

**MEETING MINUTES
BAYSHORE REGIONAL SEWERAGE AUTHORITY
2012 BUDGET PUBLIC HEARING AND REGULAR MEETING OF
DECEMBER 19TH, 2011**

At 7:00 P.M. – Chairman Pisano called the Public Hearing on the BRSA 2012 Budget to order and made the following announcement:

I hereby announce, pursuant to Section 5 of the Open Public Meetings Act, and N.J.S.A. 40:14A-8, 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 Aberdeen, Hazlet, Holmdel, Keansburg, Keyport, Matawan, Union Beach and Marlboro; the Hazlet Township Sewer Utility, and the W.M.U.A. This notice is also posted in the lobby of the Bayshore Regional Sewerage Authority Administration Building.

Chairman Pisano then asked for **PLEDGE OF ALLEGIANCE** and a **MOMENT OF SILENCE** in support of all US Troops serving our Country throughout the world. He then requested roll call of attendees recorded as follows:

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

Also In Attendance: Robert C. Fischer, Executive Director
Louis E. Granata, General Counsel
Manuel Ponte, P.E., Consulting Engineer
Michael Bart, CPA, and Richard Hennessey, CPA, Auditors
Peter J. Canal, Staff Engineer
James Wancho, PS&S Consulting Engineer, WTE Project
Ms. Kimberly Newins, Administrative Assistant
Ms. Stephanie Donis, Certified Court Reporter

Chairman Pisano turned the Public Hearing over to General Counsel who issued the Oath to Professionals and commenced obtaining Testimony from the Executive Director, Auditor and Consulting Engineer. Public Hearing Minutes are recorded by a Certified Court Stenographer and will be made available to any interested parties after formal adoption at the January, 2012 Regular Meeting of the Authority.

The Chairman then opened the meeting to the public for any comments on the 2012 Authority Budget.

Commissioner Cohen commended Mr. Fischer for an outstanding job on the 2012 Budget and said he was a tremendous asset to the Bayshore Regional Sewerage Authority. Commissioner Wells commented, when most people's expenses are going up, it was fantastic that the Authority was able to provide the municipalities it serves with a 19% reduction in wastewater treatment costs. He said this is a testimony to the efficient and superior job the staff at BRSA is performing on a daily basis and this achievement should be publicly recognized.

Mr. Bill Shewan of 28 Mason Drive in Hazlet had a few questions regarding the Budget that were answered by the Executive Director.

With no further comments from the public, Chairman Pisano called for the following **MOTIONS:**

1. RESOLUTION No.: (102/11) To Adopt the 2012 Final Budget for Fiscal Year: From January 1, 2012 through December 31, 2012..

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 governing body of the Bayshore Regional Sewerage Authority at its open public meeting of December 19th, 2011; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$10,435,398, Total Appropriations, including any Accumulated Deficit, if any, of \$17,578,431.00 and Total Unreserved Retained Earnings utilized of \$ 7,143,033; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$0.00 and Total Unrestricted Net Assets planned to be utilized of \$0.00;

NOW, THEREFORE BE IT RESOLVED, by the governing body of Bayshore Regional Sewerage Authority, at an open Public Hearing held on December 19th, 2011 that the Annual Budget and Capital Budget/Program of the Bayshore Regional Sewerage Authority for the fiscal year beginning, January 1, 2012 and, ending, December 31, 2012 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

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

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

2. RESOLUTION No.: (103/11) To adopt and forward the 2012 Budget to the Department of Community Affairs and User Charge Rate for Authority Operations. Fiscal Year: From January 1, 2012 through December 31, 2012..

WHEREAS, the Bayshore Regional Sewerage Authority (B.R.S.A.) previously on or about June 21, 1977, adopted a Resolution authorizing the issuance of Revenue Bonds of Bayshore Regional Sewerage Authority, which among other things, pursuant to Article VI, Section 610, requires the adoption of a Final Annual Budget of Operating Expenses and the filing thereof; and

WHEREAS, in accordance with the Sewerage Authorities Law, N.J.S.A. 40:14A-1, et seq., as amended, the B.R.S.A. has conducted a Public Hearing on its annual 2012 fees and Budget, and will provide a transcript of said Hearing to any interested party; and

WHEREAS, the B.R.S.A. specifically finds it to be reasonable and necessary to adopt the annexed user rate charge and budget;

NOW THEREFORE BE IT RESOLVED, by B.R.S.A. that the 2012 Final Budget for Authority operations, be and the same is hereby adopted and approved in the form set forth in full and annexed hereto subject to the approval of the New Jersey Department of Community Affairs; and

BE IT FURTHER RESOLVED that the user rate on the attached 2012 Exhibit "E" be, and is hereby adopted and approved for calendar year 2012.

