

MINUTES FOR
REGULAR MEETING
MONDAY, January 15, 2018

At 7:00 P.M. on Monday, January 15, 2018 Chairwoman McMullen called the meeting of the Bayshore Regional Sewerage Authority to order and makes the following announcement:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act, that adequate notice of this meeting has been sent to the Asbury Park Press and is on the BRSA Official Website. Notice has also been sent to the Clerks of Aberdeen, Hazlet, Holmdel, Keansburg, Keyport, Matawan, Union Beach and Marlboro and the Western Monmouth Utilities Authority. This notice is also posted in the lobby of the Bayshore Regional Sewerage Authority Administration Building.

Chairwoman McMullen 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.

Chairwoman McMullen requested a roll call of attendance

ROLL CALL

PRESENT: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

ABSENT: Commissioners Khachaturian, Pisano

Also in Attendance: Robert C. Fischer, Executive Director
Pete Canal, BRSA Staff Engineer
J. Michael Broyles, BRSA Superintendent
Manuel Ponte, Consulting Engineer
John Napolitano, Esq. BRSA Attorney
Susan DuBey, Admin. Assistant

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

Mr. Fischer Reported:

DISASTER RECOVERY:

PHASE I

- The three Phase I projects are physically complete – the Niro Incinerator, Main Pump Station and Various Plant Buildings. Contracts 74S, 73S & 71S respectively. We are just waiting for as-built drawings and minor punch list items. We have asked the Engineers to close out the projects by Feb. 26th.
- Working with FEMA and NJOEM on all Change Orders that have been submitted along the line.

Questions have been given to the Engineers for additional information needed by FEMA to substantiate the cost of damage repairs.

- Conference call Friday with NJEIT to schedule a date for loan closing on the SAIL Loan.
- Conference call Friday with Bond Counsel, Auditor and General Counsel prepare a Bond Resolution for the March or April Meeting.
- Of the \$28M short term SAIL loan we have borrowed \$26M and approximately \$14M has been repaid leaving an approximate long term loan of \$12M.
- The 2018 Budget that was passed at our December meeting has been sent down to the DCA, they certified it and sent it back rather quickly.
- Working with Sky Morehouse and Andrew to develop a high level evaluation on our network & computer system and develop a cyber security plan.
- Pay To Play Policy – in package to prepare for appointments at the February 26th Reorganization Meeting. We follow both the Fair and Open and Non-Fair and Open (used for annual professional). Award can be made if proposal is over \$17,500 only if the contractors/professionals can certify that they have not made a political contribution in the year prior to the Contract and of the year of the Contract. They also have to fill out our political disclosure forms. The Commissioners all agree to follow this policy, and asked Mr. Fischer to ask professionals for their proposals for 2018.

Mr. Fischer announced that as of January 24th he will be the Chairman of the Joint Insurance Fund.

Chief Engineer

Pete Canal Reported:

- Meridian At Holmdel – Mr. Chris Lane of Menlo Engineering presented his project of Assisted Living facility at Common Way, Highway 35 in Holmdel – 66 EDU's
- Hazen & Sawyer - Contract 74S – NIRO Incinerator Repairs and Mitigation – Ed Barboe and John Wojnas presented their Final Amendment (#3) Request for Construction Management Services.

Pete explained the interaction he and Mr. Fischer had with Hazen & Sawyer regarding the review and discussions on their Final Amendment request.

- Award extension to Evogua Water Tech for furnishing and deliver of Bioxide at a cost of \$2.43 per Gallon - not to exceed \$58,320 in a two year period. No increase in price
- Odor Control Study- Headworks - accept the Final Quantities Change Order in a credit amount of \$15,790.
- Odor Control Study – Headworks – acceptance of the Maintenance Bond and to Closeout the Contract.

Consulting Engineer – R3M

Manuel Ponte Reported:

- Headworks -Odor Control System – project is complete and preparing to close out the project at the February meeting.
- Submitted a proposal to BRSA Staff to revamp Odor Control Towers 2 & 3.

Mr. Fischer said he was going to ask Manuel to also look at Tower #4 which services the Presses and is behind the Incinerator Building. It would make sense to do all 3 at one time.

Superintendent Report
Mike Broyles Reported:

- Flow for December remains historically low
- The Plant has improved reporting with single digits for Suspended Solids and BOD
- Removal of 97% & 98% respectively.
- There were odor complaints in the month of December, one unknown location.
- The incinerator ran well in December with no shut downs, minor valve issue in the carbon unit.
- Increase number of vacation, personal days and holidays used in December
- IPP – Mike and Chuck had their Yearly Inspection of all 5 facilities. No issues were found and the facilities continue the monthly reporting.

