

MINUTES FOR
REGULAR MEETING (via Zoom)
MONDAY, OCTOBER 19, 2020

At 7:05 P.M., Chairman Khachaturian made the following announcement:

The 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 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 Khachaturian asked all in attendance to stand for the Pledge of Allegiance and a Moment of Silence for the safety of US Troops all over the world.

Chairman Khachaturian called for a roll call via Phone (Zoom):

ROLL CALL

PRESENT: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

Also, via Phone (Zoom): John Napolitano, Esq.
Manuel Ponte, P.E.
Michael Bart, CPA

Also, in attendance: Peter Canal, Executive Director
J. Michael Broyles, Superintendent
Thomas Petti, P.E., Principal Engineer
Susan DuBey, Administrative Assistant

REPORTS

Executive Directors Report

Peter Canal Reported:

- HDR is present to discuss the Power Resiliency Project. The 50% design has been submitted and BRSA staff as well as R3M have submitted comments. HDR is currently advancing to 90% design and should be complete by the end of the year. Present from HDR is Joe Firssora, Ben Vaught and Jamie Zimmermann who explained the BRSA power building, the generators located on the Turbine pad and the connection to MCBOA Pump Station. MCBOA's current Pump Stations will be upgraded to the 500-year flood level. Commissioner Sutton asked about putting up 7 ft. barrier at the Pump Station to prevent a flood

would it cause the building to float? Jamie said no because the building is loaded.

Chairman Khachaturian asked what power is being sent over to MCBOA. Joe said it's 12.47kW (medium voltage utility power).

Commissioner Cavanagh asked about the gas and conduit electric going over to MCBOA, it that 2 separate chases. Jamie said just the electric. Commissioner Cavanagh asked how the gas is getting over. Jamie said the gas is only going to the Generator Building. Commissioner Cavanagh asked if it was coming from the same routing. Jamie said the gas was being connected to the current gas line already at BRSA property, along the fence line. Commissioner Cavanagh asked transfer switch location, by the generators or by the switch gear. The transfer switched will be in the enclosure one a MCBOA and one at BRSA.

Chairman Khachaturian stated that only the emergency power will come from BRSA. Joe stated that MCBOA has to ask for the power it's just not automatic. Commissioner asked if the Generators were Prime rated or Stand-by rated. Joe answered Stand-by rated.

Commissioner Cavanagh asked if we will be able to participate in demand response programs. Joe said yes and that he is looking into Title V permit.

Coronavirus (Covid-19) -Update

- Received Local Finance Notice on "New Emergency Regulations for Remote Public Meeting Being Held During a Declared Emergency". John Napolitano provided recommendations for changes in advertisement's and on the Agenda.
- Disaster Recovery Update:
Contract 81S – all the work complete. Reviewing the As-Builts & O&M Manual's. Review FEMA worksheets and close out Project Fund 1 & 2.
- Contract 114S - submitted 90% design. Review with NJOEM and FEMA for their comments.

Finance

- Met several times with staff to finalize 2021 Authority Budget (Operating& Capital). Met with Finance Committee and reviewed budget. Preliminary approval tonight and send down to NJDCA for their approval for final adoption on December 21, 2020.
- Approval to increase for Weiner Law Groups not to exceed amount from \$30,000 to \$45,000 due to additional unforeseen personnel issues.
- Project II payment to PS&S in the amount of \$1,295.00 and Project Fund III to HDR in the Amount of \$100,172 and R3M Engineering in the amount of \$4,267.50. NJ I Bank close-out of Project Fund I - refund in the amount of \$15,241.00.

Human Resources

- Letter of retirement from Susan DuBey as of 2-26-21. Planning to advertise for her replacement following this meeting.

Other

- Coastal Discharge Group met to discuss the NJPDES Permit issues and impacts. As in the past the group is looking to hire Hall Associates to aid in addressing the NJDEP at a cost sharing arrangement.
- Peter Canal review and explained the 2021 proposed Budget to the Commissioners.

Principal Engineer Report

Tom Petti Reported

- Concentration Tanks Rehab – work going well. All 4 tanks have been done and all but tank #2 is on line. Scheduled to have a dry start up in November. Expecting Change Order to be a credit for the whole job.

