



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

Bayshore Regional Sewerage Authority Agenda Meeting Minutes March 12, 2012

At 7:00 P.M. on March 12, 2012, 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 BRS A 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, Tedeschi, Vella, and Chairwoman Parsells

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, BRS A Engineer

Mr. Fischer introduced Christopher Gulics and Lisa Sauer of Birdsall Services Group (BSG) who were in attendance to present their proposal to perform a Preliminary Assessment for the chlorinated hydrocarbon discovered near the maintenance building while groundwater testing was being conducted for the 2004 fuel oil leak. Mr. Gulics explained that the 2004 leak is nearing the point of "No Further Action" from the NJDEP. However a compound known as 1,1 dichloroethene was discovered during the investigation phase of the fuel oil leak. Testing for the compound was repeated and the compound was non-detectable, however DEP required one additional test that test revealed the compound once more, albeit at concentrations slightly over clean up criteria. Mr. Gulics explained the NJDEP allows for the compounds presence in drinking water to be 7 ppb however, the ground water criteria is 1 ppb. BSG will perform a preliminary assessment to determine whether the compound was generated on site or migrated

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BRS A staff, November 2006

from an off-site location. The PA will also determine whether steps need to be taken to mitigate the groundwater or soil.

Mr. Fischer spoke about the continued efforts to obtain a list of criteria from Marlboro Township for the transportation of the turbine components through Marlboro. Conti Construction's request for the list dates back to late 2011 and due to their lack of action in responding the Authority now faces the possibility of losing the NJBPU rebate of \$418,000 and the storage and delay costs continue to mount as well. Mr. Granata explained that Marlboro is taking a position that the damage due to Conti's work at Imperial Oil in Marlboro has an impact on the BRSA project. Mr. Granata explained that additional information regarding the Authority's options would take place in executive session only.

Engineer Pete Canal gave a presentation on the Niro Incinerator repair project status complete with progress photos and talked about an additional failure point recently discovered in the "belly band" of the incinerator that will require unforeseen additional work of approximately \$10,000. Commissioner Sutton asked if there was a Gant chart for the project and inquired whether there was a single critical item remaining, that could lead to a failure of the project completion. Mr. Canal answered no to both questions. Mr. Fischer explained the steps required to maintain compliance with the New Jersey Utility Authority Joint Insurance Funds Public Official Liability/Employment Practices Liability (POL/EPL) Policy. The Authority has been in compliance since the criteria was established approximately 6 years ago and will continue to remain in compliance.

The Chairwoman asked for the Engineers report and Mr. Canal spoke about the Incinerator Filter press Rehabilitation project. The work has been completed to satisfaction of the Consulting Engineer and Staff, and the Authority will be releasing the Performance Bond and accepting a 2-year maintenance bond. He went on to explain the Bioxide contracts have been reviewed and approved by the BRSA Attorney for execution. One bid for polymer was received for \$76,800. A resolution will be before the Board on Monday night next. A roofing inspection and repairs contract has been previously awarded and the contractor has presented a list of recommended repairs and a quote to complete the work, which had been previously bid by labor per hour. Mr. Canal spoke of the Swim Club connection application in Aberdeen and the Authority review of same. The connection application is acceptable with a connection fee of 3 EDU's.

The Chairwoman moved to the Consulting Engineers report. Mr. Ponte presented the Final flow report for 2011 for the Commissioners to review. Commissioner Sutton noted that the total at the bottom of the report is not correct for flow in some cases and percentage in others. Mr. Ponte explained that it was due to rounding and did not affect the result in any appreciable fashion. Commissioner Vella felt that the flows for Hurricane Irene should not be used and Mr. Fischer explained how the flows for that time were actually beyond the meter capacity in most cases and as a result the flows from a similar week where the capacity was not exceeded were substituted. Mr. Vella felt the flows should also not be included in the averages used to calculate EDU's and Mr. Fischer explained the data used for EDU's was tabulated using 2004 to 2010 data and the Hurricane was a 2011 event.

The Chairwoman called for the Superintendent's report and Mike Broyles spoke about the Streamlining Regulations of the NJDEP Bureau of Pretreatment and Residuals. The Authority worked with the Bureau for a lengthy period of time and has achieved the Bureau's satisfaction with its most recent submittal. The Streamlining regulations are substantial modifications to the Authority Rules and Regulations and as such will need to be advertised and a 30-day comment period will be provided. Upon receipt of comments, if any, and Authority's response, the Bureau will issue a final approval and the Authority will then adopt the changes formally. Mr. Broyles went on to speak about the issues with CEI as an Industrial Discharger. Due to missed deadlines and reporting requirements, CEI is now listed as being in Significant Non-Compliance (SNC) with the BRSA Industrial Pretreatment Program (IPP). SNC status requires public notice in the local newspaper and resulting fines are assessed at a higher level.

