

MINUTES
REORGANIZATION
& REGULAR MEETING
MONDAY, FEBRUARY 25, 2019

At 7:00 P.M., Chairman Steiner makes the following announcement:

The Reorganization 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, Khachaturian, McMullen, Sutton, Whalen and Chairman Steiner

Also In Attendance: Mr. Robert C. Fischer, Executive Director
J. Michael Broyles, Superintendent
John Napolitano, General Counsel
Manuel Ponte, P.E., Consulting Engineer
Peter J. Canal, BRSA Engineer
Susan DuBey, Admin. Assistant
John Draikiwicz, Gibbons P.C.
Mark Tabakin, Esq.

MOTIONS FOR REORGANIZATION

Chairman Steiner called for **MOTIONS** on the following:

MOTION - for the office of **CHAIRMAN** - **Commissioner Whalen**

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

Chairman Whalen called for **MOTIONS** on the following:

MOTION - for the office of **VICE-CHAIRMAN** – **Commissioner Khachaturian**

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

MOTION - for the office of **TREASURER** – **Commissioner Cavanagh**

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

MOTION - for the office of **ASSIST-TREASURER** – **Commissioner Bart Sutton**

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

MOTION - for the office of **SECRETARY** - **Commissioner McMullen**

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

MOTION - for the office of **ASSIST-SECRETARY** – **Commissioner Charles Steiner**

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

PUBLIC PORTION

ANNOUNCEMENT (by **Chairman Whalen**): 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.

NO ONE FROM THE PUBLIC SPOKE

RESOLUTIONS

Resolutions #13 through #28 are by Consent Agenda. All matters listed under Consent Agenda are considered to be routine. If discussion is desired by any Board member, that item will be removed and will be considered separately.

RESOLUTION (13/19): To Adopt a Non-Fair and Open Policy for Annual Professional Service Contracts

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to acquire Professional Services as a Non-Fair and Open Contract pursuant to the provisions of NJSA 19:44A-20.5, and

WHEREAS, the Executive Director has determined and certified in writing that the value of certain Professional Service Contracts may exceed \$17,500.00, and

WHEREAS, the anticipated term of the Professional Service Contracts is one year, and

WHEREAS, Professionals seeking contracts with the Authority under the Non-Fair and Open process must submit acceptable Business Entity Disclosure Certifications which certify that the Professionals have not made any reportable contributions to any Political or Candidate Committee in the Township of Hazlet and Holmdel or the Borough of Union Beach or to any of the Political Candidate Committees of customer Towns or Legislative District listed on the Bayshore Regional Sewerage Authority Disclosure Form in the previous one year and that each respective contract will prohibit the Professional from making any reportable contribution through the terms of their respective contracts; and they have also submitted Political Contribution Disclosure Forms listing all reportable contributions made in the 12 months prior.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority adopt a Non-Fair and Open Policy for Professional Service Contracts as described in the Memorandum dated February 25, 2019 from the Executive Director.

RESOLUTION (14/19): To Designating the Asbury Park Press, as the Official newspaper and www. Bayshorersa.com as the BRSA Official Website.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) is required to make publication of various notices, bids and other items in a local newspaper from time to time and may also make publication of such notices, bids and other items on its official website.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the official newspaper of the Bayshore Regional Sewerage Authority within which such notices shall be placed, be and is hereby designated as *The Asbury Park Press*,

BE IT FURTHER RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority www.bayshorersa.com is the Official Website of the Bayshore Regional Sewerage Authority.

RESOLUTION (15/19): Re-adopt a Cash Management Plan as set forth pursuant to provisions of NJSA 40A: 5-14.

WHEREAS, pursuant to the provisions of NJSA 40A:5–14, the Bayshore Regional Sewerage Authority (“Authority”) is required to establish a Cash Management Plan (“Plan”) and;

WHEREAS the Plan is required in order to set forth the basis for deposits and investments of public funds of said Authority; and

WHEREAS, the Plan is intended to assure that all public funds identified within it are deposited and invested in compliance with the terms set forth and required by N.J. S.A. 40A:5-14, and

WHEREAS, the Authority’s Auditor and its Commissioners have reviewed the following Plan,

NOW THEREFORE be it resolved by the Commissioners of the Bayshore Regional Sewerage Authority as follows:

Cash Management Plan

I. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J. S.A. 40A: 5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Bayshore Regional Sewerage Authority (BRSA), pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The further intent of the Plan is to provide that the decisions made with regard to the Deposits and Permitted Investments will be done to ensure the safety, liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments,

II. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN.

