



# BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer  
EXECUTIVE DIRECTOR

## Minutes of the Bayshore Regional Sewerage Authority Agenda Meeting January 10<sup>th</sup>, 2011

At 7:04 P.M. on January 10<sup>th</sup>, 2011 Chairman Colligas 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 Hearing 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 DiNardo Parsells, Pisano, Wells and Chairman Colligas  
Absent: Commissioners Cohen (available by teleconference)

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

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The Chairman addressed the first agenda item and the Board reviewed correspondence received on December 21<sup>st</sup>, 2010 from Ed Broberg, P.E., and Consulting Engineer for the Borough of Union Beach. A discussion of the requests presented in the letter took place. Commissioner Wells discussed the history of the relationship between the BRSA and the Borough and said the request to change the current methodology used by the BRSA to measure Union Beach flows should be explored as well as requiring the Borough to establish a program to address the inflow and infiltration within their collection system. He suggested the Authority seek the advice of Counsel on the matter. Commissioner Parsells agreed. Mr. Granata said in order to change the current billing methodology all the customer towns, and in particular the three founding towns that established the Authority; Union Beach, Hazlet and Holmdel would have to be informed and agree to amend the billing method for Union Beach. He said the matter in which the terms were established cannot be deviated from. He

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BRSA staff, November 2006

said in 2012, when the current contracts begin to expire, the terms and conditions of each service agreements can be amended. He said at that time, specific language could be included to require mandatory TV cleaning and inspection cycles, maintenance and repair, etc. He suggested a dialogue be initiated with the Borough and the other founding towns at this time so that by the time the current contracts expire, the new contract terms can be put in place. In closing discussion on the matter, the Chairman said the Engineering Committee can begin discussing the flow measuring methodology and any legal limitations there might be; report back to the Board as a whole and then enjoin the Borough of Union Beach in that discussion at a later date. Mr. Granata said he would forward all correspondence from his office on this matter. Mr. Fischer said he would be sending letters out to all the customer towns very soon to remind them the service agreements are up for renewal.

Chairman Colligas then called for a **MOTION to refer the Union Beach Flow Matter Request to the Engineering Sub-Committee for further evaluation and recommendation to the Board as a whole.**

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

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

Chairman Colligas asked Mr. Fischer to report on the next agenda item, C&M Realty, LLC. Mr. Fischer said a fully executed Developer's Agreement, along with a check for the initial phase of the project and a letter from Global Indemnity securing credit for the remainder of the project were all in hand. He said the Agreement stipulates no building permits can be issued by Aberdeen for subsequent phases of the project until the corresponding connection fees are paid to the Authority, and this is another way to ensure future connections fees are paid. He said he executed the Agreement and the Treatment Works Approval according to the Resolution, so the developers could move forward with obtaining NJDEP approval for their project.

Mr. Fischer then began his monthly update on the Wind-to-Energy Project. He reported Payment Requisition #7 was submitted and approved by the NJEIT for a total dollar amount of \$940,137.00. He said to date, 49% of the project(s) physical completion have been achieved. Mr. Fischer reported on December 15<sup>th</sup>, 2010 the NJDEP's Bureau of Administration and Management for the Municipal Finance and Construction Element's Construction Control Section conducted an interim inspection to ensure that the project is being constructed and managed in accordance with the requirements of the contract documents, the loan agreement and all applicable Regulations. He was pleased to report as a result of the inspection, no problems regarding any of the aforementioned were found. The Board was pleased with this news.

Mr. Fischer said the NJDEP has modified the CAFRA Permit in that it changed the directive to paint the turbine blades white with vertical black lines, to simply solid white. The DEP's correspondence noted "the blades should be painted white, which is a bright, light color, to be more conspicuous to raptors." He said the Mitigation Plan submitted to CAFRA for the replacement of shrubs has also been approved.

Mr. Fischer went on to report that three Utility Meetings have been conducted with local providers so far to ensure protective measures are put in place to safeguard infrastructure along the delivery route. To date, no utility has any problem with the potential routes; although the Optimum rep expressed interest in following the delivery trucks to witness how the delivery is executed. Mr. Fischer reported Union Beach's Borough Engineer has said, if Poole Avenue is the delivery route, they will require their storm and sewer lines to be TV'd prior to and after the deliveries to ensure their system(s) are not damaged in the process. Discussions are ongoing with the Borough and the County with regard to delivery routes and protective measures.

