meeting of the Commissioners, the Executive Director shall promptly attend to the obtaining of the necessary Commissioners' signatures upon the checks in question and shall promptly release such checks to the payees thereof and the Executive Director shall not, without the approval of at least one Commissioner, delay or withhold the delivery of any checks so approved; in the event checks shall be delayed or withheld with the approval of at least one Commissioner, the Executive Director shall immediately so advise all of the Commissioners in writing of such delay or withholding and the reasons therefore, and the same shall be discussed at the next meeting of the Authority; and in accordance with NJAC 5:31-4.1(e), all checks other than payroll checks shall be signed by the Secretary, Chairman or Executive Director, and at least two other Commissioners.

**RESOLUTION No. (20/17)-Procedures to be followed in the Purchase of Equipment Supplies and Services.**

**WHEREAS**, the Bayshore Regional Sewerage Authority ("Authority") is desirous of adopting a uniform procedure for the purchase of equipment and supplies and the provision of services to the Authority; and

**WHEREAS**, the Commissioners are desirous of setting forth this procedure to be applicable immediately upon adoption of this Resolution and to continue in full force and effect until the next reorganization meeting of the Authority held pursuant to N.J.S.A. 40:14A-1 et seq, at which time this Resolution shall terminate unless continued in its present or amended form;

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority as follows:

1. The procedures and authorities herein provided shall be applicable to the purchase of any materials, supplies or services except for such as may exceed the cost of \$17,500.00 or for professional services such as legal, engineering, accounting and similar services or as noted in N.J.S.A. 40:A11-5 which shall only be upon Resolution of the Authority.

2. No purchase of or contract for materials, equipment, supplies or services shall be deemed binding upon the Authority or shall obligate the Authority for payment thereof except upon the following terms and conditions:

(a) The Executive Director shall cause to be attached to the voucher, where same exists, a copy of at least two written quotations or bids for items in excess of \$4,000.00, if practicable, the supporting requisition and/or purchase order, and the packing slip, invoice, or requisition signed by the person receiving the goods or services thus indicating the full receipt of such goods and services;

(b) Materials, services or supplies, the cost or obligation for which shall not exceed the sum of \$6,000 per item, may be purchased or contracted for on behalf of the Authority and payment therefore shall be made by the Authority upon the execution of a requisition for such materials, supplies or services by the Executive Director in accordance with (a) above;

(c) Materials, services or supplies, the cost or obligation for which exceeds \$6,000, but less than \$17,500, may only be purchased or contracted for upon execution of a Purchase Order by any Commissioner of the Authority and provided further, that two written quotations where practicable concerning the item or

services authorized to be purchased shall have been obtained, except in cases of emergency, which emergency shall be stated in full on the Purchase Order executed by the Chairman, Vice-Chairman or any Commissioner;

(d) The purchase of any materials, supplies, equipment or contract for any services the cost or obligation for which is \$40,000 or more, to the extent same shall be applicable to the particular purchase or contract, shall be awarded only upon compliance with the bidding procedures provided by the Local Public Contracts Law except in those instances under the Local Public Contract Law where public bidding need not apply and then only upon specific Resolution of the Authority;

(e) except as otherwise resolved by the Commissioners of the Authority, all purchases of materials, supplies and equipment or the contracting of services; the cost or obligation for which is between \$17,500 and \$40,000 also known as "Window Contracts" in New Jersey's Pay-to-Play Laws shall be awarded at a public meeting only after a fair and open process whose minimum requirements are:

- Publicly advertised either conventionally in newspapers or posted on the Authority website at least ten (10) calendar days prior to award (a copy of the website posting shall be kept on file);
- Awarded under a process that provides for public solicitation of proposals or qualifications;
- Established on the basis of an award and disclosure process documented in writing prior to any solicitation;
- Publicly opened and announced when awarded

3. Material, services, supplies may be purchased by emergency contract notwithstanding the cost or obligation provided the procurement process follows the emergency procurement policies of the Authority which policy is as follows:

Any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; provided that the awarding of such contracts is made in the following manner:

- A. The Executive Director or other authorized officer or employee shall notify the purchasing agent or designated representative of the Governing Body as to the need for an emergency contract, the nature of the emergency, the time of its occurrence, the notification must be reduced to writing;
- B. Furthermore, the emergency must be actual or imminent and must affect the public health, safety or welfare;
- C. The failure to plan cannot be the basis for an emergency purchase, the emergency must reasonably unforeseen, unforeseeable and immediate in nature;
- D. Quotations are not required but are suggested for emergency purposes;

All emergency purchases must be approved by the Executive Director and in his absence the Plant Engineer. If an emergency should arise in the absence of the Director and Engineer, the Plant Superintendent shall make the approval. For emergency purchases in excess of the bid threshold, the Executive Director shall endeavor to notify the Chairman or in his absence, the Vice-Chairman prior to any purchases.

4. Services may also be procured using a Non Fair and Open Process only by authorizing Resolution of the Commissioners of the Authority

**BE IT FURTHER RESOLVED** that this Resolution shall supersede all prior Resolutions of the Authority and all By Law provisions that may be in conflict with any of the terms and conditions specified; and

**BE IT FURTHER RESOLVED** that this Resolution shall continue in full force or effect until the next organization meeting of the Authority pursuant to NJSA 40:14A-1 et seq. at which time it shall terminate unless re-instituted in its existing or in an amended form by appropriate Resolution of the Commissioners.

**RESOLUTION No. (21/17)-Schedule of Financial Reports.**

**WHEREAS**, the Commissioners of the Bayshore Regional Sewerage Authority (the "Authority") are desirous of fully and faithfully discharging their duties and obligations and;

**WHEREAS**, the Commissioners wish to formalize the financial reporting procedures of the Authority.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that the schedule of reports listed below be adopted and henceforth all affected employees and consultants shall adhere to the schedule.

**SCHEDULE OF FINANCIAL REPORTS**

- 1. Schedule of Accounts Receivable**: This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report.
- 2. Statement of Cash Receipts and Cash Disbursements**: This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report.
- 3. Un-audited Financial Statement**: This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report. This financial statement shall contain the year to date expenditures, the year to date budget allocation, and the expenditures for the same period for each account. An explanation is to accompany this statement whenever unusual transfers are made among accounts or when unusual expenditures are made.
- 4. Summary of Investments**: This report shall be prepared quarterly, and shall be in the Commissioners' hands Friday before the Regular Meeting in the month that the report is due. This report shall indicate such pertinent information as:
  - A. Investment Institution.
  - B. Amount invested.
  - C. Interest rate for the investment.
- 5. Bills to be Paid**: This report shall contain a listing of each bill to be paid, indicating the check number, the amount to be paid, the payee, and the reason for the payment. The report shall be in the hands of the Commissioners on the Friday before the Regular Meeting during which these payments will be approved.