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Bayshore Regional Sewerage Authority:

- | | |
|-------------------|-------------------------|
| Revenue Fund | NJ Cash Management Fund |
| Reserve Fund | NJEIT Project Fund |
| Operating Fund | NJEIT Project Fund II |
| Payroll Fund | Lakeland Bank CD |
| Debt Service Fund | TD Bank CD |

Other Trustee Funds/Trustee Accounts, as may be required by trust or bond indenture

The custodian of the accounts shall be the Treasurer. All disbursements shall be made by checks signed by three authorized signatures with the exception of Payroll, which requires two signatures. Authorized Signers shall be the Commissioners of the Authority and Executive Director.

III. DESIGNATION OF OFFICIALS OF THE AUTHORITY AUTHORIZED TO MAKE DEPOSITS OR INVESTMENTS UNDER THE PLAN.

The Executive Director (the "Designated Official") is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such official of the Authority is directed to supply all depositories or, any other parties, with whom the Deposits or Permitted Investments are made a written copy of this Plan, which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

IV. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan.

TD Bank, National Association

Lakeland Bancorp, Inc.

All such depositories shall acknowledge in writing receipt of this plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

V. DESIGNATION OF INVESTMENT STRATEGY

In order to provide guidance with regard to investments of Authority funds, the following policies are established for each fund.

Incoming Revenue Fund - All revenue of the Authority shall be deposited in the Incoming Revenue Fund. From the Incoming Revenue Fund, monies may be transferred to other Authority Accounts/Funds. Funds for the monthly Regular and Payroll payables shall be held in the Incoming Revenue Fund. Deposits or Investments shall be "laddered" in amounts required to cover approved bills in the paying accounts and shall be available on the Thursday after the Regular Meeting of the Authority. Funds are to be invested in U.S. Treasury Bills, Certificates of Deposit or Institutional Liquid Assets Treasury Obligations Portfolio.

Reserve Fund - Funds not immediately needed for Authority purposes shall be maintained in the Reserve Fund. Funds are to be "laddered" up to a maximum of 36 months and are to be invested in U.S. Treasury Bills, Certificate of Deposit and Notes, The New Jersey Cash Management Fund or Institutional Liquid Assets Treasury Obligations Portfolio.

VI. PERMISSIBLE INVESTMENTS

A. Investments shall be limited by the express authority of the Local Fiscal Affairs Law, N.J.S.A. 40A: 5:15. 1 and except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds,
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 3 years from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 3 years from the date of purchase, approved by the Division of Investment of the Department of Treasury for investment by Local Units;
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section I of P.L. 1977, c.281 (C. 52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection a.;
 - b. the custody of collateral is transferred to a third party,
 - c. the maturity of the agreement is not more than 30 days;
 - d. the underlying securities are purchased through a public depository as defined in section I of P.L. 1970, c.236 (C. 18:19-41); and
 - e. a master repurchase agreement providing for the custody and security of collateral is executed.

(9) Certificates of Deposit

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940", 15 U.S. C. sec. 80a- I et seq., and operated in accordance with 18 C.F.R. sec 270.2a-7.
- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 18 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and

- (c) which is rated by a nationally recognized statistical rating organization.

Local Government Investment Pool - An investment pool:

- (a) which is managed in accordance with 18 C.F.R. sec.270.2a.7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization,
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 18 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 4 10 (c. 52:1414- 1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchases or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 of P.L. 1967 c,93 (C49:3-56) and has at least \$25 Million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Authority, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Authority to assure that there is no unauthorized use of the funds or the Permitted Investments of Deposits. Purchase of any Permitted Investments that involve Securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Authority or by a third-party custodian prior to or upon the release of the Authority funds.

To assure that all parties with whom the Authority deals either by way of Deposits or Permitted Investments are aware of the authority and the Emits sets forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official (s).

VIII. REPORTING REQUIREMENTS

At the public meeting of each month during which this Plan is in effect, the Designated Official (s) referred to in Section III hereof shall supply to the Commissioners of the Authority a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Authority as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the Commissioners of the Authority.

