

MINUTES
BAYSHORE REGIONAL SEWERAGE AUTHORITY
Regular Meeting of November 21st, 2011

At 7:00 P.M., on Monday, November 21st, 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 stationed all over the world. Vice Chairman Wells requested a roll call recorded as follows:

Present: Commissioners Cohen, Colligas, Parsells and Vice Chairman Wells

Absent: Commissioner DiNardo, and Chairman Pisano

Also In Attendance: Robert C. Fischer, Executive Director

Peter J. Canal, BRSA Engineer

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

Mr. Fischer explained the updated voting agenda to the Board, saying the Single Sampling Point Indemnification and Hold Harmless Agreement with MCBOA had arrived and requires a Resolution authorizing the execution of the Agreement between the entities. He added the Developer's Agreement and TWA documents for the Stone Road townhouse project were also prepared during the week and were added to this agenda for contingent approval. Commissioner Cohen informed the Board that he will be in California again this year during the months of December, January and part of February. He said he will be available via telephone to attend the meetings, as is allowed by OPMA. Vice Chairman Wells thanked Mr. Fischer and Commissioner Cohen for the updates and then called for **MOTIONS** on the following:

APPROVAL OF MINUTES –Regular Meeting Minutes of October 11th, 2011

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

TREASURER'S REPORT (Commissioner Parsells for October, 2011)

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

MOTION - to approve payment of bills listed on:

Operating Fund Req. No. 472 (Regular)	\$ 508,889.05
Payroll Account Req. No. P 123	\$ 193,242.35

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

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

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS TD BANK

TRUSTEE ACCOUNTS

BALANCE: 10/31/11

UNRESTRICTED

Revenue Fund	\$ 2,947,798.35
General Fund	\$ <u>2,625,255.41</u>
Total Unrestricted	\$ 5,573,053.76

RESTRICTED

Bond Service Fund

1985 Bond Service Fund	\$ 817.08
2002 Bond Service Fund	\$ <u>28,610.00</u>
Total Bond Service Funds	\$ 29,427.08

Bond Reserve Funds

1985 Bond Reserve Fund	\$ <u>7,319,706.26</u>
Total Bond Reserve Funds	\$ 7,319,706.26

2010 NJEIT BONDS

Revenue	\$ 0.00
Construction	\$ 1,319,084.33
Bond Service	\$ <u>0.05</u>
TOTAL NJEIT	\$ 1,319,084.38
TOTAL TRUSTEE ACCOUNTS	<u>\$14,241,271.48</u>

AUTHORITY ACCOUNTS

Incoming Revenue Account	\$ 2,213,779.73
Operating Regular Account	\$ 64,844.07
Operating Payroll Account	\$ <u>135,078.35</u>
TOTAL AUTHORITY ACCOUNTS	<u>\$2,413,702.15</u>

TOTAL	<u>\$16,654,973.63</u>
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SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balances as of <u>Oct. 31, 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	\$ 0.00
Township of Aberdeen	<u>\$ 0.00</u>
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	<u>\$ 0.00</u>
TOTAL	<u><u>\$ 0.00</u></u>
Balance of Rent Reserve Accounts as of Oct. 31st, 2011	
Hazlet Township Sewer Utility	\$ 1,881,527.23
Township of Holmdel	\$ 723,476.57
Borough of Union Beach	\$ 503,786.23
Borough of Keyport	\$ 806,361.47
Borough of Keansburg	\$ 751,024.73
Borough of Matawan	\$ 820,792.51
Western Monmouth Utilities Authority	\$ 186,202.02
Township of Aberdeen	<u>\$ 861,536.21</u>
TOTAL	\$ 6,534,706.97

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 (87/11): To amend the BRSA 2012 Preliminary Budget Resolution.

