



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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

Robert C. Fischer
EXECUTIVE DIRECTOR

Bayshore Regional Sewerage Authority Agenda Meeting Minutes August 13th, 2012

At 7:03 P.M. on August 13th, 012 Chairwoman Parsells called the Agenda Meeting 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 BRSA Agenda Meeting has been sent to the Asbury Park Press and Newark Star Ledger. Notice has 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 B.R.S.A. Administrative Building.

Chairwoman Parsells then requested a **PLEDGE OF ALLEGIANCE** to the United States Flag and called for a Moment of Silence for all US Troops serving America around the world.

The Chair asked for an attendance roll call, recorded as follows:

Present – Commissioners Cohen, DiNardo, Sutton, Vella, and Chairwoman Parsells
Absent – Commissioner Tedeschi

Also in Attendance: Robert C. Fischer, Executive Director
J. Michael Broyles, Plant Superintendent
Louis E. Granata, Esq. General Counsel
Manuel Ponte, P.E., Consulting Engineer
Peter J. Canal, BRSA Engineer

.....

The Chairwoman asked Mr. Fischer to report on BRSA Projects, special reports or connection applications.

Mr. Fischer reported the Engineering Subcommittee met earlier in the evening to continue review of the responses to the Expression of Interest advertised for Capital Improvement Plan Engineering Services. A short list of ten (10) Engineering firms has been developed with the intention of reducing that number to four to six (4 to 6) firms by mid-September. The final firms selected will have successfully competed to prove their competency, innovative qualities and cost/savings abilities to serve the Authority through the next several years of capital improvements.

Committed to a Clean Environment for Today, Tomorrow and Generations to Come

BRSA staff, November 2006

Mr. Fischer reported Wastewater Treatment Plant Improvements Project - Contract 54, has been completed and Final Stack Test approval from the NJDEP for the new Odor Control System installed under the project has been received. \$5,000 which had been held in escrow pending NJDEP approval of the Stack Test results, can now be released to the Contractor. This closes out the Wastewater Treatment Improvements portion of the projects funded by the ARRA and NJEITF.

Regarding the Wind-to-Energy Project, Change Order #4 has been approved by the NJEITF for approval in the amount of \$291,874.00.

Mr. Fischer deferred to Mr. Canal, BRSA Engineer to report on pending connection fees. Mr. Canal said the commercial connection for the Chelsea Commons Project in Marlboro has been postponed until September for consideration. The developer is not financially able to make application for an August consideration.

Regarding the Developer's Agreement for Pelican Court, LLC, Mr. Granata spoke and said Landmark LLC has successfully sold "The Enclave at Holmdel Project" to Pelican Court, LLC. Landmark has requested the Developer's Agreement and relevant Sanitary Sewer Approval granted to them be transferred to Pelican Court, LLC. The terms of the Developer's Agreement will be updated to reflect current connection fee rates, and the transfer of approvals will be presented to the Board for consideration by way of formal Resolutions at the next Regular Meeting of the Authority on August 20th, 2012.

Mr. Canal continued with his Engineering update and said Contract 59 – Return Sludge Pump Station Building #1 Repairs to Reinforced Concrete Beam has been completed and the building has been put back into operation. He said a Request for Proposals to Repair the Concrete Flooring in the adjacent file storage room has been submitted to the Authority by Arcadis – US for review. The RFQ will be sent out in the near future for responses.

Mr. Canal reported the Incinerator Consultants, Chavond Barry Engineering ("CBE") are performing the necessary Engineering services to oversee the repair and installation of the Heat Exchanger on the Niro Incinerator in accordance with ongoing work being performed on the unit.

An RFQ for roofing repairs is currently on the street and quotes are expected to be returned by August 23, 2012 for review and consideration of award in September.

Regarding the BRSA Effluent Single Sampling Point, a fee in the amount of \$4,187.50 must be provided. Planning Progress, LLC retained by the Authority to oversee the permitting process, will submit the modified application along with the fee to the NJDEP and await their further review. Mr. Broyles noted the request for extension for completion of the project has been approved by the NJDEP as EDP + 59 months.

Chairwoman Parsells asked Mr. Ponte to present his Consulting Engineer's Report. Mr. Ponte did so and then presented the 2012 First Half (Second Quarter) Flow Report to the Commissioners. He noted it was a very dry quarter and flows for this time period were reflectively low. A brief review of the report took place with the Board. Mr. Fischer noted, if anyone had any further questions regarding the report, to please contact him in the coming week. A Resolution will be prepared for the Board's consideration at the next Regular Meeting of the Authority on August 20th, 2012.

