



BAYSHORE REGIONAL SEWERAGE AUTHORITY

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Robert C. Fischer
EXECUTIVE DIRECTOR

MINUTES FOR REGULAR MEETING MONDAY, JULY 18, 2016

Chairman Pisano called the Regular Meeting of the Bayshore Regional Sewerage Authority to order at 7:00 PM 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 Pisano 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 Pisano requested a roll call of attendance:

PRESENT: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

ABSENT: Commissioner McMullen

Also in Attendance: Robert C. Fischer, Executive Director

Pete Canal, BRSA Staff Engineer

J. Michael Broyles, BRSA Superintendent

Manuel Ponte, Consulting Engineer

Mitchell Jacobs, BRSA Attorney

Susan DuBey, Admin. Assistant

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Pete Canal introduced Mr. Michael Gallagher from Maser Consulting, the Project Manager for Yellow Brook Property Company, LLC - the Hidden Village at Aberdeen Project. He explained that the project will be built in 6 phases. The project consists of 200 rental units and a club house which will be paid for in advance of each phase. Mr. Gallagher explained that he was seeking a Developers Agreement that would divide the 18 building project into 6 phases, each phase contains 3 buildings. He explained the property layout and the proposed sewer connection which is one lateral (6 inch) per building connected to a header pipe that flows to the main.

Pete explained that the Attorneys from both sides would work out the Agreement and once it's fully executed and the 1st payment is received then the TWA would be signed. A question and answer period followed with the Commissioners and Mr. Gallagher.

RESOLUTION NO. (86/16):To Approve Yellow Brook Property Company, LLC Developer Agreement for Hidden Village at Aberdeen

WHEREAS, Yellow Brook Property Company, LLC (Developer), has requested to be allowed to enter into a Developer's Agreement with Bayshore Regional Sewerage Authority ("Authority") to provide sanitary sewer service to Hidden Village at Aberdeen, located at 1335, 1337, 1341-1343 Highway 34, further designated as Block 114, Lot 6, 7.01, & 13 in Township of Aberdeen, a 200 unit apartment complex with a club house, and

WHEREAS, the Developer is requesting payment for connection fees in a phased manner, and

WHEREAS, the Authority's Attorney will prepare a Developer's Agreement that is acceptable to the Developer and the Authority's Board of commissioners, and

WHEREAS, the Commissioners of the Authority deem it is in the best interest of the Authority to enter into said Developers Agreement, and

WHEREAS, Yellow Brook Property Company, LLC will execute the Developers Agreement, provide the Authority's Attorney with acceptable guarantees and submit the initial payment of connection fees under the terms and conditions of the Developer's Agreement, and

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority hereby authorize the execution of the Developer's Agreement with Yellow Brook Property Company, LLC contingent upon satisfaction of the above mentioned terms and conditions.

BE IT FURTHER RESOLVED upon satisfaction of the above terms and conditions, the Chairmen, Secretary and Executive Director are hereby directed to execute the Agreement and to file it with the Monmouth County Clerk's Office.

BE IT FURTHER RESOLVED that this approval is good for a one year period.

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

RESOLUTION No. (88/16):To approve Sanitary Sewer Connection and Treatment Works Approval Application for Yellow Brook Property Company, LLC, Developer for Hidden Village at Aberdeen

WHEREAS, Yellow Brook Property Company, LLC (Developer), is the project developer of Hidden Village at Aberdeen, located at 1335, 1337, 1341-1343 Highway 34, further designated as Block 114, Lot 6, 7.01, & 13 in Township of Aberdeen, a 200 unit apartment complex with a club house, and

WHEREAS, the Developer has indicated they have received all local approvals including local sanitary sewer approval, and

WHEREAS, the project is expected to generate 47,700 gallons per day of wastewater, and

WHEREAS, the Bayshore Regional Sewerage Authority ("Authority") Engineer has reviewed the Developers application and is recommending sanitary sewer connection approval, and

WHEREAS, Yellow Brook Property Company, LLC will execute the Developer's Agreement, pay all review and Attorney fees, provide the Authority's Attorney with acceptable guarantees and submit the initial payment of connection fees under the terms and conditions of the Developer's Agreement, and

NOW THEREFORE BE IT RESOLVED by the Bayshore Regional Sewerage Authority that Yellow Brook Property Company, LLC is hereby granted Bayshore Regional Sewerage Authority sanitary sewer approval for the above referenced project, contingent upon the above requirements, the execution of the aforementioned Developer's Agreement and the payment of the first installment of connection fees being \$308,782.