**RESOLUTION NO. (22/17)-ADOPTING AND SPECIFYING THE ANNUAL NOTICE OF SCHEDULED MEETINGS FOR 2016/2017 OF THE BAYSHORE REGIONAL SEWERAGE AUTHORITY**

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

**NOW THEREFORE BE IT RESOLVED** the Commissioners of the Bayshore Regional Sewerage Authority hereby adopt the following schedule of Regular Meetings during 2016/2017. All meetings in 2016/2017 will 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.

**BE IT FURTHER RESOLVED**, In accordance with Open Public Meetings Act N.J.S.A. 10:4-6, participation by Commissioners may take place by means of telephone communications equipment and formal action may be taken at any of the listed meetings.

**2017**

March 20-regular  
April 17-regular  
May 15-regular  
June 19-regular  
July 17-regular  
August 21-regular  
September 18-regular  
October 16-regular  
November 20- regular  
December 18-User Charge Public Hearing/regular

**2018**

January 15-regular  
February 26-reorganization/regular

**BE IT FURTHER RESOLVED** that the Organizational Meeting of the Bayshore Regional Sewerage Authority shall commence at 7:00 P.M., prevailing time, immediately before the Regular Meeting on Monday February 27, 2017, at the Authority offices, 100 Oak Street, Union Beach, NJ, and

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

**RESOLUTION No. (23/17)-TD Bank Resolution Payroll Account**

**BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority:

1. That an account or accounts be continued and maintained with **TD BANK** (hereinafter called the Bank) titled **Payroll Account**, and there may be deposited to its credit in one or more accounts with the Bank, any money, check and other instruments which may come into possession of this Authority. Any other property may be deposited with the Bank for safe keeping, custody and other purposes. Items for deposit, collection or discount may be endorsed by any person authorized to sign checks, or endorsements thereof, may be made in writing or by a stamp without designation of the person so endorsing.

2. Any two of the following: Executive Director, Chairman, Vice-Chairman, Secretary, Treasurer, Assistant Secretary, or Assistant Treasurer of this Authority are authorized, on behalf of this Authority and in its name, (a) to sign checks, savings withdrawals, drafts, notes, acceptances, and other instruments and orders for the payment of money or for the withdrawal or delivery of funds or other property at any time held by the Bank for the account of this Authority, and to receive any thereof, and to issue instructions for the conduct of any account of this Authority with the Bank, (b) to accept drafts, and other instruments payable at the Bank; and to waive demand, protest, and notice of protest or dishonor of any instrument made, drawn, or endorsed by this Authority; and (c) to endorse, negotiate, and receive, or authorize the payment of, the proceeds of, any negotiable or other instruments or orders for the payment of money payable to or belonging to this Authority.

**BE IT FURTHER RESOLVED** that the foregoing Resolution shall continue in full force and effect and Bank may rely on them until a certified copy of a subsequent Resolution of the Board of Directors of this Authority modifying or rescinding any or all such Resolutions shall have been actually received by the Bank.

I FURTHER CERTIFY that the names of the persons who respectively hold the offices or positions mentioned in the foregoing Resolutions and their actual signatures are as follows:

ROBERT C. FISCHER	Executive Director	_____
MARCY McMULLEN	Chairwoman	_____
CHARLES STEINER	Vice-Chairman	_____
BARTHOLOMEW SUTTON	Secretary	_____
ADAM KHACHATURIAN	Asst. Secretary	_____
SCOTT WHALEN	Treasurer	_____
LOUIS PISANO	Asst. Treasurer	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 22nd day of February 2016

/s/ \_\_\_\_\_, **BRSA Secretary**  
Bartholomew Sutton

I, Marcy McMullen, Chairwoman of the above named Authority, do hereby certify that Adam Khachaturian, the Secretary of said Authority, is duly authorized to sign as above stated, without other signature, according to the above Resolution.

WITNESS my hand and the seal of said Authority the day and year above written.  
(seal)

/s/ \_\_\_\_\_, **BRSA Chairwoman**  
Marcy McMullen

**RESOLUTION No. (24/17)-TD Bank Resolution - Incoming Revenue, Operating, Reserve, Rent Reserve and NJEIT Project Fund Accounts**

**BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority:

1. That an account or accounts be continued and maintained with **TD BANK** (hereinafter called the Bank) titled **Incoming Revenue, Operating Account, Reserve, Rent Reserve and NJEIT Project Fund Accounts**, and there may be deposited to its credit in one or more accounts with the Bank, any money, check and other instruments which may come into possession of this Authority. Any other property may be deposited with the Bank for safe keeping, custody and other purposes. Items for deposit, collection or discount may be endorsed by any one person authorized to sign checks, or endorsements thereof, may be made in writing or by a stamp without designation of the person so endorsing.

2. Any three of the following: Executive Director, Chairman, Vice-Chairman, Secretary, Treasurer, Assistant Secretary, Assistant Treasurer of this Authority are authorized, on behalf of this Authority and in its name, (a) to sign checks, savings withdrawals, drafts, notes, acceptances, and other instruments and orders for the payment of money or for the withdrawal or delivery of funds or other property at any time held by the Bank for the account of this Authority, and to receive any thereof, and to issue instructions for the conduct of any account of this Authority with the Bank, (b) to accept drafts, and other instruments payable at the Bank; and to waive demand, protest, and notice of protest or dishonor of any instrument made, drawn, or endorsed by this Authority; and (c) to endorse, negotiate, and receive, or authorize the payment of, the proceeds of, any negotiable or other instruments or orders for the payment of money payable to or belonging to this Authority, except that in the wire transfer of funds for the payment of taxes, employee payroll, benefits or other such obligation as may be required of the Authority, the Executive Director is authorized to make such wire transfers using the financial institutions' secured portals. All such wire transfers shall be ratified at the first Authority meeting subsequent to transfer of funds.

