

MINUTES
PUBLIC HEARING & REGULAR MEETING
MONDAY, JULY 16, 2018

At 7:01 P.M., Chairman Steiner made the following announcement:

The Regular Meeting of the Bayshore Regional Sewerage Authority will now come to order. 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 Newark Star Ledger and 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 Steiner 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 Steiner called for a roll call of attendance:

PRESENT: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

ABSENT: Commissioners Khachaturian and McMullen

Also In Attendance: Mr. Robert C. Fischer, Executive Director
J. Michael Broyles, Superintendent
Pete Canal, Chief Engineer
Manuel Ponte, P.E., Consulting Engineer
Mike Samuels, P.E., R3M Engineers
Michael Bart, Bart & Bart, Accountant
John Napolitano, Esq.
Susan DuBey, Admin. Assistant
Mark Tabakin, Esq. (arrived @ 7:30pm)

CONNECTION FEE PUBLIC HEARING minutes are recorded by a court stenographer.

MOTION (by **Chairman Steiner**) to adjourn the Public Hearing at 7:08 P.M and Open the Regular Meeting.

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

RESOLUTION No. (77/18): To adopt the 2018/2019 Connection Fee

WHEREAS, in accordance with the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., governing the Bayshore Regional Sewerage Authority (“Authority”), as amended, and Rules and Regulations of the Bayshore Regional Sewerage Authority, the Authority has conducted a Public Hearing on its Revised Connection Fee based on the 2017 Audit and Connection Fee calculation prepared by the Authority Certified Public Accountant as well as the 2017 (EDU) Equivalent Domestic Unit report prepared by the Authority Consulting Engineer; and

WHEREAS, the Authority specifically finds it to be reasonable and necessary to adopt the annexed connection fee charge.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the Revised Connection Fee of the Authority is hereby adopted and approved.

BE IT FURTHER RESOLVED that the Connection Fee on the attached Exhibit “E” (partial) be, and is hereby incorporated and made part of the Section 7 “Fees” of the Rules and Regulations of the Authority until such time that a revised connection fee is adopted by the Authority.

**BAYSHORE REGIONAL SEWERAGE AUTHORITY
EXHIBIT “E” (partial)**

Connection Fees

In accordance with NJSA 40:14A-8, the Bayshore Regional Sewerage Authority hereby establishes connection fees for a direct or indirect connection with, or the use of services of the Authority Sewerage System for the Year 2018/2019.

Connection fee \$5,036.00 for the year 2018/2019 fiscal year

By Order of Resolution (77/18)
Bayshore Regional Sewerage Authority
100 Oak Street
Union Beach, NJ 07735

Adam Khachaturian, Secretary

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

REPORTS

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

Mr. Fischer Reported:

Disaster Recovery Update

- NIRO project has been the same for the last few months, a few things still have to be closed out
- Pursuing an extended warranty of the CPPE Mercury removal system.
- Combined Blower Building is primarily complete except the commissioning of the control system for the valves and some punch list items. This project should be closed in the next 2 months.
- PKF- raising of the Power Distribution System-the manufacturer of the switch gear enclosure (Cruz and Wagner) filed Chapter 7 last week. The factory acceptance test was scheduled for July 11th and when PKF & GE flew out to witness the test were refused entrance due to an “emergency employees meeting”. As it stands now there were 5 enclosures and 1 main switch gear. T1, T2 and T3 are complete and waiting for factory acceptance test. T4,5 &6 the gears are built but not the enclosures. They were waiting for T1,2&3 to be shipped out to make room on the floor to build T4,5 &6 enclosures. The main gear enclosure has been built but the gear has not been sent over. Of all 6 components 3 are complete. We had a meeting today with PKF to find out how we get that equipment shipped to the Authority. GE had a high level meeting today and get back to PKF tomorrow to give them an update. Logically they should release the completed components and get that money but the legal process will have to take its course. We may have to direct GE to have the components made by someone else and that will take about 6 months. The good news is that the BRSA and PKF has not paid a dime towards the equipment.

Commissioner Cavanagh asked who owns the equipment. Mr. Fischer said GE.

John Napolitano said we probable have to go through a bankruptcy lawyer.

Commissioner Sutton asked John if we could get Homeland Security involved. John said we could asked FEMA to intercede with the bankruptcy court.

Mr. Fischer continued with PKF’s plan to put all the power into T2. T1 is has been removed but it is on site, by their requirement, so if something happens to T2 they could put T1 back on line. If this goes long term we will have PKF move T1 back in place or have wires set up so if something happened to T2 they could get out here and connect T1 to get us back up.

