



BAYSHORE REGIONAL SEWERAGE AUTHORITY

100 Oak Street, Union Beach, NJ 07735
732-739-1095 OFFICE 732-739-2459 FAX

Robert C. Fischer
EXECUTIVE DIRECTOR

MINUTES REGULAR MEETING April 15, 2013

At 7:00 P.M., on Monday, April 15, 2013 Chairman Vella called the Regular Meeting of the Bayshore Regional Sewerage Authority to order and make 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. 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 called for all in attendance to stand for the Pledge of Allegiance and a Moment of Silence for the safety of US Troops serving all over the world.

Chairman Vella requested a roll call:

Present: Commissioner Khachaturian , McMullen, Pisano, Steiner, Sutton and Chairman Vella

Also In Attendance: Mr. Robert C. Fischer, Executive Director
Peter J. Canal, BRSA Engineer
Jim Gorman, Esq., Attorney
Mike Bart, Auditor
Manuel Ponte, R3M Engineer
John Draikowicz Esq., Bond Council
Susan DuBey, Acting Secretary

Treasurer's Report

Chairman Vella called for a MOTION to approve the Treasurer's Report

TREASURER'S REPORT given by Commissioner Sutton

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

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

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

Payment of Bills

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

Operating Fund Req. No. 494 (Regular)	\$579,323.49
Operating Fund Req. No. S-6 (Sandy)	\$401,035.23
Payroll Account Req. No. P 141	\$184,967.65

OFFERED BY: Chairman Vella, SECONDED BY: Commissioner Pisano 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 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.

There were no comments.

Resolutions

Prior to the adoption of Resolution 72/13 and 73/13, Mike Bart explained the Auditors report in great lengths. He explained the required letter regarding BRSA's internal control being in compliance, the payoff of all the bonds, footnotes of the Authority's financials, the required reconciliation of the cash accounts, compliance of the expenditures and a summary of the total audit report.

RESOLUTION (72/13): to adopt the 2012 Annual Audit Report as presented by Bart & Bart, CPAs, BRSA Auditors

WHEREAS, N.J.S.A. 40:14A-7.1 requires the governing body of each local Authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended December 31, 2012 has been completed and will be filed with the members and customer towns served pursuant to N.J.S.A. 40:14A-7.1, and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit entitled "General Comments" and "Recommendation," and has evidenced same by group affidavit in the form prescribed by the Local Finance Board, and

WHEREAS, the Commissioners of the Bayshore Regional Sewerage Authority are the members of the governing body and have received the annual audit and have personally reviewed

the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby certify to the Local Finance Board of the State of New Jersey that each member has personally reviewed the annual audit for the fiscal year ended December 31, 2012, and specifically has reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations," and has evidenced same by group affidavit in form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

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

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

RESOLUTION (73/13): to execute the Local Finance Board Group Affidavit form

We, the Commissioners constitute the members of the governing body of the Bayshore Regional Sewerage Authority being of full age and being duly sworn according to law, upon our oath depose and say:

- We are duly appointed Commissioners of the Bayshore Regional Sewerage Authority.
- We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended December 31, 2012 and specifically the sections of the audit report entitled "General Comments" and "Recommendations."

WATLER VELLA	Chairman
ADAM KHACHATURIAN	Vice Chairman
LOUIS PISANO	Secretary
MARCY McMULLEN	Asst. Secretary
BART SUTTON	Treasurer
CHARLES STEINER	Asst. Treasurer

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

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

RESOLUTION (74/13): to authorize the advertisement of bids for sludge hauling & disposal services

WHEREAS, the Bayshore Regional Sewerage Authority has a need to acquire the services of Sludge Hauling and Disposal as a publicly bid contract pursuant to the provision of the Local Public Contract Law, and

WHEREAS, bid specifications for the procurement of these services have been developed by R3M Engineering, and

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the qualified purchasing agent to advertise for the solicitation of bids for the procurement of Sludge Hauling and Disposal Services.

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

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

RESOLUTION (75/13): to purchase proprietary SCADA software

WHEREAS, the Bayshore Regional Sewerage Authority has a need to acquire proprietary software upgrades for its Wonderware Supervisory Control and Data Acquisition (SCADA) system, and

WHEREAS, the BRSA SCADA system is an integral part of the monitoring and alarm system of the Authority, and

WHEREAS, the proprietary software upgrade will allow the Authority to stay current with the latest SCADA system technology, and

WHEREAS, Local Public Contract Law allows for the procurement of proprietary hardware and software as an exception to the public bidding process in accordance with NJSA 40A:11-5 exceptions, and

WHEREAS, funds are available for the procurement of these goods and services.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority authorizes the qualified purchasing agent to procure proprietary software upgrades for its Wonderware SCADA system from Wonderware North of Hursham, PA. at a cost of \$12,983.00 in accordance with their quotation dated March 19, 2013.