**BE IT FURTHER RESOLVED** that the foregoing Resolution shall continue in full force and effect and Bank may rely on them until a certified copy of a subsequent Resolution of the Board of Directors of this Authority modifying or rescinding any or all such Resolutions shall have been actually received by the Bank.

**I FURTHER CERTIFY** that the names of the persons who respectively hold the offices or positions mentioned in the foregoing Resolutions and their actual signatures are as follows:

ROBERT C. FISCHER	Executive Director	_____
MARCY McMULLEN	Chairwoman	_____
CHARLES STEINER	Vice-Chairman	_____
BARTHOLOMEW SUTTON	Secretary	_____
ADAM KHACHATURIAN	Asst. Secretary	_____
SCOTT WHALEN	Treasurer	_____
LOUIS PISANO	Asst. Treasurer	_____

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the said corporation this 22nd day of February 2016

/s/ \_\_\_\_\_, **BRSA Secretary**  
Bartholomew Sutton

I, Marcy McMullen, Chairwoman of the above named Authority, do hereby certify that Adam Khachaturian, the Secretary of said Authority, is duly authorized to sign as above stated, without other signature, according to the above Resolution.

**WITNESS** my hand and the seal of said Authority the day and year above written.  
(seal)

/s/ \_\_\_\_\_, **BRSA Chairwoman**  
Marcy McMullen

**RESOLUTION NO. (25/17)-To Authorize the Bayshore Regional Sewerage Authority to Provide Legal Counsel and Indemnification for Officials, Employees and Appointees of the Authority in Certain Actions Brought Against Said Officials, Employees and Appointees.**

**WHEREAS**, The Governing Body of the Bayshore Regional Sewerage Authority declares that:

**Section 1.** Except as hereinafter provided, the Bayshore Regional Sewerage Authority, hereinafter known as the (Authority) shall, upon the request of any present or former official, employee or appointee of the Authority provide for indemnification and legal defense of any civil action brought against said person or persons arising from an act or omission falling within the scope of their public duties.

**Section 2.** Pursuant to 59:10-4, the indemnification and defense provided for in this ordinance shall include exemplary or punitive damages resulting from the employee's civil violation of State or federal law if, in the opinion of the (governing body name) the acts committed upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.

**Section 3.** The terms of this Resolution and the definition of official, employee and appointee are to be construed liberally in order to effectuate the purposes of this Resolution except that these terms shall not mean a) any person who is not a natural person; b) any person while providing goods or services of any kind under any contract with the Authority except an employment contract; c) any person while providing legal or engineering services for compensation unless said person is a full-time employee of the Authority; and d) any person who as a condition of his or her appointment or contract is required to indemnify and defend the Authority and/or secure insurance.

**Section 4.** The Authority shall provide for defense of and indemnify any present or former official, employee or appointee of the Authority who becomes a defendant in a civil action if the person or persons

involved a) acted or failed to act in a matter in which the Authority has or had an interest; b) acted or failed to act in the discharge of a duty imposed or authorized by law; and c) acted or failed to take action in good faith. For purposes of this resolution, the duty and authority of the Authority to defend and indemnify shall extend to a cross-claim or counterclaim against said person.

**Section 5.** In any other action or proceeding, including criminal proceedings, the Authority may provide for the defense of a present or former official, employee or appointee, if the Authority concludes that such representation is in the best interest of the Authority and that the person to be defended acted or failed to act in accord with the standards set forth in this resolution.

**Section 6.** Whenever the Authority provides for the defense of any action set forth herein and as a condition of such defense, the Authority may assume exclusive control over the representation of such persons defended and such person shall cooperate fully with the Authority.

**Section 7.** The Authority may provide for the defense pursuant to this Resolution by authorizing its attorney to act in behalf of the person being defended or by employing other counsel for this purpose or by asserting the right of the Authority under any appropriate insurance policy that requires the insurer to provide defense.

**Section 8.** This Resolution shall take effect immediately upon passage and publication as required by law.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION NO. (26/17)-To appoint a Labor/Employment Attorney – Weiner Law Group**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for Labor/Employment Legal Counsel 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Weiner Law Group of Parsippany, NJ has submitted a proposal indicating they will provide Labor/Employment Legal Counsel services at \$150.00 per hour; and

**WHEREAS**, Weiner Law Group has completed and submitted Business Entity Disclosure Certifications which certifies that Weiner Law Group has not made any reportable contributions in the previous one year, and that the contract will prohibit Weiner Law Group from making any reportable contributions through the term of the contract, and

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Weiner Law Group as described more specifically in their proposal dated February 8, 2016, and

**BE IT FURTHER RESOLVED** that the Contract with Weiner Law Group shall not exceed \$7,000 without prior authorization of the Commissioners, and

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (27/17)-To appoint Accounting and Auditing Services to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for Accounting and Auditing 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Bart & Bart of Woodbridge, NJ has submitted a proposal indicting they will provide Auditing Services at \$28,500.00 and Accounting Services at \$130.00 per hour; and

**WHEREAS**, Bart & Bart has completed and submitted Business Entity Disclosure Certifications which certifies that Bart & Bart has not made any reportable contributions in the previous one year, and that the contract will prohibit Bart & Bart from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Bart & Bart as described more specifically in their proposal dated January 28, 2016.

**BE IT FURTHER RESOLVED** the Contract with Bart & Bart shall not exceed \$28,500 without prior authorization of the Commissioners, and

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (28/17) – moved to Regular Meeting**

**RESOLUTION No. (29/17)-To appoint a Bond Counsel to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for Bond Counsel 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Gibbons P.C. of Newark, NJ has submitted a proposal indicting they will provide Bond Counsel services at \$295.00 per hour; and

**WHEREAS**, Gibbons P.C. has completed and submitted Business Entity Disclosure Certifications which certifies that Gibbons P.C. has not made any reportable contributions in the previous one year, and that the contract will prohibit Gibbons P.C. from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4



**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Gibbons P.C. as described more specifically in their proposal dated February 12, 2016.