Odor complaints received in February were discussed as well as the new odor control process for the stand-by Dorr-Oliver Incinerator. Since the system has been placed on line we have received just one complaint that came the day after the system was placed in service. Once the Niro Incinerator is back in service, the odor control process will no longer be necessary, as the Niro Incinerator does not generate the odors that the Dorr Oliver Incinerator does.

Chairwoman Parsells asked about the status of the Pierro's Restaurant fine and Mr. Fischer said he has asked the Union Beach Borough Administrator to confirm whether Pierro's has reimbursed Union Beach for the work they did cleaning and inspecting the sewer lines that were clogged by grease. Mr. Fischer will check again with the Administrator. If the costs have been reimbursed to Union Beach, the case can be closed since Pierro's has placed the necessary penalty payments in escrow to the Authority Attorney satisfaction.

The Chairwoman called for the Executive Directors Report. Mr. Fischer spoke about the reorganization of the Authority that took place at the regular meeting in February and went on to discuss the renewal of service agreements with the customer and member towns. To date, comments have been received from Hazlet, Matawan and Union Beach. Mr. Fischer expects comments from Holmdel and Keyport soon. He will summarize the comments and request a subcommittee of the Board meet to approve a response to those comments and a final service agreement document. He continued with his report by discussing the Draft "Request for an Expression of Interest" document available for the Commissioners at the meeting. The general concept of building an engineering team capable of addressing the BRSA Capital Improvement Plan was again discussed. The Authority has developed an extensive list of projects for the collections system, pump stations and treatment plant over a multi-year period and desires to solicit interest from many engineering firms to create a "short list" of firms the Authority can utilize to achieve its objectives going forward. He said a draft EOI was included in the package and asked the Commissioners to opine on the direction he was headed with the document and the Commissioners agreed to continue. He said a document for final review will be available at the agenda meeting of April and after regular meeting approval will be advertised.

The Chairwoman opened the meeting to the public for comment. Mr. Charles Hoffman of Hazlet addressed the Board and asked if the incinerator tank could be welded on the inside too and an x-ray performed. Mr. Canal said no, but each seam would be welded over with a plate for

added strength since the area of concern was a major support zone. Mr. Hoffman asked about MC2 Public affairs and the Authority's ongoing contract with them. The Board advised that a discussion was to take place in Executive Session tonight as requested earlier by Mr. Sutton. Mr. Bill Shewan of Hazlet asked how much of the total loan was spent on the Wind-To-Energy Project and Mr. Fischer answered he could have to review the file for the exact number. He was able to inform Mr. Shewan that \$5,750,000 had been spent so far and that represented 72% of the total funding. He could have the exact breakdown between spending on the WPCP Project and the Wind -To -Energy Project at the next meeting. Mr. Shewan asked why the contract was written such that Conti buys the Turbine and not BRSA. Mr. Granata explained this is the way the procurement process typically works in NJ. The contract is bid as a purchase and installation and not broken into two separate contracts; one for purchase and a second for installation. Mr. Hoffman asked why Hazlet did not get a request to review the transportation route and Mr. Fischer answered that the delivery will not travel over Hazlet roads. With no further questions, the Chairwoman called for a close to the public comment period.

The Chairwoman called for a MOTION to go into Executive Session at 8:40 P.M. This was OFFERED BY: Commissioner DiNardo and SECONDED BY: Commissioner Sutton and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners DiNardo, Sutton, Tedeschi, Vella and Chairwoman Parsells

Closed Session Minutes are recorded separately.

At 9:08 P.M., the Chairwoman called for a MOTION to come out of Executive Session. This was OFFERED BY: Commissioner DiNardo and SECONDED BY: Commissioner Vella and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners DiNardo, Sutton, Tedeschi, Vella and Chairwoman Parsells

Commissioner Cohen asked the Commissioners to consider changing the September 17th meeting date since it is the beginning of Rosh Hashanah, the Board acknowledged the need to accommodate the request. Mr. Fischer presented two requests for donations; one from the Monmouth County Police Chiefs Association and one from the Keansburg Parade Committee. Mr. Granata advised that neither is related to the direct function of the Authority and the Board respectfully declined the requests.

Respectfully submitted,



Kimberly A. Newins
Per Robert C. Fischer