



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

MINUTES FOR REGULAR MEETING MONDAY, MARCH 17, 2014

At 7:00 P.M. on Monday, March 17, 2014 Chairman Khachaturian 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 Khachaturian 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 Khachaturian requested a roll call of attendance:

PRESENT: Commissioner McMullen, Pisano, Steiner, Sutton, Vella & Chairman Khachaturian

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 explained the most current graph indicates Hurricane Sandy expenditures. He said that a check for \$582,000 came in from the Insurance Company. He informed the Board the Engineering Firms working on Restoration and Mitigation design submitted all the Plans & Specs. to NJEIT by March 3, 2014 application deadline.

Mr. Fischer discussed an Engineering Summer Intern Program to help Pete from May thru August. He would like to inquire at Rutgers & NJIT.. This will give an engineering student hands on experience and also help us out.

Commissioner Sutton asked Mr. Fischer to also contact Rowan & Stevens.

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

BRSA staff, November 2006

Staff Engineer Report

Pete Canal reported that he received 9 bids for the HVAC units for the Office/Lab Building. The lowest bidder was WHL Enterprises t/a Bill Leary in the amount of \$289,900.00. Manuel Ponte said he called 4 of his references and received 3 favorable responses. The 4th reference had problems with his completing the work. Jim Gorman advised the Board that this issue should be discussed in Closed Session.

Pete informed the Board that the Dorr Oliver Incinerator was up and running however there were problems with the heat-up. Chavond Barry suggested the incinerator be shut down and re-inspected. Upon re-inspection they found a problem with the sand. It was clumping up and blocking the oil gun discharge. All the sand was removed and new sand has been ordered.

Chairman Khachaturian asked if there could be a problem with the reconstruction. Pete said no that Chavond Barry believes we may have a problem with the sand and suggested we change it.

Pete introduced Steve Pernick from O'Brien & Gere in reference to the LSRP Services oil cleanup project from 1993. His presentation included the history of the spill, an open case with DEP, the parameters of the soil boring tests and possible clean up. Steve said the deadline for completing the RI is May 7, 2014. He explained the whole process should take about 5 to 6 weeks.

Jim Gorman asked what would happen if BRSA didn't submit the paperwork to close out the file. Mr. Fischer said we do not want to be on the DEP list for an incomplete case.

Consulting Engineer Report

Manuel Ponte reported all the paperwork was submitted to the Trust on time. A hard copy also went to the DEP. All funds have been obligated for the restoration of the Buildings and 100% approved. Manuel said the Administration Building restoration will be closed out by next meeting. All punch list work has been completed. He informed the Board that Matawan Pump Stations bids were coming in Wednesday.

BRSA Superintendent's Report

Mike Broyles said that Chavond Barry is moving forward by modifying the oil guns, changing couplings and using different sand. He said the sand fused together causing it to lump up. Chavond Barry has been very helpful working with the contractor and BRSA staff. He reported the plant had high flows in February at 9.3 mgd and one day it was 13 mgd. Mike had the old plant on line but the ice in the tanks hindered the process. He said we made Permit for February with no odor complaints.

Executive Director's Report

Mr. Fischer reported to the Board that BRSA is a member of the Energy Aggregation Group which goes out to bid for Basic Generation Service for electricity. He explained several ways the Authority can save money using the bid process with 12 other Authority's. Chairman Khachaturian said the electric costs have increased in the past few months. Jim Gorman asked if all the Authority's were locked into the same provider and how long is the bid good for. Mr. Fischer said it could be 1 or 2 years depending on the price.

Attorney's Report

Jim Gorman said he would like to discuss Conti and the Office/Lab Building HVAC bid in Closed Session.