WHEREAS, the 2012 BRSA Preliminary Budget Resolution (No. 78/11) as presented for approval on October 17th, 2011 requires an amendment to reflect the use of Unreserved Retained Earnings; and

WHEREAS, the use of Unreserved Retained Earnings will lower the Total Net Appropriations to \$10,435,398 with a corresponding reduction in Revenues to \$10,435,398; and

WHEREAS, an Amended Preliminary Budget Resolution for 2012 for the Bayshore Regional Sewerage Authority for the fiscal year beginning January 1, 2012 and ending December 31, 2012 is hereby presented for approval before the Board of Commissioners of the Bayshore Regional Sewerage Authority at its Open Public Meeting on November 21, 2011; and

WHEREAS, the 2012 BRSA Annual Budget reflects Total Revenues of \$10,435,398, Total Appropriations of \$17,578,431 and Total Unreserved Retained Earnings of \$7,143,033 which reduces total net appropriations to \$10,435,398

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority, hereby approve the amended 2012 Preliminary Budget Resolution reflecting the use of Unreserved Retained Earnings in the 2012 Authority Budget package submitted on October 31, 2011 to the NJ State Department of Community Affairs, Division of Local Governments Services.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

2. RESOLUTION (88/11): To continue the services of the Gabel Associates as Energy Agent and to bid and award basic generation services to the lowest responsible bidder.

WHEREAS, the Bayshore Regional Sewerage Authority may request bids for energy supply to avoid price volatility of hourly energy costs for basic generation services; and

WHEREAS, the Authority desires to take advantage of recent downward trends in the energy market; and

WHEREAS, the Authority has retained the services of an Energy Agent to request bids for the Group called the New Jersey Sewerage and Municipal Utility Authorities Electrical Supply Aggregation, ("NJSMUAESA"); and

WHEREAS, the estimated cost for the Energy Agent's services is \$3,500.00 per year and the Authority desires to continue to utilize the services of Gabel Associates as Energy Agent for the time period January 1, 2012 to December 31, 2013; and

WHEREAS, the funds are available for this purpose

WHEREAS, Gabel Associates will prepare and advertise bids for the purchase of Basic Generation Services to be awarded prior to May 2012;

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director is hereby authorized to enter into an Energy Supply Agreement with the energy supplier that is selected as the successful bidder by the Aggregation Group as recommended by the Energy Agent in the form annexed to the Request for Bids provided to potential bidders by Gabel Associates on behalf of the Aggregation Group of the NJSMUAESA.

BE IT FURTHER RESOLVED, by the Commissioners that the Executive Director be and is hereby authorized and directed to take such further action necessary to implement the Authority's participation in the Aggregation Group including signing and initializing an award letter to the selected energy supplier for basic generation services for electrical power

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

3. RESOLUTION (89/11): To terminate the Ash Disposal Contract with Reliable Wood Products and award the contract to the next lowest responsible bidder: Spectraserv, Inc. of South Kearny, NJ.

WHEREAS, on September 20, 2010, the Authority adopted Resolution 69/10 awarding the contract for the Disposal of Incinerator Ash to Reliable Wood Products of Jersey City, NJ for a two year period; and

WHEREAS, Reliable Wood Products failed to comply with the contractual obligations to acquire an A-901 license and secure a DEP-approved site for the recycling and disposal of the BRSA Incinerator Ash; and

WHEREAS, as a result of Reliable Wood Products failure to fulfill it's contractual obligations resolution 69/10 should be rescinded; and

WHEREAS, in accordance with Local Public Contract Law, (NJSA 40A:11-1 et seq.) the Authority may award the contract to the next lowest responsible bidder for said Contract, and

WHEREAS, the Qualified Purchasing Agent, BRSA Engineer and General Counsel have reviewed the bids submitted at the time of the original award and recommend SpectraServe, Inc., of South Kearny, NJ as the lowest responsible qualified bidder for the Contract, having met all contractual obligations of the specifications and having submitted a bid price of \$138.00 per ton based on an estimate of 1,000 tons and a total price of \$138,000.00 for the Disposal of Incinerator Ash for a two year period; and

WHEREAS, the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby terminate the contract awarded to Reliable Wood Products under Resolution 69/10 and award the Contract for the Disposal of Incinerator Ash for a two-year period to SpectraServ, Inc., of South Kearny NJ in accordance with the terms and conditions of the contract documents

BE IT FURTHER RESOLVED, the Executive Director and General Counsel are hereby authorized to execute the necessary documents to terminate the contract with Reliable Wood Products of Jersey City, NJ and award the contract to SpectraServ, Inc., of South Kearny, NJ Disposal of Incinerator Ash for a two-year period.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

4. RESOLUTION (90/11): To accept the Third Quarter Flow Report as presented by Arcadis-US, Consulting Engineers to the Authority.