BE IT FURTHER RESOLVED the Executive Director is hereby authorized to execute the Statement of Consent documents and return the Treatment Works Approval application to the applicant for processing by the New Jersey Department of Environmental Protection upon execution of the Developer's Agreement and payment of all aforementioned fees.

BE IT FURTHER RESOLVED the Developer must properly maintain its sanitary sewer system in accordance with the Bayshore Regional Sewerage Authority Rules and Regulations, and

BE IT FURTHER RESOLVED that this approval is good for a one year period.

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

REPORTS

Executive Directors Report, BRSA Projects, Special Reports & Connection Applications

Mr. Fischer Reported:

- On June 16, 2016 Phase II note closed in the amount of \$11,233,243
- Second project – Power Distribution System – will not be ready until Sept. and a supplemental loan in the amount of \$7,000,000 will be provided.
- Requisition #12 was developed after the June meeting in the amount of \$2,100,704.62. Of that \$1,222,923.50 will be submitted for FEMA reimbursement and \$154,220.06 will be submitted to the SAIL Loan Principal Forgiveness.
- This month Stone Hill Construction (NIRO) payment application is for \$364,517.24 – Application #13 – 85% completion, Remsco (Pump Station) payment application is for \$216,189.76 – Application #10 – 75% completion and Shorelands (Various Bldgs.) did not submit a payment application – 80% completion.
- Of the total short term loan amount to date, construction cost represent 90%, engineering is 8%, administrative is 1%, and NJEIT Technical Fee is 1%. FEMA reimbursable portion stands at \$10,561,963.59 or 60%.
- An account for NJEIT Phase II needs to be opened to segregate the Combined Blower and Power Distribution Projects from the other 3Phase I Projects. This is a very complicated and detailed system keeping track of the funds, and separating Phase I & II funding is important.
- A pre-construction meeting on Contract 80-S took place on July 13th with Stone Hill Construction NJEIT, DEP, Hazen & Sawyer - waiting for land use general permit for the relocation of the main switch gear which is going into a deed restricted area.

Staff Engineer Report

Pete Canal Reported:

- Collection System Rehabilitation Project-Contract 95/Phase 1- design by Gannett Fleming almost complete. Resolution to authorize the advertisement of bids for this project. Possible September Award
- WKPS Odor and Corrosion Control Project – Contract 90 – we had 2 bidders - MBE \$649,000 and Stone Hill Construction bid \$1.12 million, the engineers estimate was \$700,000. MBE's withdrawal due to math error and reported it to us immediately. We had a meeting and they showed us their books and satisfied evidence that the error was legitimate. The amount was suppose to be \$770,000, the bonding company sent us over proof. MBE has been advised that they cannot bid on this project. We will to accept the withdrawal and rebid the project. If the rebid comes in over the estimate we can reject that bid and negotiate a price.
- Combined Blower Building Project – shop drawings have been submitted and expect project to move into construction soon.

Consulting Engineer – R3M

Manuel Ponte Reported:

- Various Plant Building Project is 85% complete. Waiting on equipment from the factory.
- Emergency Generator #1 was completed and load tested which failed and a controller was replaced and successfully retested.

Superintendent's Report

Mike Broyles Reported:

- Treatment Plant flow remains low.
- Effluent quality is not up to the usual standard. A couple of issues such as the shutdown of the aeration system to install the turbo blower and the hot weather degraded the quality in Plant #1.
- There were 2 odor complaints in June.
- Dorr Oliver had 2 scheduled shut downs (for electrician to make tie-in to the new system) and 2 unscheduled shutdowns (for equipment problems, not the reactor).
- Working to get all the equipment on the fiber optic cable - new and old.