Disaster Funding

- PKF Mark III submitted payment application #8 in the amount of \$42,402.64
- On Wednesday, May 16th the Authority staff, Consulting Engineer, NJOEM & FEMA in reference to Change Orders from Contracts 71S,72S, 73S, 74S. FEMA had a lot of questions which we answered and they are reviewing the paperwork for approval.
- On June 22nd a conference call was placed with our consulting engineer, authority staff and FEMA- questions regarding the power resiliency project. FEMA wanted to know the placement of the units, and the sizing of the units. There is a feeling FEMA is working with us in regards to this project.

Collective Bargaining Agreement

- Nothing new with negotiations. Waiting for people to return from vacation.

R3M/Pure Technologies

- Completed the inspection of all three sewage pump station force mains using the “Smart Ball” on Raritan Valley & Keansburg and the “Pipediver” on Matawan by Pure Technologies.

Ethan from Pure Tech. and Mike Samuels from R3M explained the difference between the smart ball and pipediver, how they work and the information each one will provide.

- Meeting with the DEP in Trenton today in reference with the permitting of the Dorr Oliver Incinerator. The DEP is considering the Dorr Oliver as an existing incinerator. Both the NIRO and Dorr Oliver incinerators far exceed the stack test requirement.

Staff Engineer Report

Given By Pete Canal:

- Collection System Rehab-the RFP sent out to CDM, CH2MHill, Gannett Fleming & Hazen and are due in by July 31st for a possible award at the August meeting
- Clark Street-Matawan Force Main – final paving of the road will take place.
- Matawan & West Keansburg Pump Stations Control Panels system upgrade. Having problems with the old system which is antiquated and we cannot get any replacement parts. So we are replacing the PLC in-house with Morehouse Engineering.
- Award Amendment #2 to Chavond Barry Engineering for fees to perform the NOx retest in the amount not to exceed \$9,100
- Award Change Order #1 to Karl Deigert Enterprises for Contract #105-Standby Repair & Service in a credit amount of (9,075).
- Approve developers project of Popeye’s Restaurant in Hazlet

Consulting Engineer – R3M

Manuel Ponte Reported:

Superintendent’s Report

Mike Broyles Reported:

- The flow for April was pretty much in the middle of what the average flow is for the plant; despite the fact that we did about 50 mg in 4 days with all the rain.
- Effluent quality is a little lower mainly because of the high flow
- We had a 4 hour air flow shut down on the Combined Blowers while to contractors completed some work. The shutdown impacts the effluent but we were well under the permit limit.
- There were three odor complaints 2 from Mr. Lauro and one from Mrs. Myers during the month of April.

Chairman Steiner called for a **MOTION** to approve the Treasurer’s Report

TREASURER’S REPORT

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

**TREASURER'S REPORT
STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS**

TD BANK	Balance
TRUSTEE ACCOUNTS	June 30, 2018
<u>2010 NJEIT BONDS</u>	
Construction	\$ 1,362,961.31
Bond Service	\$ <u>.05</u>
Total NJEIT	\$ 1,362,961.36
TD BANK	
Lakeland Bank-CD	\$ 1,004,472.22
Cash Management	\$ 2,010,591.42
NJEIT Project Fund	\$ 5,566,445.98
NJEIT Project Fund #2	\$ 725,740.44
Incoming Revenue Account	\$ 280,605.61
Operating Regular Account	\$ 1,753,604.20
Operating Reserve Account	\$ 12,727,574.78
Operating Payroll Account	\$ <u>788,908.03</u>
TOTAL AUTHORITY ACCOUNTS	\$ 24,857,942.68
TOTAL	\$ 26,220,904.04

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

	Balance
	June 30, 2018
SERVICE CHARGES:	
Hazlet Township Sewerage Utility	\$ -655,937.25
Township of Holmdel	\$ -253,380.75
Borough of Union Beach	\$ -170,330.00
Borough of Keyport	\$ 0.00
Borough of Keansburg	\$ -201,606.25
Borough of Matawan	\$ -249,475.50
Western Monmouth Utilities Authority	\$ -88,052.00
Township of Aberdeen	\$ <u>-413,713.75</u>
TOTAL	\$ -2,032,495.50
OUTFALL AUTHORITY CHARGES	
Hazlet Township Sewerage Authority	\$ -68,673.09
Township of Holmdel	\$ -26,527.61
Borough of Union Beach	\$ -17,832.64
Borough of Keyport	\$ 0.00
Borough of Keansburg	\$ -21,107.08
Borough of Matawan	\$ -26,118.73
Western Monmouth Utilities Authority	\$ -9,218.56
Township of Aberdeen	\$ <u>-43,313.59</u>
TOTAL	\$ -212,791.30

