



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 September 10th, 2012

At 6:01 P.M. on September 10th, 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 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, 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, BRSA Engineer

At 6:03 P.M., the Chairwoman called for a **MOTION** to go into Closed Session. This was **OFFERED BY** Commissioner Cohen and **SECONDED BY** Commissioner Tedeschi and carried by unanimous voice vote recorded as follows:

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

Closed Session Minutes are recorded separately.

At 6:50 P.M., Chairwoman Parsells called for a **MOTION** to end Closed Session. This was **OFFERED BY** Commissioner Vella and **SECONDED BY** Commissioner DiNardo.

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

The Chairwoman then opened the meeting to the public for any comments or questions from the public. There were no members of the public present at this time.

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

BRSA staff, November 2006

The Chairwoman moved to the regular order of business and asked Mr. Fischer to report on BRSA Projects, special reports or connection applications.

Mr. Fischer reported the Engineering Subcommittee has been interviewing firms in response to the Expression of Interest advertised for Capital Improvement Plan Engineering Services. Fourteen (14) engineering firms have been interviewed for qualifications specific to various CIP projects planned for the Authority. The Subcommittee will now develop a short-list for approval by Resolution of the Board at the Regular Meeting in September, 2012; for Capital Improvement Plan Engineering Services as needed. The final firms selected will serve the Authority through the next several years of capital improvements.

Chairwoman Parsells asked Mr. Canal for his Staff Engineer's Report. Mr. Canal reported the Wastewater Treatment Plant Improvement Projects - Contract 56, have been completed and the Contract has been closed out. Contract 56 projects were funded by the ARRA and NJEITF.

Mr. Canal reported the Contractor has completed all work on Contract 59 – Return Sludge Pump Station No. 1, Repairs to Reinforced Concrete Beam, including all punch list items. The repairs look good and the Operations Department has full use of the building again. The Authority is awaiting the final release document to be returned by Arcadis – US to then close out the contract.

Mr. Canal reported on the third phase of incinerator repairs being made to the Niro Incinerator, Contract 61 – Heat Exchanger Repair and Reinstallation. The Contractor, Iron Hills Construction, has removed and transported the unit to Alston Energy in Pittsburg, PA. Alston has identified all necessary repairs and provided a detailed cost list to Incineration Consultants, Chavond Barry Engineering (“CBE”) for review. CBE performed an on-site inspection of the unit in Pittsburg and provided a written recommendation to the Authority for the necessary repairs. Repairs are currently estimated at approximately \$13K, however; there will be a decrease in the overall cost of the contract as other anticipated repairs are not required at this time. CBE will continue to work with Alston and Iron Hills to keep expenses reasonable.

Mr. Canal reported the annual Roof Inspection and Maintenance RFQ came back and the Authority is able to secure a contract for these services in 2013 for the same price as 2012.

Chairwoman Parsells asked Mr. Ponte to present his Consulting Engineer's Report. Mr. Ponte had a brief report, noting the First Half 2012 Flow Report had recently been completed, reviewed and accepted by the Board in the previous month. He offered to answer any questions the Board members might have. Being none, the Chairwoman called for the Superintendent's Report.

Mr. Broyles reviewed his report with the Board. There were no odor complaints in the month of August. He noted flows continue to be quite low. On August 30th, NJDEP Compliance Officer Anthony Rotundo conducted a pre-holiday Coastal Compliance Program inspection. Mr. Rotundo was very pleased with the quality of the effluent (98% Total Suspended Solids Removal) and did not indicate any other issues of concern. Mr. Broyles asked if anyone had any questions. Commissioner Cohen commended the Superintendent and his Staff for meeting and exceeding all permit requirements once again (68 out of 69 months). Mr. Broyles said thank you, we all work well together to get the job done.