Mr. Fischer reported that he asked Chavond Barry (Incinerator Consultant) to put together a protocol and submit it to the State to do a Stack Test in April. We do a Stack Test every year unless 2 consecutive years the results are 75% of the limit. In that case the Stack Test will be every three years.

MOTION (by Chairwoman McMullen) – to accept the Treasurers Report

TREASURER’S REPORT
STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	December 31, 2017
<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$ 1,359,293.65
Bond Service	\$.05
Total 2010 Accounts	\$ 1,359,293.70
TD BANK	
NJEIT Project Fund	\$ 4,883,291.63
NJEIT Project Fund #2	\$ 2,963,404.30
Incoming Revenue Account	\$ 321,938.15
Operating Regular Account	\$ 1,751,921.90
Operating Reserve Account	\$ 11,104,762.09
Operating Payroll Account	\$ 733,760.17
TOTAL AUTHORITY ACCOUNTS	\$ 21,759,078.24
TOTAL	\$ 23,118,371.94

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

SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balance
SERVICE CHARGES:	December 31, 2017
Hazlet Township Sewerage Utility	\$ 0.00
Township of Holmdel	\$ 0.00
Borough of Union Beach	\$ 0.00
Borough of Keyport	\$ 0.00
Borough of Keansburg	\$ 0.00
Borough of Matawan	\$ 0.00
Western Monmouth Utilities Authority	\$ 0.00
Township of Aberdeen	\$ 0.00
TOTAL	\$ 0.00
OUTFALL AUTHORITY CHARGES	
Hazlet Township Sewerage Authority	\$ 0.00
Township of Holmdel	\$ 0.00
Borough of Union Beach	\$ 0.00
Borough of Keyport	\$ 0.00
Borough of Keansburg	\$ 0.00
Borough of Matawan	\$ 0.00
Western Monmouth Utilities Authority	\$ 0.00
Township of Aberdeen	\$ 0.00
TOTAL	\$ 0.00
Balance of Rent Reserve Accounts as of December 31, 2017	
Hazlet Township Sewerage Utility	\$ 755,279.54
Township of Holmdel	\$ 319,476.98
Borough of Union Beach	\$ 195,109.42
Borough of Keyport	\$ 272,889.15
Borough of Keansburg	\$ 304,057.06
Borough of Matawan	\$ 323,882.28
Western Monmouth Utilities Authority	\$ 94,701.91
Township of Aberdeen	\$ 456,247.08
TOTAL	\$ 2,721,643.42

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

PAYMENT OF BILLS

MOTION (by Chairwoman McMullen) - for payment of the following:

Operating Fund Req. No.P205 (Payroll)	\$ 239,948.11
Operating Fund Req. No. 555 (Regular)	\$ 325,435.94
NJEIT Project Fund I Req. # 31	\$ 290,190.14
NJEIT Project Fund II Req. #PF-17	\$ 573,241.47

OFFEDER BY: Commissioner Sutton, SECONDED BY: Commissioner Steiner, and carried by a unanimous voice vote recorded as follows:
AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

APPROVAL OF MINUTES

MOTION (by Chairwoman McMullen) - to approve the following Minutes:

Regular Meeting of December 18, 2017
Closed Session of December 18, 2017

OFFEDER BY: Commissioner Whalen, SECONDED BY: Commissioner Steiner, and carried by a unanimous voice vote recorded as follows:
AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

PUBLIC PORTION

ANNOUNCEMENT (by Chairwoman McMullen): This portion of the meeting is now open to the public for comments or questions related to Agenda items only. The public is reminded; only questions or comments specific to the scope of the Agenda items are to be addressed at this time. As a courtesy to all, please be mindful of limiting your comments to 5 minutes.

Sam Lauro of 9th Street, Union Beach complained of odors after the snow storm. The Staff explained some of the Sandy recovery work that could be contributing to odors.

