



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

MINUTES AGENDA MEETING MONDAY, May 13, 2013

At 7:00 P.M. on Monday, May 13, 2013 Chairman Vella called the meeting of the Bayshore Regional Sewerage Authority to order and makes the following announcement:

I hereby announce that pursuant to Section 5 of the Open Public Meetings Act, that adequate notice of this meeting has been sent to the Asbury Park Press and is on the BRSA Official Website. Notice has also 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 Bayshore Regional Sewerage Authority Administration Building.

Chairman Vella asks all in attendance to stand for the Pledge of Allegiance and a Moment of Silence for the safety of US Troops all over the world.

Chairman Vella requests a roll call of attendance:

Present: Commissioner Khachaturian, McMullen, Steiner, Sutton & Chairman Vella
Absent: Commissioner Pisano

Also in Attendance: Robert C. Fischer, Executive Director
Peter Canal, BRSA Engineer
J. Michael Broyles, BRSA Superintendent
Manuel Ponte, Consulting Engineer
James Gorman, BRSA Attorney
Susan DuBey, Admin. Assistant

Reports

BRSA Projects, Special Reports & Connection Applications

Camelot @ Marlboro

Mr. Fischer reported at the April 15th meeting the Board passed 2 resolutions for Camelot @ Marlboro's connection and Developers Agreement. There is a resolution on tonight's agenda rescinding the Developers Agreement because they came in a paid the full connection fee (\$1.6 million).

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

Refund of Connection Fee- Donna Purcell, Mary Lou Moramarco

Mr. Fischer said 2 individuals requested a refund for a connection fee on property deals that fell through and they never closed on.

Chairman Vella said they never connected so it would be proper to refund the money.

Jim Gorman asked if BRSA endorsed a CP1 or TWA for these properties.

Mr. Fischer said No because they were residential dwellings and not subject to TWA approval requirements.

Jim Gorman cautioned to set limits on the refund policy.

Chairman Vella asked for a **MOTION** to approve the refund of the connection fees.

OFFERED BY: Chairman Vella, SECONDED BY: Commissioner Steiner and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Steiner, Sutton, Chairman Vella

Disaster Recovery Update

Mr. Fischer reported Shorelands Construction will begin the restoration of the Administration Building on Thursday, May 16th. The storage Pod's have been delivered and most of our files have been moved into them for active use.

Mr. Fischer said bids will be received on May 16th for the rehabilitation of Influent Pumps (Contract 65S) and the Instrumentation/Valve Replacement (Contract 67S). He hopes to have resolutions of award on the Agenda Monday night.

Sludge Management Alternative Study

Mr. Fischer reported he had a meeting with Gannett Fleming and a draft report should be ready by the end of this week. He would like to schedule an Engineering Committee meeting to review the report prior to presentation to the full Board.

Mr. Fischer said a number of checks came in from the NJUJIF insurance company for the damage to BRSA's vehicles and also a check for the removal of debris came from FEMA.

Commissioner McMullen asked if there is a time frame to submit a claim.

Mr. Fischer said that the emergency portion has been extended to 1 year from October 30, 2012.

Staff Engineer Report

Pete Canal reported the Niro work under Contract 61 has be suspended and there will be no further work done since the incinerator was damaged by Sandy. He said that we received the new heat exchanger and it has been shrink wrapped and stored on site to prevent it from rusting. Pete said Chavond Barry, Incinerator Engineers, submitted a Construction Management proposal of \$27,598 for the demolition of the Dorr Oliver Incinerator. He said several contracts such as the grit/screening and the lab analysis are about to expire. We will seek RFQ's or go out for Public Bid depending upon the anticipated cost. Pete reported only one bid was received for the

Fire Alarm & Sprinkler System Emergency Repairs. Total Fire and Safety, who has previously done work at BRSA, total price is \$50,000

Pete said The Bluffs @ Aberdeen came in with another connection payment and are requesting a reduction in their Developers Bond, and C&M Realty, Villages @ Aberdeen has paid their connection fees in full and are requesting Bond released.

Sandy

Meetings with BRSA staff, FEMA, R3M and Arcadis have been ongoing. Arcadis has been assisting us with the mitigation process to provide us with the maximum reimbursement.

Consulting Engineer Report

Administration Building Restoration Schedule

Manuel Ponte reported a lot of work has been done on the repair and replacement of BRSA equipment. He talked about the inspection of all the building to determine the right path to take to submit the mitigation proposal to FEMA.

R3M has evaluated each building to determine the flood level that it can withstand without additional protection as a baseline. Mitigation options will be reviewed for each building.

Commissioner Khachaturian asked about the difference between the insurance money and FEMA money regarding the repair of the Admin. Building.

Mr. Fischer stated we received \$215,000 from Insurance. FEMA will subtract this amount from the final eligible cost and reimburse us 75% of the difference.