RESOLUTION (16/19): Designating TD Bank, qualified under the Government Unit Deposit Protection Act, as the Official Depository of the B.R.S.A.

WHEREAS, in accordance with N.J.S.A. 40A5:15 et seq. of the Local Fiscal Affairs Law, the Bayshore Regional Sewerage Authority (“Authority”) is required to designate an Official Depository; and

WHEREAS, the Authority deems it in the best interest of the customers it serves to designate TD Bank as the Official Depository but reserves the right to utilize any other bank which qualifies under the Government Unit Deposit Protection Act that would yield a higher rate of return on investments as a potential depository of the Authority for investment purposes should such opportunity arise.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that TD Bank qualifies under the Government Unit Deposit Protection Act as the Official Depository of the Authority and is hereby designated the Official Depository of the Authority’s Incoming Revenue, Regular Operating, Payroll, Reserve, Rent Reserve, NJEIT Project Fund, Bond Service and NJEIT Project Fund II Accounts of the Authority.

RESOLUTION (17/19): Designating Mr. Robert C. Fischer, Executive Director of the BRSA as the Authorized Representative to sign and verify documents submitted to various Departments of the State of New Jersey, County of Monmouth; and various offices and agencies of the U.S. Federal Government.

WHEREAS, it is necessary for the Bayshore Regional Sewerage Authority (“Authority”) to select an authorized representative to sign and verify documents submitted to various Departments of the State of New Jersey, County of Monmouth, and to various offices and agencies of the United States Federal Government; as well as various contract documents of the Authority.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that Robert C. Fischer, Executive Director of the Authority is hereby appointed authorized signatory and representative of the Authority for the above listed purposes.

RESOLUTION (18/19): Re-Adopt Procedures to be followed in the Payment of Invoices.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) is desirous of specifying procedures to be followed with regard to the payment of invoices for employee benefits and wages; and

WHEREAS, the Authority has determined that it is in its best interest to make such payments for benefits and wages as they come due.

NOW THEREFORE BE IT RESOLVED, the Authority will make those payments in accordance with the terms outlined above and will ratify those payments at the Authority's Regular Meetings in conjunction with invoices to be paid in accordance with the procedures outlined below,

BE IT FURTHER RESOLVED, the Authority is desirous of specifying procedures to be followed with regard to the payment of invoices for service rendered and materials and supplies delivered to the Authority; and such procedures shall be in accordance with NJSA40A:5-16, and

WHEREAS, it is the intention of the Authority to hereby specify the procedures for the payment of invoices and that this Resolution and the procedures herein specified, shall supersede all Resolutions and Bylaws related to the payment of invoices;

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority as follows:

No check shall be executed by any Commissioner for disbursement of Authority funds except after compliance with the following procedure:

(a) Any person or entity seeking payment for services, materials, or supplies provided to the Authority, shall submit to the Authority, a fully executed voucher in form provided by the Authority, from time to time;

(b) The Executive Director shall review in association with said voucher, where same exists, a copy of the three written quotations where practicable or bids in excess of \$6,000; the supporting requisition and/or purchase order, and the packing slip, invoice, or requisition signed by the person receiving the goods or services thus indicating the full receipt of such goods or services. Said procedure shall constitute a complete payment package;

(c) The Executive Director shall then review each package and shall affix his signature thereto if he shall consider same to be in satisfactory form of payment;

(d) The Executive Director shall not later than the Friday preceding the Regular Meeting of each month make the voucher, invoice and any additional items of said payment package so requested available to the Chairman of the Finance Committee or other member of the Authority at the Authority office;

(e) The Chairman of the Finance Committee or other member of the Authority shall review each voucher and the supporting documentation and, if he shall find same satisfactory, affix his signature thereto in time for consideration and discussion by the Commissioners at the monthly Regular Meeting of the Authority. In the event a member of the Finance Committee is not available for said purposes, any Authority Board member may review and affix his/her signature thereto;

(f) The Executive Director shall prepare and make available to the Commissioners at the Regular Meeting in each month, a listing of all vouchers received by the Authority on or before the close of business on the Wednesday immediately preceding the Regular Meeting;

(g) The Chairmen of the respective Committees, having general responsibility for the subject matter of a particular voucher, may review same on or before the second Wednesday of each month and in case he shall find it in his opinion to be satisfactory, he shall affix his signature to this voucher;