The Chairwoman called for the Executive Director's Report. Mr. Fischer had already spoken about the Expressions of Interest, so moved on to renewals of the Sewer Service Agreements. He reiterated Holmdel and Aberdeen's renewals had already be completed and reported Keyport and

Matawan have adopted Resolutions to renew the agreements, but have yet to return the signed agreements to the Authority. Mr. Granata and Mr. Fischer will be meeting shortly to discuss the comments from the Borough of Union Beach and the Township of Hazlet. Both municipalities would like language added to the agreement that would enable a re-calculation of EDUs should any improved technologies become available that would reduce the gallons-per-day of flows per EDU. Commissioner Vella said he thought that made sense. Mr. Fischer said he will report back to the Board with an update after his discussion with Counsel.

Mr. Fischer reported the Annual Water Environment Federation was coming up in October. He said as President of the New Jersey Water Environment Federation, his travel expenses are paid for, but asked permission to take one staff member from the BRSA with him to benefit from all the conference and seminars have to offer. A brief discussion took place. The Board agreed by consensus to authorize Mr. Komorek, IT Supervisor; to attend the WEF Conference in October with the Executive Director.

Mr. Fischer said the Annual Staff Appreciation Barbecue has been scheduled for Wednesday, September 12th, 2012, and invited all Commissioners to attend.

Mr. Fischer informed the Board that effective October 1, 2012, an employee of the Authority will be retiring, after thirty-four years of service. He presented a preliminary calculation of time owed to this Operator at retirement. He added a Resolution would be prepared for the next Regular Meeting for authorization to release those funds upon the Operator's retirement.

The Chairwoman opened the meeting to the public for any comments or questions from the public. There were no members of the public present at this time.

At 7:07 P.M., the Chairwoman called for a **MOTION** to go into Closed Session once again. This was **OFFERED BY** Commissioner DiNardo and **SECONDED BY** Commissioner Tedeschi and carried by unanimous voice vote recorded as follows:

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

Closed Session Minutes are recorded separately.

At 7:10 P.M., Chairwoman Parsells called for a **MOTION** to end Closed Session. This was **OFFERED BY** Commissioner Vella and **SECONDED BY** Commissioner Cohen.

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

Chairwoman Parsells then called for a **MOTION** on the following:

RESOLUTION No.: 80/12 To amend Resolution 77/12 to correct the dollar amount.

WHEREAS, on August 20, 2012, the Bayshore Regional Sewerage Authority adopted Resolution No. 77/12 authorizing the execution of the SSA with the Township of Holmdel effective August 21, 2012 and return of excess Rent Reserve according to the executed SSA in the amount of \$ 298,849.00; and

WHEREAS the dollar amount noted in Resolution No. 77/12 was reflected as, "\$298,849.00" in error, as it included \$85,751.38 in Rent Reserve funds previously reimbursed to the Township of Holmdel in June of 2012

NOW THEREFORE BE IT RESOLVED, the Bayshore Regional Sewerage Authority Commissioners hereby amends Resolution No. 77/12 to reflect the correct dollar amount reimbursable to the Township of Holmdel at contract execution as \$213,097.62.

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

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

RESOLUTION No.: 81/12 To retain the services of Michael B. Steib, Esq., as Special Counsel in the Union Beach Planning Board litigation for a rate of \$130 per hour.

WHEREAS, there exists a need hire a Special Counsel with expertise in Municipal Land Use Law to assist the General Counsel of the Bayshore Regional Sewerage Authority with matters of litigation concerning BRSA Contract 54 – Wind-to-Energy Project and the Union Beach Borough Council and the Union Beach Planning Board (“the Turbine Litigations”); 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;

NOW THEREFORE BE IT RESOLVED by the B.R.S.A. that it engage the services of Michael B. Steib, P.A., with offices at 16 Cherry Tree Farm Road, P.O. Box 893, Middletown, NJ as Special Counsel.

BE IT FURTHER RESOLVED that the said Special Counsel shall be compensated at a rate of \$130 per hour and as more specifically set forth in a contract prepared by the Authority’s General Counsel and available for inspection at the Authority’s office; and

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 exempt under NJSA 40A:11-5; and

BE IT FURTHER RESOLVED the Executive Director is hereby authorized to execute said contractual agreement; and

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.

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

Ayes: Commissioners Cohen, DiNardo, Sutton, Tedeschi, 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