



# BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer  
EXECUTIVE DIRECTOR

## BAYSHORE REGIONAL SEWERAGE AUTHORITY REGULAR MEETING MINUTES August 20<sup>th</sup>, 2012

At 7:00 P.M. on August 20<sup>th</sup>, 2012, Vice Chairman Cohen 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 and N.J.S.A. 40:14A-8, adequate notice of this meeting has been published in The Asbury Park Press, on the BRSA website, and has been sent to the Clerks of the Aberdeen, Hazlet, Holmdel, Keansburg, Keyport, Matawan, Union Beach, Marlboro; and the W.M.U.A., This notice is also posted in the lobby of the Bayshore Regional Sewerage Authority Administration Building.

Vice Chairman Cohen asked all in attendance for Pledge of Allegiance to the United States Flag and requested a Moment of Silence for all the US Troops serving around the world. He then asked for a roll call of attendees recorded as follows:

Present: Commissioners DiNardo, Sutton, Vella and Vice Chairman Cohen  
Absent: Commissioner Tedeschi and Chairwoman Parsells

Also in Attendance: Robert C. Fischer, Executive Director  
Kimberly A. Newins, Admin. Asst., Board Recording Secretary

Vice Chairman Cohen called for **MOTIONS** on the following:

**APPROVAL OF MINUTES** – Regular Minutes of July 16<sup>th</sup>, 2012

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**TREASURER'S REPORT** - by Commissioner Vella

**MOTION** - to accept the Treasurer's Report of July, 2012

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

*Committed to a Clean Environment for Today, Tomorrow and Generations to Come*  
BRSA staff, November 2006

**STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS**

<b>TD BANK TRUSTEE ACCOUNTS</b>	<b>Balance 7-31-12</b>
<b><u>UNRESTRICTED</u></b>	
Revenue Fund	\$ 3,653,173.76
General Fund	<u>\$ 871,791.30</u>
Total Unrestricted	\$ 4,524,965.06
<b><u>RESTRICTED</u></b>	
<b>Bond Service Fund</b>	
1985 Bond Service Fund	\$ 817.08
2002 Bond Service Fund	<u>\$ 0.00</u>
<b>Total Bond Service Funds</b>	<b>\$ 817.08</b>
<b>Bond Reserve Funds</b>	
1985 Bond Reserve Fund	<u>\$ 0.00</u>
<b>Total Bond Reserve Funds</b>	<b>\$ 0.00</b>
<b><u>2010 NJEIT BONDS</u></b>	
Revenue	\$ 0.00
Construction	\$ 1,356,945.58
Bond Service	<u>\$ .05</u>
<b>TOTAL NJEIT</b>	<b>\$ 1,356,945.58</b>
<b>TOTAL TRUSTEE ACCOUNTS</b>	<b><u>\$ 5,882,727.77</u></b>
<b><u>AUTHORITY ACCOUNTS</u></b>	
Incoming Revenue Account	\$ 1,289,161.99
Operating Regular Account	\$ 63,171.17
Operating Payroll Account	<u>\$ 121,464.96</u>
<b>TOTAL AUTHORITY ACCOUNTS</b>	<b><u>\$ 1,473,798.12</u></b>
<b>TOTAL</b>	<b><u>\$ 7,356,525.89</u></b>

**SCHEDULE OF ACCOUNTS RECEIVABLE**

<b>SERVICE CHARGES:</b>	<b>Balances as of <u>July 31<sup>st</sup>, 2012</u></b>	
Hazlet Township Sewerage 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>
<b>TOTAL</b>	<b>\$</b>	<b>0.00</b>

<b>OUTFALL AUTHORITY CHARGES</b>		
Hazlet Township Sewerage 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>
<b>TOTAL</b>	<b>\$</b>	<b>0.00</b>