The Chairwoman called for the Superintendent's Report. Mr. Broyles also reported overall flow for the plant remains quite low it has been the 15th lowest flow recorded since 1998. He presented monthly flows for industrial contributor IFF's Fragrance Ingredient Plant and their Compounding Facility. He reviewed the three odor complaints received in the month of July with the Board. He said there is no new information regarding the Aeromarine site waste that has been creating odor problems in the area. All complaints were investigated. All odor control systems were working properly and the plant was checked to confirm closure of all doors and hatches. No exhaust fans or blowers were running unnecessarily. ZEP Lemon was applied inside and outside the Grit, Sludge Concentration and Aeration facilities.

Mr. Broyles commended his Laboratory Staff for all the extra time and work they did in the absence of the Chemist, who was out on disability. The Chemist is expected to return to work in the coming week and preparations for the annual Lab Certification with the State will begin upon her return.

Commissioner Cohen commended the Superintendent and his Staff for meeting all permit requirements for the past 67 of 68 months. Mr. Broyles thanked him and said it is a joint effort on the part of all the Departments and they all work well together to get the job done. Chairwoman Parsells said you all do a terrific job.

The Chairwoman called for the Executive Director's Report. Mr. Fischer said there were two other items to report on the Wind to Energy Project. In early June 2012, the Project Contractor received its Special Use Transportation Permit from the Monmouth County Engineering Department. They noticed all parties and utilities along the transport route that the process would be underway within the next 30 days. Subsequent to that, the Borough of Union Beach through its Special Counsel, petitioned the Courts for an injunction to stop that transport, and it was granted. As of July 18th, 2012, all work on that Project was brought to a halt. The only action taken was to move the crane to an orientation away from the BRSA work zone and the Authority will continue to maintain the silt fences required by the Monmouth County Soils Conservation District in accordance with CAFRA Permit requirements. The other item for discussion was the Appellate Decision, which was reserved for Closed Session discussion.

Mr. Fischer reported on renewal of Sewer Service Agreements. On July 25, 2012, he and Mr. Granata attended a Council Meeting in the Borough of Keansburg to discuss the renewal of the Sanitary Service Contract between the two entities. A question and answer period took place with the Council after their presentation. Mr. Fischer said questions from the Council were primarily about Rent Reserve requirements, the term of the contract and maintenance and inspection requirements contained therein. No official action was taken by the Council that evening. Additional comments on the proposed Agreement have also been received by the Borough of Union Beach, and the Township of Hazlet has been invited to attend a BRSA Board meeting to discuss the same. James Gorman, Esq., Township Attorney and Mayor David Tinker of Hazlet were present at this evening's meeting. Mr. Gorman was asked if the gentlemen were attendance as a result of that invitation, and Mr. Gorman said they were not.

The discussion of Sewer Service Agreements continued with Mr. Fischer reporting on written recommendations by the Authority's Bond Counsel regarding the length of the service agreements and with the Board. Mr. Granata suggested Mr. Fischer obtain permission from the Board to release Bond Counsel's recommendations to the customer and member towns to further their understanding of the terms identified in the Agreement document.

Commissioner Vella **OFFERED the MOTION to release Bond Counsel's opinion document to the customer and member towns.** This was **SECONDED BY** Commissioner Cohen and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

Mr. Fischer then discussed his recent meeting with representatives from Infilco Degremont and Bendlin Corporation regarding Federal Sewage Sludge Incinerator ("SSI") Regulations. SSI emissions must be regulated under Clean Air Act (CAA) section 129 as a solid waste, rather than CAA section 112. This change, promulgated on March 21, 2011 (EPA, 2011a) requires stricter Maximum Achievable Control Threshold (MACT) standards for SSI air emissions and these limits must be met by 2016. A review of the current emission controls on both units has been conducted. The impact of this rule change for the BRSA is significant. The two incinerators on site will require upgrades in order to meet the new limits. A preliminary review of these new standards indicates the Niro Incinerator may be able to meet these requirements with the installation of activated carbon and zeolite filter systems. These upgrades are achievable within the footprint of the Niro, but the Dorr Oliver Incinerator, built in 1972, will require considerably more upgrades to meet the new Federal standards. He said there may be ways to implement these upgrades in a cost effective manner, for example, installing one system that will function on both units; but the assistance of engineers specializing in incinerators will be critical to successfully meeting these new standards. These upgrades are part of the Authority's Capital Improvement Plans ("CIP"). The Authority is in the process of interviewing engineering firms interested in the Authority's CIP, and firms qualified to assist in this endeavor will be selected as part of that process.