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MOTION (by Chairman Pisano) – to accept the Treasurers Report

6. TREASURER'S REPORT

STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS

TD BANK	Balance
TRUSTEE ACCOUNTS	June 30, 2016
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<u>2010 NJEIT BONDS</u>	
Revenue	\$ 0.00
Construction	\$ 1,357,469.97
Bond Service	\$.05
Total 2010 Accounts	\$ 1,357,470.02
TD BANK	
NJEIT Project Fund	\$ 2,096,696.22
Incoming Revenue Account	\$ 751,477.39
Operating Regular Account	\$ 419,770.06
Operating Reserve Account	\$ 10,041,805.13
Operating Payroll Account	\$ 184,243.11
TOTAL AUTHORITY ACCOUNTS	\$13,493,991.91
TOTAL	\$14,851,461.93

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
SERVICE CHARGES:	June 30, 2016
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Hazlet Township Sewerage Utility	\$ -570,834.25
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	\$ -570,834.25
OUTFALL AUTHORITY CHARGES	
Hazlet Township Sewerage Authority	\$ -70,137.09
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	\$ -70,137.09

Balance of Rent Reserve Accounts as of June 30, 2016

Hazlet Township Sewerage Utility	\$	752,997.04
Township of Holmdel	\$	318,511.50
Borough of Union Beach	\$	194,519.79
Borough of Keyport	\$	323,056.92
Borough of Keansburg	\$	303,138.18
Borough of Matawan	\$	322,903.49
Western Monmouth Utilities Authority	\$	95,500.95
Township of Aberdeen	\$	<u>482,955.42</u>
TOTAL	\$	2,793,583.29

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

7. PAYMENT OF BILLS

MOTION (by Chairman Pisano) - for payment of the following:

Operating Fund Req. No.P187 (Payroll)	\$	203,223.38
Operating Fund Req. No. 537 (Regular)	\$	582,409.64
NJEIT Project Fund Req. #PF-14	\$	658,334.18
Wire Transfer FEMA Funds to NJEIT #WT010	\$	1,489,289.63

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

8. APPROVAL OF MINUTES

MOTION (by Chairman Pisano) - to approve the following Minutes:

Regular Meeting of June 20, 2016

Closed Session Minutes of June 20, 2016

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

Public Portion

ANNOUNCEMENT (by Chairman Pisano): This portion of the meeting is now open to the public for comments or questions related to Agenda items only.

NO PUBLIC IN ATTENDANCE

Resolutions

RESOLUTION (83/16): To Authorize the Opening of a 2016 NJEIT Project Fund-Phase II Checking Account and Permit Transfer of Funds Electronically

BE IT RESOLVED, by the Bayshore Regional Sewerage Authority:

1. That an account be opened and maintained with **TD BANK** (hereinafter called the Bank) titled **2016 NJEIT Project Fund-Phase II**, and there may be deposited to its credit in one or more accounts with the Bank, any money, check and other instruments which may come into possession of this Authority. Items for deposit, collection or discount may be endorsed by any person authorized to sign checks, or endorsements thereof, may be made in writing or by a stamp without designation of the person so endorsing.
2. Any three of the following: Executive Director, Chairman, Vice-Chairman, Secretary, Treasurer, Assistant Secretary, or Assistant Treasurer of this Authority are authorized, on behalf of this Authority and in its name, (a) to sign checks, savings withdrawals, drafts, notes, acceptances, and other instruments and orders for the payment of money or for the withdrawal or delivery of funds or other property at any time held by the Bank for the account of this Authority, and to receive any thereof, and to issue instructions for the conduct of any account of this Authority with the Bank, (b) to accept drafts, and other instruments payable at the Bank; and to waive demand, protest, and notice of protest or dishonor of any instrument made, drawn, or endorsed by this Authority; and (c) to endorse, negotiate, and receive, or authorize the payment of, the proceeds of, any negotiable or other instruments or orders for the payment of money payable to or belonging to this Authority.
3. The Executive Director is authorized to electronically transfer funds into and out of said account after formal authorization from the Board of Commissioners for the purpose of conducting Authority business transactions. Said formal authorization shall be in the form of a Requisition signed by BRSA's Treasurer or Assistant Treasurer, stating the amount of transfer from said account. The Requisition shall include the name of the recipient, amount to be paid, purpose of payment, recipient's bank account & routing numbers.

BE IT FURTHER RESOLVED that the foregoing Resolution shall continue in full force and effect and Bank may rely on them until a certified copy of a subsequent Resolution of the Board of Directors of this Authority modifying or rescinding any or all such Resolutions shall have been actually received by the Bank.