**Balance of Rent Reserve Accounts as of July 31<sup>st</sup>, 2012**

Hazlet Township Sewerage Utility	\$	1,521,226.26
Township of Holmdel	\$	724,561.34
Borough of Union Beach	\$	417,491.73
Borough of Keyport	\$	642,819.76
Borough of Keansburg	\$	603,084.79
Borough of Matawan	\$	822,023.20
Western Monmouth Utilities Authority	\$	192,343.73
Township of Aberdeen	\$	<u>892,879.15</u>
<b>TOTAL</b>	<b>\$</b>	<b>5,816,429.96</b>

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

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The Vice Chairman opened the meeting to the public to make comment or pose questions on the following Resolutions. As a courtesy to all members of the public wishing to speak, please be mindful of limiting your comments and time accordingly. There were no comments from the public present regarding the Resolutions. The Vice Chair then closed this public portion and called for **MOTIONS** on the following:

**1. RESOLUTION (73/12): To accept the 2<sup>nd</sup> Quarter Flow Report as presented by R<sup>3</sup>M Engineering, Consulting Engineers to the Authority.**

**WHEREAS**, R<sup>3</sup>M Engineering, 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 First Half (2<sup>nd</sup> Quarter) of the year 2012; and

**WHEREAS**, said flow figures have been calculated from actual meter readings, maintenance service reports, and other available 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 R<sup>3</sup>M Engineering for the First Half of the year 2012.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**2. RESOLUTION (74/12): To transfer Developer's Agreement approval from Landmark, LLC to Pelican Court, LLC for the "Enclave at Holmdel" project also known as Block 58, Lots 47, 4701, 48, 49, 50 and 51, Holmdel, NJ.**

**WHEREAS**, by way of Resolution No. 84/11 Landmark Land, LLC was authorized to enter into a Developer's Agreement with the BRSA for the payment of connection fees in a phased manner to provide sanitary sewer service to "The Enclave at Holmdel" a planned 12 (twelve) Single Family Home development in Holmdel, New Jersey being Block 58 Lots 47, 47.01, 48, 49, 50, & 51; and

**WHEREAS**, Landmark LLC has sold the project to Pelican Court, LLC and requests the Commissioners of the Authority transfer said Developer's Agreement to Pelican Court, LLC; and

**WHEREAS**, Pelican Court, LLC will execute the Developer's Agreement and will provide the Authority's Attorney with acceptable guarantees and the initial payment of connection fees under the terms of the Developer's Agreement.

**NOW THEREFORE BE IT RESOLVED** that the Commissioner of the Bayshore Regional Sewerage Authority hereby authorize transfer of Resolution 84/11's approval from Landmark LLC to Pelican Court, LLC, by way of this Resolution (No.: 74/12) for the execution of the Developer's Agreement by Pelican Court, LLC and 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 DiNardo and **SECONDED BY** Commissioner Sutton and carried by unanimous voice vote recorded as follows:

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**3. RESOLUTION (75/12): To transfer Sanitary Sewer Approval from Landmark, LLC to Pelican Court, LLC to serve the "Enclave at Holmdel" project contingent upon execution of a Developer's Agreement by Pelican Court, LLC approved by the Authority and its General Counsel.**

**WHEREAS**, by way of Resolution No. 74/12, the Authority transferred the Developer's Agreement rights from Landmark LLC to Pelican Court, LLC for the payment of connection fees in a phased manner for "The Enclave at Holmdel" a planned 12 (twelve) Single Family Home Development in Holmdel, New Jersey being Block 58 Lots 47, 47.01, 48, 49, 50, & 51; and

**WHEREAS**, the project has all local approvals including local sanitary sewer approvals; and

**WHEREAS**, the project is expected to generate 4,200 gallons per day of wastewater, and

**WHEREAS**, Pelican Court, LLC, will execute the Developer's Agreement and provide the Authority's attorney with the acceptable guarantees,

**NOW THEREFORE BE IT RESOLVED** Pelican Court, LLC, and is hereby granted transfer of BRSA sanitary sewer approval for the above referenced project from Landmark LLC, to Pelican Court, LLC contingent upon the execution of the aforementioned Developer's Agreement by Pelican Court, LLC, payment of connection fees and guarantees.