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

TREASURER'S REPORT

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK TRUSTEE ACCOUNTS	Balance February 28, 2014
<u>UNRESTRICTED</u>	
Revenue Fund	\$ 0.00
General Fund	\$ 0.00
Total Unrestricted	0.00
<u>RESTRICTED</u>	
1985 Bond Service Fund	\$ 0.00
Total Restricted Funds	\$ 0.00
<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$ 1,357,152.94
Bond Service	\$.05
Total NJEIT	\$ 1,357,152.99
TOTAL TRUSTEE ACCOUNTS	\$ 13,357,152.99
TD BANK	
Incoming Revenue Account	\$ 9,559.51
Operating Regular Account	\$ 108,157.35
Reserve Account (NEW)	\$ 169,326.73
TOTAL AUTHORITY ACCOUNTS	\$ 9,208,416.36
TOTAL	\$10,565,569.35

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

SCHEDULE OF ACCOUNTS RECEIVABLE

SERVICE CHARGES:	Balance February 28, 2014
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	\$ 0.00
TOTAL	\$ 0.00

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY CHARGES

Hazlet Township Sewerage Authority	\$ 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	\$ 0.00
TOTAL	\$ 0.00

Balance of Rent Reserve Accounts as of January, 2014

Hazlet Township Sewerage Utility	\$ 739,998.88
Township of Holmdel	\$ 317,400.16
Borough of Union Beach	\$ 193,841.08
Borough of Keyport	\$ 321,929.72
Borough of Keansburg	\$ 302,080.48
Borough of Matawan	\$ 321,776.82
Western Monmouth Utilities Authority	\$ 111,740.42
Township of Aberdeen	\$ 468,236.89
TOTAL	\$2,777,004.45

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

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

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

Payment of Bills

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

Operating Fund Req. No. P156	\$ 370,285.68
Operating Fund Req. No. 505 (Regular)	\$ 245,773.28
Operating Fund Req. No. S-17 (Sandy)	\$ 458,994.22

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

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

Approval of Minutes

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

Agenda Meeting	February 10, 2014
Regular/Reorganization Meeting	February 24, 2014
Closed Session	February 10, 2014
Closed Session	February 24, 2014

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

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

Public Portion

ANNOUNCEMENT (by the Chairman): 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.

Charles Hoffman, Florence Avenue, Hazlet asked that in Resolution 43/14 a clause be put into the bid that the hauler not use Florence Avenue.

Bill Shewin of Hazlet (Resolution #41/14) asked if BRSA considered co-operative Peak Rate. He also asked (Resolution #42/14) if the HVAC units were electric or gas because gas is cheaper, if it had air handlers and electric control. He said depending on the brand BRSA should consider the maintenance cost, the conditions of the warrantee and the type of systems. Mr. Shewin asked Chairman Khachaturian if he was satisfied with the unit choice. Chairman Khachaturian informed Mr. Shewin that he is an Engineer, reviewed the specs and got all his questions answered.

Resolutions

RESOLUTION (41/14): to Participate in the Aggregate purchase of Basic Generation Services for Treatment Plant Electrical Power

WHEREAS, the Bayshore Regional Sewerage Authority is a member of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation (“NJSMUAESA”), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers; and

WHEREAS, the Authority desires to continue with the services of Gabel Associates as Energy Agent at a fee of \$0.0005 per KWH, and

WHEREAS, the NJSMUAESA intends to issue a Request for Bids in March 2014 for the purpose of seeking bids for electric generation service from licensed electric power suppliers; and

WHEREAS, it is the NJSMUAESA's intent to receive bid price submittals on or about the first week of April 2014; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day.

NOW, THEREFORE, BE IT RESOLVED that the Authority is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and the "Local Unit Electronic Technology Pilot Program and Study Act" (P.L. 2001, c.30).

BE IT FURTHER RESOLVED by the Authority that it hereby authorizes the Authority's Executive Director, to act in his sole discretion as the Authority's designated representative to award a contract to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued in March 2014.

BE IT FURTHER RESOLVED that notwithstanding the foregoing, the Authority's Executive Director may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*

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

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

RESOLUTION (43/14): to authorize the Staff to prepare and advertise contract specifications for the Annual Removal of Ash, Contract No. 76-O

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) has a need for an annual Contract for the Removal of Incinerator Ash, and

WHEREAS, the existing Contract with SpectraServ, Inc. has expired, and

WHEREAS, the estimated costs for this work shall exceed the public bidding threshold, and

WHEREAS, the BRSA requires authorization to solicit bids for a Public Contract, and

WHEREAS, the BRSA has funding available for this project, and

NOW THEREFORE BE IT RESOLVED by the Commissioners of the BRSA, that the BRSA Staff is hereby authorized to advertise for Public Contract in the Authority's official newspaper and web site for Contract No. 76-O, Annual Removal of Incinerator Ash for a period of two years, with the option for one extension, in accordance with Public Contracts law.