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

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

RESOLUTION (76/13): to award Contract 63S to Allied Construction Group, Inc. for Dorr Oliver demolition

WHEREAS, the Bayshore Regional Sewerage Authority Dorr Oliver Incinerator was severely damaged by flooding from Hurricane Sandy, and

WHEREAS, in accordance with Local Public Contract Law, at 2:00 P.M. on Thursday, April 4, 2013 the Bayshore Regional Sewerage Authority advertised and received bids for Contract No. 63S, Dorr Oliver Refractory Demolition and Removal, and

WHEREAS, the bids were publicly opened and read aloud, the lowest responsible and responsive bidder being Allied Construction Group, Inc. having submitted a price of \$59,700, and

WHEREAS, funds are available for the demolition of the incinerator, and

WHEREAS, Chavond Barry Engineering Corp. and General Counsel have reviewed the bids received and recommend award of the contract to Allied Construction Group, Inc.

NOW THEREFORE BE IT RESOLVED that Allied Construction Group, Inc. is hereby awarded the contract for Contract 63S, Dorr Oliver Refractory Demolition and Removal, in accordance with the terms and conditions of the bid and contract documents.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to execute the contract documents.

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

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

RESOLUTION (77/13): to execute a developer's agreement with Camelot at Marlboro Urban Renewal, LLC.

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, the Commissioners of the Authority deem it is in the best interest of the Authority and its participants to enter into said Developer's Agreement, and

WHEREAS, the Camelot at Marlboro Urban Renewal, LLC has executed the Developer's Agreement for Camelot at Marlboro and has provided the Authority's Attorney with the performance guarantees that are acceptable and has made the initial payment under the Developer's Agreement along with the applicable review fees.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the execution of the Developer's Agreement with Camelot at Marlboro Urban Renewal, LLC to serve the Camelot at Marlboro project.

BE IT FURTHER RESOLVED that Chairman and Secretary are hereby directed to execute the Agreement and to file it with the Monmouth County Clerk's Office.

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

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

RESOLUTION (78/13): to grant approval for a Sewer Connection and Treatment Works Approval Permit for the Camelot at Marlboro project.

WHEREAS, Camelot at Marlboro Urban Renewal, LLC has applied for a sanitary sewer Connection Application Permit and Treatment Works Approval Permit to serve Camelot at Marlboro project, 250 apartment units, a club house, pool and maintenance building subdivision in Marlboro, New Jersey being Lot 18 of Block 132, and has included all required forms, and

WHEREAS, Camelot at Marlboro Urban Renewal, LLC has entered into a Developer's Agreement with the BRSA for the payment of fees, and

WHEREAS, the Camelot at Marlboro Urban Renewal, LLC has received all local approvals including sanitary sewer approvals, and

WHEREAS, the project is expected to generate 54,745 gallons per day of wastewater, and

WHEREAS, the Camelot at Marlboro Urban Renewal, LLC has executed the Developer's Agreement and has provided the Authority's Attorney with the performance guarantees that have been found to be acceptable.

NOW THEREFORE BE IT RESOLVED that Camelot at Marlboro Urban Renewal, LLC be, and it hereby granted approval of the sanitary sewer Connection Permit for the Camelot at Marlboro project subject to the execution of the Developer's Agreement and payment of connection fees and the approval of a Treatment Works Approval Permit by the New Jersey Department of Environmental Protection.

BE IT FURTHER RESOLVED that Executive Director is hereby authorized to execute the Treatment Works Approval Consent forms and the Chairman is authorized to execute the Developer's Agreement and to file the agreement with the Monmouth County Clerk's Office.

BE IT FURTHER RESOLVED that this Authority recommends that this project be granted said Treatment Works Approval Permit by the New Jersey Department of Environmental Protection.

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

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

RESOLUTION (79/13): to award Contract 64S for the reconstruction & appurtenant work on the Administration building (all three improvements).

Manuel Ponte of R3M Engineering explained the receipt of 5 bids for the reconstruction & appurtenant work on the administration building. He stated that the lowest base bid was \$437,000 with 2 alternative projects (A1)-ADA Ramp and (A2)-Entrance Vestibule. Manuel stated that he checked the references and recommends the Commissioner award Contract 64S (including A1 & A2) to Shorelands Construction Inc. Jim Gorman said he reviewed the 3 lowest contracts and everything is in order.