**BE IT FURTHER RESOLVED** that the Contract with Gibbons P.C. shall not exceed \$45,000 without prior authorization of the Commissioners; and,

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (30/17)-To appoint a General Consulting Engineer to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for General Engineering Consulting 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, R3M of Old Bridge, NJ has submitted a proposal indicting they will provide Engineering Consulting services at \$180.00 per hour; and

**WHEREAS**, R3M has completed and submitted Business Entity Disclosure Certifications which certifies that R3M has not made any reportable contributions in the previous one year, and that the contract will prohibit R3M from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with R3M as described more specifically in their proposal dated February 5, 2016; and,

**BE IT FURTHER RESOLVED** that the Contract with R3M shall not exceed \$40,000 without prior authorization of the Commissioners; and,

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (31/17)-To appoint a Risk Management Consultant to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for Risk Management Consulting 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Connor, Strong & Buckelew of Toms River, NJ has submitted a proposal indicating they will provide Risk Management Consulting services at 6% of the fund assessment; and

**WHEREAS**, Connor, Strong & Buckelew has completed and submitted Business Entity Disclosure Certifications which certifies that Connor, Strong & Buckelew has not made any reportable contributions in the previous one year, and that the contract will prohibit Connor, Strong & Buckelew from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Connor, Strong & Buckelew as described more specifically in their proposal dated February 1, 2016; and,

**BE IT FURTHER RESOLVED** that the Contract with Connor, Strong & Buckelew shall not exceed 6% of JIF Premium without prior authorization of the Commissioners; and,

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (32/17)-To appoint a Consulting Instrumentation and Control Engineer to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for Instrumentation and Control Engineer Consulting 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Morehouse Engineering, Inc. of Hopewell, NJ has submitted a proposal indicating they will provide Instrumentation and Control Engineer Consulting services at \$195.00 per hour; and

**WHEREAS**, Morehouse Engineering, Inc. has completed and submitted Business Entity Disclosure Certifications which certifies that Morehouse Engineering, Inc. has not made any reportable contributions in the previous one year, and that the contract will prohibit Morehouse Engineering, Inc. from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Morehouse Engineering, Inc. as described more specifically in their proposal dated February 5, 2016.

**BE IT FURTHER RESOLVED** that the Contract with Morehouse Engineering shall not exceed \$10,000 without prior authorization of the Commissioners; and,

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (33/17)-To Appoint an Incinerator Consulting Engineer to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Chavond Barry Engineering Corp. of Blawenburg, NJ has submitted a proposal indicting they will provide Incinerator Consulting Engineer services at \$238.00 per hour; and

**WHEREAS**, Chavond Barry Engineering Corp. has completed and submitted Business Entity Disclosure Certifications which certifies that Chavond Barry Engineering Corp. has not made any reportable contributions in the previous one year, and that the contract will prohibit Chavond Barry Engineering Corp. from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Chavond Barry Engineering Corp. as described more specifically in their proposal dated February 11, 2016.

**BE IT FURTHER RESOLVED** that the Contract with Chavond Barry Engineering Corp. shall not exceed \$15,000 without prior authorization of the Commissioners; and,

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (34/17)-To appoint a Financial Advisor to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for Financial Advisory 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Acacia Financial Group, Inc. of Marlton, NJ has submitted a proposal indicting they will provide Financial Advisory services at \$250.00 per hour; and

**WHEREAS**, Acacia Financial Group, Inc. has completed and submitted Business Entity Disclosure Certifications which certifies that Acacia Financial Group, Inc. has not made any reportable contributions in

the previous one year, and that the contract will prohibit Acacia Financial Group, Inc. from making any reportable contributions through the term of the contract, and

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Acacia Financial Group, Inc. as described more specifically in their proposal dated February 5, 2016.

**BE IT FURTHER RESOLVED** that the Contract with Acacia Financial Group, Inc. shall not exceed \$10,000 without prior authorization of the Commissioners; and,

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chairwoman McMullen

**RESOLUTION No. (35/17)-To appoint a General Counsel to the Authority**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a need to contract for General Legal Counsel 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 contract may exceed \$17,500; and

**WHEREAS**, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

**WHEREAS**, Cleary, Giacobbe, Alfieri, Jacobs, LLC has submitted a proposal dated February 1, 2016, indicating they will provide General Legal Counsel services at \$175.00 per hour, and

**WHEREAS**, Cleary, Giacobbe, Alfieri, Jacobs, LLC has completed and submitted Business Entity Disclosure Certifications which certifies that Cleary, Giacobbe, Alfieri, Jacobs, LLC has not made any reportable contributions in the previous one year, and that the contract will prohibit Cleary, Giacobbe, Alfieri, Jacobs, LLC from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose, in accordance with NJAC 5:30-5.4

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Cleary, Giacobbe, Alfieri, Jacobs, LLC as described more specifically in his proposal dated February 1, 2016.

**BE IT FURTHER RESOLVED** that the Contract with Cleary, Giacobbe, Alfieri, Jacobs, LLC shall not exceed \$45,000 without prior authorization of the Commissioners; and,

**BE IT FURTHER RESOLVED** notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chairwoman McMullen

## SUB-COMMITTEES

Chair McMullen called for a review of the recommended Sub-Committee Appointments offered and requested a **MOTION** of acceptance:

**COMMITTEE APPOINTMENTS** are offered by the Chair who may preside over any Sub-Committee Meeting with adequate public notice.

### 2017 Committee Appointments

#### FINANCE COMMITTEE:

Chair Commissioner - Steiner  
Commissioner - McMullen  
Commissioner - Whalen

#### LEGAL COMMITTEE:

Chair Commissioner - Whalen  
Commissioner - Khachaturian  
Commissioner - Steiner

#### ENGINEERING COMMITTEE:

Chair Commissioner - Khachaturian  
Commissioner - Pisano  
Commissioner - Sutton

#### PERSONNEL COMMITTEE:

Chair Commissioner - Sutton  
Commissioner - Pisano  
Commissioner - McMullen

**MOTION** - to accept Chair's appointments:

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

At 7:11 P.M. Chair McMullen called for a **MOTION** - to Close the Reorganization Meeting of February 27, 2017 and Open the Regular Meeting of February 27, 2017.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

# REGULAR MEETING

## February 27, 2017

### REPORTS

#### **Executive Directors Report, BRSA Projects, Special Reports & Connection Applications**

##### **Mr. Fischer Reported:**

##### Disaster Recovery Update

- Stone Hill working on Change Order items including the RTU 600 installation that dials out to superintendents alerting them of any alarms at the plant.
- Average monthly run hours for the past four months; on the NIRO is 224 hours per month compared to 391 run hours on the Dorr Oliver. Good reduction of time, energy and fuel costs.
- Modifications to CPPE Mercury Scrubber that are underway which will be up and running on March 21, 2017. There's a question on the CO analyzer being in place on time however the consultant, the experts will be here for 3 or 4 weeks and provide on-site monitoring until the CO analyzer is installed. An additional Stack Test must be done by the contractor to prove performance at the more stringent Quad L level. We already passed the Stack Test without the Mercury Scrubber running, which will provide operational flexibility.
- Remsco working on drop down gates and testing different instrumentation. Close to working on punch list items.
- Combined Blower Building – new diffusers installed in Aeration basins 1 & 2
- Contract #81S-Power Distribution System- awarded to PKF Mark III. No date has been set for the pre-construction meeting.

