



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

MINUTES AGENDA and REGULAR MEETING MONDAY, JANUARY 20, 2014

At 7:00 P.M. on Monday, January 20, 2014 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 asked 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 requested a roll call of attendance:

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

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

Mr. Fischer pointed out on the FEMA expense chart that BRSA has spent \$7.4 million dollars and this month is the lowest spent on Sandy projects. He stated that 85% of the Dorr Oliver and 95% of the Administration Building Construction work is complete.

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

Mr. Fischer explained that a meeting with FEMA was held and discussed combining Blower Building 1 & 2 and leaving Building #1 just for storage. FEMA has qualified Blower Building #1 for full replacement due to the extent of damage. That funding can be used for a project to combine both buildings into one.

Staff Engineer Report

Pete Canal discussed the Resolution that's on the agenda including 4 extensions of present contracts with no increase in price, the meter calibration, hypochlorite, polymer and bioxide contracts. Mr. Canal spoke about our need to provide Construction Management Services for the soon to begin Single Sampling Point Contract. PS&S, a Consulting Firm from the short list of Engineering Firms presented a proposal to provide CMS for the project for \$26,000. The project will fulfill the NJDEP requirement to provide for a single location to sample the Authority discharge as opposed to the current 2 locations.

Consulting Engineer Report

Manuel Ponte discussed 2 projects in need of immediate attention. The air conditioning units in the Lab Building (2 units – one for the Lab and one for the Offices) and at Matawan Pump Station are in need of replacement. The Lab Building units are currently in the ceiling. The replacement of the Laboratory unit is essential because of the humidity and moisture affect the results of the tests. Commissioner Khachaturian asked Manuel Ponte for additional information of the size and energy recovery before the Commissioners make a decision to replace the office unit as proposed.

BRSA Superintendent's Report

Mike Broyles discussed the plant performance stating that with one plant on the percent removal has been between 95% & 97%. There were 2 odor complaints because of the high wind speed. There were also 2 noise complaints from the same resident that may be due to the heat recovery unit on the NIRO. Mike informed the Commissioners that CEI was in violation of their permit and a NOV was issued. A fine of \$10,125.00 will be issued.

Executive Director's Report

Mr. Fischer reported that a kick-off meeting was held on January 8th for the NIRO Incinerator and the Various Plant Building Projects kick off meeting is scheduled for next week. He informed the Commissioners that BRSA received an approved and certified copy of the 2014 Budget from the State. Mr. Fischer stated that in the next 2 weeks the Authority will be working on Reorganization including new Commissioners positions, new Committees, readoption of Policies and Procedures, and hiring receipt of Professional Consultants.

He discussed the Pay to Play procedure regarding the Fair & Open vs. Non-Fair and Open policies. BRSA's past practice has been the Non-Fair and Open policy. Mr. Fischer was given the OK to request proposals from the Professionals. He also informed the Commissioners that their package contains a Quartely Account reconciliation, reports & statements which are used for our internal control of BRSA's accounts.

Attorney's Report

James Gorman, Esq. stated that Closed Session can wait until February's meeting. There is nothing really to discuss except that the case with Union Beach at the Appellate Court with a hearing date of February 12, 2014. He said we can't do much before hand; the decision can take from 1 week to one year. Typically it's anywhere from 3 to 5 months.

Mr. Fischer provided background information of the need for and hiring of Arcadis US, Inc. as a consultant to guide us through the Public Assistance Program with FEMA. He stated that Arcadis and R3M had completed the development of the Authority's Hazard Mitigation Plan (HMP) and had submitted it to FEMA on November 15, 2013. Throughout the process Arcadis was able to complete some tasks below budget and some were over budget. Arcadis moved funds from tasks under budget to complete others. At this point in time FEMA is reviewing the HMP with Arcadis. He introduced Carly Foster of Arcadis who explained the need to increase the FEMA Consultant Budget to cover future interactions with FEMA regarding our HMP as well as the Authority's continued development of Mitigation measures as the building protection are put in place. Carly Foster explained that everything they have done so far is reimburseable under FEMA.

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ANNOUNCEMENT (by Chairman Vella): 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 to 3 minutes.

No public was present.