WHEREAS, the Bayshore Regional Sewerage Authority Administration Building was severely damaged by flooding from Hurricane Sandy, and

WHEREAS, there exists a need to repair the building through the Public bidding process, and

WHEREAS, in accordance with Local Public Contract Law, at 2:00 P.M. on Friday, April 12, 2013 the Bayshore Regional Sewerage Authority advertised and received bids for Contract No. 64S, Administration Building Reconstruction and Appurtenant Work and

WHEREAS, the bids were publicly opened and read aloud, the lowest responsible bidder being Shorelands Construction Inc. having submitted a base price of \$437,000.00 plus A2 in the amount of \$11,400.00, and

WHEREAS, funds are available for the reconstruction and appurtenant work of the Administration Building, and

WHEREAS, the Authority's Consulting Engineer, R3M Engineering and General Counsel have reviewed the bids received and recommend award of the contract to Shorelands Construction Inc.

NOW THEREFORE BE IT RESOLVED that Shorelands Construction Inc. is hereby awarded the contract for Contract 64S, Administration Building Reconstruction and Appurtenant Work in accordance with the terms and conditions of the bid and contract documents.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to execute the contract documents.

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

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

RESOLUTION (80/13): to authorize qualified purchasing agent to advertise for the rehabilitation of 3 influent pumps

WHEREAS, Hurricane Sandy caused severe flooding in the Bayshore Region, and

WHEREAS, Bayshore Regional Sewerage Authority (BRSA) owns and maintains influent sewerage pumps as part of its Waste Water Treatment Plant (WWTP), and

WHEREAS, there is a need to rehabilitate three (3) damaged influent pumps as a result of the flooding, and

WHEREAS, the BRSA has funding available to procure these disaster related services.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the qualified purchasing agent is hereby authorized to advertise through Public Contract in the BRSA official newspaper for the rehabilitation of three (3) influent sewerage pumps necessary to operate the WWTP.

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

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

RESOLUTION (81/13): to award Paychek the contract for payroll services

Jim Gorman stated he sent a letter to Mr. Fischer with concerns about the contract from Paychek. One of the concerns stated in the contract is that any kind of arbitration will take place in Rockchester, NY. Jim said would agree to anywhere in NJ. The other concern is simple word changes he would like to see incorporated in the contract.

WHEREAS, the position of Authority Payroll Clerk will be vacated as of April 28, 2013, and
WHEREAS, the Authority desires to contract for payroll services and eliminate the position of Payroll Clerk at the Authority, and

WHEREAS, the Authority solicited quotations for weekly payroll services including full data input, tax services, W-2 services, paycheck delivery, customer support, and compatibility with Authority financial software, and

WHEREAS, the lowest quote received from the qualifying vendors was from Paychex of Penfield, NY at a cost of \$4,486.00 per year, and

WHEREAS, the Authority has funds available for the procurement of these services.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority the position of Payroll Clerk is eliminated as of April 28, 2013.

BE IT FURTHER RESOLVED the firm of Paychex is awarded the contract for payroll services contingent upon satisfactory review and approval of the contract documents by the Executive Director and General Counsel.

OFFERED BY: Commissioner Steiner, SECONDED BY: Commissioner Khachaturian, 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 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.

Kimberly Newins, 6 Michigan Avenue, Hazlet stated that she has been in touch with the Monmouth County Legal Ethics Committee regarding Jim Gorman's multiple appointments. She said she has also filled a request with the Board of Election Law Enforcement Commission regarding his campaign contributions. Ms. Newins said she is still waiting for the information on her OPRA request. She feels that Mr. Gorman's appointment to the BRSA was collusory and not in the best interest of the residents. She also stated that she is pursuing to find out the connection between the individual and their affiliates responsible for making his appointment. Kim also said she would like to uphold the integrity and honor of the Authority. She stated that she will pursue to rescind his appointment till the end. She said she has plenty of time and knows who to call and where to look for information. Kim stated "the wind turbine will blow". Bill Shewin, 28 Mason Drive, Hazlet asked if he heard correctly that there is \$7,000,000 in the Trustee Accounts. Commissioner Sutton said that was the total of all the accounts.

Closed Session

Chairman Vella called for a **MOTION** to go into Closed Session @ 7:32 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.

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

CLOSED SESSION MINUTES ARE RECORDED SEPERATELY

Chairman Vella called for a **MOTION** to end Closed Session @ 9:20 P.M.

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

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

ANNOUNCEMENT

Chairman Vella announced:

The next Agenda Meeting of the B.R.S.A. is scheduled for Monday, May 13,, 2013 @ 7:00 P.M.
The next Regular Meeting of the Authority will be held on Monday, May 20, 2013 @ 7:00 P.M.
All meetings take place in the Administration Building of the BRSA located at 100 Oak Street, Union Beach, NJ, 07735.

ADJOURNMENT

Chairman Vella called for a **MOTION** to Adjourn the meeting @ 9:23 P.M.

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

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

Respectfully submitted,

Susan DuBey
Acting Secretary to the Board