



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

BAYSHORE REGIONAL SEWERAGE AUTHORITY REGULAR MEETING MINUTES July 16th, 2012

At 7:02 P.M. on July 16th, 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 (via teleconference), Vella and Vice Chairman Cohen.

Also in Attendance: Robert C. Fischer, Executive Director
Louis E. Granata, Esq. General Counsel
Peter J. Canal, Staff Engineer
Kimberly A. Newins, Admin. Asst., Board Recording Secretary

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

The **APPROVAL OF MINUTES** – Regular Minutes of June 18th, 2012

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

To accept the **TREASURER'S REPORT** - by Commissioner Vella

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

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

BRSA staff, November 2006

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	<u>6-30-12</u>
<u>UNRESTRICTED</u>	
Revenue Fund	\$ 2,764,869.27
General Fund	<u>\$ 871,791.30</u>
Total Unrestricted	\$ 3,636,660.57
<u>RESTRICTED</u>	
Bond Service Fund	
1985 Bond Service Fund	\$ 817.08
2002 Bond Service Fund	<u>\$ 0.00</u>
Total Bond Service Funds	\$ 817.08
Bond Reserve Funds	
1985 Bond Reserve Fund	<u>\$ 0.00</u>
Total Bond Reserve Funds	\$ 0.00
<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$ 1,356,934.44
Bond Service	<u>\$.05</u>
TOTAL NJEIT	\$ 1,356,934.49
TOTAL TRUSTEE ACCOUNTS	<u>\$ 4,994,412.14</u>
<u>AUTHORITY ACCOUNTS</u>	
Incoming Revenue Account	\$ 0.01
Operating Regular Account	\$ 61,783.44
Operating Payroll Account	<u>\$ 129,423.65</u>
TOTAL AUTHORITY ACCOUNTS	<u>\$ 191,207.10</u>
TOTAL	<u>\$ 5,185,619.24</u>

SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balances as of <u>June 30th, 2012</u>	
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>
TOTAL	\$	0.00

OUTFALL AUTHORITY CHARGES

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>
TOTAL	\$	0.00

Balance of Rent Reserve Accounts as of June 30th, 2012

Hazlet Township Sewerage Utility	\$	1,520,976.90
Township of Holmdel	\$	724,442.57
Borough of Union Beach	\$	417,423.30
Borough of Keyport	\$	624,714.39
Borough of Keansburg	\$	602,985.93
Borough of Matawan	\$	821,888.45
Western Monmouth Utilities Authority	\$	190,359.47
Township of Aberdeen	\$	<u>822,721.88</u>
TOTAL	\$	5,803,512.89

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

Vice Chairman Cohen opened the meeting to the public for comments or questions on the following Resolutions. As a courtesy to all members of the public wishing to speak, were reminded to please limit comments and time accordingly. No members of the public present requested to speak. The Vice Chairman then called for **MOTIONS** on the following Resolutions, recorded as follows:

1. RESOLUTION (65/12): To approve the Final Quantities Change Order and Close Out Contract 60 – Niro Incinerator Repairs.

WHEREAS, Iron Hills Construction was awarded BRSA Contract 60 – Niro Incinerator Repairs by way of BRSA Resolution 05/12 dated January 23rd, 2012 for a total price of \$690,428.00; and

WHEREAS, Contract 60 has been successfully completed; and

WHEREAS, the project was completed under budget at a total contract cost of \$644,973.00 and a Final Quantities Change Order in the credit amount of \$45,455.00 has been prepared; and

WHEREAS, the necessary close-out documents have been received and reviewed by the Chavond Barry Engineering, BRSA Incinerator Consulting Engineers; including the requisite two-year Maintenance Bond and Contractor's Release, and have been found to be in order by the Staff Engineer and Incinerator Consulting Engineer

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby take the following actions:

(1) Approve the Final Quantities Change Order in the credit amount of \$45,455.00; and

(2) Release Contract 60's Performance Bond; and

(3) Accept the two-year Maintenance Bond; and

BE IT FURTHER RESOLVED, the Commissioners and Staff of the Authority hereby declares Contract 60 – Niro Incinerator Repairs successfully complete.

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

2. RESOLUTION (66/12): To amend Resolution 63/12 and approve the award of Contract 61, Niro Incinerator Heat Exchanger Repairs to the lowest responsible bidder, Iron Hills Construction.