- Interceptor Sewer Rehab. Phase 3 – planning to roll out every year. Jacobs submitted a detailed alternative analysis to evaluate the three sections of pipe, review the rehab. method, and 30% design submittal as well as permitting application.
- Lab Roof Award to Weatherproofing Technologies – we have annual inspections and small repairs over the years. Multiple roofs need replacement but lab building is in most need. Under the ESCNJ cooperative purchasing agreement Weatherproofing Tech. a proposal was solicited and found to be fair and reasonable in the amount of \$216,944.95.

Commissioner McMullen asked how old the roofs are. Tom said about 25/30 years old. The Dorr Oliver is the newest and that's 15 years old. The Administration and Odor Control Buildings are on the list for next year.

- West Keansburg Pump Station Bypass Facility – need bypass in case of an emergency. A facility was placed at Matawan Pump Station in 2018. This would replace the magmeters and magmeter valves. Seeking to award R3m with design services in the amount of \$50,990.00.
- Pump Station & Force Main Inspections – R3M has put together 2 work orders for repairs on Lower Main Street in Matawan for work on external pipe repair, air pocket investigation and replacement of an air release valve. All work is planned to be done in one mobilization to save on cost and traffic control.
- Contract 118-2020 TV & Cleaning of Interceptor Sewer System-Phase I – National Water Main is working 4 nights a week first doing cleaning then TV inspection at different locations in Union Beach.
- Odor Identification & Mitigation Support Study-Trinity was here and took measurements at the Plant and at neighboring residences. A preliminary (draft) data report indicate odors are mild, transient and low in offensiveness and non-detectable levels near neighboring residences. Trinity did suggest to improve seals and covers to certain tanks and increase odor control scrubber air flow. Trinity will be returning the week of November 16, 2020.
- Everbrook Academy Sewer Connection – Holmdel – childcare facility calculated to have 7 EDU's.
- Contract 81S-Power Distribution Improvement and Mitigation (Phase II) – all work complete and Close-out planned at the November, 2020 meeting.
- RFQ #2020-06 – AB1/2 NX 350 Neuros Blowers – award annual maintenance service and warranty extension to APG-NEUROS for 2 turbo blowers in the Blower Building.

Consulting Engineer – R3M

Manuel Ponti Reported

- Force Main Condition Assessment - Air Pocket #1-replace air release valve.
- Fuel Oil Tank #3 – working with BRSA staff and Shorelands Construction to execute contract. Preparing for pre-construction meeting scheduled for this week and a notice to proceed will be issued by BRSA staff shortly after.
- WKPS Bypass- main reason for the resolution is to enable to bring in the diesel fuel pump to the station, connect it to an upstream manhole and pump the force main and this would bypass the pump station all together. It's a big plus, we have this at Matawan Pump Station. Also replace the WKPS mag meter/flow meter – relocate to a better area.
- 2020 Final Flow Report
Completed the 4th quarter 2019-2020 Flow report with the certification from Hazlet and Union Beach engineers for their EDU's. Note that Section A was missing from your package, Tom will be showing it on the screen.
The estimated flow for 2019/2020 2,686.811 million gallons which is lower than last year.

I&I has been reduced due to a dry year. Last year was a wet year, this year was dry.

As for Hazlet and Union Beach their numbers don't matter if it's a dry year or a wet year. They go by EDU's. Hazlet and Union Beach together are at 36% of the flow. The EDU method seems to be working out very well.

Commissioner Cavanagh stated that he had a very serious problem with the report and said they all should. Total flows there is an 11% drop. Represents a significant cost reallocation at the Authorities expenses because you use gallons. Keansburg is going to go down 27%, Keyport will go down 23% and Hazlet and Union Beach are going to go up based on the EDU's. Commissioner Cavanagh said he would like to see some rainfall data because he feels this could be a COVID situation and if that's the case an EDU this year is not the same EDU as last year. This report should not be accepted by anyone.

John Napolitano explained to Commissioner Cavanagh that the distribution of the costs was sent up in the Service Agreements so in some respects the Authority's hands are tied in trying to do something different.

Commissioner Cavanagh said the Authority decides what an EDU is or isn't.

John said the Authority should ask the towns would be willing to do a slight modification to the agreements to for a rolling average of 3 years of full data to use to separate the flows.

Manuel Ponte said this was a difficult year to compare because this year was so different.

Peter Canal said that over the years the numbers seem to balance themselves out. He said the Town flow charges are not approved until the December meeting. Pete said he will put together some data and present it before the Rate/Flow Charges meeting in December.

Mike Broyles stated that he just took a quick look the last 12-month period vs. the previous 12-month period and the difference is 441 million gallons just using the meter coming into the plant.