6 Month Flow Report

Manuel Ponte distributed the 2012/2013 Flow Report stating this is the first report using the new calculations. This report consists of the 4th quarter of 2012 and the 1st quarter of 2013.

Commissioner Steiner asked if the foreclosures and abandoned homes were taken into consideration.

Jim Gorman said the homes would have to disconnect from the sewer system in order to be considered.

Mr. Fischer stated that Union Beach will tell us in October how many homes are connected to the sewer system.

Commissioner Steiner said he knows of 75 homes that were abandoned or demolished and at least 300 more are gone in Union Beach.

Jim Gorman said foreclosed homes would still be counted as connected.

BRSA Superintendent's Report

Mike Broyles reported that the flow and Plant #2 effluent have been good. Plant #1 could run however we will wait until the valves and meters are in so that we can run on automatic. He said he received odor complaints due to the wind direction and speed. He said the complaints were down from last month.

Executive Director's Report

Payroll Service

Mr. Fischer reported Paychex is setting up a Sect.125 pre-tax cafeteria plan for the employees. Employees deduct a certain amount of money from their checks, Paychex puts in into a separate plan and the employees may deduct medical expenses from that account.

Commissioner McMullen asked if that would have any effect on BRSA.

Mr. Fischer said yes – funds that are pre-taxed lower the Social Security deduction for the employee, which lowers SS for the Authority.

Commissioner Sutton said the newer plans allow the employees to roll over any funds that are not spent.

NJDEP Finance Meeting

Mr. Fischer briefly discussed a conference call with NJEIT regarding loans for the repair/replacement of equipment to the plant from Super Storm Sandy. A 3 year bridge loan may be available soon from the NJEIT which would be used for the payment to contractors while we await FEMA reimbursement.

Mr. Fischer said he received a letter from our LSRP (Licensed Site Remediation Professional of Record) regarding the final chlorinated compound test at the maintenance garage. We intend to go out for a Request for Proposal for the additional work sometime in June, which will identify whether the compound has a source or if it is an historical discharge. The compounding was detected at very low levels, however slightly above cleanup criteria.

Attorney's Report

No report

Correspondence

Susan DuBey made a request for a new copier in the Administration Building since the existing copier was damaged by Sandy.

Commissioner McMullen asked if BRSA had insurance on the copier.

Mr. Fischer said it is covered under the building insurance as contents coverage.

Mr. Fischer acknowledged OPRA requests from Kimberly Newins and Bill Heller. He referenced the attached letter from General Council.

Public Portion

Chairman Vella announced that this portion of the meeting is now open to the public for comments or questions related to Agenda items only. The public is reminded; only questions or comments specific to the scope of the Agenda items are to be addressed at this time. As a courtesy to all, please be mindful of limiting your comments accordingly.

Bill Shewin of Hazlet remarked about the Paychex 125 cafeteria plan stating that an employee should never take out the limit amount. He asked about the insurance premiums. Charles Hoffman of Hazlet said the meeting dates are not on BRSA web site. Mr. Fischer said that they were. He said we should post events on the Patch and that the Board should

take a good look at the turbine contract. He also questioned the statement about Ms. Newins being a former employee.

Jim Gorman said we cannot discuss Personnel matters.

Commissioner Steiner made a change on the minutes stating that he was not present at Closed Session adjournment.

Charles Hoffman of Hazlet commented about the pump room being below ground. He said that the stairwells should contain water tight compartments that could be closed when a storm is coming.

Bill Shewin of Hazlet questioned Resolution 69/13 from the March 18th minutes regarding Louis Granata's \$17,500 budget amount as special council. He said Lou could exceed the budgeted amount and asked if it was open ended or would another Resolution be adopted.

Jim Gorman said it was fine the way it is.

Bill Shewin asked Chairman Vella about the status of the turbine, asking if it was repairable and asking why his comments were not part of the minutes.

Chairman Vella said it was repairable and Jim Gorman said the minutes were not verbatim and contained more than enough information anyone could want.

Bill Shewin said the 3-28-13 Independent had an article about the turbine. He asked about the 4-4-13 meeting with Conti and their insurance coverage.

Jim Gorman said it was a Closed Session matter.

Bill Shewin stated he was being stone walled and Mr. Fischer stated that Conti did have insurance but we are unsure if it covered flood at this point.

Bill Shewin stated a letter from Amy Handlin was in the 2-28-13 newspaper asking BRSA to put the turbine project in the backseat and asked if the project was still on the backseat or are we going forward with the turbine.

Jim Gorman said he didn't want to stone wall him but this is a legal matter.

Bill Shewin asked for information from the meeting Mr. Fisher had with NJDEP.

Mr. Fischer said the DEP has yet to get back to us.

Charles Hoffman asked Commissioner Khachaturian if he had an engineering degree.

Commissioner Khachaturian said he was a P.E.