BE IT FURTHER RESOLVED that the Secretary forthwith transmit copies of this Resolution and the Final 2012 Budget to the Trustees for the holder of the Authority bonds, and the Division of Local Finance for their review as well as all other persons or entities required to receive same.

BE IT RESOLVED that the following Statement of Revenues and Appropriations shall constitute the Budget of the Bayshore Regional Sewerage Authority for the Fiscal Year Ending December 31, 2012.

REVENUES

Retained earnings appropriated	\$ 7,143,033.00
Anticipated revenues	<u>\$10,435,398.00</u>
Total revenues and other financial sources	\$17,578,431.00

APPROPRIATIONS

Operating Expenses	\$ 6,426,247.00
Capital outlays	\$ 0.00
Debt service, reserves and deficit	<u>\$ 11,152,184.00</u>
Total appropriations	\$ 17,578,431.00

Exhibit "E" Customer Flow Charges

The Bayshore Regional Sewerage Authority hereby establishes Customer (User) Flow Charges at a rate of \$3,697.43 per million gallons of wastewater treated for the year 2012.

OFFERED BY Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried unanimously by roll call vote recorded as follows:

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

Chairman called for a **MOTION** - to Adjourn this Public Hearing.

OFFERED BY Commissioner Wells and **SECONDED BY** Commissioner Parsells and carried unanimously by roll call vote recorded as follows:

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

Chairman Pisano then called the Regular Meeting of the Authority to order and called for **MOTIONS** on the following:

TO APPROVE THE MINUTES - The Regular Meeting of November 21st, 2011

OFFERED BY Commissioner Parsells and **SECONDED BY** Commissioner Cohen and carried unanimously by roll call vote recorded as follows:

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

ACCEPT THE TREASURER'S REPORT - For November, 2011

OFFERED BY Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	11-30-11
<u>UNRESTRICTED</u>	
Revenue Fund	\$ 2,966,317.04
General Fund	\$ <u>4,125,255.41</u>
Total Unrestricted	\$ 7,091,572.45
<u>RESTRICTED</u>	
Bond Service Fund	
1985 Bond Service Fund	\$ 817.08
2002 Bond Service Fund	\$ <u>0.00</u>
Total Bond Service Funds	\$ 817.08
Bond Reserve Funds	
1985 Bond Reserve Fund	\$ <u>7,197,191.26</u>
Total Bond Reserve Funds	\$ <u>7,197,191.26</u>
<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$ 1,319,093.25
Bond Service	\$ <u>0.05</u>
TOTAL NJEIT	\$ <u>1,319,093.30</u>
TOTAL TRUSTEE ACCOUNTS	\$ <u>15,608,674.09</u>
<u>AUTHORITY ACCOUNTS</u>	
Incoming Revenue Account	\$ 1,190.54
Operating Regular Account	\$ 64,859.15
Operating Payroll Account	\$ <u>164,443.89</u>
TOTAL AUTHORITY ACCOUNTS	\$ <u>203,493.58</u>
TOTAL	\$ <u>15,839,167.67</u>

SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balances as of <u>November 30, 2011</u>	
Hazlet Township Sewerage Authority	\$	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	\$	<u>0.00</u>
TOTAL	\$	0.00
OUTFALL AUTHORITY CHARGES		
Hazlet Township Sewerage Authority	\$	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	\$	<u>0.00</u>
TOTAL	\$	0.00
Balance of Rent Reserve Accounts as of November 30th, 2011		
Hazlet Township Sewerage Authority	\$	1,881,846.86
Township of Holmdel	\$	723,599.47
Borough of Union Beach	\$	503,871.03
Borough of Keyport	\$	806,498.45
Borough of Keansburg	\$	751,152.31
Borough of Matawan	\$	820,931.94
Western Monmouth Utilities Authority	\$	186,233.65
Township of Aberdeen	\$	<u>861,682.56</u>
TOTAL	\$	6,535,816.27

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

RESOLUTION No. (104/11) To recognize Chuck Theodora as the 2011 Safety Person of the Year.