Mr. Canal was asked to provide his Engineer's Report. Mr. Canal reviewed his report and noted Conti Enterprises, Contractors for the WTE Project has proposed a formal change order to address expenses consistent with work related to the turbine's foundation survey (\$15,532.00), the cost of some additional stone needed to raise the foundation grade above the 100 year flood plain, as required to comply with revised Federal Flood Plain Regulations (\$5,067.39) and the cost to have Conti install some additional conduits and fiber optic wiring for the BRSA's on-site SCADA and video systems (\$27,293.70). He handed out a copy of this request which had been reviewed and recommended for approval by PS&S, the Consulting Engineers for the Project. The Board reviewed the submittal and Mr. Canal said a Resolution authorizing the change order would be placed on the Agenda of the Regular Meeting for the Board's consideration.

Mr. Canal reviewed the results of the January 5, 2011 bid opening for the Furnishing and Delivery of Caustic Soda Solution (25%) for a period of one year. He said one bidder, Kuehne Chemical Company, did not comply with the Bid Specifications because it failed to provide the required Bid Bond documents and upon review by General Counsel the lowest responsible bidder is Basic Chemical Solutions, Inc. of Morrisville, PA who submitted all materials in compliance with the Bid Specifications and a bid price of \$14,080.00. He said a Resolution for possible award will be placed on the Agenda of the Regular Meeting for the Board's consideration as well.

Mr. Canal went on to speak about the recent sanitary sewer TV Cleaning and Inspections of the BRSA's interceptor lines located within the Borough of Union Beach. He noted the price of \$1.41cents per linear foot was a very good price, as they cleaned and inspected approximately 21,574 feet of sewer mains. He complimented Roy Anderson, Assistant Superintendent in charge of Maintenance, and the Authority's licensed C-4 Inspector, for directing the field work to optimize the contractor's performance. He said Arcadis-US, is currently working on a report to summarize the work, identify any I&I and provide recommendations for rehabilitation where necessary.

The Chairman asked Manuel Ponte, P.E., for his consulting Engineer's Report. Mr. Ponte said the WPCP Improvement projects were moving along nicely. He said the new Odor Control unit was currently in transit from California and upon arrival will be installed. He said D&D Utilities has submitted a Change Order to replace the cat walk in Concentration Tank #4, which was not part of the original contract awarded. Arcadis will review the submittal and make a recommendation for the Board's action accordingly.

Chairman Colligas thanked Mr. Ponte and asked Mr. Broyles for his Superintendent's Report. Mr. Broyles said flows for December are low, but the overall flows for the year are above projections. He said the annual average for total suspended solids removal was 6.5 (the maximum allowed under

the NJPDES Permit is 30) and the CBOD (Carbonaceous Biochemical Oxygen Demand) annual average was 7 (Permit is 25) and fuel oil usage is about average for incineration of sludge.

Mr. Fischer interjected and said this is the tenth year in a row that the water is cleaner than it was the previous year. He said Mr. Broyles' efficient operation of the plant's treatment process has yielded a constant trend towards improving effluent quality. Of note, Mr. Broyles is accomplishing this while reducing the cost of chemicals and utilizing process water as opposed to purchased water. He said he should be commended and the Board agreed. The Chairman said this accomplishment bears discussion. Mr. Fischer said Mr. Broyles is standardizing practices and one of the keys is finding and keeping the balance of the micro-organisms to maintain effluent quality. Mr. Broyles said the key is "keeping them hungry." The Board congratulated Mr. Broyles on these outstanding accomplishments.

Mr. Broyles reported three odor complaints, all consistent with wind direction and Ninth Street residents. A brief discussion took place and Mr. Broyles said during high winds the negative pressure in the areas of the main Pump Station, Grit Chamber and Primary Settling Tanks is diminished and odors can escape. He said Operators applied Cinnamon Zep around these areas and also increased the set point on Odor Control Tower #4 serving the Belt Filter Press Room because one of the Operators noticed some odor related to that area as well. He said Staff continues to do its best to keep odors to a minimum.

Commissioner Parsells asked why CEI flows had not been reported. Mr. Broyles explained Industrial Pretreatment Program members provide their flows early as a courtesy to the Authority so they can be added to the Plant Report when it is prepared. He said IPP users are not required to provide their Discharge Monitoring Reports (DMRs) until the 25<sup>th</sup> of the month; reporting for the previous month. A brief discussion ensued. Mr. Broyles explained he believed the CEI numbers were not available because the IPP Representative for CEI has changed again, and a number of times over the course of the past year. Each time this occurs, the BRSA Coordinator must re-train each rep of our Permit requirements, accordingly.

A review of the Plant Report continued. Chairman Colligas commended Dan Maher and Jessica Hennessey for reporting to work during the recent "NJ State of Emergency" blizzard as an extraordinary effort and symbol of their dedication. The Chairman suggested these efforts be recognized in some way by the Authority in the near future.