WHEREAS, Arcadis - US, Consulting Engineers for the Bayshore Regional Sewerage Authority (BRSA) have determined the quantity of sewage from each of the Towns and Authorities connected to the BRSA system for the Third Quarter of the year 2011; and

WHEREAS, said flow figures have been calculated from actual meter readings, maintenance service reports, and other data, and

WHEREAS, said flow figures have been reviewed by the Commissioners of this Authority,

NOW THEREFORE BE IT RESOLVED that this Authority hereby accepts the flow calculations, certified by Arcadis – US for the Third Quarter of the year 2011.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

5. RESOLUTION (91/11): To adopt the Section 125 Cafeteria Plans as prescribed by P.L. 2011 c.78.

WHEREAS, the recent 2011 Pension and Health Benefits Reforms, P.L. 2011 c.78 requires Local unit employers to provide employees with two Cafeteria Plans pursuant to Section 125 of the Internal Revenue Code; and

WHEREAS, the Cafeteria Plans allow employee and certain employer payments towards employee benefits to be taken as "pre-tax" benefits, not subject to Federal Income Taxes; and

WHEREAS, the Law requires the creation as a Premium Option Plan, ("POP") which formalizes the employee contributions toward Health Benefits as payroll contributions before Federal Income and FICA are collected and the creation of a Flexible Spending Account ("FSA") which allows an employee to voluntarily set aside a portion of their earnings to pay for qualified medical expenses on a pre-tax basis as well; and

WHEREAS, the Authority deems it in the best interest of its member and customer towns as well as its employees to implement the provisions of P.L. 2011 c.78 Cafeteria Plans

NOW THEREFORE BE IT RESOLVED, the Executive Director is authorized to take all necessary actions to create the Section 125 Cafeteria Plans including the solicitations of quotes for the creation and administration of a Flexible Spending Account.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

6. RESOLUTION (92/11): To formally incorporate the Davis-Bacon Act wage rate table into the WTE and WPCP Contracts.

WHEREAS, the Bayshore Regional Sewerage Authority desires to formally incorporate the Davis-Bacon Act Wage Rate Schedule into Contract 54, Wind-to-Energy ("WTE") and Contract 56, Water Pollution Control Plant ("WPCP") Project documents ("the Contracts"); and

WHEREAS, the Davis-Bacon Act Wage Rate Schedule has previously been posted at the Construction sites, adhered to by all Contractors on site, inspected by BRSA Staff and Certified by the Consulting Engineers at each payment requisition; and

WHEREAS, the incorporation of the Davis-Bacon Wage Rate Schedule into each of the Contracts' documents are both "no-time", "no-cost" changes that can be affected by adopting Change Orders Numbered 2 ("Davis-Bacon Amendment") for each of the aforementioned BRSA Contracts Numbered 54, and 56

NOW THEREFORE BE IT RESOLVED, Change Order No. 2 ("Davis-Bacon Amendment") is hereby approved to amend BRSA Contracts 54 and 56 to formally incorporate the Davis-Bacon Act Wage Rate Schedule into the respective Contract documents.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

7. RESOLUTION (93/11): To renew the Delta Dental benefits coverage for BRSA employees.

WHEREAS, the Bayshore Regional Sewerage Authority provides a Dental Insurance Plan to its employees, as provided by a Collective Bargaining Agreement; and

WHEREAS, the current provider, Delta Dental Insurance Company's term is up for renewal; and

WHEREAS, insurance coverage is an exemption to the Public Bidding Process as per N.J.S.A. 40A:11-5(m); and

WHEREAS, Delta Dental Insurance Company has offered to renew Dental Coverage for the time period December 1, 2011, to December 1, 2012, at a rate reduction from the current rate; and

WHEREAS, the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED, that the Bayshore Regional Sewerage Authority hereby enters into contract with Delta Dental to renew the dental insurance plan in accordance with the plan proposal dated October 26, 2011 effective December 1, 2011 for a period of one year.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute the plan documents.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

8. RESOLUTION (94/11): To donate to the efforts of the Union Beach Policeman's Benevolent Association.

WHEREAS, Union Beach Policeman's Benevolent Association has asked for financial support of their activities; and

WHEREAS, the funds are available for this purpose; and

WHEREAS, the Bayshore Regional Sewerage Authority is appreciative of the assistance and services provided to the residents of Union Beach by this organization for the betterment of the community and supports their activities and efforts,

NOW THEREFORE BE IT RESOLVED, that the Executive Director is hereby directed to prepare a donation to the Union Beach Policeman's Benevolent Association in the amount of (\$500.00) Five Hundred Dollars.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

9. RESOLUTION (95/11): To authorize the preparation and advertisement of bid specifications for repairs to the Niro Incinerator.