WHEREAS, Chuck Theodora has served the Bayshore Regional Sewerage Authority since 2007 in the capacity of Operator; and

WHEREAS, Mr. Theodora has consistently taken the initiative to participate in the Authority's Safety Program making suggestions and assisting in the implementation of protective measures to ensure the health, safety and well being of his/her fellow employees; and

WHEREAS, Mr. Theodora has consistently exhibited a positive attitude with which to promote a safe environment and implement safety standards by example to their fellow employees

NOW THEREFORE BE IT RESOLVED, the Bayshore Regional Sewerage Authority, its Commissioners, and employees hereby award Chuck Theodora as the Safety Employee of the Year Award along with this Resolution and a \$100 gift card and express sincere appreciation to him for a job well done and this valuable contribution to Bayshore Regional Sewerage Authority.

BE IT FURTHER RESOLVED, this Resolution is hereby formally adopted by the Board and will be entered into the permanent records of the Authority.

OFFERED BY Commissioner Wells and **SECONDED BY** Commissioner Parsells and carried unanimously by roll call vote recorded as follows:

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

RESOLUTION No.: (105/10) To recognize Patricia Fuschetto for making the 2011 Safety Suggestion of the Year.

WHEREAS, Patricia Fuschetto has served the Bayshore Regional Sewerage Authority since 1993 in the capacity of Chemist; and

WHEREAS, Ms. Fuschetto has consistently exhibited a positive attitude with which to promote a safe environment and implement safety standards by example to their fellow employees

WHEREAS, Ms. Fuschetto has taken the initiative to protect and secure the health and well being of his/her fellow employees by suggesting the following:

"During extended periods of dry weather and under the right wind conditions, ash in the settling basins becomes airborne creating potential hazards and nuisance conditions. Planting grass seed on the surface will greatly reduce these conditions leading to a cleaner and healthier facility and work environment"; and

WHEREAS, Ms. Fuschetto's fellow employees, in conjunction with the Management Staff, have elected to acknowledge this valuable contribution by adopting this Resolution and issuing a \$100 gift card

NOW THEREFORE BE IT RESOLVED, the Bayshore Regional Sewerage Authority, its Commissioners, and employees hereby express sincere appreciation to Patricia Fuschetto for a job well done and the valuable contribution to Bayshore Regional Sewerage Authority overall health and safety

BE IT FURTHER RESOLVED, this Resolution is hereby formally adopted by the Board and will be entered into the permanent records of the Authority.

OFFERED BY Commissioner DiNardo and **SECONDED BY** Commissioner Parsells and carried unanimously by roll call vote recorded as follows:

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

RESOLUTION (106/11) To grant permanent status to James Cotugno in the position of Mechanic/Electrician, effective December 1, 2011.

WHEREAS, on October 2, 2011 the Superintendent and Assistant Superintendent of Maintenance ("The Management") assigned the position of Mechanic Electrician to James Cotugno, to fill an open position for the Bayshore Regional Sewerage Authority; and

WHEREAS, James Cotugno has successfully completed the requisite 60 day probationary period in accordance with Article 12 of the Collective Bargaining Agreement; and

WHEREAS, the Management has made the recommendation that James Cotugno be granted permanent status in the position of Mechanic Electrician,

NOW THEREFORE BE IT RESOLVED the Commissioners of the Authority deem it in the best interest of the Authority to accept Management's choice and to permanently appoint Mr. James Cotugno to the permanent position of Mechanic Electrician, effective December 1st, 2011 at the starting rate of \$29.49 per hour in accordance with the Collective Bargaining Agreement dated April 1, 2011.

OFFERED BY Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

RESOLUTION (107/11) To award Contract 59, Return Sludge Pump Station #1, Replacement of Reinforced Concrete Beam to D&D Trenchless Solutions, Inc.

WHEREAS, in accordance with Local Public Contracts Law, Bayshore Regional Sewerage Authority ("BRSA") had advertised and received bids at 1:00 P.M. on Wednesday, December 7th 2011 for Return Sludge Pump Station #1, Repair/Replace Reinforced Concrete Beam also known as BRSA Contract 59, and

WHEREAS, one bid was received to replace the entire beam in accordance with the contract specifications from D&D Trenchless Solutions, Inc., of Long Branch, NJ in the amount of \$82,750.00; and

WHEREAS, the bid was reviewed by the BRSA Staff Engineer, General Counsel and Arcadis-US, Consulting Engineers who recommended the award of the contract; and

WHEREAS, this contract is awarded pursuant to a fair and open process; and the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that D& D Trenchless Solutions, Inc. be awarded Contract 59, Return Sludge Pump Station #1, for the Replacement to the Reinforced Concrete Beam for a total contract price of \$82,750 in accordance with the terms and conditions of the bid specifications.