Kimberly Newins said she received information from the Ethics Board and their investigation could take 3 months to a year. She asked if BRSA is responding to her OPRA request about the e-mails, cell phone calls and Personal exchanges proving the alliance between Jim Gorman and 4 Commissioners who voted for him. She also questioned Jim Gorman's remark at the April meeting when he said there was no reason to award an emergency contract because both plants are fully functional. Kim stated that the guys at BRSA are very dedicated employees. She stated that Bill Shewin, Commissioner Sutton and Bill Heller are the ones behind the NO Turbine, that 7.7 thousand people want it. Kim said that the Atlantic City Authority was the only source of energy with their 5 turbines that provided emergency power during and after Super Storm Sandy.

Words went back and forth between Ms. Newins, Bill Shewin and Charles Hoffman.

Commissioner Steiner stated we should have a recording system because of incidents like what just happened.

Mr. Fischer said we do have a recording system but it was damaged during Super Storm Sandy and will be replaced during the renovation.

Resolutions

RESOLUTION (82/13): to purchase Sharp Copier thru State Contract

WHEREAS, the Authority's copier/scanner/printer has been damaged by Hurricane Sandy, and

WHEREAS, the copier is severely limited in the ability to copy, scan, enlarge and print certain materials used in the every day operation of the Administration Office, and

WHEREAS, Local Public Contract Law (40A:11-12) allows a contracting unit to purchase goods or services through State Contract without advertising for bids, and

WHEREAS, Shore Business Solutions has presented the Authority with a Quote to purchase a Sharp MX M453N copier at a cost of \$8127.70 under State Contract, and

WHEREAS, Shore Business Solution of Farmingdale, NJ. is an approved State Contract vendor a Sharp MX M453N multifunction copier under State Contract #A51143, and

WHEREAS, funds are available for the purchase of this disaster related expense.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority award the contract for the purchase of a Sharp MX M453N multifunctional copier to Shore Business Solutions, Farmingdale, N.J. under State Contract #A51143 in the amount of \$8,127.70.

OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner Steiner and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Steiner, Sutton, Chairman Vella

RESOLUTION (83/13): to rescind Resolution (77/13) authorizing Developers Agreement with Camelot @ Marlboro

WHEREAS, Camelot at Marlboro Urban Renewal, LLC is the project developer of 250 apartments units, a club house, pool and maintenance building subdivision known as Camelot at Marlboro project in Marlboro, New Jersey being Lot 18 of Block 132, and

WHEREAS, Camelot at Marlboro Urban Renewal, LLC has requested to be allowed to enter into a Developer's Agreement for Camelot at Marlboro with the BRSA to provide for the payment of connection fees; and

WHEREAS, the Authority's Attorney has prepared a Developer's Agreement that is acceptable to the Commissioners, and

WHEREAS, by Resolution (77/13) the Commissioners approved a Developers Agreement for Camelot @ Marlboro, and

WHEREAS, the applicant has paid the connection fee in full eliminating the need for a Developers Agreement.

NOW THEREFORE BE IT RESOLVED Resolution (77/13) approving a Developers Agreement for Camelot at Marlboro is hereby rescinded.

OFFERED BY: Commissioner Steiner, SECONDED BY: Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Steiner, Sutton, Chairman Vella

Payment of Bills

Chairman Vella called for a **MOTION** for payment of the following:

| | |
|--------------------------------|--------------|
| Payroll Account Req. No. P 142 | \$193,055.26 |
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OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner Steiner and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Steiner, Sutton, Chairman Vella

Approval of Minutes

Chairman Vella called for a **MOTION** to approve the following Minutes:

Closed Session – April 8, 2013
April 15, 2013
Agenda Meeting-April 8, 2013
Regular Meeting-April 15, 2013

OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Pisano, Steiner, Sutton, Chairman Vella

Public Portion

Chairman Vella announced that this portion of the meeting is OPEN TO THE PUBLIC to discuss any BRSA matters the public may care to address.

The public is reminded, only questions or comments not previously addressed; and/or specific to the scope of BRSA's operations or projects will be addressed.

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 FURTHER PUBLIC COMMENTS

Executive Session

Chairman Vella called for a **MOTION** to go into Closed Session at 8:52 P.M. 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. 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. Action may be taken in Closed Session.

OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Steiner, Sutton, Chairman Vella

MINUTES FOR CLOSED SESSION ARE RECORDED SEPERATELY.

At 10:05 P.M. Chairman Vella called for a **MOTION** to end Closed Session.

OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner McMullen and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Sutton, Chairman Vella

Adjournment

Chairman Vella announced the next Regular Meeting of the BRSA will be held on Monday, May 20, 2013 @ 7PM prevailing time at the Bayshore Regional Sewerage Authority, 100 Oak Street, Union Beach, NJ.

At 10:06 PM Chairman Vella called for a **MOTION** to Adjourn the meeting.

OFFERED BY: Chairman Vella, SECONDED BY: Commissioner Khachaturian and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Khachaturian, McMullen, Sutton, Chairman Vella

Respectfully submitted,

Susan DuBey
Admin. Assistant