Superintendent's Report

Mike Broyles Reported

- The Plant flow for September was 17.5 million gallons less than the previous month.
- BOD, COD and Suspended Solids were slightly higher.
- The plant effluent quality remains good.
- We received one odor complaint from Mrs. Lauro. We had wind directed at her residence at 20 MPH.
- There were no issues with the incinerator during September. Continue burning 7 days a week.
- Staff spent a lot of time working on the Budget both Capital and Operating. Also spent a lot of time with DEP with the Federal Applied Permit Modifications. Received an e-mail from the State today saying now the EPA has to make some comments on the permit.
- Anthony Rotundo of the NJDEP-Central Enforcement was here for the last pre-holiday Coastal Compliance Program inspection for 2020. There were no issues.
- Anjana Sircar, NJDEP Bureau of Pretreatment and Residuals, retired Sept. 1, 2020. Received a few questions from employees reviewing her work.
- Andrew, Mike Dow and Morsehouse Engineering working on Matawan & West Keansburg Pump Stations PLC upgrade project.
- Security Camera expansion project moving forward and mounting cabinets and other hardware.
- Maintenance staff installed a spare incinerator scrubber ash slurry discharge hose.
- Primary Clarifiers #5 was off line for a couple of weeks due to the failure of the floatable skimmer assembly due to age and corrosion.

- Raritan Valley Pump Station Raw Sewer Pump #2 failed. A rental pump was installed until a new pump was received.

TREASURER'S REPORT

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

TREASURER'S REPORT STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

	Balance September 30, 2020
<u>UNRESTRICTED INVESTMENTS</u>	
Lakeland Bank-CD#1	\$ 1,056,905.74
Lakeland Bank-CD#2	\$ 1,036,387.61
TOTAL UNRESTRICTED INVESTMENTS	\$ 2,093,293.35
<u>TD BANK UNRESTRICTED CASH</u>	
Incoming Revenue Account	\$ 2,131,570.82
Operating Regular Account	\$ 2,084,604.73
Operating Reserve Account	\$ 6,627,538.25
Operating Payroll Account	\$ 621,235.75
TOTAL UNRESTRICTED CASH	\$ 11,464,949.55
TOTAL UNRESTRICTED CASH & INVESTMENTS	\$ 13,558,242.90
<u>RESTRICTED INVESTMENT</u>	
Cash Management	\$ 7,327,273.13
TD Bank-CD	\$ 3,071,479.17
TOTAL RESTRICTED INVESTMENTS	\$10,398,752.30
<u>RESTRICTED CASH</u>	
NJEIT Project Fund	\$ 447,709.06
NJEIT Project Fund #II	\$ 3,879,894.72
NJEIT Project Fund #III	\$ 984,359.18
Bond Service Fund	\$ 111,304.43
TOTAL RESTRICTED CASH	\$ 5,423,267.39
TOTAL RESTRICTED CASH & INVESTMENTS	\$15,822,019.69
TOTAL AUTHORITY ACCOUNTS	\$29,380,262.59

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

SCHEDULE OF ACCOUNTS RECEIVABLE

	Balance September 30, 2020
BRSA CHARGES	
Hazlet Township Sewerage Utility	\$ - 602,877.25
Township of Holmdel	\$ - 281,775.25
Borough of Union Beach	\$ 0.00
Borough of Keyport	\$ 0.00
Borough of Keansburg	\$ - 241,469.50
Borough of Matawan	\$ - 274,612.25

Western Monmouth Utilities Authority	\$ - 92,868.75
Township of Aberdeen	\$ - 432,950.75
TOTAL	\$ -1,926,553.75

OUTFALL AUTHORITY CHARGES

Hazlet Township Sewerage Authority	\$ -63,768.77
Township of Holmdel	\$ -29,804.50
Borough of Union Beach	\$ 0.00
Borough of Keyport	\$ 0.00
Borough of Keansburg	\$ -25,541.22
Borough of Matawan	\$ -29,046.86
Western Monmouth Utilities Authority	\$ -9,823.09
Township of Aberdeen	\$ -45,794.95
TOTAL	\$ -203,779.39

RENT RESERVE ACCOUNTS as of September 30, 2020

Hazlet Township Sewerage Utility	\$ 668,859.88
Township of Holmdel	\$ 323,137.29
Borough of Union Beach	\$ 197,344.84
Borough of Keyport	\$ 312,719.35
Borough of Keansburg	\$ 267,776.69
Borough of Matawan	\$ 327,593.07
Western Monmouth Utilities Authority	\$ 102,989.70
Township of Aberdeen	\$ 480,116.35
TOTAL	\$ 2,680,537.17

