

MINUTES
BAYSHORE REGIONAL SEWERAGE AUTHORITY
Regular Meeting of October 17th, 2011

At 7:00 P.M., on Monday, October 17th, 2011, Vice Chairman Wells 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. Vice-Chairman Wells 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. Vice Chairman Wells requested a roll call recorded as follows:

Present: Commissioners Cohen, Colligas, Parsells (7:15 PM), and Vice Chairman Wells

Absent: Commissioner DiNardo, and Chairman Pisano

Also In Attendance: Peter J. Canal, BRSA Engineer

Kimberly A. Newins, Administrative Assistant, Board Recording Secretary

Vice Chairman Wells called for **MOTIONS** on the following:

APPROVAL OF MINUTES –Regular Meeting Minutes of September 19th, 2011

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

TREASURER’S REPORT (Commissioner Wells for September, 2011)

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, and Vice Chairman Wells

PAYMENT OF BILLS:

Operating Fund Req. No. 471 (Regular)	\$ 444,038.86
Payroll Account Req. No. P 122	\$ 164,031.70

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	<u>09/30/11</u>
<u>UNRESTRICTED</u>	
Revenue Fund	1,587,016.03
General Fund	<u>2,625,255.41</u>
Total Unrestricted	4,212,271.44
<u>RESTRICTED</u>	
Bond Service Fund	
1985 Bond Service Fund	817.08
2002 Bond Service Fund	<u>28,610.00</u>
Total Bond Service Funds	<u>29,427.08</u>
Bond Reserve Funds	
1985 Bond Reserve Fund	<u>7,319,706.26</u>
Total Bond Reserve Funds	<u>7,319,706.26</u>
<u>2010 NJEIT BONDS</u>	
Revenue	0.00
Construction	735,080.91
Bond Service	<u>0.05</u>
TOTAL NJEIT	<u>735,080.96</u>
TOTAL TRUSTEE ACCOUNTS	12,296,485.74
<u>AUTHORITY ACCOUNTS</u>	
Incoming Revenue Account	1.65
Operating Regular Account	64,060.81
Operating Payroll Account	<u>130,196.74</u>
TOTAL AUTHORITY ACCOUNTS	<u>194,259.20</u>
TOTAL	12,490,744.94

SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balances as of <u>Sept. 30, 2011</u>
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	\$ -163,688.98
Township of Aberdeen	<u>\$ 0.00</u>
TOTAL	\$ -163,688.98

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	\$ -8,885.57
Township of Aberdeen	<u>\$ 0.00</u>
TOTAL	\$ -8,885.57

Balance of Rent Reserve Accounts as of Sept. 30th, 2011	
Hazlet Township Sewer Utility	\$ 1,881,217.96
Township of Holmdel	\$ 715,754.08
Borough of Union Beach	\$ 475,308.72
Borough of Keyport	\$ 806,228.93
Borough of Keansburg	\$ 750,901.28
Borough of Matawan	\$ 820,657.60
Western Monmouth Utilities Authority	\$ 186,171.41
Township of Aberdeen	<u>\$ 845,437.00</u>
TOTAL	\$ 6,481,676.98

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

ANNOUNCEMENT (by the Chairman): This portion of the meeting is now open to the public for comments or questions related to Agenda items only.

1. RESOLUTION (78/11) To approve the BRSA 2012 Preliminary Budget.

WHEREAS, the Annual Budget and Capital Budget Program for the Bayshore Regional Sewerage Authority for the fiscal year beginning January 1, 2012 and ending December 31, 2012, has been presented for adoption before the Commissioners of the Bayshore Regional Sewerage Authority at its Open Public meeting of October 17, 2011 and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$17,578,431.00, Total Appropriations, including any Accumulated Deficit, if any, of \$17,578,431.00 and Total Unreserved Retained Earnings utilized of \$ 0.00

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$0.00 Total Unreserved Retained Earnings planned to be utilized as funding thereof, of \$0.00; 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, regulations or terms of contracts and agreements, and

WHEREAS, the Capital/Budget Program, pursuant to NJAC 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 financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority, at an Open Public meeting held on October 17, 2011, that the Annual Budget, including appended Supplemental Schedules and the Capital Budget Program of the Bayshore Regional Sewerage Authority for the fiscal year beginning January 1, 2012 and ending December 31, 2012 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, terms, 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 conduct an Open Public Hearing and consider the Annual Budget and Capital Budget Program for adoption on December 19, 2011.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

2. RESOLUTION (79/11) To file a Deed Notice with the County Clerk and submit the Remedial Action Permit & fee for Site Remediation Compliance of the Maintenance Building "AST" as approved by the NJDEP on June 10, 2011.