Mr. Fischer then spoke about a recent meeting held by the Coastal Dischargers Group and significant progress towards a Stipulation of Settlement of 2008 Permit Appeals has been achieved. The further discussion of the matter was reserved for Closed Session, as it is a matter of litigation.

The Chairwoman opened the meeting to the public for any comments or questions from the public.

Charles Hoffman, Hazlet, NJ asked questions regarding the incinerator upgrades. Mr. Hoffman asked questions regarding the current status of Wind to Energy Project. Mr. Fischer said this agenda meeting was the first opportunity the Board has had to discuss recent events and matters of litigation are discussed in Closed Session. He added, further information on the matter would be available at next week's meeting.

Mr. Bill Shewan, Hazlet, NJ offered the Board his opinion on the Wind to Energy Project and his perspective on fiscal responsibility. Mr. Fischer spoke at length regarding the Authority's accomplishments and goals. He answered Mr. Shewan's questions regarding permits and commented on the obstacles intentionally placed in the path of Project and the unnecessary expenses that have resulted because of those obstacles. In closing, he stated the Authority's primary focus is to do the best job possible at the least possible cost.

Commissioner Vella clarified some of Mr. Shewan's misconceptions about the Authority's due diligence regarding the Wind to Energy Project. He asked what do you think it would cost if the project was stopped? He then repeated his position that opposition to this project did not come at the beginning of the project, but started well after money had spent as the project moved forward. He added, his greatest concern at this point, is what would be the cost if we stopped? He said the possibility that the

project is not completed, the Federal grant money will have to be refunded at the expense of the ratepayers and the majority of that expense will rest on the shoulders of Hazlet residents because it is the Authority's largest consumer, and it is a lot of money.

Chairwoman Parsells said as a resident of Union Beach, initially she was concerned about the impact of the project as well, but the more she learned, the more in favor of it she became. She said at this point, she was more concerned about how much money was being wasted by the Borough of Union Beach on this lawsuit at the expense of the residents. She said the Authority has done everything it was required to do and made *extra* efforts to inform the residents of this project. The single goal was to save money on energy costs that were exceeding \$1.4 million dollars a year driven by the cost of foreign oil. She added, the Authority published newsletters, and conducted open houses. It offered every resident the opportunity to take a trip to the Atlantic County Utilities Authority to see five turbines in operation down there and learn more about them. The Authority created a float with a turbine on it to parade through the streets of the Borough during a Memorial Day Parade and practically everyone in town was there to see it. She added, the residents and Council were fully aware and supportive of the Project until a certain group got involved and created a nightmare. In closing, she reiterated her dismay over the money that has been wasted on a frivolous lawsuit and the obstruction of a State and Federally approved and funded project.

Mr. Charles Hoffman stood up and said this situation was no one's fault except the Board's because you (the Board) went forward before you had approval. Chairwoman Parsells reminded him he did not have the floor. He said he wanted to address Commissioner Vella. Chairwoman Parsells said, you have a minute. Mr. Hoffman said Commissioner Vella has constantly said, where were you when all of this was going on? (at the beginning) and that's is a valid question, Sir, so I thought I would give you an answer. In August of 2009, was the first time that this project came before HAQLA Group (Hazlet Area Quality of Life Alliance), okay...from there it developed, and as it developed, more and more public information...public information...