WHEREAS, the Primary Heat Exchanger is an integral component of the Niro Incinerator necessary to the process of sludge in accordance with NJPDES Activity Permit No.: PCP030001; ("the Niro Permit"); and

WHEREAS, to remain in Permit compliance with run-time constraints of the emergency back-up Dorr Oliver Incinerator, NJPDES Activity Permit No.: PCP050001 ("the Dorr Oliver Permit"); and to effect the necessary repairs to the damaged Heat Exchanger in the Niro Incinerator, on June 18th, 2012, the Bayshore Regional Sewerage Authority ("BRSA") adopted Resolution No. 63/12 authorizing award of Contract 61, Niro Incinerator Heat Exchanger Repairs ("Contract 61") for an amount not exceed \$500,000.00 and contingent upon

review, recommendation and certification by BRSA Staff, Incinerator Consultants, Chavond Barry Engineering and BRSA General Counsel; and

WHEREAS, on June 21, 2012 at 1 P.M., prevailing time and in accordance with Local Public Contracts Law one (1) bid was received from Iron Hills Construction Company, Wayne, NJ in the amount of \$508,168.25; and

WHEREAS, in accordance with Local Public Contracts Law the BRSA Staff Engineer, Incinerator Consultants, Chavond Barry Engineering and General Counsel reviewed the bid and recommend Resolution 63/12 be amended to allow for award in the Contract amount not to exceed \$508,168.25 due to the essential nature of the function of the Heat Exchanger within the Niro Incinerator, and further recommend award of Contract 61 to Iron Hills Construction Company of Wayne, NJ deemed to be the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby amend and ratify Resolution No. 63/12 and award of Contract No 61, Niro Heat Exchanger Repairs to Iron Hills Construction for an amount not to exceed \$508,168.25.

BE IT FURTHER RESOLVED, the Executive Director and Treasurer of the Board are hereby authorized to execute the Contract documents in accordance with Local Public Contracts Law and as a fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq.

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

3. RESOLUTION (67/12): To award Incinerator Consultants CBE a Construction Services Contract for oversight of Contract 61.

WHEREAS, the Bayshore Regional Sewerage Authority owns and operates a Niro Incinerator for the processing of sludge in accordance with NJPDES Permit No.: PCP110001;; ("the Permit"); and

WHEREAS, the Executive Director and BRSA Engineer have presented the Board with a proposal from the firm of Chavond Barry Engineering, dated July 3, 2012, to perform Engineering and Construction Services during Contract 61 – Heat Exchanger Repair, for the Niro Incinerator for a total cost of \$16,678.08; and

WHEREAS, the Commissioners of the Bayshore Regional Sewerage deemed it in the best interest of the Authority and the customers towns that it serves, to utilize the services of Chavond Barry Engineering to oversee the repairs to be performed; and

WHEREAS, this action is being taken without competitive bidding as a professional service contract which is an allowable exception in accordance with 40A:11-5 et seq. of the Local Public Contracts Law; and

WHEREAS, the funds are available for this purpose

NOW THEREFORE BE IT RESOLVED the Board hereby awards this contract and authorizes the Executive Director to execute all necessary documents required,

BE IT FURTHER RESOLVED, the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires a Resolution authorizing the approval without competitive bidding must be publicly advertised;

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 of its adoption.

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

4. RESOLUTION (68/12): To adopt BRSA Rules and Regulations revised "Streamlining" criteria in accordance with the terms and conditions of EPA and NJDEP requirements.

WHEREAS, the Bayshore Regional Sewerage Authority, in accordance with Sewerage Authorities Law, N.J.S.A. 40:14A, governing the B.R.S.A have adopted Rules and Regulations to aide in the governance of the Bayshore Regional Sewerage Authority, and in Section 23.01 of the Rules and Regulations the Authority "reserves the right to revise these Rules and Regulations to abide by the Rules of regulatory agencies having jurisdiction in this regard, or for any other reason the Authority deems is desirable or necessary for performing its functions" and

WHEREAS, The New Jersey Department of Environmental Protection, Bureau of Pretreatment and Residuals issued Streamlining Rules for Industrial Pretreatment Programs; and

WHEREAS, the Authority has Public Noticed its intent to revise the Authority Rules and Regulations in accordance with the Department's Streamlining Rules and for greater clarity of existing Rules and provided a 30-day comment period during which no comments were received; and

WHEREAS, the aforementioned revisions have been previously presented to the NJDEP Bureau of Pretreatment and Residuals and have received an approval; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority deem it in the best interest of the customers of the Authority to adopt the Streamlining revisions along with various clarifying changes and forward same to the NJ Department of Environmental Protection for final approval along with a copy of the Public Notice announcing these changes.

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 (69/12): Terminating services of Arcadis -US, Inc. as Consulting Engineers to the Authority.