Mr. Broyles continued to review his report and a discussion of the condition of the Belt Filter Presses took place. Mr. Broyles explained the need to re-build both presses, but at least one press right now, in its entirety save for the structural steel and pan because the wear and tear on this equipment has gotten so bad, it is at a point where it has become cost prohibitive to replace parts piece by piece. A discussion ensued and Commissioner DiNardo said it might be a good idea to also get a price for refurbishing both presses at the same time because pricing might be better. Commissioner Parsells agreed. Mr. Fischer said the repair work and parts need to be publicly bid because they exceed the bid threshold but it appears the work may need to be bid as an extraordinary, unspecified service because of all the manufacturers solicited for price estimates or parts, only one company has the parts for the presses the BRSA owns. He said the first step is for him to submit the manufacturer's letters to the Department of Community Affairs for review and approval and let them tell us how to proceed. He



noted that once the price and manner in which it is bid is determined, a Capital Budget Amendment might be required to fund the work.

The Chairman thanked Mr. Broyles for his report and moved to the Executive Director for his report. Mr. Fischer said the DCA returned an approved 2011 Budget which reflects a 5.76% reduction in the sewer rate from 2010.

Mr. Fischer reported on the Coastal Dischargers Group Appeal Settlement Conference. He said at the Settlement Conference NJDEP staff and two (2) Deputy Attorneys General were in attendance as Judge Dubin presided. Mr. Fischer said all parties worked to resolve the Permit dispute(s) in an attempt to avoid litigation, at the request of the Judge. He reiterated the core issues of appeal for the Group, which are the DEP's imposition of inapplicable dilution factors, daily ammonia monitoring requirements, toluene limits and some other minor issues (priority pollutants, enterococci versus fecal coliform testing, etc.) that nonetheless merit discussion. He said progress was made and he expects that during the next meeting in February, some of the major items can be resolved. After that he said, the Group will begin to address the other minor issues.

Mr. Fischer then referred to the Pay-to-Play information included in the Agenda package and asked the Board for direction as to which alternative would be utilized for the solicitation of professionals at Reorganization in February. He reviewed both "Fair and Open" and "Non-Fair and Open" criteria. A brief discussion took place and the Board unanimously agreed by consensus to continue with the "Non-Fair and Open" practice, which prohibits reportable political contributions.

Chairman Colligas made reference to the letter at the back of Mr. Fischer's report which was sent to the Board of Chosen Freeholders at the request of Commissioner Cohen; and authorized by the Board. He commended Mr. Fischer on a well written letter that addressed a delicate and apparently political topic in a diplomatic fashion.

In closing his report, Mr. Fischer said a request from the Union Beach First Aid Squad was received by the Authority. He said this occurs on an annual basis and the Authority is appreciative of the assistance provided when necessary by the Squad. He said a Resolution approving the Authority's customary donation of \$500.00 to the Squad would be placed on the voting agenda of the next Regular Meeting for the Board's consideration.

The Chairman then called for a **MOTION to approve the Agenda Minutes of December 13<sup>th</sup>, 2010**. This was **OFFERED BY** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried by roll call vote recorded as follows:

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

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

At 8:26 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, permitting the exclusion of the public from a meeting in certain circumstances. The general nature of the subject matters to be discussed was pending litigation of attorney-client privilege. It is anticipated at this time that the above stated subject matter shall be made available to the public at such time as the need for non-

disclosure no longer exists. This was **OFFERED BY** Commissioner Wells, **SECONDED BY** Commissioner Pisano and carried unanimously by voice vote recorded as follows:  
Ayes: Commissioners DiNardo, Parsells, Pisano, Wells and Chairman Colligas

Closed Session Minutes are recorded separately.

At 9:07 P.M., a **MOTION** to end Closed Session was **OFFERED BY** Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried unanimously by voice vote recorded as follows: Ayes: Commissioners DiNardo, Parsells, Pisano, Wells and Chairman Colligas

Chairman Colligas said discussions at previous meetings regarding the physical appearance of the Administration's front office and other matters regarding personnel issues have yet to be addressed. He called upon his fellow Board members to follow through on these issues in the near future.

Chairman Colligas then made a statement regarding the "radical changes" that are taking place at the Authority with the treatment plant improvements and the turbine project. He said he thought it was timely to write an abridged history of the Authority at this time to assist in the orientation of new, incoming Commissioners, as well as to document what good environmental practices are in place at this Authority. He said the quality of the effluent equates to virtually clean water and this, combined with our efforts to utilize clean energy alternatives merits documentation. He called upon Mr. Granata to assist in the process.

In closing, Chairman Colligas informed the Board that the change in leadership in Holmdel has resulted in a four (4) vote majority. He offered his assistance in addressing issues with his municipality of residence on behalf of the Authority.

At 9:08 PM Chairman Colligas made the following announcement:

The next **Regular Meeting** of the Authority is scheduled for **Monday, January 17<sup>th</sup>, 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. 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 Colligas

Respectfully submitted,



Kimberly A. Newins, Admin. Asst.  
Recording Secretary to the Board