



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

Minutes of the Bayshore Regional Sewerage Authority Agenda Meeting April 11th, 2011

At 7:00 P.M. on April 11th, 2011 Chairman Pisano called the Agenda Meeting of the Bayshore Regional Sewerage Authority to order and made the following announcement: "I hereby announce 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 the Newark Star Ledger. Notice has also been sent to the Clerks of the Aberdeen, Hazlet, Holmdel, Keyport, Matawan, Keansburg, Union Beach and Marlboro, and the W.M.U.A. This notice is also posted in the lobby of the Bayshore Regional Sewerage Authority Administration Building". The Chairman requested a **PLEDGE OF ALLEGIANCE** to the Flag and a Moment of Silence for the Troops serving our Country around the World. The Chairman then asked for an attendance roll call recorded as follows:

Present: Commissioners Cohen, Colligas, DiNardo Parsells, Wells and Chairman Pisano

Also in Attendance: Robert C. Fischer, Executive Director'
J. Michael Broyles, Plant Superintendent
Kimberly Newins, Adm. Asst., Recording Secretary
Peter J. Canal, BRSA Engineer
Louis E. Granata, Esq., General Counsel
Manuel Ponte, P.E., Consulting Engineer
Michael Bart, CPA, Auditors, Bart & Bart CPAs

The Chairman moved the Regular order of business and introduced Mr. Michael Bart, CPA. Mr. Bart is the Auditor for the Authority and he presented the 2009 - 2010 Audit to the Board. He reviewed every page of the Report. He explained the requirements for State and Federal Government reporting and answered any questions the Board members posed. There were no findings in the "General Comments" and "Recommendations" section of the Report. Also reviewed was the "Management Discussion and Analysis" Report which has been included in the Audit package for the past few years to aid the Commissioners and public in understanding the auditing process and the issues affecting the financial status of the Authority. The Board thanked Mr. Fischer and Mr. Bart for providing this analysis saying it makes the review process much more understandable. Mr. Fischer said a Resolution of adoption will be prepared for the Board's consideration at its next Regular Meeting of the Authority Mr. Bart reminded the Board if they had any questions, to feel free to call him at any time, and the Affidavit of Audit Review Certificate will also need to be executed at the Regular Meeting. Mr. Bart said he would forward the Audit and Review Certificate to the Department of Community Affairs, Local Finance Board along with the Audit; after its successful adoption on the 18th

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BRSA staff, November 2006

of April, 2011. The Board thanked Mr. Bart for his time and he excused himself to another appointment.

The Chairman moved to the regular order of business and asked for an update on the Wind to Energy Project.

Mr. Fischer reported on the Wind-to-Energy (WTE) Project. He reviewed the Pre-Construction Avian and Acoustic Monitoring (Bat Impact) Studies that were distributed to the Commissioners along with their agenda packages. The Board members discussed the findings and were pleased to learn there would be no significant impact on either bird or bat populations by the installation of the BRSA turbine. Mr. Fischer said in summary, the Report; prepared by specialists in the field, indicate there is little concern regarding bat mortality associated with the BRSA turbine. The Report goes on to say the most predominant species noted was the "Big Brown Bat" who are not commonly killed by turbines. The Avian report concludes relatively few birds were observed at the BRSA turbine site and very few were observed flying within the rotor swept height zone. In all, these two, studies and the Phase I Avian Impact Study conducted in August of 2008 encompass the most comprehensive formal information known to be available to date on the avian and bat habitat in the area of the BRSA which is near Conaskonk Point. Mr. Fischer said a Resolution accepting these Studies will be prepared for the Board's consideration at the next Regular Meeting of the Authority. Once approved, these Studies will be submitted to the NJDEP, in accordance with the terms and conditions of the Coastal Area Facilities Review Act, Freshwater Wetlands Individual ("CAFRA") Permit issued for the BRSA Wind-to-Energy Project. Commissioner Colligas said his only thought was that the opponents to the Project will continue to attempt to discredit this research. Mr. Fischer noted the studies were conducted by nationally accredited experts in their fields who are also held in high regard by the NJ Department of Environmental Protection.

Mr. Fischer asked Mr. Ponte to speak about the WPCP Improvements. Mr. Ponte said in addition to his written report he had a Power Point presentation to update the Board on the various projects. He showed (1) the new walkways that have been installed in the concentration tanks, (2) the fiberglass dome sections that were replaced during that process, (3) the new Screening Screw Press (4) The new chemical storage tanks, their new concrete pads, the work done to the building to remove the old tanks, install new ones; renovate the building with new access doors and (5) examples of the new underground dual wall pipes with leak detectors that are being installed and (6) the new odor control system. He went through this presentation answering questions and explaining each project in detail.

Mr. Ponte then discussed his Report on video inspections for certain BRSA interceptors within Keyport and Union Beach. The Board discussed the groundwater infiltration noted during off-peak hours coming in from laterals that are connected directly to BRSA interceptor lines. Mr. Ponte noted inflow was also significant during heavy rain events. A discussion ensued; Commissioner Parsells said something is definitely wrong and wondered if IFF had some responsibility for the extra flows. Commissioner Colligas spoke about batch cooling processes that discharge this type of water at night being one possibility from IFF. Mr. Ponte went over the report with the Board and the charts contained therein. The Board agreed to revisit the findings for further discussion at a subsequent meeting.

The Chairman asked Mr. Canal for a brief review of his Engineer's Report.