##### Disaster Funding

- Stone Hill submitted payment #20 in the amount of \$214,866.96, Remsco submitted payment #17 in the amount of \$55,511.12 and Shorelands did not submit a request for payment.
- Combined cumulative Phase I project payments excluding February payment totals \$23,227,909.94. Of that 88.5% is Construction costs, 10.5% is engineering costs and .05% is administrative and NJEIT Technical fee costs. FEMA reimbursable portion is 62.5% or \$14,506,438.29.
- Stone Hill Construction application #5 for the Combined Blower Building Project is in the amount of \$313,654.88.
- In house close out of Emergency Protective Measures PW's where NJOEM look at emergency project paperwork to make sure everything is in order – to make sure FEMA money was spent properly.

##### Other

- Request from Aberdeen to return the overage in their Rent Reserve Account in the amount of \$28,115.87. According to the Service Agreement towns are required to have one quarter of their service charges kept in their reserve account. Any overage may be returned upon their request.

Mr. Fischer introduced a person who has done a lot of good work for the Authority for the last three years. Back when we were hit by Superstorm Sandy damage mitigating against future damage was a major concern of the Authority. Through her expertise and perseverance, Carly Foster of Arcadis was able to show through a well developed Benefit Cost Analysis that FEMA should obligate funds for several projects. There is a lot of mitigation work to be done and it will be done with FEMA funding.

Mr. Fischer said that the Combined Blower Building and the Power Distribution Projects, funded by FEMA, are a result of the good work done by Arcadis, R3M and BRSA Staff, otherwise the cost of these projects would likely have been funded by the Authority taxpayers.

**Staff Engineer Report**

**Pete Canal Reported:**

- ABB Calibration & Repair of Flow Meters - extend the RFQ for one additional year with the same terms, conditions and price as the original award.
- Accurate Waste Systems - award the Jet/Vacuum Services on an as needed basis in the amount not to exceed \$39,600. Mr. Fischer said he doesn't expect to spend \$39,600 and ½ day and full day prices were provided in the bid as well as emergency price for ½ day and full day
- Cherry Valley Tractor Sales - award the purchase of three electric utility carts the amount not to exceed \$21,025.35.
- Aberdeen Family and Aberdeen Senior came in with check for the full amount of the connection fee
- Township of Aberdeen upgrades to Cliffwood Beach & River Gardens Pump Stations – signing for their TWA consent form.
- Monarch Pointe, Marlboro Township – reduce payment bond to reflect current balance of \$45,548.66.
- Hazen and Sawyer submitted an amendment for their services for the NIRO project. It will be reviewed and on the agenda in March.

**RESOLUTION No. (28/17)-To Accept the Proposal from ARCADIS US for continuing service as Authority FEMA Consultant**

**WHEREAS**, the Bayshore Regional Sewerage Authority has contracted with ARCADIS US for FEMA Consulting Services to support the recovery from Superstorm Sandy and mitigate against future flood events, and

**WHEREAS**, there exists a need to continue services with ARCADIS US as FEMA Consultants to develop mitigation proposals for the protection of the Authority Power Distribution System, obtain reimbursements from NJOEM, seek additional sources of funding and as more specifically described in their proposal dated January 29, 2016, and

**WHEREAS**, the Authority has realized significant FEMA approval of requests and proposals with the assistance of ARCADIS US as FEMA consultants, and

**WHEREAS**, the Authority desires to continue the services of ARCADIS US as FEMA consultants in accordance with their proposal dated January 29, 2016, and

**WHEREAS**, ARCADIS US. has completed and submitted Business Entity Disclosure Certifications which certifies that ARCADIS US has not made any reportable contributions in the previous one year, and that the contract will prohibit ARCADIS US from making any reportable contributions through the term of the contract,

**WHEREAS**, funds are available for this purpose.

**NOW THEREFORE BE IT RESOLVED**, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with ARCADIS US. as described more specifically in their proposal dated January 29, 2016.

**BE IT FURTHER RESOLVED**, the Contract with ARCADIS US shall not exceed \$79,000 without prior authorization of the Commissioners.

**BE IT FURTHER RESOLVED**, a copy of this award shall be placed in the official Authority newspaper and on the Authority Website.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

### **Consulting Engineer – R3M**

#### **Manuel Ponte Reported:**

- Various Plant Buildings is 99% complete
- The Generator project has been closed out
- The Odor Control bids are out – pre-bid meeting is tomorrow with 5 bids out. Bid opening is scheduled for March 8<sup>th</sup> and should be on the agenda next month for approval.

#### 1<sup>st</sup> Quarter 2016/2017 Flow Report

- The percentage in the flows are consistent with other reported quarters

### **Superintendent's Report**

#### **Mike Broyles Reported:**

- The flow is up slightly
- A lot of work being done on Plant One being that it was taken off line in August
- 12.3 mgd went thru an 8 mgd plant in January. Still made permit
- Incinerator running good with some short shutdowns, for contractors reasons.
- Only received 1 odor complaint consistent with wind direction
- Last 2 new employees started 2-13-17 and already exposed to the incinerator training and operations

#### Utility Carts

- Operation, Electricians, Maintenance Utility will receive the utility carts. They can tow pumps, compressors and small portable equipment up to 500 lb.
- Safety training and video will be given to all personnel who intend on using these carts.
- The carts will be stored indoors and charging during the night.
- Will cut down on the wear and tear, gas and emissions of the pick-up trucks