Balance of Rent Reserve Accounts as of April 30, 2018

Hazlet Township Sewerage Utility	\$	756,221.63
Township of Holmdel	\$	319,875.48
Borough of Union Beach	\$	195,352.79
Borough of Keyport	\$	285,517.39
Borough of Keansburg	\$	304,436.32
Borough of Matawan	\$	324,286.27
Western Monmouth Utilities Authority	\$	97,410.60
Township of Aberdeen	\$	<u>457,691.10</u>
TOTAL	\$	2,740,791.58

PAYMENT OF REQUISITIONS

Chairman Steiner calls for a **MOTION** - to approve payment of bills listed on:

Operating Fund Req. No. 561 (Regular)	\$	927,518.15
Payroll Account Req. No.P209 (Payroll)	\$	223,413.70
NJEIT Project Fund Req. #PF- 35	\$	8,583.36
NJEIT Project Fund #2 Req. #PF-21	\$	417,834.25

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

APPROVAL OF MINUTES

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

Regular Meeting Minutes of June 18, 2018

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

PUBLIC PORTION

Chairman Steiner announced that this portion of the meeting is now open to the public for comments or questions related to **Regular Meeting 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.

NO COMMENTS FROM THE PUBLIC

RESOLUTIONS

RESOLUTION No. (78/18): To award Change Order No. 1 in the credit amount of \$9,075.00 to Karl Deigert Enterprises, Inc. for Contract 103, Annual Standby Repair and Service Contract

WHEREAS, the Bayshore Regional Sewerage Authority (Authority) has a need to perform various repairs and service work throughout the Authority's system; and

WHEREAS, in accordance with Local Public Contracts Law, Karl Deigert Enterprises, Inc. was awarded Contract No. 103, Annual Standby Repair and Service Contract in the amount of \$461,191.50 by Resolution No. 51/18; and

WHEREAS, there is a need to amend the Contract to credit a change in the scope of work for the deletion of resin injection tubes in the amount of \$9,075.00; and

WHEREAS, the Authority and its Consulting Engineer, R3M Engineering, Inc. have prepared Change Order No. 1, dated 7/2/18 to amend the Contract, in the credit amount of \$9,075.00.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority approve Change Order No. 1 for Karl Deigert Enterprises, Inc., in the credit amount of \$9,075.00, decreasing the total Contract value to \$452,116.50.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to approve this Change Order.

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

RESOLUTION No. (79/18): To Authorize an Engineering Amendment to Chavond Barry Engineers for re-testing of NOx during the Stack Test of NIRO Incinerator, in the amount of \$9,100.

WHEREAS, through Resolution 53/18, the Bayshore Regional Sewerage Authority (the "Authority") contracted with Chavond Barry Engineers ("CBE") for the Annual Stack Test of NIRO Incinerator for an amount not to exceed \$67,600; and

WHEREAS, the Authority previously approved Resolutions No. 67/18 for Amendment No.1 in the amount of \$11,761.91 for delays due to operational problems caused by unexpectedly high sludge concentrations, resulting in high incinerator temperatures; and

WHEREAS, due to the unexpected high sludge concentrations during testing, the emissions measured during testing indicated that NOx on a lb/ton and lb/hr basis were not in compliance with Bayshore's permit and NJDEP is requiring re-testing; and

WHEREAS, CBE and their sub-consultant Gammie Air Monitoring, Inc. submitted a proposal dated June 20, 2018 for Amendment No. 2, in the amount of \$9,100 for fees to perform the NOx retest; and

WHEREAS, the Authority Chief Engineer and Executive Director have reviewed the amendment proposal and find the amendment request dated June 20, 2018 to be fair and reasonable and represent work that was beyond the original scope of work; and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Testing and Analysis line item, to cover the maximum dollar value of the pending contract as set forth in this Resolution.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority hereby approve a contract amendment No.2 in the amount of \$9,100 to Chavond Barry Engineers of Blawenburg, NJ in accordance with the terms and conditions of its correspondence dated May 8, 2018, increasing their budget amount to \$88,461.91.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute the contract amendment with CBE of Blawenburg, NJ.