WHEREAS, Birdsall Services Group on behalf of the Bayshore Regional Sewerage Authority have submitted a Remedial Investigation Report, Remedial Action Plan and a Draft Deed Notice for remediation of soil adjacent to the Maintenance Building Above Ground Storage Tank ("AST"); and

WHEREAS, the New Jersey Department of Environmental Protection notified the BRSA on June 10, 2011 that it has completed review of the Remedial Investigation Report, Remedial Action Plan and Draft Deed Notice and has determined they are in compliance with the Site Remediation requirements of N.J.A.C. 7:26E; and

WHEREAS, as part of the Remedial Action a Deed Notice must be filed with the County of Monmouth and submitted along with an application fee of \$550.00; and

WHEREAS, the Authority will implement the required institutional and engineering controls to maintain continued compliance with the Remedial Action Plan and site remediation requirements.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize the Executive Director to execute all documents and pay the fee to file the Deed Notice with the Monmouth County Clerk and to submit all Remedial Action Permit documents to the Department of Environmental Protection and to pay the NJDEP application filing fee of 550.00

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

3. RESOLUTION (80/11) To award the contract for Meteorological System Maintenance and Auditing Services to Weston Solutions, Inc., Edison NJ.

WHEREAS, the Bayshore Regional Sewerage Authority ("the Authority") owns and operates a 15-meter Meteorological Tower ("MT") equipped with Climatronics sensors and a Campbell Scientific CR3000 data logger which converts signal and sensor measurements to engineering units; and

WHEREAS, the Authority seeks to maintain the MT in optimal operating condition; and

WHEREAS, in accordance with Local Public Contracts Law, a Request for Quotes (RFQ) was solicited to acquire the services of a firm with expertise in the field of Air Quality Monitoring for maintenance, repair, quality assurance auditing and calibration of the MT system for a period of one year ("MT Maintenance Contract"); and

WHEREAS, on September 22nd, 2011, the Authority's Qualified Purchasing Agent, and Engineer reviewed the price quotes in accordance with the stated criteria and recommend award of the contract to Weston Solutions, Incorporated of West Chester, PA for a total price of \$6,000.00; and

WHEREAS, the funds are available for this purpose,

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA hereby authorize the award of the MT Maintenance Contract to Weston Solutions, Inc., of West Chester, PA in accordance with the terms and conditions of the RFQ.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

4. RESOLUTION (81/11) To amend the total contract price for engineering services during construction of WPCP Improvements, Contract 56 by \$17,868.00 for a total amount not to exceed \$182,544.00.

WHEREAS, on November 16th, 2009, the Bayshore Regional Sewerage Authority adopted Resolution 101/09 awarding a contract to provide Construction Phase Engineering Services to Arcadis - US for Contract 56 - BRSA Wastewater Treatment Plant Improvements (hereinafter referred to as "the Project") in accordance with the requirements of the New Jersey

Environmental Infrastructure Trust Fund ("NJEIT") and the Arcadis-US proposal dated November 9th, 2009; and

WHEREAS, the subject construction project was extended by seven months and certain additional services were provided by Arcadis-US to prepare and participate in State and Federal government inspections of the Buy American and Davis-Bacon Act components of the NJEIT financing; and

WHEREAS, Arcadis-US has submitted a request dated October 6, 2011 for an amendment to the total contract price for construction phase engineering expenses; and

WHEREAS, the additional work performed was beyond the scope of the original contract; and

WHEREAS, the additional services provided reflect an increase in the total amount of \$17,868.00; and