OFFERED BY Commissioner DiNardo and **SECONDED BY** Commissioner Colligas and carried unanimously by roll call vote recorded as follows:

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

RESOLUTION (108/11) To approve a 2011 Capital Budget Amendment for the replacement of Belt Filter Presses # 1 and #2.

WHEREAS, the Bayshore Regional Sewerage Authority has developed a Capital Budget for 2011; and

WHEREAS, the Capital Budget designated \$175,000 for the upgrade of Sludge Presses # 1 and #2; and

WHEREAS, upon evaluation of the of the Sludge Presses, # 1 and #2 by our Consulting Engineer, Arcadis-US and our Staff Engineer, it was determined that replacement of the Sludge Presses #1 and #2 was in order; and

WHEREAS, the Authority previously designated \$175,000 for upgrade of Sludge Presses #1 and #2 which now should be amended to \$290,000 for replacement of Sludge Presses # 1 and #2; and

WHEREAS, the Authority herein will reduce the Capital Budget for Collection System Improvements from \$225,000 to \$110,000 thereby maintaining the same total Capital Budget for 2011 at \$750,000; and

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority, the Authority is amending its 2011 Capital Budget by transferring funds between projects resulting in no net change to the total Capital Budget

BE IT FURTHER RESOLVED, that the Director is authorized to make these changes and submit a Capital Budget Amendment to the Division of Local Government Services at the Department of Community Affairs.

OFFERED BY Commissioner Cohen and **SECONDED BY** Commissioner Colligas and carried unanimously by roll call vote recorded as follows:

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

RESOLUTION (109/11) To amend the construction phase services contract with PS&S; due to unanticipated delays.

WHEREAS, the Bayshore Regional Sewerage Authority ("BRSA") entered into an agreement with Paulus, Sokolowski and Sartur, LLC, ("PS&S") by way of Resolutions (86/08), (59/09) and (86/10) for various services associated with the BRSA Wind-To-Energy Project; and

WHEREAS, in order to assist the Authority in meeting the unanticipated challenges and delays to the Wind to Energy Project have expended funds budgeted for construction management services; and

WHEREAS, some of those unanticipated challenges and delays include issues related to the Union Beach Planning Board subdivision denial, follow-up related to pile driving seismic monitoring, Union Beach and Monmouth County requirements for special transportation permits, State and Federal Audits and ongoing issues related to turbine storage, maintenance and handling issues necessitated by project delays which have in part extended the construction contract by approximately (11) months; and

WHEREAS, while it was anticipated that the bulk of PS&S' services would be provided during the height of construction activities, the numerous issues of delay and associated challenges have caused for these funds to be expended to keep the project moving forward; and

WHEREAS, In order to budget and authorize continued engineering services to the anticipated completion in the Spring of 2012, an amendment to the construction phase services for engineering is required; and

WHEREAS, PS&S has provided the Authority with a proposal dated December 16th, 2011 for amendment to its construction phase services contract for \$140,800; and

WHEREAS, the Authority Engineering Sub-Committee has met to review and discuss the amendment request with PS&S and has made a recommendation to the full Board of Commissioners to provide for that amendment

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority deem it in the best interest of the Authority and member and customer towns to amend the contract for construction phase services by \$140,800.00.

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

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

MOTION - to approve payment of bills listed on: (subject to availability of funds.)

Operating Fund Requisition No. 473	\$ 328,241.89
Payroll Account Transfers # P 124	\$ 174,648.85
Trustee Construction Fund Req. No. 16	\$ 152,854.91

OFFERED BY Commissioner Colligas and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

At 7:55 P.M., 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, this permits the exclusion of the public from a meeting in certain circumstances. The general nature of the subject matters to be discussed is pending litigation; and personnel matters of attorney-client privilege. 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 **MOTION** shall take effect immediately upon adoption by roll call vote:

OFFERED BY Commissioner Colligas and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

At 8:58 P.M., the Chairman called for a **MOTION** to end Closed Session. This was

OFFERED BY Commissioner Colligas and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

Chairman Pisano opened the meeting up to the public to discuss any matters they might care to address. There were no comments from the public at this time, therefore the Chairman closed the public comment portion of the meeting and called for **MOTIONS** on the following:

RESOLUTION (110/11) To require professional services be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.4.

