



BAYSHORE REGIONAL SEWERAGE AUTHORITY

100 Oak Street, Union Beach, NJ 07735
732-739-1095 OFFICE 732-739-2459 FAX

Robert C. Fischer
EXECUTIVE DIRECTOR

BAYSHORE REGIONAL SEWERAGE AUTHORITY Regular Meeting Minutes April 18th, 2011

At 7:00 P.M., Chairman Pisano called the Regular Meeting of the Bayshore Regional Sewerage Authority to order and made 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 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 then called for a **Pledge of Allegiance to our Flag** and a **Moment of Silence** for the safety of US Troops serving all over the world.

Chairman Pisano requested a roll call recorded as follows:

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

Also In Attendance: Mr. Robert C. Fischer, Executive Director
Kimberly Newins, Admin. Assistant (Recording Secretary to the Board)

The Chairman then called for **MOTIONS** on the following:

APPROVAL OF MINUTES – Regular Meeting Minutes of March 21st, 2011

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

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

TREASURER'S REPORT (by Commissioner Cohen for Commissioner Parsells for March, 2011)

This was **OFFERED BY** Commissioner Cohen and **SECONDED BY** Commissioner Wells and carried unanimously by voice vote recorded as follows:

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

Committed to a Clean Environment for Today, Tomorrow and Generations to Come
BRSA staff, November 2006

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK <u>TRUSTEE ACCOUNTS</u>	Balance 3-31-11
 <u>UNRESTRICTED</u>	
Revenue Fund	2,659,175.39
General Fund	<u>3,504,091.41</u>
Total Unrestricted	6,163,266.80
 <u>RESTRICTED</u>	
Bond Service Fund	
1985 Bond Service Fund	817.16
2002 Bond Service Fund	<u>805.00</u>
Total Bond Service Funds	1,622.16
 Bond Reserve Funds	
1985 Bond Reserve Fund	<u>7,342,275.26</u>
Total Bond Reserve Funds	<u>7,342,275.26</u>
 <u>2010 NJEIT BONDS</u>	
Revenue	0.00
Construction	1,067,390.48
Bond Service	<u>0.00</u>
TOTAL NJEIT	1,067,390.53
 TOTAL TRUSTEE ACCOUNTS	 14,574,554.75
 <u>AUTHORITY ACCOUNTS</u>	
Incoming Revenue Account	604,793.54
Operating Regular Account	63,614.76
Operating Payroll Account	<u>152,915.26</u>
TOTAL AUTHORITY ACCOUNTS	<u>821,323.56</u>
 TOTAL	 15,395,878.31

SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balances as of March 31st, 2011
Hazlet Township Sewer 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 Sewer 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

Balance of Rent Reserve Accounts as of March 31st, 2011	
Hazlet Township Sewer Utility	\$ 1,851,793.89
Township of Holmdel	\$ 697,557.32
Borough of Union Beach	\$ 464,765.53
Borough of Keyport	\$ 805,410.97
Borough of Keansburg	\$ 750,139.45
Borough of Matawan	\$ 819,825.00
Western Monmouth Utilities Authority	\$ 177,788.80
Township of Aberdeen	\$ 832,496.41
TOTAL	\$ 6,399,777.37

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



1. RESOLUTION (41/11) To adopt the 2010 Annual Audit Report as presented by Bart and Bart, CPAs, BRSA Auditors.

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

WHEREAS, the annual audit report for the fiscal year ended December 31, 2010 has been completed and will be filed with the members and customer towns served pursuant to N.J.S.A. 40:14A-7.1, and

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

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

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby certify to the Local Finance Board of the State of New Jersey that each member has personally reviewed the annual audit for the fiscal year ended December 31, 2010, and specifically has reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations," and has evidenced same by group affidavit in form prescribed by the Local Finance Board.

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

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

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

2. RESOLUTION (42/11) To execute the Local Finance Board Group Affidavit Form.

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

- We are duly appointed Commissioners of the Bayshore Regional Sewerage Authority.
- We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended December 31, 2010 and specifically the sections of the audit report entitled "General Comments" and "Recommendations."

LOUIS PISANO	Chairman	_____
FRANK A. WELLS	Vice Chairman	(signatures on original Resolution) _____
JAMES DINARDO	Secretary	_____
JOHN COLLIGAS	Asst. Secretary	_____
KATHLEEN PARSELLS	Treasurer	_____
DAVID COHEN	Asst. Treasurer	_____

This was **OFFERED BY** Commissioner Cohen and **SECONDED BY** Commissioner Wells and carried unanimously by voice vote recorded as follows:

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

3. RESOLUTION (43/11) To hire an Assistant Superintendent of Operations at the BRSA.

This was Resolution was **TABLED** by the Chair pending further discussion.