WHEREAS, the Bayshore Regional Sewerage Authority owns and operates a Niro Incinerator for the processing of sludge in accordance with NJPDES Permit No.: 0024708; (“the Permit”); and Air Permit No. 110001; and

WHEREAS, the Commissioners of the Bayshore Regional Sewerage Authority deem it in the best interest of the Authority and the customer it serves to maintain and ensure the proper and safe operation of the Niro Incinerator; and

WHEREAS, the Niro Incinerator is routinely shut down to assess the integrity of the internal components; and

WHEREAS, this assessment by the in-house Engineer, Operating Staff and Chavond Barry Engineering, Incinerator Consultants, has determined certain integral components of the Niro Incinerator are in need of repair; and

WHEREAS, the Authority requires authorization to prepare and advertise bid specifications for this work, and

NOW THEREFORE BE IT RESOLVED, the BRSA Engineer, Qualified Purchasing Agent and Incinerator Consultant are hereby authorized to prepare bid specifications for the repair of integral components of the Niro Incinerator in need of repair or replacement.

BE IT FURTHER RESOLVED, upon review and approval of the Executive Director, a Notice to Bidders may be placed in the Authority’s official newspaper for solicitation of the repair and replacement work on the Niro Incinerator. .

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

10. RESOLUTION (96/11): To renew membership in the Association of Environmental Authorities for the time period January 1, 2012 to December 31, 2012.

WHEREAS, the Bayshore Regional Sewerage Authority ("BRSA") has been a longstanding member of the Association of Environmental Authorities ("the Association"); and

WHEREAS, the BRSA values its membership in the Association for its educational opportunities, and representation of members in governmental forums; and

WHEREAS, the Commissioners of the Authority deem it is in the best interest of the customers that it serves to continue its membership in this important Association; and

WHEREAS, the funds are available and budgeted for this purpose

NOW THEREFORE BE IT RESOLVED BE, the Authority Commissioners hereby authorize the payment of membership dues in the amount of \$5,200.00 and continue its membership in the Association of Environmental Authorities.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

11. RESOLUTION (97/11): To issue Addendum 1 to Contract 59: Repairs to Reinforced Concrete Beam in Return Sludge Pump Station #1.

WHEREAS, on October 17th, 2011, in accordance with Local Public Contracts Law, the Authority adopted Resolution 83/11 authorizing the advertisement of bid specifications for Repairs to the Reinforced Concrete Beam in Return Sludge Pump Station #1; and

WHEREAS, subsequent to pre-bid meeting on November 8th, 2011 it was determined to be in the best interest of the Authority to modify the bid documents to obtain an alternate bid for the Complete Replacement of the beam as well; and

WHEREAS, in order to have ample time to prepare these modifications and allow bidders ample time to submit proposals that include the alternate bid, the Authority's Engineer and Consulting Engineer have recommended the bid opening date be changed to December 7th, 2011 at 1:00 P.M.; and

WHEREAS, the modification of the bid specifications requires additional work be performed by the Authority's Consulting Engineer, Arcadis-US, ("Arcadis-US") including design of the alternate bid, oversight of the laboratory analysis and inspection of core-sampling of the concrete beam; and

WHEREAS, on November 21st, 2011, Arcadis-US, submitted a revised proposal to perform the aforementioned services for a lump sum amount of \$ 7,990.00; and

WHEREAS the funds are available for this purpose; and

WHEREAS, any revision or modification to contract documents requires an Addendum be adopted and issued

NOW THEREFORE BE IT RESOLVED the Commissioner of the Authority hereby authorize Addendum #1 to Contract 59 extending the bid opening date to December 7th, 2011 and authorize Arcadis-US to prepare the modifications to the bid specifications for a lump sum amount of \$7,990.00.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