WHEREAS, the Bayshore Regional Sewerage Authority has adopted a Pay-to-Play Policy in accordance with NJSA 19:44A-20.4 et seq., known as the "New Jersey Local Unit Pay-to-Play Law;" and

WHEREAS, the Authority has chosen to use a "non-fair and open" process which precludes a contractor from making a reportable contribution in the previous year or during the term of the contract and requires certification by the contractor that no reportable contributions were made during the (1) one year preceding the award of the contract; and

WHEREAS, it is the desire of the Authority to continue to use a "non-fair and open" process for 2012; and

WHEREAS, the Authority Commissioners have asked the Executive Director to seek proposals for review including the mandatory political and business entity disclosure certifications prior to the annual Reorganization Meeting; and

WHEREAS, funds are available for this purpose, and in accordance with NJAC 5:30-5.4 and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the non-fair and open contract appointments without competitive bidding will be publicly advertised within ten (10) days of their award;

NOW THEREFORE BE IT RESOLVED, The Bayshore Regional Sewerage Authority will use a "non-fair and open" process in 2012 for hiring the professionals and the Executive Director is instructed to seek proposals from its professionals for review prior to the Reorganization Meeting of February 27th, 2012

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

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

RESOLUTION (111/11) To retain the services of Louis E. Granata, Esq., P.C. as Special Counsel for all matters relating to BRSA Contracts 54 Wind-to-Energy Project and 56, Water Pollution Control Plant Improvements.

WHEREAS, the Authority deems it in the best interest of the members and customers that it serves to retain the services of Louis E. Granata, Esq., P.C., as Special Counsel to BRSA Contracts 54 Wind-to-Energy Project and 56, Water Pollution Control Plant Improvements ("the Projects") due to his expertise and institutional knowledge of the Projects; and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Louis E. Granata, Esq., has submitted a proposal for services dated December 19th, 2011 providing Legal Consulting Services as Special Counsel at a rate of \$195 per hour; and

WHEREAS, this contract is being awarded as a non-fair and open contract in accordance with NJSA 19:44A-20.4 et seq.; and

WHEREAS, the Executive Director certifies that the contract has the potential to exceed \$17,500; and

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Louis E. Granata, Esq., 210 Main Street, Matawan, NJ, as Special Counsel for the Projects until the satisfactory completion of the Projects and the completion of any litigation or potential litigation that may arise from matters related thereto.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is therefore meets the exemption criteris under NJSA 40A:11-5 et seq.; and in accordance with NJSA 19:44A-20.4 et seq;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days its adoption and will be posted on the BRSA official website.

OFFERED BY Commissioner Colligas and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

RESOLUTION (112/11) To retain the services of Louis E. Granata, Esq., P.C. as Special Counsel for all matters relating to BRSA Service Agreements and any litigation or potential litigation related thereto.

WHEREAS, the Authority deems it in the best interest of the members and customers that it serves to retain the services of Louis E. Granata, Esq., P.C., as Special Counsel to BRSA for all matters relating to BRSA Service Agreements and any litigation or potential litigation related thereto due to his expertise and institutional knowledge of the Projects and Service Agreements; and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJS 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Louis E. Granata, Esq., has submitted a proposal for services dated December 19th, 2011 indicating he will provide Legal Consulting Services as Special Counsel to the BRSA at a rate of \$195 per hour; and

WHEREAS, this contract is being awarded as a non-fair and open contract in accordance with NJS 19:44A-20.4 et seq.; and

WHEREAS, the Executive Director certifies that the contract has the potential to exceed \$17,500; and

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Louis E. Granata, Esq., 210 Main Street, Matawan, NJ, as Special Counsel for all matters relating to BRSA Service Agreements and any litigation or potential litigation related thereto until the final execution of all BRSA Service Agreements with the member and customer towns of the Bayshore Regional Sewerage Authority has been achieved.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is therefore meets the exception criteria of NJS 40A:11-5; and in accordance with NJS 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days its adoption and will be posted on the BRSA official website.

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

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

RESOLUTION (113/11) To retain the services of Manuel Ponte, P.E., Arcadis-US, as Special Consulting Engineer for all matters relating to BRSA Contracts 54 Wind-to-Energy Project and 56, Water Pollution Control Plant Improvements and renewal of all BRSA Agreements.