4. RESOLUTION (44/11) To approve and execute the Collective Bargaining Agreement with local 641 for the term April 1, 2011 to March 31, 2014

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) has a Collective Bargaining Agreement with Teamsters Local 641, and;

WHEREAS, the agreement expired on March 31, 2011, and;

WHEREAS, the Authority has negotiated a new agreement for a three year term, ending March 31, 2014, and;

WHEREAS, the Commissioners have reviewed the terms of the proposed new agreement and have determined that the terms and conditions negotiated represent a fair and equitable agreement,

WHEREAS, the terms are detailed in a Memorandum to the Commissioner from the Executive Director dated April 18, 2011; and

NOW THEREFORE BE IT RESOLVED, the BRSA hereby approves the Collective Bargaining Agreement between the Authority and Local 641, ratified by the members of Local 641.

BE IT FURTHER RESOLVED that the Chairperson is authorized to execute the Agreement.

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

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

5. RESOLUTION (45/11)To accept the Pre-Construction Avian and Acoustic Monitoring Studies and submit same to the NJDEP, Division of Fish and Wildlife.

WHEREAS, the Bayshore Regional Sewerage Authority by way of Resolutions No. 56/10 and 57/10 retained the services of Curry and Kerlinger, LLC and North East Ecological Services to conduct a pre-construction avian and acoustic (bat) monitoring, respectively ("the Studies") and

WHEREAS five preconstruction Avian studies were performed to document species, diversity and abundance of birds utilizing the habitat and air space where the BRSA turbine will be located and a preconstruction Acoustic monitoring was performed to determine the bat activity at the site and

WHEREAS, the Studies, whose protocol has been approved by the New Jersey Department of Environmental Protection ("NJDEP") are a requisite element of the existing Coastal Area Facilities Review Act, Freshwater Wetlands Individual ("CAFRA") Permit; and

WHEREAS, the Studies have been completed and submitted to the Authority for review, and submission to the NJDEP, Division of Fish and Wildlife

NOW THEREFORE BE IT RESOLVED, the aforementioned pre-construction avian and acoustic monitoring Studies are hereby accepted for submission 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.

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

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

6. RESOLUTION (46/11) To accept the BRSA Interceptor Report for Infiltration and Inflow as presented by Arcadis- US.

WHEREAS, the Bayshore Regional Sewerage Authority has instituted a policy of conducting routine sewer TV Inspection of its regional interceptor system to calculate Infiltration and access the integrity of the interceptor system; and

WHEREAS, the Authority contracted with National Water Main Cleaning to complete a video inspection of the BRSA Interceptors in Union Beach from Manhole U-23 to U1, the East Creek Interceptor from Manhole E-9 to E-1 and U-23, the Chingarora Interceptor from Manhole C-26 to C-1, the Keyport Interceptor from Manhole K-5 to 4B-1 and to C-9A and the Flat Creek Interceptor from the Holy Family Meter Chamber to Manhole F-17 to F-1 and to U-9 and

WHEREAS the Authority's consulting Engineers Arcadis US inc. were on site during the inspections and submitted a Summary Report of the findings for review by the Commissioners of the Authority; and

WHEREAS, calculated adjustments for infiltration are based upon the Report Summary and incorporated into the 2010 Final Flow Report

NOW THEREFORE BE IT RESOLVED the Report Summary presented by Arcadis - US of the aforementioned interceptors is hereby accepted.

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

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

7. RESOLUTION (47/11) To authorize the Executive Director and General Counsel to begin the Service Agreement renewal process with all municipalities.

WHEREAS, The Service Agreements between the Bayshore Regional Sewerage Authority and the municipalities within the Sanitary Sewer Service areas are nearing expiration, and

WHEREAS, it is necessary to begin the process of formulating new Service Agreements that will secure service for those municipality's wastewater needs into the future

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority deem it in the best interest of the customers it serves to authorize the Executive Director and General Counsel, to commence discussions with the eight (8) municipal customers to renew and update the Service Agreements with the municipalities within the BRSA Sanitary Sewer Service Area and periodically report to the Authority Legal committee on the progress of the negotiations

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

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

8. RESOLUTION (48/11) To award BRSA Contract 57 - Dorr-Oliver Incinerator Phase II: Mechanical Repairs to Iron Hills Construction Co., Wayne, NJ.

WHEREAS, the Bayshore Regional Sewerage Authority ("BRSA") owns and operates a Dorr Oliver Incinerator for the processing of sludge in accordance with NJPDES Permit No.: 0024708; ("the Permit"); and

WHEREAS, on July 19th, 2010, the Board of Commissioners of the BRSA adopted Resolution No. 65/10 authorizing Phased repairs to the Dorr Oliver Incinerator and

WHEREAS, Phase I Repairs have been completed; and

WHEREAS, at 1:00 P.M. on Friday, April 01, 2011, in accordance with Local Public Contracts Law, the Bayshore Regional Sewerage Authority received bids previously advertised for BRSA Contract 57 - Dorr-Oliver Incinerator Phase II: Mechanical Repairs; ("Contract 57") and;

WHEREAS, the bids were publicly opened and read aloud; the lowest responsible bidder being Iron Hills Construction Co., Wayne, NJ., having submitted a total bid price of \$138,593.00; and

WHEREAS, the Authority's Certified Purchasing Agent, Staff Engineer and General Counsel Attorney have reviewed the quotations and recommend award of the contract to Iron Hills Construction Co.,

WHEREAS, the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED that Iron Hills Construction Co., is hereby awarded Contract 57 - Dorr-Oliver Incinerator Phase II: Mechanical Repairs, in accordance with the terms and conditions of the bid specifications and contract documents.