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

PAYMENT OF REQUISITIONS

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

Operating Fund Req. No. 590 (Regular)	\$432,975.56
Payroll Account Req. No. P 238 (Payroll)	\$252,419.86
NJEIT Project Fund #2 Req. #PF-49	\$ 1,295.00
NJEIT Project Fund #3 Req. #PF-2	\$104,439.50

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

APPROVAL OF MINUTES

Chairman Khachaturian called for a **MOTION** to approve the following Minutes:
Regular Meeting Minutes of September 21, 2020
Closed Session Minutes of September 21, 2020

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

PUBLIC PORTION

Chairman Khachaturian announces: This meeting is open to the public to discuss any BRSA matter on the agenda 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 5 minutes.

NO ONE WAS PRESENT VIA ZOOM FROM THE PUBLIC

RESOLUTIONS

RESOLUTION No. (107/20): 2021 AUTHORITY BUDGET RESOLUTION-Bayshore Regional Sewerage Authority **FISCAL YEAR:** **FROM: January 1, 2021** **TO: December 31, 2021**

WHEREAS, the Annual Budget and Capital Budget for the Bayshore Regional Sewerage Authority for the fiscal year beginning, January 1, 2021 and ending, December 31, 2021 has been presented before the governing body of the Bayshore Regional Sewerage Authority at its open public meeting of October 19, 2020; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$11,092,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$6,592,000; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Bayshore Regional Sewerage Authority, at an open public meeting held on October 19, 2020 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Bayshore Regional Sewerage Authority for the fiscal year beginning, January 1, 2021 and ending, December 31, 2021 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are

of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority’s outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Bayshore Regional Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 21, 2020.

 Christopher Cavanagh 10-19-2020
(Date)

<u>Governing Body Members:</u>	<u>Aye</u>	<u>Recorded Vote</u>		
		<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Commissioner Cavanagh	X			
Commissioner McMullen	X			
Commissioner Sutton	X			
Commissioner Russo	X			
Commissioner Whalen	X			
Chairman Khachaturian	X			

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION No. (108/20): To Increase Labor/Employment Legal Counsel Not to Exceed Amount from \$30,000 to 45,000

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Labor/Employment Legal Counsel services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 20:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract has exceed \$17,500; and

WHEREAS, Weiner Law Group, LLP of Parsippany, NJ has submitted a proposal indicating they will provide Labor/Employment Legal Counsel services at \$155.00 per hour; and

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

WHEREAS the Commissioners of the Bayshore Regional Sewerage Authority enter into a contract with Weiner Law Group, LLP as described more specifically in their proposal dated January 29, 2020; and

WHEREAS, in accordance with N.J.S.A.5:30-5.4 (a) (3), the Authority certifies the availability of funds in the series 500 portion of the Operating Authority Operating Budget, to cover the maximum dollar value of the pending contract set forth in this resolution.

NOW THEREFORE BE IT RESOLVE that the Contract with Weiner Law Group, LLP has exceeded maximum limit of \$30,000.

BE IT FURTHER RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby approve an increase of the Not To Exceed limit from \$30,000 to \$45,000.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION No. (109/20): To accept R3M's 2019/2020 Final Flow Report

WHEREAS, R3M Engineering, Consulting Engineers for the Bayshore Regional Sewerage Authority (“Authority”) have determined the quantity of sewage from each of the Towns and Authorities connected to the Authority’s system for the Fourth and Final Quarter of the year 2019/2020; 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; and

WHEREAS, in accordance with the Service Agreement Union Beach and Hazlet have certified the number of respective EDU’s connected to the system as of October 1, 2020.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby accept the flow calculations, certified by R3M for the Fourth and Final Quarter of the year 2019/2020.

BE IT FURTHER RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority accept the EDU Certification of Union Beach identified in their report submitted by T&M Associates dated October 16, 2020 identifying structures demolished/rebuilt as of 10/1/19, as well as CO’s issued between October 1, 2019 and October 1, 2020 for a net increase of 18 EDU’s as well as the EDU Certification of Hazlet identified in their report submitted by CME Associates dated October 9, 2020 for a net Increase of 56.5 EDU’s.