RESOLUTIONS

RESOLUTION No. (01/18): To Award a two (2) year Extension for Contract No. 91-O Furnish & Deliver Bioxide to Evoqua Water Technologies, LLC

WHEREAS, in accordance with Local Public Contracts Law at 1:30 P.M. on Friday, February 5, 2016 the Bayshore Regional Sewerage Authority (“Authority”) advertised and received bids for the furnishing and delivery of Bioxide for a two (2) year period; and

WHEREAS, on February 22, 2016 the Authority awarded the Bioxide contract to the lowest responsible bidder Evoqua Water Technologies, LLC of Sarasota, FL Resolution No. 32/16; and

WHEREAS, on February 25, 2018 the Contract is scheduled to expire; and

WHEREAS, the Contract provides by mutual agreement, and the Local Public Contracts Law allows for one 2-year contract extension, which the total price shall not exceed the change in the index rate for the 12 months preceding the most recent quarterly calculation available; and

WHEREAS, the Authority and Evoqua Water Technologies, LLC mutually agreed to extend the original contract under the same terms, conditions and price; and

WHEREAS, the original contract unit price of \$2.43 dollars per gallon for a total contract amount of \$58,320.00; and

WHEREAS, the extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Chemical line item, to cover the maximum dollar value of the pending contract extension as set forth in this Resolution; and

WHEREAS, the Authority Chief Engineer and Purchasing Agent reviewed the correspondence from Evoqua Water Technologies, LLC of Sarasota, FL accepting the 2-year extension in accordance with the same product, terms, conditions, and price of the original contract.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that Evoqua Water Technologies, LLC of Sarasota, FL is hereby awarded a final two-year extension of the Contract for the Furnishing & Delivery of Bioxide in accordance with the terms, conditions, and price of the original bid and contract documents for an amount not to exceed \$2.43 dollars per gallon for a total contract amount of \$58,320.00.

BE IT FURTHER RESOLVED, the Chairman and Executive Director are hereby authorized to execute the contract extension documents to Evoqua Water Technologies, LLC of Sarasota, FL in the amount of \$58,320.00 for Bioxide for a two-year period.

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

RESOLUTION No. (02/18): To approve Sanitary Sewer Connection and Treatment Works Approval Application for Meridian at Holmdel – Phase 1

WHEREAS, Meridian Quality Care, LLC (“Developer”), is the project developer of Meridian at Holmdel – Phase 1, located on Commons Way, near Rt.35, further designated as Block 50.30, Lot 63.02 in the Holmdel Township, a 118 bed Assisted Living Facility with 62 Equivalent Dwelling Units (“EDU’s”); and

WHEREAS, the Developer has indicated they have received all local approvals including local sanitary sewer approval; and

WHEREAS, the project is expected to generate 13,690 gallons per day of wastewater; and

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) Chief Engineer has reviewed the Developers application and is recommending sanitary sewer connection approval; and

WHEREAS, the Developer has paid the review fee of \$206.78 and will satisfy the connection fees of \$310,062.

NOW THEREFORE BE IT RESOLVED that Meridian Quality Care, LLC is hereby granted Bayshore Regional Sewerage Authority sanitary sewer approval for the above referenced project, contingent upon all fees being paid in full.

BE IT FURTHER RESOLVED by the Executive Director is hereby authorized to execute the Statement of Consent documents and return the Treatment Works Approval application to the applicant for processing by the New Jersey Department of Environmental Protection upon payment of all aforementioned fees; and

BE IT FURTHER RESOLVED the Developer must properly maintain its sanitary sewer system in accordance with the Bayshore Regional Sewerage Authority Rules and Regulations; and

BE IT FURTHER RESOLVED that this approval is good for a one-year period.

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

RESOLUTION No. (03/18): To Award Final Change Order No.1 In The Credit Amount of \$15,790 To Iron Hills Construction, Inc. for Contract 97, Odor Control No. 1 Improvements

WHEREAS, in accordance with Local Public Contracts Law, Iron Hills Construction, Inc. was awarded Contract No. 97, Odor Control No. 1 Improvements in the amount of \$479,000 by Resolution No. 52/17; and

WHEREAS, there is a need to amend the contract to credit the unused portion of the Contract allowance of \$15,790; and

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) Chief Engineer and Consulting Engineers R3M have prepared and are recommending Final Change Order No. 1 to amend the Contract, in the Credit amount of \$15,790; and

WHEREAS, the Authority Chief Engineer and Consulting Engineers, R3M are recommending a No-Cost time extension of 33 days for Milestone No. 3, Substantial Completion, and a No-Cost time extension of 100 days for Milestone No. 4, Final Acceptance as par to this final change order; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the unrestricted net position fund, to cover the maximum dollar value of the pending contract as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority final change order No. 1 for Iron Hills Construction, Inc., in the credit amount of \$15,790, is approved decreasing the total Contract amount to \$463,210 and extending the substantial completion date by 33days and the final approval date by 100 days.