Mr. Canal began to review capital projects. Commissioner Colligas asked Mr. Canal about the delay of the delivery of the turbine components. He wondered if the delivery was still in tandem with the schedule for project completion. Mr. Canal said the contractor is reviewing all of its options to

ensure a timely completion of the project, but noted right now, the Monmouth County Engineering and Public Works/Road Department has outlined numerous criteria that needs to be met prior to issuance of a Special Use Permit.

Mr. Canal spoke about the Dorr Oliver Incinerator Phase 2 - Mechanical Repairs bid results. These bid results were also included in the agenda package. Chavond Barry Engineering, Incinerator Consultants to the Authority reviewed the results and provided a written recommendation to award the contract to the lowest responsible bidder, Iron Hills Construction of Wayne, NJ. Mr. Canal said a Resolution for the Board's consideration will be prepared for the next Regular Meeting.

Mr. Canal said Request for Quotes (RFQ) for the purchase of a new fuel oil tank to serve the generator for the Incineration Building is due on April 14th, 2011. A Resolution to award the purchase will be prepared for the Board's consideration, pending the outcome of the solicitation.

In closing his report, Mr. Canal reported amendments to the Developer's Agreement and Treatment Works Approval for "The Village at Aberdeen" Project with C&M Realty, LLC will need to be done at the next Regular Meeting. Through discussions with Aberdeen Township, it has been determined the total number of units in the project is 62, not 58. These amendments will be presented in the form of Resolutions prepared for the next Regular Meeting.

Mr. Broyles was asked to review his Superintendent's Report. Mr. Broyles said the Relative Accuracy Test Assessment (RATA) testing of the Dorr Oliver and Niro Incinerators were successfully completed. Preliminary indications are that the Continuous Emissions Monitoring System (CEMS) performed well.

Mr. Broyles went on to speak about Laboratory Proficiency (WP-194) Testing, USEPA DMR-QA 31 Studies and Quarterly Quality Control Testing that have been completed and reported all samples tested within quality control limits. He added, a Laboratory Certification renewal application and payment have been submitted to the NJDEP in accordance with NJ Statute requirements.

Mr. Broyles reported he continues to track the monthly sampling results of permitted industries under the NJDEP/BRSA Industrial Pretreatment Program and all Discharge Monitoring Reports (DMRs) from IPP contributors have been submitted on time. These reports are currently being reviewed for compliance with permit requirements. He continued to review the remainder of his report with the Board and in closing he noted RFQs for Sampling, Analysis and Reporting for 209 PCB Congeners, as required under the BRSA NJPDES Permit Major Modification would be opened on April 18th, 2011 at 1:00 P.M. in anticipation of a possible award at the next Regular Meeting.

The Chairman thanked Mr. Broyles for his report and moved to the Executive Director. Mr. Fischer said most of his report involved the Wind to Energy Project which had already been discussed.

The Chairman opened the meeting to the public and asked if anyone wanted to speak. There were no members of the public present at this evening's meeting. Chairman Pisano officially closed the public portion of this meeting.

At 8:30 P.M., the Chairman called for a **MOTION** to go into Closed Session in accordance with Section 8 of the Open Public Meetings Act. Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances. The general nature of the subject matters discussed were pending litigation of attorney-client privilege; the acquisition of real property, contract negotiations, Collective Bargaining Agreement negotiations and personnel issues. It was anticipated

the above stated subject matter would be made available to the public at such time as the need for non-disclosure no longer exists.

This **MOTION** was **OFFERED BY** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried unanimously by voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Parsells, Pisano, Wells and Chairman Pisano

(Closed Session Minutes are recorded separately.)

At 9:53 P.M., a **MOTION** to end Closed Session was **OFFERED BY** Commissioner Colligas and **SECONDED BY** Commissioner Cohen and carried unanimously by voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Parsells, Pisano, Wells and Chairman Pisano

As no members of the public were present at this meeting, the Chairman Pisano moved to action calling for a **MOTION** on the following Resolution

1. **RESOLUTION (No. 40/11) to Grant authorization to General Counsel to condemn the JCP&L Property to comply with CAFRA Permit requirements, to file the necessary paperwork with the Courts and pay any necessary fees associated with said condemnation.**

This was **OFFERED BY**: Commissioner DiNardo, and **SECONDED BY**: Commissioner Cohen and carried by roll call vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Parsells, Pisano, Wells and Chairman Pisano.

The Chairman then called for a **MOTION** to authorize BRSA's participation in the NACWA legal challenge to Proposed SSI Rules for a contributory fee of \$5,000.00.

This was **OFFERED BY**: Commissioner Colligas and **SECONDED BY**: Commissioner Wells and carried by roll call vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Parsells, Pisano, Wells and Chairman Pisano.

With no further discussions before the Board, at 10:00 PM Chairman Pisano made the following announcement:

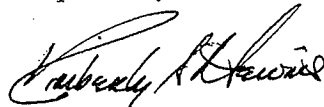
The next **Regular Meeting** of the Authority is scheduled for **Monday, March 21st, 2011 at 7:00 P.M.** All meetings take place in the Administration Building of the Authority located at 100 Oak Street, Union Beach, NJ 07735. Please note, once adopted, all Meeting Minutes, are available to by way of audio recordings; on file at the Authority.

The Chairman then called for a **MOTION** to adjourn:

This was **OFFERED BY** Commissioner Parsells and **SECONDED BY** Commissioner Wells and carried by unanimous voice vote.

Ayes - Commissioners DiNardo, Parsells, Pisano, Wells and Chairman Pisano

Respectfully submitted,



Kimberly A. Newins
Recording Secretary to the Board