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

AYES: Commissioners McMullen, Russo, Sutton and Chairman Khachaturian

NAYS: Commissioner Cavanagh and Whalen

RESOLUTION No. (110/20): To Award Laboratory Office Building Roof Replacement Project Through Participation in the ESCNJ Cooperative Purchasing Agreement to Weatherproofing Technologies, Inc. of Beachwood, OH in the amount of \$216,944.95.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) owns and maintains a Laboratory Office Building that has a need to replace the roof; and

WHEREAS, the Authority as a contracting unit, may without advertising for bids, purchase goods and services on our behalf by the Educational Services Commission of New Jersey (ESCNJ) cooperative purchasing agreement, which permits contracting units to use contracts awarded by state or local cooperatives that were competitively bid; and

WHEREAS, Weatherproofing Technologies, Inc. of Beachwood, OH has submitted a proposal for the Laboratory Office Building Roof Replacement Project which includes 5,300 square feet of roofing and insulation and replacement of skylights, under ESCNJ Contract No. 19/20-15, NJ State Co-op No. 65MCESCCPS in the amount of \$216,944.95; and

WHEREAS, the Authority Principal Engineer and Staff have reviewed the proposal and find it to be acceptable; and

WHEREAS, in accordance with N.J.S.A 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Unrestricted Net Position of the Authority Capital Budget, to cover the maximum dollar value of the pending Contract set forth in this Resolution; and

NOW THEREFORE BE IT RESOLVED, that the Commissioners of the Bayshore Regional Sewerage Authority hereby award the Contract for the Laboratory Office Building Roof Replacement Project to Weatherproofing Technologies, Inc. of Beachwood, OH in accordance with the terms and conditions of their proposal submitted under the ESCNJ State Co-op, in the amount not to exceed \$216,944.95.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the Contract to Weatherproofing Technologies, Inc. of Beachwood, OH.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION No. (111/20): To Approve Sanitary Sewer Connection Application to Kedar Investment Group, LLC, Developer of Everbrook Academy

WHEREAS, Kedar Investment Group, LLC (“Developer”), is the project developer of a proposed school located at 400 Commons Way, further designated as Block 50.30, Lot 63.01 in the Township of Holmdel, with a capacity of 160 students and is calculated to be a seven (7) Equivalent Dwelling Units (“EDU’s”) Project; 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 1,600 gallons per day of wastewater; and

WHEREAS, the Bayshore Regional Sewerage Authority’s (“Authority”) Principal Engineer has reviewed the Developer Application and is recommending sanitary sewer connection approval; and

WHEREAS, the Developer has paid the connection fee of \$35,140.00.

NOW THEREFORE BE IT RESOLVED, that the Commissioners of the Bayshore Regional Sewerage Authority hereby grant sanitary sewer connection approval to Kedar Investment Group, LLC, Developer of Everbrook Academy.

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

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

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION No. (112/20): To Award Engineering Proposal to Hall & Associates for NJDEP Permitting Services for the Coastal Discharges Group in the amount not to exceed \$10,000

WHEREAS, the Bayshore Regional Sewerage Authority (“BRSA”) owns and operates a 16MGD Wastewater treatment facility in the Borough of Union Beach, NJ under a Permit issued by New Jersey Department of Environmental Protection (“NJDEP”) – New Jersey Pollutant Discharge Elimination System (“NJPDES”) Permit No. 0024708; and

WHEREAS, the BRSA discharges its effluent by way of an outfall pipe owned and operated by the Monmouth County Bayshore Outfall Authority (“MCBOA”) under NJDEP NJPDES Permit 0024694 into the Atlantic Ocean; and

WHEREAS, other Authorities and Outfalls – Township of Middletown Sewerage Authority, “TOMSA”, Two Rivers Water Reclamation Authority, “TRWRA”, Long Branch Sewerage Authority, “LBSA”, Township of Ocean Sewerage Authority, “TOSA”, Southern Monmouth Regional Sewerage Authority, “SMRSA”, Ocean County Utilities Authority, “OCUA”, the City of Asbury Park, Atlantic County Utilities Authority, “ACUA”, and Cape May County Municipal Utilities Authority, “CMCMUA” operate under NJPDES Permits and discharge into the Atlantic Ocean – (“Coastal Dischargers Group”); and

WHEREAS, certain Permit conditions set by the NJDEP in all of the above referenced Permits are common and are uniformly opposed to by the Coastal Dischargers Group; and