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

9. TREASURER'S REPORT (by Commissioner Sutton)

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

10. Payment of Bills

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

Operating Fund Req. No. P153	\$ 78,684.81
Operating Fund Req. No. 503 (Regular)	\$410,657.79
Operating Fund Req. No. S-15 (Sandy)	\$182,747.54

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

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

11. Approval of Minutes

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

Public Hearing/Agenda/Regular Meeting

December 16, 2013

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

Mr. Gorman stated that he did have a discussion item for Closed Session.

Executive Session

Chairman Vella called for a **MOTION** to go into Closed Session at 7:42 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: Chairman Vella, 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

At 8:25 P.M. Chairman Vella called for a **MOTION** to end Closed Session.

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

Resolutions

Resolutions #4 through 7 are by Consent Agenda. All matters listed under Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired by the Commissioners, that item will be removed and will be considered separately. Advance copies of each resolution have been given to each Commissioner. The original resolutions are with the Administrative Assistant for inspection as listed below.

RESOLUTION (04/14): to extend the Contract with ABB for Meter Calibration for a 1 year period.

WHEREAS, in accordance with Local Public Contracts Law at 2:00 P.M. on Tuesday, March 5, 2013 the Bayshore Regional Sewerage Authority advertised and received quotes for the Annual Preventive Maintenance Calibration and Repair of Instrument Equipment for a (1) one year period, and

WHEREAS, on March 18, 2013 the BRSA awarded the Annual Prevention Maintenance Calibration and Repair of Instrument Equipment to the lowest responsible bidder being ABB Inc. of Warminster, PA, and

WHEREAS, on March 17, 2014 the contract is scheduled to expire and the BRSA (Resolution No. 68/13) and ABB Inc. were mutually agreeable to extend the original Contract under the same terms and with the same price for a period of (1) one additional year extension, and

WHEREAS, the original contract provides by mutual agreement and, the Local Public contracts law allow for (1) one year extension for a maximum of (2) two years, and

WHEREAS, extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents, and

WHEREAS, the Staff Engineer and Qualified Purchasing Agent have reviewed the correspondence from ABB Inc. accepting (1) one year extension in accordance with the same product, price, terms and conditions as the original contract.

NOW THEREFORE BE IT RESOLVED that ABB Inc. is hereby awarded a (1) one year extension of the contract for the Annual Preventive Maintenance Calibration and Repair of Instrument Equipment in accordance with the terms and conditions of the original bid and contract documents.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute the Contract extension documents, for the total contract price of \$19,306.84.

RESOLUTION (05/14): to extend the Contract with Jones Chemical for Sodium Hypochlorite for a 1 year period

WHEREAS, in accordance with Local Public Contracts Law at 2:00 P.M. on Thursday, February 14, 2013 the Bayshore Regional Sewerage Authority advertised and received bids for the furnishing and delivery of Sodium Hypochlorite for a (1) one year period, and

WHEREAS, on February 25, 2013 the BRSA awarded the Sodium Hypochlorite contract to the lowest responsible bidder being Jones Chemical Inc. of Warwick NY, and

WHEREAS, on February 25, 2014 the contract is scheduled to expire and the BRSA (Resolution No. 50/13) and Jones Chemical, Inc. were mutually agreeable to extend the original Contract under the same terms and with the same price for a period of (1) one additional year extension, and

WHEREAS, the original contract provides by mutual agreement and, the Local Public contracts law allow for (1) one year extension for a maximum of (2) two years, and

WHEREAS, extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents, and

WHEREAS, the Staff Engineer and Qualified Purchasing Agent have reviewed the correspondence from Jones Chemical Inc. accepting (1) one year extension in accordance with the same product, price, terms and conditions as the original contract.

NOW THEREFORE BE IT RESOLVED that Jones Chemical Inc. is hereby awarded a (1) one year extension of the contract for the furnishing and delivery of Sodium Hypochlorite in accordance with the

terms and conditions of the original bid and contract documents for the total contract price of \$216,000.00 at .72 cents per gallon..

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute the Contract extension documents.