Chairwoman Parsells interjected and said *misinformation.... misinformation* – especially from you. ...was brought forward... Do you remember when you sent out all those fliers? You told us you built your own turbine on your driveway and did some measurements, and then you distributed over 300 fliers full of *misinformation* to the public. And you did it twice. Mr. Hoffman said no, no, not twice, once. Chairwoman Parsells said, you were supposed to correct it but you never did. Mr. Hoffman said it was once and you are interrupting me...Chairwoman Parsells said, I am interrupting because we go through this every time you come in here and the misinformation is coming from *you*. Every time we give you real facts and answers, more *misinformation* goes out to the public from you. You distributed fliers to everybody in town (Union Beach) with misinformation and then later when you admitted you were wrong, you never corrected it with the public. You wrote letters to the newspapers with misinformation and never redacted them. Mr. Hoffman said Mr. Vella – I go back to you... as more and more information became available to the public about what this was all about and the problems associated with wind turbines, more and more opposition developed, and to the best of my knowledge, that opposition went so far as, uh, the communities passing Resolutions against it, before the first piece of shoveled dirt was turned. Let's not forget that, Sir.

Mr. Fischer asked Mr. Hoffman to re-state that. Chairwoman Parsells said, yes let's get some more misinformation, because we want to write all this down. Mr. Hoffman said, I believe before the first shovel of dirt was turned. Mr. Fischer said, so "all of the Resolutions were passed before the first shovel of dirt was turned?" Mr. Hoffman said, yes, I believe so, yes, Sir."

The next person to speak was Marco Oldhafer of Union Beach who said he wasn't going to comment, but wanted to state his opinion and share a couple of facts. He said if he was a businessman and going to invest something into his business that cost four million dollars and took ten years to recoup, because that's what the numbers say, I would be a dumb business owner. He said that was his opinion. Secondly, he said, contrary to what this Authority says, his sewer bill has never gone down. It has gone from \$85 to \$168. He said, I know you are going to blame that on the town, of course, but that doesn't matter, it never has gone down. A brief discussion took place, as the Commissioners tried to explain how the Authority bills the municipalities, and each municipality sets their own charges. Mr. Oldhafer said it doesn't matter – he just sees a sewer bill that keeps getting higher. The next thing he wanted to comment on was the “where was I?” Mr. Oldhafer stated the first time he heard about the turbine project was when there was 130 people at the Union Beach Council Meeting. Chairwoman Parsells asked how he knew about the meeting. Mr. Oldhafer said, a neighbor of his told him about it and asked him if he was going to attend. Chairwoman Parsells said a lot of people in the Borough don't even realize there is a sewerage authority here. He said he never got any notices, if they were mailed, he never saw them. He said, this sewer authority really runs good, he never smells it, but don't force a turbine on me, it's not pretty to me. I am only looking out for my well-being.

James Gorman, Esq., took the floor. He said he was only asking questions this evening so that he could advise his client, (Hazlet Township). He asked questions that were responded to by the Authority's General Counsel. Mr. Gorman requested documentation relative to his inquiry and Mr. Granata said he would provide same.

At 8:20 P.M., the Chairwoman called for a **MOTION** to go into Closed Session. This was **OFFERED BY** Commissioner DiNardo and **SECONDED BY** Commissioner Vella and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

Closed Session Minutes are recorded separately.

At 8:50 P.M., Chairwoman Parsells called for a **MOTION** to end Closed Session. This was **OFFERED BY** Commissioner Cohen and **SECONDED BY** Commissioner DiNardo.

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

Chairwoman Parsells then called for **MOTIONS** on the following:

To authorize General Counsel to file a Request for Reconsideration from the Appellate Division on the BRSA v. UB litigation. OFFERED BY Commissioner Vella, **SECONDED BY** Commissioner Tedeschi and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

To dismantle the Wind to Energy Turbine crane: OFFERED BY Commissioner Vella and **SECONDED BY** Commissioner DiNardo, and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

To Pay the bills listed on Regular Operating Account Requisition 484 in the amount of \$61,625.91: OFFERED BY Commissioner Vella and **SECONDED BY** Commissioner Sutton, and carried by roll call vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

To reduce the Rent Reserve requirement in the Renewed Sewer Service Contract to three months, upon execution. OFFERED BY Commissioner DiNardo and **SECONDED BY** Commissioner Vella and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

To remand review of the public letter to BRSA customers to the Legal Committee for further review. OFFERED BY Commissioner DiNardo and **SECONDED BY** Commissioner Vella and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

At 8:57 P.M., Chairwoman Parsells called for a **MOTION** to Adjourn the Meeting. This was **OFFERED BY** Commissioner DiNardo and **SECONDED BY** Commissioner Cohen and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners Cohen, DiNardo, Sutton, Vella and Chairwoman Parsells.

Respectfully submitted,



Kimberly A. Newins
Administrative Assistant
Board Recording Secretary