WHEREAS, the Coastal Dischargers Group has organized to consolidate these Permit Appeals to avoid unnecessary costs, time, expense, delay and duplication of efforts to simplify and expedite consideration of the issues by the NJDEP; and

WHEREAS, each member of the Coastal Dischargers Group has been asked to contribute an equitable portion of the funds required to consolidate the permits; and

WHEREAS, the members of the Coastal Dischargers Group have hired the firm of Hall and Associates to represent them in the permitting process; and

WHEREAS, Hall Associates submitted a proposal dated September 21, 2020 detailing the scope of work for a not to exceed amount of \$30,000; and

WHEREAS, the Association of Environmental Authorities will administer the invoicing of the aforementioned professional services claims on an agreed upon cost sharing formula whereby the BRSA pays an equal share of the costs; and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Consultant Other line item of the Authority Operating Budget to cover the maximum dollar value of the pending Contract as set forth in the resolution.

NOW THEREFORE BE IT RESOLVED the Commissioners of Authority deem it in the best interest of the customers it serves to avoid unnecessary costs whenever possible and thereby authorize the Executive Director to accept the cost sharing formula and pay all appropriate claims as they come due to Coastal Dischargers Group on behalf of the Bayshore Regional Sewerage Authority, which shall not exceed \$10,000.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION No. (113/20): To Adopt Standard Protocols and Procedures for Conducting Remote Public Meetings During Declared States of Emergency

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a state of emergency as a result of the coronavirus disease 2019 (“COVID-19”) pandemic; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104, which announced aggressive social distancing measures as a result of the COVID-19 pandemic, which included encouraging employees to tele-work if feasible and limiting large social gatherings and in-person meetings such as those conducted by local government entities; and

WHEREAS, local government entities such as the Bayshore Regional Sewerage Authority (the “Authority”) have continued to conduct public meetings and hearings during the COVID-19 pandemic

remotely so as to continue the effective administration of government and to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services (“DLGS”) issued remote meeting guidance in March 2020 to provide a list of possible solutions available for local government entities to host remote meetings in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 to -21 (“OPMA”); and

WHEREAS, DLGS has promulgated emergency regulations, codified at N.J.A.C. 5:39-1.1 to -1.7 (the “DLGS Regulations”), which establish standard protocols for remote public meetings held by local government entities during a Governor-declared public health emergency, state of emergency or state of local disaster emergency, including minimum procedures to be followed to provide reasonable notice and to allow public input; and

WHEREAS, on September 24, 2020, DLGS issued Local Finance Notice 2020-21, expanding on the DLGS Regulations; and

WHEREAS, to allow the Authority to continue to conduct public business, and to allow the public to attend Authority public meetings remotely, consistent with and in compliance with Executive Order 104, the OPMA, and the DLGS Regulations, the Authority wishes to establish standard protocols for remote public meetings as set forth in this Resolution;

WHEREAS, the Bayshore Regional Sewerage Authority Commissioners (the “Commissioners”) have decided to adopt the following standard protocols and procedures for conducting remote public meetings, including minimum procedures to be followed to provide reasonable notice and to allow public input:

NOW THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF THE BAYSHORE REGIONAL SEWERAGE AUTHORITY, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The following procedures and requirements are hereby adopted for the Authority’s remote meetings:
 - (a) The Authority’s public notice of each meeting conducted remotely shall contain the dial-in conference number and/or web address and all other information (e.g., meeting ID, password) necessary for members of the public to participate in and access the meeting remotely. The Authority presently uses Zoom web conferencing to conduct its remote public meetings, which accommodates at least 50 public participants in addition to those required to conduct the meeting. Members of the public wishing to comment during the public portion of meetings or during a public hearing may press the “Raise Hand” button on Zoom or dial *9 to raise their hand. A representative of the Authority (“Facilitator”) will keep members of the public muted, except when they are selected to speak during the public portion of the meeting or during any public hearing. Members of the public may also mute and unmute themselves by pressing the microphone button on Zoom or pressing *6 on the telephone keypad. Members of the public may also discontinue their video through the “Zoom” platform.
 - (b) Members of the public may submit written comments in advance of a meeting, which will be read during the public portion of the meeting. Written public comments submitted prior to the meeting must identify the name and address of the commenter. No anonymous comments will be accepted. Written comments may be submitted via e-mail with the subject line “Public Comment” to the Authority’s Executive Director, Peter Canal at info@bayshorersa.com or by mail addressed to: Peter J. Canal, Executive Director, Bayshore Regional Sewerage Authority, 100 Oak Street, Union Beach, NJ 07735. E-mailed comments must be received at least eight (8) hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.