RESOLUTION (06/14): to extend the Contract with Siemens for Bioxide for a 1 year period

WHEREAS, in accordance with Local Public Contracts Law at 2:00 P.M. on Thursday, February 14, 2013 the Bayshore Regional Sewerage Authority advertised and received bids for the furnishing and delivery of Bioxide for a (1) one year period, and

WHEREAS, on February 25, 2013 the BRSA awarded the Sodium Hypochlorite contract to the lowest responsible bidder being Siemens Industry of Sarasota, Florida, and

WHEREAS, on February 25, 2014 the contract is scheduled to expire and the BRSA (Resolution No. 51/13) and Siemens Industry were mutually agreeable to extend the original Contract under the same terms and with the same price for a period of (1) one additional year extension, and

WHEREAS, the original contract provides by mutual agreement and, the Local Public contracts law allow for (1) one year extension for a maximum of (2) two years, and

WHEREAS, extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents, and

WHEREAS, the Staff Engineer and Qualified Purchasing Agent have reviewed the correspondence from Siemens Industry of Sarasota Fl. accepting (1) one year extension in accordance with the same product, price, terms and conditions as the original contract.

NOW THEREFORE BE IT RESOLVED that Siemens Industry of Sarasota, Fl. is hereby awarded a (1) one year extension of the contract for the furnishing and delivery of Bioxide in accordance with the terms and conditions of the original bid and contract documents for the total contract price of \$28,000.00 at \$2.35 per gallon..

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute the Contract extension documents.

RESOLUTION (07/14): to extend the Contract with Polydyne for Polymer for a 1 year period

WHEREAS, in accordance with Local Public Contracts Law at 11:00 A.M. on Friday, March 9th, 2012 the Bayshore Regional Sewerage Authority advertised and received bids for the furnishing and delivery of Polymer for a one time two year period, and

WHEREAS, on March 18, 2012 the BRSA awarded the Polymer contract to the lowest responsible bidder being Polydyne Inc. of Riceboro, GA, and

WHEREAS, on March 18, 2014 the contract is scheduled to expire and the BRSA (Resolution No. 42/12) and Polydyne Inc. were mutually agreeable to extend the original Contract under the same terms and with the same price for a period of one time two year extension, and

WHEREAS, the original contract provides by mutual agreement and, the Local Public contracts law allow for (1) time two year contract extension, and

WHEREAS, extension of the original Contract will require authorization from the Commissioners and the completion of contract extension documents, and

WHEREAS, the Staff Engineer and Qualified Purchasing Agent have reviewed the correspondence from Polydyne Inc. accepting a one-time two year extension in accordance with the same product, price, terms and conditions as the original contract.

NOW THEREFORE BE IT RESOLVED that Polydyne Inc. is hereby awarded a one-time two year extension of the contract for the furnishing and delivery of Polymer Inc. in accordance with the terms and conditions of the original bid and contract documents for the total contract price of \$76,800.00 at \$.96 cents per pound.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute the Contract extension documents.

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

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

RESOLUTION (08/14): to assess a Penalty against CEI of Holmdel for Violation of their Discharge Permit

WHEREAS, the Bayshore Regional Sewerage Authority administers an Industrial Pretreatment Program authorized by the New Jersey Department of Environmental Protection, and

WHEREAS, the Authority has issued Discharge Permits to certain industrial facilities in the Authority service area that limit the discharge of pollutants into the Authority Sewer System, and

WHEREAS, the Industrial discharger known as Cosmetic Essence Incorporated of Holmdel, NJ has been issued a discharge permit and certain conditions and restrictions, and

WHEREAS, the discharge monitoring report submitted by CEI for the reporting period of November 2013 indicates a serious violation for the parameter BOD and a serious violation for the parameter COD which exceed the permit limit by 104% and 48% respectively, and

WHEREAS, the Authority Rules and Regulations as well as the NJDEP Pretreatment Regulations require a minimum mandatory penalty assessment for violations deemed serious in accordance with the aforementioned rules and regulations, and

WHEREAS, the Authority has assessed the violation in accordance with Section 17.07 of the Rules and Regulations and finds that a penalty of \$11,250 is to be assessed for the aforementioned violations, and

WHEREAS, the Authority further finds based on the past history of CEI, that the fine can be reduced in accordance with the regulations by 10%.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority finds that CEI has violations for the monitoring period requiring a penalty assessment of \$10,125.00.

BE IT FURTHER RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority direct the staff to send \$1012.50 of the fines collected to the Division of Revenue and Enterprise Services in Trenton in accordance with NJDEP Rules to be used for the Wastewater Treatment Operator's Training Account.