WHEREAS, the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA deem it in the best interest of Authority to authorize an amendment to the engineering services during construction contract as outlined in Arcadis-US' letter dated October 6, 2011 and in accordance with NJEIT requirements

BE IT FURTHER RESOLVED, this action hereby amends the total contract price for Construction Phase Engineering Services for Contract 56- BRSA Wastewater Treatment Plant Improvements from \$164,676.00 to a total, not to exceed contract price of \$182,544.00

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

5. RESOLUTION (82/11) To release payment of accumulated sick time upon retirement to Emmitt Earl Chapman.

WHEREAS, on September 19th, 2011 the Bayshore Regional Sewerage Authority adopted Resolution 76/11 authorizing the payment of unused Personal Days and vacation time due Mechanic and IBT Local 641 Union Member Emmett (Earl) Chapman, upon his retirement which became effective September 1, 2011; and

WHEREAS, in accordance with the current Collective Bargaining Agreement, Mr. Chapman is also entitled to receive payment for accumulated sick time up to 240 hours maximum (Article X, Sick Leave, Section C); and

WHEREAS, the Payroll Clerk has prepared the calculation of accumulated sick time due Mr. Chapman to be 43½ half hours of sick time at a \$32.56 per hour rate of pay for a total of \$1,416.36 of the aforementioned compensation for the Executive Director and Commissioners' review; and

WHEREAS, the calculation was reviewed by the Commissioners on September 12th, 2011

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize payment to Mr. Emmett (Earl) Chapman for his accumulated sick time in the gross amount of \$1,416.36.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

6. RESOLUTION (83/11) To authorize the preparation and advertisement of Bid Specifications for repairs to the reinforced concrete beam in Return Sludge Pump Station #1 in accordance with the proposal set forth by Arcadis-US dated October 6, 2011

WHEREAS, the Bayshore Regional Sewerage Authority owns and operates Return Sludge Pump Stations as part of the wastewater treatment facility process; and

WHEREAS, the reinforced concrete beam that supports the ground floor of the Return Sludge Pump Station # 1 building above the basement has deteriorated from corrosion due to a past sodium hypochlorite spill at the ground floor level and is in need of repair; and

WHEREAS, technical design drawings and specifications for the repair need to be prepared which include plan drawings, testing procedures, structural calculations, specifications for re-routing of existing conduits and piping among other things; and

WHEREAS, Arcadis-US, Consulting Engineers to the Authority have proposed to prepare the technical design drawings and specifications for incorporation into the Authority's standard bid documents for public bidding; and

WHEREAS, the Authority's Staff Engineer and Qualified Purchasing Agent have reviewed the proposal and recommend Arcadis-US be authorized to perform this service for an estimated amount of \$8,000.00; and

WHEREAS, the funds are available for this purpose; and

WHEREAS, the Authority requires authorization to solicit and prepare bid specifications for notice to potential contractors in accordance with Open Public Contracts Law; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize Arcadis-US to prepare bid specifications for the Repairs to the reinforced concrete beam in Return Sludge Pump Station #1 in accordance with Public Contracts Law

BE IT FURTHER RESOLVED, upon review and approval of the Executive Director, a Notice to Bidders may be placed in the Authority's official newspapers for solicitation of the Repairs to the Reinforced Concrete Beam in Return Sludge Pump Station #1.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

7. RESOLUTION (84/11) To enter into a Standard Developer's Agreement with Landmark, LLC to serve the "Enclave at Holmdel" project also known as Block 58, Lots 47, 4701, 48, 49, 50 and 51, Holmdel, NJ.

WHEREAS, Landmark Land, LLC has requested to be allowed to enter into a Developer's Agreement with the BRSA to provide sanitary sewer service to "The Enclave at Holmdel" a 12 (twelve) Single Family Home development in Holmdel, New Jersey being Block 58 Lots 47, 47.01, 48, 49, 50, & 51 and the payment of connection fees in a phased manner; and

WHEREAS, the Authority's Attorney has prepared a Developer's Agreement that is acceptable to Landmark Land, LLC and the Authority Commissioners; and

WHEREAS, the Commissioners of the Authority deem it is in the best interest of the Authority to enter into said Developer's Agreement; and

WHEREAS, Landmark Land, LLC, will execute the Developer's Agreement and will provide the Authority's Attorney with acceptable guarantees and will submit the initial payment of connection fees under the terms of the Developer's Agreement.