I FURTHER CERTIFY that the names of the persons who respectively hold the offices or positions mentioned in the foregoing Resolutions and their actual signatures are as follows:

ROBERT C. FISCHER	Executive Director	_____
LOUIS PISANO	Chairman	_____
MARCY MCMULLEN	Vice Chairman	_____
ADAM KHACHATURIAN	Secretary	_____

CHARLES STEINER Asst. Secretary _____
BART SUTTON Treasurer _____
SCOTT WHALEN Asst. Treasurer _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 18th day of July 2016

/s/ _____, **BRSA Secretary**
Adam Khachaturian

I, Bart Sutton, Chairman of the above named Authority, do hereby certify that Charles Steiner, the Secretary of said Authority, is duly authorized to sign as above stated, without other signature, according to the above Resolution.

WITNESS my hand and the seal of said Authority the day and year above written.
(seal)

/s/ _____, **BRSA Chairman**
Louis Pisano

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

RESOLUTION (NO. 84/16): To Allow MBE Mark III Electric, Inc. Withdraw its Bid for West Keansburg Pump Station Odor Control Facility Project

WHEREAS, the Bayshore Regional Sewerage Authority (the "Authority") received bids on June 16, 2016, for the West Keansburg Pump Station Odor Control Facility Project (the "Project"); and

WHEREAS, the apparent low bidder MBE Mark III Electric, Inc. ("MBE"), pursuant to N.J.S.A. 40A:11-23.3, requested to withdraw its bid due to a mathematical error; and

WHEREAS, the Authority's Engineer and Attorney have reviewed the documentation submitted by MBE and agree that it supports MBE's request that the mistake was significant and to enforce the contract be unconscionable; and

WHEREAS, the withdrawal of the bid does not seriously prejudice the Authority except for the loss of the bargain.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the bid of MBE for the above referenced project may be withdrawn and MBE shall be disqualified from future bidding on this project.

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

RESOLUTION (NO. 85/16): Rejecting all Bids for the West Keansburg Pump Station Odor Control Facility Project

WHEREAS, the Bayshore Regional Sewerage Authority (the "Authority") received bids on June 16, 2016, for the West Keansburg Pump Station Odor Control Facility Project (the "Project"); and

WHEREAS, the apparent low bidder MBE Mark III Electric, Inc. ("MBE"), pursuant to N.J.S.A. 40A:11-23.3, requested to withdraw its bid due to a mathematical error; and

WHEREAS, the Authority has reviewed and approved MBE's request to withdraw; and

WHEREAS, the remaining bidder, Stone Hill Contracting Co.'s ("Stone Hill") bid substantially exceeded the Authority's cost estimate for the project; and

WHEREAS, pursuant to N.J.S.A. 40A:11-13.2a has determined to reject Stone Hill's bid and authorize the Authority to re-advertise the project.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that all bids for the above referenced project are hereby rejected and the Authority shall re-advertise for the West Keansburg Pump Station Odor Control Facility Project.

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

RESOLUTION No. (87/16): To Authorize Advertisement for Bids on the Interceptor Sewer Rehabilitation Project Phase 1, Contract 95

WHEREAS, the Bayshore Regional Sewerage Authority ("Authority") owns and operates interceptor sewers in Keyport, Hazlet and Union Beach that are in need of rehabilitation; and

WHEREAS, the Authority contracted Gannett Fleming to design the interceptor sewer rehabilitation improvements necessary by Resolution #53/15; and

WHEREAS, Gannett Fleming has completed the design of the project and has developed public bidding documents for solicitation of public bids; and

WHEREAS, the funds are available for this purpose.

NOW THEREFORE BE IT RESOLVED the Commissioners of Bayshore Regional Sewerage Authority authorize the Qualified Purchasing Agent to advertise for bids for the Interceptor Sewer Rehabilitation Project, Contract 95, in the Authority Official Newspaper and on the Authority Website.

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

Public Portion

NO PUBLIC IN ATTENDANCE

Executive Session

Chairman Pisano announced that there were no items for Closed Session.

Adjournment

ANNOUNCEMENT (by Chairman Pisano)

The next Regular Meeting of the Bayshore Regional Sewerage Authority will be held on Monday, August 15, 2016. All meetings are held at 7:00 PM in the Administration Building at 100 Oak Street, Union Beach, NJ.

MOTION (by Chairman Pisano) to adjourn the meeting @ 7:38 PM.

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

AYES: Commissioners Khachaturian, Steiner, Sutton, Whalen and Chairman Pisano

Respectfully Submitted,

Susan A. DuBey
Administrative Assistant