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

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

RESOLUTION (09/14): to amend the FEMA Consulting Contract with Arcadis, US, Inc.

WHEREAS, in March 2013, the Authority awarded ARCADIS US, Inc. a contract to provide FEMA Consulting Services to include response, recovery and mitigation services from the effects of Hurricane Sandy which inundated the Authority on October 29, 2012 with up to 3 feet of flooding, and

WHEREAS, ARCADIS US has provided services in accordance with their proposal dated March 15, 2013 which was amended to provide cost estimates for eight major tasks, by proposal dated June 7, 2013, and

WHEREAS, due to an ongoing interaction with FEMA mitigation specialists as they review the hazard mitigation proposals and benefit cost analysis which have been completed and submitted to FEMA, as well as modification of mitigation scopes as the hazard mitigation proposals were developed, the original contract estimate will be exceeded in the near future requiring an amendment to continue with FEMA Consulting Services, and

WHEREAS, for the reasons stated above, the Original contract estimate of \$223,946 is insufficient and ARCADIS estimates and requests an additional \$58,388, and

WHEREAS, ARCADIS has provided the Authority with a proposal dated January 16, 2014 to continue with necessary services of responding to FEMA specialists regarding the submitted Benefit Cost Analysis, Hazard Mitigation Proposals, and other submissions, as well as to continue to assist the Authority with the submission of Applications for Alternative Funding Sources, and

WHEREAS, the Staff Engineer and Executive Director have reviewed the proposal and find it to be reasonable in cost and necessary in scope, and

WHEREAS, ARCADIS' work is eligible for reimbursement by FEMA.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority deem it in the best interest of the Communities served by the Authority to amend the contract with ARCADIS to incorporate the additional needed work, bringing the contract value to \$282,334.00.

OFFEDER 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 (10/14) to award Contract for Construction Management Services for Single Sampling Point to PS&S

WHEREAS, the BBSA has a New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0024708 issued by the NJDEP for its treatment plant effluent discharge, and

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) was constructed in two phases and has two (2) separate treatment trains and therefore two (2) separate outfall pipes for its treated effluent, and

WHEREAS, the NJDEP Division of Water Quality is now requiring the BRSA to continuously monitor its treatment plant effluent from one location, and

WHEREAS, the outfall pipes join together in a junction chamber located in the wetlands, and

WHEREAS, in order to meet its NJPDES permit conditions, the BRSA must now construct a continuous effluent monitoring system from a single sampling point, and

WHEREAS, our consulting engineer, PS&S prepared and advertised public contract documents for Treatment Plant Effluent Sampling Point, Contract 62, and

WHEREAS, Iron Hills Construction, Inc. (IHC) of Wayne, NJ was awarded the project via Resolution No. 163/13 on December 16, 2013 in the amount of \$230,000, and

WHEREAS, it is necessary for engineering assistance during construction and PS&S submitted a proposal dated January 17, 2014 for these services in the amount of \$19,500 on a time and expense basis, and

WHEREAS, the BRSA staff have reviewed the proposal and find it to be fair and reasonable and are recommending award to PS&S in the amount of \$19,500, and

WHEREAS, funds are available for this purpose.

NOW THEREFORE BE IT RESOLVED the Commissioners of the BRSA hereby award the Proposal to PS&S of Wall, NJ in accordance with the terms and conditions of their proposal dated January 17, 2014 in the amount not to exceed \$19,500.

BE IT FURTHER RESOLVED the Executive Director is hereby authorized to execute any necessary documents to award the Proposal to PS&S of Wall, NJ.

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

ANNOUNCEMENT (by Chairman Vella) – 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 to 3 minutes.

No public was present

Adjournment

ANNOUNCEMENT (by Chairman Vella)

The next Agenda Meeting of the Bayshore Regional Sewerage Authority is on Monday, February 10, 2014.

The next Reorganization/Regular Meeting of the Bayshore Regional Sewerage Authority is on Monday, February 24, 2014

All meetings are held in the Administration Building at 100 Oak Street, Union Beach, NJ.

At 8:45 PM Chairman Vella called for a **MOTION** to Adjourn the meeting.

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

Respectfully submitted,

Susan A. DuBey
Administrative Assistant