12. RESOLUTION (98/11): To authorize Arcadis-US perform engineering services during construction for Contract 59.

WHEREAS, The Bayshore Regional Sewerage Authority has adopted Resolution 97/11 authorizing Addendum #1 to Contract 59 - Repairs to the Reinforced Concrete Beam in Return Sludge Pump Station #1, extending the bid opening date to December 7, 2011 and authorizing the BRSA Consulting Engineer, Arcadis- US ("Arcadis-US") to prepare modifications to the bid specifications to obtain an alternate bid for the Complete Replacement of the beam; and

WHEREAS, Arcadis-US has submitted a revised proposal dated November 21st, 2011 to perform engineering services during construction for the repair or replacement of the concrete beam for a total price of \$ 14,775.00; and

WHEREAS, the funds are available for this purpose,

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby authorize Arcadis-US to perform the aforementioned engineering services during construction of Contract 59 for a total price of \$ 14,775.00 as outlined in their revised proposal submitted to the BRSA Engineer on November 21st, 2011.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

12. RESOLUTION (99/11): To authorize the Chairman to execute the Indemnification and Hold Harmless agreement for the temporary MCBOA single sampling point.

WHEREAS, Bayshore Regional Sewerage Authority (BRSA) is required by its current New Jersey Department of Environmental Protection Discharge Permit to sample its effluent from a single sampling point location and,

WHEREAS, BRSA is in the process of obtaining permits and designing a permanent single sampling point location which will take several months and,

WHEREAS, BRSA is desirous of locating and sampling the treatment plant effluent from a temporary single sampling point in the interim and,

WHEREAS, Monmouth County Bayshore Outfall Authority's (MCBOA) Union Beach facility is a single sampling point location and,

WHEREAS, BRSA has requested authorization to sample at the MCBOA facility and has provided an Indemnification and Hold Harmless agreement and provided proof of insurance to MCBOA which has been found acceptable by the Board of Commissioners of MCBOA

NOW THEREFORE BE IT RESOLVED by the Commissioners of the BRSA that the Chairman is authorized to execute the Indemnification and Hold Harmless agreement and the Director is authorized to take all actions necessary to implement the sampling schedule at the MCBOA temporary single sampling point location.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

12. RESOLUTION (100/11): To authorize the execution of a developer's agreement with Devino & Jackiewicz, LLC.

WHEREAS, Devino & Jackiewicz, LLC has requested to be allowed to enter into a Developer's Agreement with the BRSA to provide sanitary sewer service to Stone Road and Poole Ave., a 24 (twenty four) Unit Townhouse development in Hazlet, New Jersey being Block 65 Lot 1.01 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 Devino & Jackiewicz, 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, Devino & Jackiewicz, 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 Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the execution of the Developer's Agreement with Devino & Jackiewicz, 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.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

12. RESOLUTION (101/11): To authorize Sanitary Sewer Approval for Devino & Jackiewicz, LLC contingent upon satisfactory execution of a Developer's Agreement.

WHEREAS, Devino & Jackiewicz, LLC , is the project developer of Stone Rd. & Poole Ave. a 24 (twenty four) Unit Townhouse Development in Hazlet, New Jersey being Block 65, Lot 1.01; and

WHEREAS, Devino & Jackiewicz, LLC has received all local approvals including local sanitary sewer approval; and

WHEREAS, the project is expected to generate 5,250 gallons per day of wastewater, and

WHEREAS, Devino & Jackiewicz, LLC, will execute the Developer's Agreement and provide the Authority's attorney with the acceptable guarantees,

NOW THEREFORE BE IT RESOLVED that Devino & Jackiewicz, LLC, is hereby granted BRSA sanitary sewer approval for the above referenced project contingent upon the execution of the aforementioned Developer's agreement and the payment of the first installment of connection fees being \$25,924.00.

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 upon execution of the Developers agreement and payment of the aforementioned connection fees.

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

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

Vice Chairman Wells opened the floor to the public. Charles Hoffman of Hazlet, NJ took the floor and asked why the lowest bidder on the Contract to Haul Ash had been disqualified. Mr. Fischer responded the lowest bidder was not able to obtain the necessary licenses to haul and dispose of the ash. Mr. Hoffman asked if the Authority recaptures it methane and supplements fueling the incinerators in this manner. Mr. Fischer said, no, we do not generate methane in quantifiable amounts to use it in that way. Mr. Hoffman thanked Mr. Fischer for the information.