**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 contingent upon the execution of the aforementioned Developer's Agreement by Pelican Court, LLC, and payment of connection fees and guarantees. .

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**4. RESOLUTION (76/12): To renew BRSA Difference in Conditions Insurance coverage for Flood and Earthquake coverage with Westchester Surplus Lines and Selective Insurance Companies.**

**WHEREAS**, the Difference in Conditions (DIC) policy, for Flood and Earthquake insurances currently in effect is scheduled to expire on September 1, 2012; and Primary Flood Insurance for the Administration Building and Pump Station expires on October 1, 2012; and

**WHEREAS**, Michael Avalone of Conner Strong & Buckelew Companies, as the Risk Management Consultants to the Bayshore Regional Sewerage Authority through the New Jersey Utility Authorities Joint Insurance Fund, has reviewed the renewed premium and coverage for the DIC policy as well as primary flood policies and has provided this Authority with a recommendation to renew the existing Coverage provided by the Westchester Fire and Surplus Lines Insurance Company and Selective Insurance Company at an annual premium of \$53,900.00 for Westchester Surplus and \$6,829.00 for Selective Insurance Company; and

**WHEREAS**, the combined policies provide the Authority with \$3,000,000.00 of coverage; and

**WHEREAS**, the funds are available for this purpose

**WHEREAS**, the Commissioners have determined that it is in the Authority's best interest to renew this coverage.

**NOW THEREFORE BE IT RESOLVED** that the Bayshore Regional Sewerage Authority hereby authorizes the renewal of the DIC policy and primary flood policies as presented by Conner Strong & Buckelew Companies for the Authority.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**5. RESOLUTION (77/12): To execute the Sewer Service Agreement with the Township of Holmdel.**

**WHEREAS**, the Bayshore Regional Sewerage Authority is in receipt of an executed Sewer Service Agreement (“SSA”) from the Township of Holmdel; and

**WHEREAS**, the Commissioners of the Authority deem it in the best interest of the customers it serves in the Township of Holmdel to execute the contract in accordance with the terms and conditions contained therein,

**NOW THEREFORE BE IT RESOLVED**, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the execution of the SSA with the Township of Holmdel effective August 21, 2012 and return the excess Rent Reserve according to the executed SSA in the amount of \$ 298,849.00 in accordance with the Agreement.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**6. RESOLUTION (78/12): To execute the Sewer Service Agreement with the Township of Aberdeen.**

**WHEREAS**, the Bayshore Regional Sewerage Authority is in receipt of an executed Sewer Service Agreement (“SSA”) from the Township of Aberdeen; and

**WHEREAS**, the Commissioners of the Authority deem it in the best interest of the customers it serves in the Township of Aberdeen to execute the contract in accordance with the terms and conditions contained therein,

**NOW THEREFORE BE IT RESOLVED**, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the execution of the SSA with the Township of Aberdeen effective August 21, 2012 and return the excess Rent Reserve according to the executed SSA in the amount of \$225,412.00 in accordance with the Agreement.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**7. RESOLUTION (79/12): To authorize to advertise Requests for Quotations for Manhole repair.**

**WHEREAS**, the Bayshore Regional Sewerage Authority owns and maintains manholes and interceptor piping as part of its sanitary sewer system; and

**WHEREAS**, a recent inspection has revealed the need for corrective action to eliminate infiltration at Manhole No.: C-24 and Manhole No.: U-5; and

**WHEREAS**, the Authority is desirous of maintaining its sanitary sewer system in good condition

**NOW THEREFORE BE IT RESOLVED**, the Authority Engineer and Qualified Purchasing Agent are hereby authorized to advertise a Request for Quotation for the repair of Manhole No.: C-24 and Manhole No.: U-5 on the Authority's website.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

**MOTION** - to approve payment of bills listed on:

Operating Fund Req. No. 485(Regular)	\$ 243,554.15
Payroll Account Req. No. P132	\$ 214,461.55
NJEIT Construction Requisition #18	\$ 253,818.82

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

At 7:10 P.M., Vice Chairman Cohen opened the meeting to the public for comments or questions or comments not previously addressed and specific to the scope of BRSA's operations or projects will be addressed. All members of the public were reminded to please limit comments and time accordingly.