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

RESOLUTION No. (80/18): To Award Contract for Pump Station Control System Upgrade and Support Services to Morehouse Engineering for Cost Not To Exceed \$67,370

WHEREAS, the Bayshore Regional Sewerage Authority (the “Authority”) owns and operates the Matawan and West Keansburg Sewage Pump Stations; and

WHEREAS, the Authority is desirous of upgrading the existing pump control PLC’s due to their age, failure history and difficulty in obtaining parts; and

WHEREAS, a failure of the Matawan or West Keansburg Pump Stations would impact the health, safety and welfare of the Authority staff, surrounding community and environment; and

WHEREAS, Morehouse Engineering (“Morehouse”) the Authority Process Control and Instrumentation Consulting Engineers has provide the Authority with a professional services proposal to design the new control systems, provide the Authority with a material list for Authority purchase and provide support services for the Authority installation of the new control systems at Matawan and West Keansburg Pump Stations; and

WHEREAS, the time and expense proposal cost of \$67,370 has been reviewed by the Authority staff and found to be reasonable for the scope of services provided; and

WHEREAS, the Local Public Contracts Law provides an exemption from competitive bidding of contracts for professional services; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the unrestricted net position line item of the capital budget, to cover the maximum dollar value of the pending contract as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority hereby award a contract in the amount of \$67,370 to Morehouse Engineering, Inc. of Hopewell, NJ in accordance with the terms and conditions of its proposal dated June 27, 2018.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute the contract with Morehouse Engineering of Hopewell, NJ. and place a notice in the official newspapers of the Authority on the award of the contract.

OFFEDER BY: Commissioner Sutton, SECONDED BY: Commissioner Whalen, and carried by

a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

RESOLUTION No. (81/18): To Approve Sanitary Sewer Connection Application for DeVimy Equities, LLC, Developer for Popeye's Restaurant

WHEREAS, DeVimy Equities, LLC ("Developer"), is the project developer of a Popeye's Restaurant, located at 1228-1242 NJSH Route 36, further designated as Block 66, Lots 13 & 14 in the Township of Hazlet, a 3 Equivalent Dwelling Units ("EDU's") Project; 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 690 gallons per day of wastewater; and

WHEREAS, the Bayshore Regional Sewerage Authority ("Authority") Chief Engineer has reviewed the Developer's application and is recommending sanitary sewer connection approval; and

WHEREAS, the Developer has paid the review fee of \$82.70 and connection fee of \$15,003.00.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that sanitary sewer approval for the above referenced project is hereby granted to DeVimy Equities, LLC.

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 Whalen, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

PUBLIC PORTION

Chairman Steiner announces: 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 to 3 minutes.

Executive Session

Chairman Steiner called for a **MOTION** to go into Closed Session at 8:37 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 or **anticipated litigation, contract negotiations and matters of employment of public employees.** 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 Cavanagh, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

Closed Session Minutes are Recorded Separately.

END CLOSED SESSION

Chairman Steiner calls for a **MOTION** to End Closed Session and Re-Open the Regular Meeting @ 9:46 P.M.

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

RESOLUTION No. (82/18): To Hire a Qualified Purchasing Agent

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) is a public body corporate and politic organized and existing under and pursuant to the Sewerage Authorities Law; and

WHEREAS, for the more efficient operation of the Authority the Bayshore Regional Sewerage Authority has a need to hire a new employee in the position of Purchasing Clerk to fill a position vacated by a former employee; and

WHEREAS, the Authority Management staff have interviewed qualified candidates for the position of (Qualified) Purchasing Clerk; and

WHEREAS, Carolann Weisel of Jackson, NJ has demonstrated through her resume and interview the qualities for the position available; and

WHEREAS, in order to provide for a smooth and efficient transition of the Purchasing Agent/Inventory Clerk position the Executive Director recommends Ms. Weisel work alongside our current part time temporary Qualified Purchasing agent for a period of three (3) months; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the salary line item, to cover the maximum dollar value of the Purchasing Agent position as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority deem it in the best interest of the Authority to accept the Executive Directors recommendation and hereby hires Ms. Weisel as Purchasing Agent/Inventory Clerk as of August 6, 2018 in accordance with the pay rate contained within the current collective bargaining agreement.

BE IT FURTHER RESOLVED subsequent to an acceptable 90 day probationary period Ms. Carolann Weisel be granted all of the benefits of employment as a regular full time employee of the Bayshore Regional Sewerage Authority.

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

ANNOUNCEMENT (by Chairman Steiner):

The next Regular Meeting of the B.R.S.A. is scheduled for August 20, 2018, at 7:00 P.M. All meetings take place in the Administration Building of the Authority located at 100 Oak Street, Union Beach, NJ 07735.

At 9:50 P.M., Chairman Steiner called for a **MOTION** to Adjourn the meeting.

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

AYES: Commissioners Cavanagh, Sutton, Whalen and Chairman Steiner

Respectfully submitted,
Susan DuBey
Administrative Assistant