Chair McMullen called for a **MOTION** to approve the Treasurer's Report

## **TREASURER'S REPORT**

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen



**TREASURER'S REPORT  
STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS**

<b>TD BANK TRUSTEE ACCOUNTS</b>	<b>Balance</b>
<b>2010 NJEIT BONDS</b>	<b>January 31, 2017</b>
Construction	\$ 1,357,549.33
Bond Service	\$ .05
Total NJEIT	\$ 1,357,549.38
<b>TD BANK</b>	
NJEIT Project Fund	\$ 5,666,547.06
NJEIT Project Fund #2	\$ 2,096,422.75
Incoming Revenue Account	\$ 2,240,177.65
Operating Regular Account	\$ 266,299.24
Operating Reserve Account	\$10,992,575.03
Operating Payroll Account	\$ 283,659.29
<b>TOTAL AUTHORITY ACCOUNTS</b>	<b>\$21,545,681.02</b>
<b>TOTAL</b>	<b>\$22,903,230.40</b>

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

**SCHEDULE OF ACCOUNTS RECEIVABLE**

<b>SERVICE CHARGES:</b>	<b>Balance</b>
	<b>January 31, 2017</b>
Hazlet Township Sewerage Utility	\$ 683,593.25
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>TOTAL</b>	<b>\$ 683,593.25</b>

**OUTFALL AUTHORITY CHARGES**

Hazlet Township Sewerage Authority	\$ 69,161.85
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>TOTAL</b>	<b>\$ 69,161.85</b>

**Balance of Rent Reserve Accounts as of January, 2017**

Hazlet Township Sewerage Utility	\$ 753,657.95
Township of Holmdel	\$ 318,791.06
Borough of Union Beach	\$ 194,690.52
Borough of Keyport	\$ 272,303.26
Borough of Keansburg	\$ 303,404.25
Borough of Matawan	\$ 323,186.90
Western Monmouth Utilities Authority	\$ 95,584.78
Township of Aberdeen	\$ 483,379.32
<b>TOTAL</b>	<b>\$ 2,744,998.04</b>

**PAYMENT OF REQUISITIONS**

Chair McMullen called for a MOTION to approve payment of bills listed on:

Operating Fund Req. No.544 (Regular)	\$ 519,393.32
Payroll Account Req. No.P194 (Payroll)	\$ 185,603.82
NJEIT Project Fund Req. #PF-21	\$ 353,548.57
NJEIT Project Fund #2 Req. #PF 02-06	\$ 345,240.81
NJEIT Project Fund WT#15	\$ 183,357.40

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**APPROVAL OF MINUTES**

Chair McMullen called for a MOTION to approve the following Minutes:

- Regular Meeting Minutes of January 30, 2017
- Closed Session Minutes of January 30, 2017

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**PUBLIC PORTION**

Chairwoman McMullen announced that this portion of the meeting is now open to the public for comments or questions related to **Regular Meeting Agenda items only**. The public is reminded; only questions or comments specific to the scope of the Agenda items are to be addressed at this time. As a courtesy to all, please be mindful of limiting your comments accordingly.

No on from the public spoke

## RESOLUTIONS

### **RESOLUTION No. (36/17): To Accept the First Three (3) Month Flow Report for 2016/2017**

**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 period October 1, 2016 to December 31, 2016 (First Quarter of 2016/2017), and

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

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

**NOW THEREFORE BE IT RESOLVED** that this Authority hereby accepts the flow calculations, certified by R3M for the period October 1, 2016 to December 31, 2016 (First Quarter of 2016/2017).

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

### **RESOLUTION No. (37/17): To Amend Resolution 06/17 to Correct Calculation and Identification Errors**

**WHEREAS**, The Bayshore Regional Sewerage Authority adopted Resolution 06/17 on January 30, 2017 approving change order #6 of Contract 74S, the Incinerators Project

**WHEREAS**, Resolution 06/17 stated that change order #6 increased the total contract value to \$17,778,693.31, and

**WHEREAS**, Resolution 06/17, identified the Revisions to Flood Panels N1 and D4-D8 as PCO 52, and

**WHEREAS**, the total contract value should have been identified as increased to \$17,536,301.71 and Revisions to Flood Panels N1 and D4-D8 should have been identified as PCO 66.

**NOW THEREFORE BE IT RESOLVED** the Commissioners of the Bayshore Regional Sewerage Authority hereby amend resolution 06/17 to make the corrections noted.

**BE IT FURTHER RESOLVED**, the correct total contract value after change order #6 is \$17,536,301.71 and the Revisions to Flood Panels N1 and D4-D8 is corrected to PCO 66.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

### **RESOLUTION NO. (38/17): To Extend the Contract with ABB for Meter Calibration for a one (1) year period**

**WHEREAS**, in accordance with Local Public Contracts Law at 1:30 P.M. on Tuesday, March 15, 2016, the Bayshore Regional Sewerage Authority ("Authority") advertised and received quotes for the Annual Preventive Maintenance Calibration and Repair of Instrument Equipment for a (1) one year period; and

**WHEREAS**, on March 21, 2016 the BRSA awarded the Annual Preventive Maintenance Calibration and Repair of Instrument Equipment to the lowest responsible responsive bidder being ABB Inc. of Warminster, PA (Resolution 43/16); and

**WHEREAS**, the contract provides by mutual agreement and, the Local Public Contracts Law allow for one (1) year contract extension for a maximum of two (2) years; and

**WHEREAS**, on March 21, 2017 the contract expires and ABB Inc. and the Authority were mutually agreeable to extend the original Contract under the same terms and with the same prices for a one (1) additional year extension; and

**WHEREAS**, the Qualified Purchasing Agent and the BRSA Engineer have reviewed the correspondence from ABB, Inc., accepting one (1) year extension in accordance with the same product, price, terms and conditions as the original contract and are recommending a one year extension.

**NOW THEREFORE BE IT RESOLVED**, that ABB, Inc. of Warminster, PA is hereby awarded a one (1) year extension of the contract for the Annual Preventive Maintenance Calibration and Repair of Instrument Equipment in accordance with the terms and conditions of the original bid and contract documents, for the total contract price of \$19,307.00.