Public comments and questions were received. An open discussion took place for nearly two hours between members of the public, Authority staff and Commissioners. Topics discussed are highlighted below.

Mr. Bill Shewan, Hazlet, NJ spoke about his involvement with HAQLA as it related to the Wind-to-Energy Project and reiterated his concerns and opinions regarding various aspects of the project, particularly the cost to the ratepayers should the project not be completed and the Federal grant funds have to be returned.

Mr. Charles Hoffman, Hazlet, NJ concurred with Mr. Shewan about HAQLA's involvement regarding the Wind-to-Energy Project and reiterated his concerns and opinions regarding the project, specifically asking if a contingency plan was in place in the event of a turbine collapse and the potential for damage to the sewerage treatment process.

Mr. Joe Savi, Henry Street, Union Beach, NJ was upset by the cost of the turbine litigation for Union Beach residents and ratepayers of the Authority. He expressed dis-satisfaction with the Authority's management, claiming his noise complaints remain unaddressed. The Executive Director explained the multiple efforts made to address Mr. Savi's ongoing complaint.

Ms. Karen Sochacki, Front St., Union Beach, NJ spoke at length regarding concerns she had about information she obtained from opponents of the project stating turbines were safety hazards, created adverse health effects, reduced property values and would ruin the aesthetic value of the Borough to future homebuyers. Ms. Sochacki felt there was insufficient public outreach from the Authority regarding the project.

Mr. Jeff Mowrey, Henry St., Union Beach, NJ. said once he saw the crane, he became opposed to the visual impact the turbine would have on his vista. He expressed concern that his property value would be diminished and was concerned he would not be able to sell his home without losing money, once the turbine was installed.

Mr. Vincent Camarda, Dock St., Union Beach, NJ spoke at length regarding concerns he had for himself and his family because he has been advised there are adverse health effects from turbine noise and shadow flicker and he has a relative coming to live with him that suffers from a seizure disorder. He expressed concern his property value would decrease due to the visual impact from his home and expressed concern that the turbine, in general, would not be safe.

Mrs. Leonore Hallett, Front St., Union Beach, NJ – said she expressed the same concerns as her daughter, Mrs. Sochacki.

At 8:56 P.M., the discussion concluded with the Authority once again offering copies of all project related studies, research and expert reports on file. Those in attendance were also offered free transportation to the Atlantic County Utilities Authority to see five (5) 1.5MW GE turbines in operation and to benefit from an informational presentation and tour of their turbine and solar panel installations.

At 8:57 P.M. the Vice-Chair called for a **MOTION** to go into Closed Session at in accordance with Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permitting the exclusion of the public from a meeting in certain circumstances. This action will be taken to discuss matters falling within attorney-client privileges, specifically, pending and anticipated litigation, and matters of personnel. 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.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

Closed Session Minutes are recorded separately.

At 9:10 P.M. Vice- Chairman Cohen called for a **MOTION** to end Closed Session.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen



Vice Chairman Cohen made the following Announcement: The next Agenda Meeting of the B.R.S.A. is scheduled for **Monday, September 10th, 2012 @ 6:00 P.M.** The next Regular Meeting will be held on **TUESDAY, September 18th, 2012 @ 7:00 PM.** All meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

At 9:10 P.M., Vice-Chairman Cohen called for a **MOTION** to Adjourn the meeting.

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

Ayes: Commissioners DiNardo, Sutton, Vella and Vice-Chairman Cohen

Respectfully submitted,



Kimberly A. Newins  
Administrative Assistant  
Board Recording Secretary

These Minutes are highlights of the meeting's proceedings. The Audiotape of the meeting is on file in the Authority office at 100 Oak Street, Union Beach NJ 07735.