WHEREAS, on February 27, 2012 the Bayshore Regional Sewerage Authority adopted Resolution No.: 28/12 engaging the services of Arcadis - US, Inc., 105 Fieldcrest Avenue, Raritan Center, Edison, NJ as Consulting Engineer to the Authority; and

WHEREAS, the Authority desires to terminate the services with Arcadis - US, Inc. as Consulting Engineers effective July 31, 2012 except for the ongoing projects until completion.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Authority hereby find it in the best interest of the users of the Authority to terminate the services of Arcadis-US, Inc., as of July 31, 2012.

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

6. RESOLUTION (70/12): To engage the services of R³M Engineering as Consulting Engineers to the Authority.

WHEREAS, the Bayshore Regional Sewerage Authority has a need to acquire Consulting Engineering Services as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.4; and

WHEREAS, the Executive Director has determined and certified in writing that the value of Consulting Engineering Services ("the Contract") will exceed \$17,500; and

WHEREAS, the anticipated term of the Contract is August 1, 2012 to February 25, 2013; and

WHEREAS, R³M Engineering, Inc., 1405 Route 18, Old Bridge, NJ ("R³M") has submitted a proposal indicating they will provide Consulting Engineering Services with Manuel Ponte, P.E. as Engineer of Record; and

WHEREAS, the R³M Engineering, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies R³M has not made any reportable contributions to a Political or Candidate Committee of the member communities of the Authority in the previous year and the Contract will prohibit R³M from making any reportable contributions through the term of the Contract; and

WHEREAS, funds are available for this purpose, and the Local Public Contracts Law (NJSA 40A:11-1 et seq.) requires that a Resolution authorizing the appointment without competitive bidding must be publicly advertised; and

NOW THEREFORE BE IT RESOLVED that the Bayshore Regional Sewerage Authority authorizes the Chairwoman to enter into a Contract with R³M as described herein.

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and the determination of value be place on file with this Resolution.

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 in accordance with NJSA 19:44A-20.5;

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 of its adoption and will be posted on the BRSA official website.

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

DISCUSSION: Michael Samuels, P.E. and President of R3M Engineering, Inc., was in attendance with Manuel Ponte, P.E. of the firm, to present their qualifications to provide Consulting Engineering Services to the Board, prior to roll call vote. Vice Chairman Cohen thanked the gentlemen for their presentation and called for a vote recorded as follows:

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

7. RESOLUTION (71/12): To authorize the completion of the underwriting renewal application of the New Jersey Utility Authorities Joint Insurance Fund and Municipal Excess Liability Fund.

WHEREAS, the Bayshore Regional Sewerage Authority is a member of the New Jersey Utility Authorities Joint Insurance Fund (“Joint Insurance Fund”); and

WHEREAS, each year the Authority must complete an Underwriting Renewal Application to the Joint Insurance Fund and Municipal Excess Liability Fund for coverages that take effect the ensuing January 1 (2013); and

WHEREAS, the Authority desires of continuing coverage through the Joint Insurance Fund; **NOW THEREFORE BE IT RESOLVED** the Commissioners of the Authority hereby authorize the Executive Director to complete and submit the Underwriting Renewal Application on behalf of the Authority to the Joint Insurance Fund.

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

8. RESOLUTION (72/12): To Public Notice a Meeting date change of the September 2012 Regular Meeting from Monday Sept 17th to Tuesday September 18th, 2012 in respect for observance of Rosh Hashanah

WHEREAS, the Bayshore Regional Sewerage Authority previously advertised the September Regular Meeting of the Bayshore Regional Sewerage Authority for Monday, September 17th, 2012; and

WHEREAS, the Commissioners of the Bayshore Regional Sewerage Authority deem it in the best interest of the customers it serves to change that date to Tuesday, September 18, 2012 in respect for observance of Rosh Hashanah

NOW THEREFORE BE IT RESOLVED, the September Regular Meeting of the Authority will be held on **Tuesday, September 18th, 2012** at 7:00 P.M.

BE IT FURTHER RESOLVED that notice of this change will be published in the Authority's newspaper of record within ten (10) days of the adoption of this Resolution.

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

Vice Chairman Cohen called for a **MOTION** - to approve payment of bills listed on:

Operating Fund Req. No. 483(Regular)	\$ 489,129.84
Payroll Account Req. No. P131	\$ 162,412.33

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

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. All members of the public were reminded to please limit comments and time accordingly. There were no comments from the public present at this meeting.

There were no subjects for Closed Session discussion.

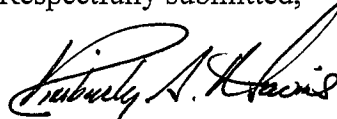
Vice-Chairman Cohen then made the following announcement: **The next Agenda Meeting of the B.R.S.A. is scheduled for Monday, August 13th, 2012 @ 7:00 P.M. The next Regular Meeting will be held on Monday, August 20th, 2012 @ 7:00 PM.** All meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

At 7:15 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