- (c) Public comments submitted prior to the meeting shall be read aloud by an authorized representative of the Commissioners during the public meeting in a matter audible to all meeting participants. If duplicative written comments are received, the name of each commenter will be noted for the record, and the contents may be summarized.
- (d) The Authority will accept comments made through the Zoom “chat” feature during remote public meetings if the commenter includes his/her name and address for the record.
- (e) The agenda for the meeting will be available on the Authority’s website, www.bayshorersa.com, prior to the meeting.
- (f) If any meeting includes a public hearing all material that will be considered by the Authority at the public hearing shall be posted on the Authority’s website in a conspicuous location or as otherwise required by law. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio.
- (g) Immediately after calling the meeting to order, the designated meeting Facilitator shall ensure that the Zoom link and dial-in number are working. If the Zoom link or dial-in number are not working, and cannot be returned to working order in a reasonable period of time, the meeting shall be adjourned to another time.
- (h) The Authority Attorney shall announce at the beginning of the remote public meeting the procedures and requirements for making public comment. The Authority Attorney will also explain that members of the public who are not speaking must mute themselves by pressing the microphone button on Zoom or by pressing *6 on the telephone keypad and may un-mute themselves by pressing the microphone button on Zoom or by pressing *6 on the telephone keypad, a second time.
- (i) In the event the meeting is being recorded, the Authority Attorney will advise the public at the beginning of the meeting.
- (j) If any member of the public is attending remotely, he or she will be provided an opportunity to provide public comment. The designated meeting Facilitator will ask whether any member of the public has a comment. Members of the public wishing to comment during the public portion of meetings or during a public hearing may press the “Raise Hand” button on Zoom or dial *9 to raise their hand. The Facilitator will address members of the public by name or the last 4 digits of their phone number. The commenter may then unmute themselves by pressing the microphone button on Zoom or by pressing *6 on the telephone keypad. Commenters must state their name and address for the record. At the conclusion of the comments, the commenter will be muted by the Facilitator. Once all members of the public who wish to make comment have been heard and all written comments have been read, any Commissioners or the Executive Director may address any comments made.
- (k) If any member of the public is attending remotely, and a closed session is called by the Authority as permitted by the OPMA, a separate call-in number or other electronic means of limiting remote participation shall be available so only the Commissioners and other persons needed for the closed session may participate. The Authority Attorney shall clearly state at what point in the agenda the closed session will occur, the reasons for the closed session, the projected length of the closed session, whether formal action will be taken on any matter after the closed session, and that the public will not be able to hear the Commissioners or provide comment during the closed session. The Commissioners shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.
- (l) Any member of the public who is attending remotely must participate in the meeting with appropriate decorum and act in a civil manner. Disruptive behavior will not be tolerated. The Authority reserves the right to exclude those members of the public who display conduct or make comments that are disruptive, which includes but is not limited to sustained inappropriate

behaviors such as, shouting, interruption, or the use of profanity. Members of the public engaged in such conduct will receive a warning, and if the conduct continues, the person will be muted and his or her comments deemed concluded. If time permits, and after all other members have been given the opportunity to make comment and all comments submitted in writing before the meeting have been read, the disruptive speaker shall be given the opportunity to continue to comment. Should the commenter remain disruptive, he or she shall be placed on mute or in the discretion of the Chairman, removed from video and/or removed altogether from the meeting.

(m) Members of the public may also be immediately, and without warning, muted, removed from video and/or removed from the meeting altogether for conduct or comments that are harassing, demeaning, threatening, and/or offensive to any person's race, gender, color, age, national origin, religion, sexual orientation, gender identity or expression, and disability (list is representative, not exclusive).

(n) The Authority, in its discretion, may change the technology for conducting remote public meetings from Zoom web conferencing to an alternate acceptable form of audio/video-conferencing technology, which accommodates at least 50 public participants in addition to those required to conduct the meeting.