WHEREAS, the Authority deems it in the best interest of the members and customers that it serves to retain the services of Manuel Ponte, P.E., Arcadis-US, as Special Consulting Engineer to BRSA Contracts 54 Wind-to-Energy Project and 56, Water Pollution Control Plant Improvements ("the Projects") due to his expertise and institutional knowledge of the Projects and the renewal of all BRSA Agreements ("Service Agreements"); and

WHEREAS, this contract is being awarded as a non-fair and open contract in accordance with NJSA 19:44A-20.4 et seq.; and

WHEREAS, the Executive Director certifies that the contract has the potential to exceed \$17,500; and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Manuel Ponte, P.E., Arcadis-US, has submitted a proposal for services dated December 19th, 2011 indicating he will provide General Consulting Services as Special Consulting Engineer to the BRSA in accordance with the financial terms and other conditions of his existing contract available for review at the Authority's offices; and

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Manuel Ponte, P.E., Arcadis-US, Raritan Center, Edison, NJ, as Special Consulting Engineer for the Projects and Service Agreements until the satisfactory completion of same and assistance with the completion of any litigation or potential litigation that may arise from matters related thereto.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is therefore meets the exemption criteria under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days its adoption and will be posted on the BRSA official website.

OFFERED BY Commissioner Wells and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

RESOLUTION (114/11) To retain the services of Michael Bart, CPA of Bart & Bart, CPAs as Special Accountant/Auditor for all financial matters relating to BRSA Contracts 54 Wind-to-Energy Project and 56, Water Pollution Control Plant Improvements and the renewal of all BRSA Agreements.

WHEREAS, the Authority deems it in the best interest of the members and customers that it serves to retain the services of Michael Bart, CPA, Bart & Bart, CPAs as Special Accountant/Auditors to BRSA Contracts 54 Wind-to-Energy Project and 56, Water Pollution Control Plant Improvements ("the Projects") and the renewal of all BRSA Service Agreements ("Service Agreements") and as required for any litigation or potential litigation related thereto due to his financial expertise and institutional knowledge of the Projects and Service Agreements; and

WHEREAS, this contract is being awarded as a non-fair and open contract in accordance with NJSA 19:44A-20.4 et seq.; and

WHEREAS, the Executive Director certifies that the contract has the potential to exceed \$17,500; and

WHEREAS, funds are available for this purpose, and the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

WHEREAS, Michael Bart, CPA, Bart & Bart, CPAs has previously submitted a proposal for services dated January 16, 2011 to provide General Accounting and Auditing to the BRSA and has

indicated he will provide Special Accounting/Auditing services in accordance with the financial terms and other conditions of the existing contract available for review at the Authority's offices

WHEREAS, this contract is being awarded as a non-fair and open contract in accordance with NJSA 19:44A-20.4 et seq.; and

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Michael Bart, CPA, Bart & Bart, CPAs, Main Street, Woodbridge, NJ as Special Accountant/Auditor for the Projects and Service Agreements until the satisfactory completion of same and assistance with the completion of any litigation or potential litigation that may arise from matters related thereto.

BE IT FURTHER RESOLVED that this appointment is being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law and is therefore meets the exemption criteria under NJSA 40A:11-5; and in accordance with NJSA 19:44A-20.5;

BE IT FURTHER RESOLVED that the Secretary shall cause a brief notice of the adoption of this Resolution to be published once in the Authority's designated official newspaper as required by law within ten (10) days its adoption and will be posted on the BRSa official website.

OFFERED BY Commissioner Parsells and **SECONDED BY** Commissioner DiNardo and carried unanimously by roll call vote recorded as follows:

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

Chairman Pisano opened the meeting up to the public to discuss any matters they might care to address. There were no comments from the public at this time, therefore the Chairman closed the public comment portion of the meeting, and made the following announcement: The next Agenda Meeting of the B.R.S.A. is scheduled for **Monday, January 9th, 2012** at 7:00 P.M. The next Regular Meeting of the B.R.S.A. is scheduled on **Monday, January 16th, 2012**, at 7:00 P.M. but may be delayed one week with public notification prior thereto, With no other matters before the Board for discussion, at 8:58 P.M. Chairman Pisano called for a **MOTION** to Adjourn. This was **OFFERED BY** Commissioner Colligas 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,
Administrative Assistant
Recording Secretary to the Board