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

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chairwoman McMullen

**RESOLUTION NO (39/17): To Award the Request for Quotation 2017-02 for the Jet Vacuuming Services of the BRSA Plant and Collection System for a one (1) year period on a Regular and Emergency Basis to Accurate Waste Systems, Inc.**

**WHEREAS**, the Bayshore Regional Sewerage Authority (the "Authority") has a need for Jet Vacuuming Services for the Treatment Plant and Collection System on a Regular and Emergency Basis; and

**WHEREAS**, in accordance with Local Public Contracts Law the Authority advertised and on Wednesday, February 23, 2017 at 11:00 A.M. received quotes for the Jet Vacuuming of Authority Treatment Plant and Collection System ; and

**WHEREAS**, Accurate Waste Systems, Inc. of Lake Hopatcong, NJ was the only quotation received; and

**WHEREAS**, in accordance with their quotation, Accurate Waste Systems, Inc. will charge \$2,150 for a half day and \$2,950 for a full day of service on an as needed basis as requested by the Authority; and

**WHEREAS**, the total quotations for item #1- Regular Service and item #2 – Emergency Services total \$39,600; and

**WHEREAS**, the Authority Engineer and Staff have reviewed the quotation and found it to be acceptable; and

**WHEREAS**, the Bayshore Regional Sewerage Authority has funding available for this project,

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority hereby award the Request for Quotation 2017-02 for the Jet Vacuuming of the Authority Treatment Plant and Collection System on a as needed basis to Accurate Waste Systems, Inc. of Lake Hopatcong, NJ, in accordance with the terms and conditions of the RFQ at a not to exceed price of \$39,600.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION NO (40/17): To Award the Request for Quotation 2017-01 to Furnish and Delivery of Three-(3) Electric Powered Utility Carts to Cherry Valley Tractor Sales**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“the Authority”) has a need for three (3) Electric Powered Utility Carts for use by operations and maintenance of the Wastewater Treatment Plant; and

**WHEREAS**, the Electric Powered Utility Carts will be utilized in-plant by staff while performing maintenance, operational, electrical and utility work which currently requires the use of Authority pickup trucks; and

**WHEREAS**, the in-plant use of Electric Powered Utility Carts in lieu of Authority vehicles will save on fuel and wear and tear on the Authority vehicles, and reduce emissions; and

**WHEREAS**, in accordance with Local Public Contracts Law the Authority advertised and on February 22, 2017 at 10:00 A.M. received quotes for Electric Powered Utility Carts ; and

**WHEREAS**, two (2) quotations were received, one quote for \$7,008.45 per cart and a second quote for \$8,213.00 per cart; and

**WHEREAS**, Cherry Valley Tractor Sales of Marlton, NJ was the lowest quotation received at a price of \$7,008.45 per cart; and

**WHEREAS**, the Authority Engineer and Staff have reviewed the quotation and found it acceptable; and

**WHEREAS**, the Authority has funding available for the procurement of three-(3) Utility Carts.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the procurement of three (3) Electric Powered Utility Carts from Cherry Valley Tractor of Marlton, NJ in accordance with the terms and conditions of the RFQ at the total price of \$21,025.35.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION NO. (41/17): To Return Excess Rent Reserve to Township of Aberdeen**

**WHEREAS**, the Bayshore Regional Sewerage Authority and the Township of Aberdeen are parties to a an executed Sewer Service Agreement (SSA); and

**WHEREAS**, in accordance with the SSA Aberdeen shall maintain a reserve equal to one quarterly payment in a sewer rent reserve account held by the Authority; and

**WHEREAS**, in accordance with the SSA the Authority shall return any rent reserve amount in excess of their annual obligation to the Township of Aberdeen upon their request, and

**WHEREAS**, the Township of Aberdeen currently has an excess balance of \$28,115.87 in their Rent Reserve Account; and

**WHEREAS**, the Township of Aberdeen has requested the return of \$28,115.87 in excess rent reserve balance.

**NOW THEREFORE BE IT RESOLVED**, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the return of excess Rent Reserve to the Township of Aberdeen according to the executed SSA in the amount of \$28,115.87.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION No. (42/17): To Authorize a Treatment Works Approval (TWA) for the Township of Aberdeen for upgrades of Cliffwood Beach and River Gardens Pump Station Project**

**WHEREAS**, the Township of Aberdeen ("Aberdeen") desires to upgrade their Cliffwood Beach and River Gardens pump stations to provide sewer service to new development; and

**WHEREAS**, Aberdeen requires a Treatment Works Approval ("TWA") permit application with executed consent forms from the Bayshore Regional Sewerage Authority ("Authority") for submission to NJDEP prior to initiating the project; and

**WHEREAS**, the Authority consent is for the upgrades of the pump stations only and does not authorize discharge to the pump stations; and

**WHEREAS**, the residents and future discharges to the pump stations will complete an Authority application and submit the necessary connection fee directly to the Authority prior to discharging to the pump stations; and

**WHEREAS**, Langan Engineering represents the Township of Aberdeen for this application and Lanagan indicated that Aberdeen will not authorize individual property connections or discharges to the pump stations without Authority prior consent.

**NOW THEREFORE BE IT RESOLVED** that the Commissioners of the Bayshore Regional Sewerage Authority authorize the Executive Director to sign the Statements of Consent for the Aberdeen TWA permit application for the Upgrade to Cliffwood Beach and River Garden Pump Stations as depicted on the plans titled *Cliffwood Beach Pump Station and Rover Gardens Pump Station Modifications, Township of Aberdeen, New Jersey, signed by Gerard Fitamant, PE, dated January 2017.*

**BE IT FURTHER RESOLVED**, a copy of this resolution be sent to the Township of Aberdeen Building Department and Langan Engineering.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION NO. (43/17): To reduce the Payment Bond for Monarch Pointe, LLC, Developer for Monarch Pointe of Marlboro Township**

**WHEREAS**, Monarch Pointe, LLC ("Monarch") is the project developer for Monarch Pointe of Marlboro Township, located off Texas Rd., further designated as Block 119, Lot 23, 25 & 26 in Township of Marlboro, a 17 unit single family development, and

**WHEREAS**, Monarch has entered into a Developers Agreement with the Bayshore Regional Sewerage Authority ("Authority") and provided a payment Bond to cover the outstanding connection fee balance, and

**WHEREAS**, in accordance with the Developers Agreement, a payment of \$45,548.67 was made representing connection fees for Phase 2, bringing the adjusted balance due to \$45,548.66, and

**WHEREAS**, the BRSA finds it appropriate to reduce the amount of Bond No. RU100470 to \$45,548.66, and

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that Monarch Pointe, LLC is hereby granted a Bond reduction for a current balance of \$45,548.66

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chairwoman McMullen

## **PUBLIC PORTION**

Chair McMullen announces: This 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, Florence Avenue, Hazlet asked if the carts have the new ION batteries.