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

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

RESOLUTION No. (04/18): To Approve Close-out of the Odor Control No. 1 Scrubber Improvements Contract No. 97

WHEREAS, on March 20, 2017, the Bayshore Regional Sewerage Authority (“Authority”) awarded contract #97, Odor Control Scrubber Improvements to Iron Hills Construction, Inc. in accordance with the Local Public Contracts Law and Resolution No. 52/17 in the amount of \$479,000; and

WHEREAS, a credit change order in the amount of \$15,790 was awarded by Resolution No.03/18 decreasing the final contract value to \$463,210; and

WHEREAS, all work is completed and the Authority Chief Engineer and its Consulting Engineer, R3M are recommending acceptance of the Maintenance Bond and closeout of Contract No. 97.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority hereby approve acceptance of the Maintenance Bond and closeout of the Odor Control Scrubber Improvements Project No. 97.

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to execute any necessary documents to approve closeout of the project.

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

RESOLUTION NO. (05/18): To Authorize an Engineering Amendment to Hazen & Sawyer for the Construction Management and Inspection Services of the NIRO Incinerator, Repair & Mitigation, Contract No. 74-S, in the amount of \$120,300.

WHEREAS, through Resolution 94/14, the Bayshore Regional Sewerage Authority (the “Authority”) contracted with Hazen & Sawyer Engineers of NY (“H&S”) for the Construction Management and Inspection Services of the NIRO Incinerator, Repair & Mitigation, Contract No. 74-S; and

WHEREAS, the Authority amended the contract with H&S for the Construction Management and Inspection Services of the NIRO Incinerator Repair & Mitigation, Contract No. 74-S to cover additional expenses beyond the original scope of work; and

WHEREAS, the Authority has requested H&S to perform additional engineering services beyond the original scope of work as a result of the construction contract being extended past the completion date, including additional inspection time and construction management services; and

WHEREAS, H&S submitted a proposal dated January 12, 2018 for Amendment No.3, in the amount of \$120,300; and

WHEREAS, the Authority Chief Engineer and Executive Director have met with the staff of H&S to review the amendment proposal and find the amendment request dated January 10, 2018 to be fair and reasonable and represent work that was beyond the original scope of work; and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Capital line item, to cover the maximum dollar value of the pending contract as set forth in this Resolution.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority hereby approve a contract amendment No.3 in the amount of \$120,300 to Hazen & Sawyer of NY, in accordance with the terms and conditions of its correspondence dated January 12, 2018, increasing their budget amount from \$2,175,247 to \$2,295,547.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute the contract amendment with H&S of NY.

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

PUBLIC PORTION

ANNOUNCEMENT (by Chairwoman McMullen) – This portion of the meeting is OPEN TO THE PUBLIC to discuss any BRSA matters the public may care to address. The public is reminded, only questions or comments not previously addressed; and/or specific to the scope of BRSA’s operations or projects will be addressed. As a courtesy to all members of the public wishing to speak, please be mindful of limiting your comments to 3 minutes.

NO PUBLIC IN ATTENDANCE

EXECUTIVE SESSION

MOTION (by Chairwoman McMullen) - to go into Closed Session at 7:48 P.M. in accordance with Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permitting the exclusion of the public from a meeting in certain circumstances. This action will be taken to discuss matters falling within attorney-client privileges, specifically, pending or anticipated litigation 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 Steiner, Sutton, Whalen and Chairwoman McMullen

ALL EXECUTIVE SESSION MINUTES ARE RECORDED SEPARATELY

MOTION (by Chairwoman McMullen) - to end Closed Session and Re-Open the Regular Meeting @ 8:05 PM.

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

John Napolitano reported that the 2% cap that was presented a couple of years ago was passed and signed into law by Governor Christie. The regs are not out yet but it’s a 2% cap on your operating budget. It also caps your charges to you customers at 2% above the prior year for a similar amount of use. The bill is not well written, AEA worked hard to stop the bill but to no avail. MUA’s and other Sewerage Authority are not listed as being part of the bill, only if you have Regional Sewerage Authority in your name are covered under the bill.

ADJOURNMENT

ANNOUNCEMENT (by Chairwoman McMullen)

The next meeting of the Bayshore Regional Sewerage Authority will be the Reorganization Meeting to be held on Monday, February 26, 2018 immediately followed by the Regular Meeting. All meetings are held at 7:00 PM in the Administration Building at 100 Oak Street, Union Beach, NJ.

MOTION (by Chairwoman McMullen) to adjourn the meeting @ 8:07 PM.

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

AYES: Commissioners Steiner, Sutton, Whalen and Chairwoman McMullen

Respectfully Submitted,
Susan A. DuBey
Administrative Assistant