3. Any prior ordinance or resolution controlling the decorum of the Authority's meetings continue to be in effect unless directly contradictory to the provisions in this Resolution.
4. A copy of this Resolution shall be prominently posted on the Authority's website, and posted on the front door of the Bayshore Regional Sewerage Authority Administration Building.
5. The Authority's Executive Director, Authority Attorney or any other official, officer or employee of the Authority be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

BE IT FURTHER RESOLVED that the Bayshore Regional Sewerage Authority hereby adopts the foregoing procedures and requirements for public comment during a remote public meeting; and

BE IT FURTHER RESOLVED that the procedures and requirements for making public comment, along with an explanation of the audio muting function of the audio-only teleconferencing technology, shall be announced at the beginning of each remote public meeting and will be placed on the Authority's website.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be entered into the permanent records of the Authority.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION No. (114/20): To Award RFQ #2020-06 for Annual Maintenance Service and Warranty Extension of AB1/2 NX 350 Neuros Blowers to APG-NEUROS for an amount not to exceed \$19,870.00

WHEREAS, in accordance with Local Public Contracts Law on Wednesday, September 30, 2020, the Bayshore Regional Sewerage Authority ("Authority") received a quote for the continued Maintenance Service and Warranty coverage for the AB1/2 NX350 Neuros Blowers for a Ten (10) month period; and

WHEREAS, the two (2) NX350 NEUROS BLOWER(S) are essential proprietary equipment for the daily operation of the Authority, with the responsible responsive Proprietary quote being APG-Neuros of Plattsburg, New York, having submitted a price of \$19,870.00 for the first ten (10) months to ensure continued Maintenance Service and Warranty coverage; and

WHEREAS, the Qualified Purchasing Agent has reviewed the quote and recommends the awarding of the Proprietary Contract to APG-Neuros of Plattsburg, New York; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Authority Service line item, to cover the maximum dollar value of the pending Contract as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby awards RFQ #2020-06 for Neuros Blower(s) Maintenance Service and Warranty coverage for a Ten (10) month period, in the amount of \$19,870.00 to APG-NEUROS of Plattsburg, New York in accordance with the terms and conditions of the proposal and agreement Documents.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to execute the Contract Documents.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION NO. (115/18): To Adopt Changes to the Authority Personnel Policy and Procedure Manual for 2020

WHEREAS, it is the policy of Bayshore Regional Sewerage Authority (Authority) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,); and

WHEREAS, the Authority has previously determined a need for and adopted personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

WHEREAS, it is necessary to amend those Policies and Procedures to reflect changes to streamline the Employer Handbook and Policy Manuals; and

WHEREAS, said changes include a more robust drug and alcohol policies and protection and safe treatment of minors.

NOW, THEREBY, BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the Personnel Policies and Procedures Manual additions attached hereto are hereby adopted.

BE IT FURTHER RESOLVED that these Personnel Policies and Procedures shall apply to all Authority officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that the Policy manual is intended to provide guidelines covering public service by the Authority employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Authority.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

RESOLUTION No. (116/20): To Award Engineering Design Services for the West Keansburg Pump Station Bypass & Meter Facility to R3M Engineering, Inc., in the amount of \$50,990.00

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) owns and maintains a sewage pumping station in Hazlet, NJ known as the West Keansburg Pump Station; and

HEREAS, there is a need for bypass facility to allow for the pumping of sewage in an emergency and other miscellaneous pump station metering upgrades; and

WHEREAS, the Authority has solicited a proposal from R3M Engineering, Inc. of Old Bridge, NJ for the engineering design services for the West Keansburg Pump Station Bypass Facility, dated October 13, 2020, in the amount of \$50,990.00; and

WHEREAS, the Executive Director and Principal Engineer have reviewed the proposal and found it to be fair and reasonable; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Unrestricted Net Position of the Authority Capital Budget, to cover the maximum dollar value of the pending Contract as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby approve the engineering proposal for the West Keansburg Pump Station Bypass Facility, in the amount of \$50,990.00 to R3M Engineering, Inc., of Old Bridge, NJ in accordance with the terms and conditions of the proposal dated October 13, 2020.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to execute the contract agreement with R3M Engineering, Inc., of Old Bridge, NJ.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

PUBLIC PORTION

Chairman Khachaturian 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 5 minutes.

NO ONE WAS PRESENT VIA ZOOM FROM THE PUBLIC

NO EXECUTIVE SESSION NECESSARY

ADJOURMENT

ANNOUNCEMENT (by Chairman Khachaturian):

The next Regular Meeting of the B.R.S.A. is scheduled for Monday, November 16, 2020, 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 8:39 P.M. Chairman Khachaturian called for a **MOTION** to Adjourn the meeting.

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian

Respectfully submitted,
Susan DuBey
Administrative Assistant