BE IT FURTHER RESOLVED the Chairman and Secretary are hereby authorized to execute the contract documents.

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

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

9. RESOLUTION (49/11) To amend the Developer's Agreement with C&M Realty, LLC.

WHEREAS, on December 20, 2011, the Bayshore Regional Sewerage Authority entered into a Developer's Agreement ("the Agreement") [Resolution No. 90/10] and granted Sanitary Sewer Approval [Resolution 91/10] to C&M Realty, LLC, Colts Neck, NJ; to serve the 58 single townhomes known as the "Village at Aberdeen" being Lot 4, Block 114 in the Township of Aberdeen, NJ; and

WHEREAS, subsequent to entering into the Agreement, the Authority became aware that C&M's plans include 62 units and

WHEREAS, the Resolutions Numbered 90/10 and 91/10 will require amendments to reflect this change,

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby amend Resolutions Numbered 90/10 and 92/10 to reflect the accurate number of townhouses, being sixty-two (62) in total

BE IT FURTHER RESOLVED, the Commissioners hereby direct the Authority's General Counsel to implement the necessary amendments and adjust the amount due in connection fees for the project accordingly.

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

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

10. RESOLUTION (50/11) To award the purchase of the Incinerator/Dewatering Facility Generator's Fuel Oil Tank to Foley Power Systems, Piscataway, NJ.

This was Resolution was **TABLED** by the Chair pending further discussion.

11. RESOLUTION (51/11) To award the contract for PCB Sampling and Analysis to Test America, of Knoxville TN

WHEREAS, the Bayshore Regional Sewerage Authority owns and operates wastewater treatment facilities in accordance with New Jersey State Department of Environmental Protection NJPDES Permit No. 0024708 ("the Permit"); and

WHEREAS, the Permit requires Sampling, Analysis, and reporting for 209 PCB Congeners utilizing Delaware River Basin Commission ("DCBC") project-specific modifications of EPA Method 1668, Revision A to be performed by a lab certified by the New Jersey Department of Environmental Protection to perform such analysis ("PCB Sampling"); and

WHEREAS, the Authority's in-house laboratory is not certified to perform this specific test; and

WHEREAS, on Monday, April 18, 2011 at 1:00 P.M., in accordance with Public Contracts Law, the Authority received and opened advertised Requests for Quotes for PCB Sampling as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, Two (2) quotes were received and publicly opened and read aloud, with the lowest responsible bidder being Test America, Knoxville TN, having submitted a total bid price of \$19,590.00; and

WHEREAS, the Authority's Qualified Purchasing Agent and Engineer have reviewed all the bids received and recommend award of the contract to Test America contingent upon all administrative documentation being submitted and approved by the BRSA; and

WHEREAS the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED that, Test America, Knoxville, TN is hereby awarded the contract for PCB Sampling in accordance with the requirements of the Permit. and meeting all the terms and conditions of the RFQ.

BE IT FURTHER RESOLVED the Executive Director and Treasurer of the Board are hereby authorized to execute the Contract documents in accordance with Local Public Contracts Law and as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4

This was **OFFERED BY** Commissioner Cohen and **SECONDED BY** Commissioner Wells and carried unanimously by voice vote recorded as follows:

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

MOTION - to approve payment of bills listed on:

Operating Fund Req. No.464 (Regular)	\$617,880.58
Payroll Account Req. No. P 116	\$163,747.74
Construction Requisition #11	\$239,958.76

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

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

At 7:10 Chairman Pisano 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, permitting the exclusion of the public from a meeting in certain circumstances. This action was taken to discuss matters of pending litigation. It is anticipated at this time that the above stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.

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

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

Closed Session Minutes are recorded separately.

At 7:19 P.M. Chairman Pisano calls for a **MOTION** to end Closed Session.

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

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

Chairman Pisano then opened the meeting to the public to discuss any BRSA matters the public might care to address.

(Retired) Captain Charles Hoffman of Hazlet spoke about shadows and presented the Board with a study he conducted in his driveway to assess the impact of shadows on objects that he believes correlates to the BRSA turbine installation. The Board listened to his explanation of the study.

The Chairman then closed the public portion of the meeting.

At 7:45P.M., Chairman Pisano made the following announcement and called for a **MOTION** to Adjourn the meeting.

The next Agenda Meeting of the B.R.S.A. is scheduled for **Monday, May 9, 2011 @ 7:00 P.M.** The next Regular Meeting of the Authority will be held on **Monday, May 16th, 2011 @ 7:00 PM.** All meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

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

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

Respectfully submitted,



Kimberly A. Newins
Recording Secretary to the Board