Mr. Eugene Geer of 558 Beers Street, Hazlet, NJ took the floor. He had a handout for the Board. It was a copy of a web page from the Conti Group website and he read from it. He asked if the Authority or Conti Group had been paid with A.R.R.A. grant funds yet. Mr. Fischer said yes. He said the website speaks as if the project has been completed and he thinks that it sounds like fraud. Vice Chairman Wells asked, are you accusing us of fraud? Mr. Geer, said yeah, I mean you've already got your money and here your

contractor is listing it as complete when it isn't. Vice Chairman Wells said the project would have been completed by this time had it not been for the delays created by certain people opposed to the project. He said the page was probably posted by a clerk who anticipated it was already completed. Mr. Geer said it sounds like a potential fraud going on here. Vice Chairman Wells said, because the project was approved by the State and Federal government and eligible for ARRA funding, Federal money was granted for this project. Mr. Fischer explained the Conti Group has only been paid for the work it has completed to date. Commissioner Parsells suggested if Mr. Geer had concerns regarding the Conti website he should ask the Conti Group this question, and not the Authority. Mr. Geer said to him, it hollers fraud. To him, it smells like fraud. He was advised to "please bring it to the Prosecutor's Office if you think so."

Mr. Marc Olhafer of 503 Bay Avenue, Union Beach took the floor. He asked if anyone had seen the balloon that was on the string 386 feet up in the air. No one present said they had seen it. Mr. Olhafer was asked if he was the person who floated the balloon and he answered no. He was asked if he knew who floated the balloon and he said no. He said he did not know who put the balloon up, but it was his understanding that it to show people how tall the turbine would be. He said he did not know why the Authority was proceeding with the project when five towns have come forward against the project. Vice Chairman Wells said the Authority is well aware of how the towns came to oppose the project and so are the members of the public present this evening.

Mr. Olhafer said he has attended a number of meetings here and has never heard a Commissioner oppose a Resolution. He wondered why that was. Vice Chairman Wells said we discuss these items at our agenda meetings. Mr. Fischer said not all public agencies have two meetings, but this Authority does. He said these items are discussed the week prior at the open, public Agenda Meeting. All items on the final voting agenda of a Regular Meeting have been discussed and resolved prior to the Resolutions being finalized.

Mr. Olhafer then accused the Authority of a lack of transparency with the neighbors. Vice Chairman Wells said this Authority operates under the auspices of the NJDEP. We have done everything required of the local, State and Federal governments and have provided information regarding this project to the governing bodies we work with since 2006.

Mr. Fischer spoke about the Coastal Dischargers Group and the combined effort being put forth to appeal certain permit criteria being imposed on those who discharge into the Atlantic Ocean. He asked for authorization to continue these efforts with the Group and requested he be authorized to prepare a voucher for \$2,000 which is each Agency's contribution to the fund the pays the legal fees necessary to continue the appeal. By consensus, the Board unanimously authorized the preparation of the voucher.

Mr. Fischer then reported on the dividend the Authority will be receiving from the Joint Insurance Fund, \$29,095.32. The Board was pleased with this information. Mr. Fischer said, historically when this happens, the refund is used as a credit towards the upcoming years' premium and asked the Board's authorization to do the same thing this year. The Board, by consensus, unanimously approved utilizing the funds as a credit towards the 2012 JIF insurance.

With no further discussion before the Board, Vice Chairman Wells made the following announcement:

A Public Hearing on the 2012 Authority Budget will be held on Monday, December 19th, 2011 at 7:00 P.M., prevailing time. The Regular Meeting of the Authority will commence immediately thereafter. All meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

At 7:55 P.M. Vice Chairman Wells called for a **MOTION** to adjourn. This was **OFFERED BY** Commissioner Cohen and **SECONDED BY** Commissioner Parsells and unanimously approved by voice vote recorded as follows:

Ayes: Commissioners Cohen, Colligas, Parsells, and Vice Chairman Wells.

Respectfully submitted,

Kimberly A. Newins
Administrative Assistant
Recording Secretary to the Board