NOW THEREFORE BE IT RESOLVED that the Commissioner of the Bayshore Regional Sewerage Authority hereby authorize the execution of the Developer's Agreement with Landmark Land, LLC contingent upon satisfaction of the above mentioned terms and conditions.

BE IT FURTHER RESOLVED upon satisfaction of the above terms and conditions, the Chairman and Secretary are hereby directed to execute the Agreement and to file it with the Monmouth County Clerk's Office.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

8. RESOLUTION (85/11) To issue a Sanitary Sewer Approval to Landmark, LLC to serve the "Enclave at Holmdel" project contingent upon execution of a Developer's Agreement approved by the Authority and its General Counsel.

WHEREAS, Landmark Land, LLC , is the project developer of “The Enclave at Holmdel” a 12 (twelve) Single Family Home Development in Holmdel, New Jersey being Block 58 Lots 47, 47.01, 48, 49, 50, & 51; and

WHEREAS, the Landmark Land, LLC has received all local approvals including local sanitary sewer approval; and

WHEREAS, the project is expected to generate 4,200 gallons per day of wastewater, and

WHEREAS, Landmark Land, LLC, will execute the Developer’s Agreement and has provided the Authority’s attorney with the acceptable guarantees,

NOW THEREFORE BE IT RESOLVED that Landmark Land, LLC, and is hereby granted BRSA sanitary sewer approval for the above referenced project contingent upon the execution of the aforementioned Developer’s agreement.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute the Statement of Consent documents and return the completed Treatment Works Approval application to the applicant for processing by the New Jersey Department of Environmental Protection.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

9. RESOLUTION (86/11) To purchase two (2) Weil McLein Gas Hot Water Boilers under State Contract to serve the Main Pump Building.

WHEREAS, the Bayshore Regional Sewerage Authority owns and operates the Main Pump Building as an integral component of the wastewater treatment process; and

WHEREAS, the two (2) Gas Hot Water Boilers that serve the Main Pump Building are in need of replacement; and

WHEREAS, in accordance with Open Public Contracts Law, the Authority may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, C.F. Connolly Distribution Company, Inc., of North Arlington, NJ is a State Certified Contractor (#A71600) able to furnish and deliver two (2) .310 Ultra Weil McLein Gas Hot Water Boilers for \$6,279.00 each and a total price of \$12,558.00; and

WHEREAS, the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED, the Authority hereby authorized the preparation and execution of Purchase Order No. 10657 for the furnishing and delivery of (2) .310 Ultra Weil McLein Gas Hot Water Boilers for a total price of \$12,558.00 from C.F. Connolly Distribution Company, Inc., of Arlington, NJ.

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

Ayes: Commissioners Cohen, Colligas, DiNardo, and Vice Chairman Wells

There were no items for Closed Session discussion scheduled for this meeting.

A review and brief discussion of the upcoming Newsletter for Union Beach residents took place.

Vice Chairman Wells opened the meeting once again to the public to discuss any BRSA matters one might care to address. There were no formal comments from the public. A Reporter from the *Holmdel Patch* was monitoring the meeting and asked if the rates were part of the Service Agreements that are being renewed with the customer towns. He was informed the sewer service rates are not incorporated into the Service Agreements; but are related to the Annual Budgets submitted by the Authority to the New Jersey Department of Community Affairs, Division of Local Government Services for their review and approval. With no further discussions before the Board, Vice Chairman Wells made the following announcement:

The next Agenda Meeting of the B.R.S.A. is scheduled for **Monday, November 14th, 2011 @ 7:00 P.M.** The next Regular Meeting of the Authority will be held on Monday, **November 21st, 2011 @ 7:00 PM.** All meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

At 7:22 P.M., Vice Chairman Wells called for a **MOTION** to Adjourn the meeting.

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, and Vice Chairman Wells

Respectfully submitted,

Kimberly A. Newins
Administrative Assistant and
Recording Secretary to the Board