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

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

RESOLUTION (44/14): to award LSRP Environmental Consulting Services to the firm of O'Brien & Gere in the amount of \$36,100.00

WHEREAS, Resolution No. 147/13 approved O'Brien & Gere to be the Bayshore Regional Sewerage Authority's Licensed Site Remediation Professional (LSRP) for a 1993 spill case, and

WHEREAS, O'Brien & Gere has prepared a Proposal of its findings and recommendations dated March 17, 2014, and

WHEREAS, the proposal is for an amount not to exceed \$36,100, and

WHEREAS, the BRSA staff find the proposal to be fair and reasonable, and

WHEREAS, funds are available for this purpose, and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA hereby award the Proposal to O'Brien & Gere of Edison, NJ in accordance with the terms and conditions of the their proposal dated March 17, 2014, in the amount not to exceed \$36,100.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the Proposal to O'Brien & Gere of Edison, NJ

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

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

Public Portion

ANNOUNCEMENT (by Chairman Khachaturian) – 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.

Charles Hoffman, Florence Avenue, Hazlet said that on BRSA's Web Site there are no postings in the Public Notice category. He also said the meeting dates for 2014 are not posted. Mr. Hoffman was informed that the meeting dates were posted Monday afternoon and there were no recent Public Notices to post.

Bill Shewin, Hazlet asked questions about the crane used to install the turbine. He questioned why money was being spent on legal fees if the turbine was placed on the back burner.

Executive Session

Chairman Khachaturian calls for a **MOTION** to go into Closed Session at 8:15 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.

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

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

CLOSED SESSION MINUTES ARE RECORDED SEPERATELY

At 8:45 P.M. Chairman Khachaturian calls for a **MOTION** to end Closed Session.

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

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

RESOLUTION (42/14): to award Laboratory/Office HVAC Improvements Contract No. 72 to WHL Enterprises, Inc. t/a Bill Leary A/C & Heating in the amount of \$289,900.00

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) Laboratory and Operations Office Building was constructed in 1992, and

WHEREAS, the BRSA is in need to replace its existing HVAC units in the Laboratory/Office Building, and

WHEREAS, the BRSA approved Resolution No. 108/13 authorizing the staff and consulting engineer, R3m engineering, Inc. (R3m) to prepare specifications and advertise a Public Contract, and

WHEREAS, R3m prepared and advertised public contract documents for Laboratory/Office Building HVAC Improvements, Contract No. 72, and

WHEREAS, nine (9) sealed bids were received and publically opened on March 14, 2014 at 10am EST, from a low of \$289,900 to a high of \$422,250, and

WHEREAS, WHL Enterprises, Inc. T/A Bill Leary A/C & Heating (WHL) of Metuchen, NJ submitted the lowest bid of \$289,900, and

WHEREAS, the BRSA staff, attorney and R3m have reviewed the bids and are recommending award to WHL in the amount of \$289,900, and

WHEREAS, funds are available for this purpose, and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the BRSA hereby award the Contract to WHL Enterprises, Inc. T/A Bill Leary A/C & Heating of Metuchen, NJ in accordance with the terms and conditions of the Contract Documents, in the amount not to exceed \$289,900.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the Contract to WHL Enterprises, Inc. T/A Bill Leary A/C & Heating of Metuchen, NJ.

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

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

Adjournment

ANNOUNCEMENT (by Chairman Khachaturian)

The next Agenda/Regular Meeting of the Bayshore Regional Sewerage Authority is on Monday, April 21, 2014. All meetings are held in the Administration Building at 100 Oak Street, Union Beach, NJ. Commissioner McMullen and Commissioner Steiner announced that they would not be available for the April 21st meeting.

At 8:55 PM Chairman Khachaturian calls for a **MOTION** to Adjourn the meeting.

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

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

Respectfully Submitted,

Susan A. DuBey
Administrative Asst.