Mike Broyles said he didn't know.

Mr. Hoffman said if they do, these batteries tend to start fires and should be kept away from other equipment.

## **Executive Session**

Chair McMullen called for a **MOTION** to go into Closed Session at 8:30P.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 or anticipated litigation, contract negotiations and matters of employment of public employees. 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.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

## **CLOSED SESSION MINUTES ARE RECORDED SEPERATLY**

## **END CLOSED SESSION**

Chair McMullen called for a **MOTION** to End Closed Session and Re-Open the Regular Meeting @ 8:51 P.M.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

Mr. Fischer discussed a possible FEMA funded Power Resiliency Project with the Board. The project would provide the Authority with a Resiliency Generator capable of powering the entire plant and MCBOA in the event of a power failure similar to the one experienced during Sandy. The Authority lost JCP&L power for six days after Sandy and relied on its emergency generators to power the facility during that time. The emergency

generators are not designed for that type of duty. The Authority has asked R3M and Arcadis to provide a proposal to develop a Hazard Mitigation proposal presentable to FEMA.

## RESOLUTIONS

**RESOLUTION NO. (44/17): To approve the Payment of Accrued Days Owed to the Retired Operator James Kroessig after 28 years of Service**

**WHEREAS**, On February 1, 2017 Plant Operator James Kroessig officially retired from the Bayshore Regional Sewerage Authority after 28 years of service; and

**WHEREAS**, Authority Policy provides payout at retirement of accrued pro-rated Vacation benefits, and any remaining Sick time (capped at 240 hours) and Personal Days; and

**WHEREAS**, Mr. James Kroessig's remaining Sick & Personal Days and accrued Vacation benefits have been calculated and recorded in a memorandum submitted by Mrs. Susan DuBey, Administrative Assistant to the Authority to the Executive Director, dated February 8, 2017; and

**WHEREAS**, the Executive Director has reviewed the calculated time owed and finds the calculation of Sick (80 hours), Vacation (191 hours) and Personal Days (24 hours) accurate.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the payment of remaining Sick and Personal Days and accrued Vacation time owed James Kroessig as detailed in the attached memorandum dated February 8, 2017 in the amount of \$10,263.05.

(Attachment on file in the Administrative Offices of the Authority)

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION NO. (45/17): To approve the Payment of Accrued Days Owed to the Retired Laboratory Technician Noel Orlando Garcia after 30 years of Service**

**WHEREAS**, On February 1, 2017 Lab Technician Noel Orlando Garcia officially retired from the Bayshore Regional Sewerage Authority after 30 years of service; and

**WHEREAS**, Authority Policy provides payout at retirement of accrued pro-rated Vacation benefits, and any remaining Sick time (capped at 240 hours) and Personal Days; and

**WHEREAS**, Mr. Noel Orlando Garcia's remaining Sick & Personal Days and accrued Vacation benefits have been calculated and recorded in a memorandum submitted by Mrs. Susan DuBey, Administrative Assistant to the Authority to the Executive Director, dated February 8, 2017; and

**WHEREAS**, the Executive Director has reviewed the calculated time owed and finds the calculation of Sick (91 hours), Vacation (208 hours) and Personal Days (24 hours) accurate.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the payment of remaining Sick and Personal Days and accrued Vacation time owed Noel Orlando Garcia as detailed in the attached memorandum dated February 8, 2017 in the amount of \$10,836.65.

(Attachment on file in the Administrative Offices of the Authority)



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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION NO. (46/17): To approve the Payment of Accrued Days Owed to the Recently Retired Operator George Smith after 19 years of Service**

**WHEREAS**, On January 1, 2017 Plant Operator George Smith officially retired on disability from the Bayshore Regional Sewerage Authority after 19 years of service; and

**WHEREAS**, Authority Policy provides payout at retirement of accrued pro-rated Vacation benefits, and any remaining Sick time (capped at 240 hours) and Personal Days; and

**WHEREAS**, Mr. George Smith's remaining Sick & Personal Days and accrued Vacation benefits have been calculated, in accordance with the Union Contract (Article VII, Section G, Page 7) and recorded in a memorandum submitted by Mrs. Susan DuBey, Administrative Assistant to the Authority to the Executive Director, dated February 8, 2017; and

**WHEREAS**, the Executive Director has reviewed the calculated time owed and finds the calculation of Sick (60.25 hours) and Vacation (264 hours) and Personal Days (24 hours) accurate.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the payment of remaining Sick and Personal Days and accrued Vacation time owed George Smith as detailed in the attached memorandum dated February 23, 2017 in the amount of \$11,541.01.

(Attachment on file in the Administrative Offices of the Authority)

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

**RESOLUTION NO. (46/17): To Approve Engineering Services Relating to a Hazard Mitigation Proposal for Resiliency Power Generation**

**WHEREAS**, the Bayshore Regional Sewerage Authority has a desire to present a Hazard Mitigation Proposal (HMP) to FEMA for the installation of a Resiliency Power Generator; and

**WHEREAS**, FEMA has indicated that funding may be available for the Resiliency Power Generator as a result of the positive Benefit Cost Analysis completed by ARCADIS US; and

**WHEREAS**, the HMP will require a technical evaluation be completed on the Resiliency Power Generator; and

**WHEREAS**, R3M has presented the Authority with a proposal to complete the technical evaluation of the HMP for a cost of \$25,000; and

**WHEREAS**, the Authority Director and Engineer find the cost reasonable and appropriate for the scope of work and similar to past technical evaluations on prior HMP's completed at the Authority after Superstorm Sandy.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners hereby approve the proposal dated February 27, 2017 for Engineering Services relating to a Standby Power Resiliency Project at a cost of \$25,000 and request the Executive Director take aa necessary steps to have the HMP completed and submitted to FEMA for consideration of obligated funding.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

## **ADJOURNMENT**

ANNOUNCEMENT (by Chair McMullen):

The next Regular Meeting of the B.R.S.A. is scheduled for Monday, March 20, 2017, 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 8:54 P.M., Chair McMullen called for a **MOTION** to Adjourn the meeting.

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

AYES: Commissioners Khachaturian, Pisano, Steiner, Sutton, Whalen and Chair McMullen

Respectfully submitted,

Susan DuBey  
Administrative Assistant