(h) At each Regular Meeting of the Authority, prior to the Commissioners taking a formal vote on payment of all vouchers which have undergone the processing aforesaid, the Commissioners shall be advised by the Executive Director as to which vouchers shall not have endorsed thereon, the approval of the Executive Director or the approval of the Finance Chairman or assigns and in connection with such vouchers, they shall not be deemed approved for payment unless the Commissioners shall, by majority vote, direct their payment notwithstanding the lack of one or more of said signatures;

(i) No vouchers shall be considered for payment in any month unless such voucher shall have been delivered to the Authority in proper form **by 12:00 Noon of the Wednesday** immediately preceding the Regular Meeting, provided however, that in special circumstances, upon Motion of any Commissioners, at any regular meeting, payment of any voucher or vouchers may be directed by a majority vote of the Commissioners;

(j) Immediately following approval of payment of vouchers at any meeting of the Commissioners, the Executive Director shall promptly attend to the obtaining of the necessary Commissioners' signatures upon the checks in question and shall promptly release such checks to the payees thereof and the Executive Director shall not, without the approval of at least one Commissioner, delay or withhold the delivery of any checks so approved; in the event checks shall be delayed or withheld with the approval of at least one Commissioner, the Executive Director shall immediately so advise all of the Commissioners in writing of such delay or withholding and the reasons therefore, and the same shall be discussed at the next meeting of the Authority; and in accordance with NJAC 5:31-4.1(e), all checks other than payroll checks shall be signed by the Secretary, Chairman or Executive Director, and at least two other Commissioners.

RESOLUTION (19/19): Re-Adopt Procedures to be followed in the Purchase of Equipment, Supplies and Services.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) is desirous of adopting a uniform procedure for the purchase of equipment and supplies and the provision of services to the Authority; and

WHEREAS, the Commissioners are desirous of setting forth this procedure to be applicable immediately upon adoption of this Resolution and to continue in full force and effect until the next reorganization meeting of the Authority held pursuant to N.J.S.A. 40:14A-1 et seq, at which time this Resolution shall terminate unless continued in its present or amended form;

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority as follows:

1. The procedures and authorities herein provided shall be applicable to the purchase of any materials, supplies or services except for such as may exceed the cost of \$17,500.00 or for professional services such as legal, engineering, accounting and similar services or as noted in N.J.S.A. 40: A11-5 which shall only be upon Resolution of the Authority.

2. No purchase of or contract for materials, equipment, supplies or services shall be deemed binding upon the Authority or shall obligate the Authority for payment thereof except upon the following terms and conditions:

(a) The Executive Director shall cause to be attached to the voucher, where same exists, a copy of at least three written quotations or bids for items in excess of \$6,000, if practicable, the supporting requisition and/or purchase order, and the packing slip, invoice, or requisition signed by the person receiving the goods or services thus indicating the full receipt of such goods and services;

(b) Materials, services or supplies, the cost or obligation for which shall not exceed the sum of \$6,000 per item, may be purchased or contracted for on behalf of the Authority and payment therefore shall be made by the Authority upon the execution of a requisition for such materials, supplies or services by the Executive Director in accordance with (a) above;

(c) Materials, services or supplies, the cost or obligation for which exceeds \$6,000, but less than \$17,500, may only be purchased or contracted for upon execution of a Purchase Order by any Commissioner of the Authority and provided further, that two written quotations where practicable concerning the item or services authorized to be purchased shall have been obtained, except in cases of emergency, which emergency shall be stated in full on the Purchase Order executed by the Chairman, Vice-Chairman or any Commissioner;

(d) The purchase of any materials, supplies, equipment or contract for any services the cost or obligation for which is \$40,000 or more, to the extent same shall be applicable to the particular purchase or contract, shall be awarded only upon compliance with the bidding procedures provided by the Local Public Contracts Law except in those instances under the Local Public Contract Law where public bidding need not apply and then only upon specific Resolution of the Authority;

(e) except as otherwise resolved by the Commissioners of the Authority, all purchases of materials, supplies and equipment or the contracting of services; the cost or obligation for which is between \$17,500 and \$40,000 also known as "Window Contracts" in New Jersey's Pay-to-Play Laws shall be awarded at a public meeting only after a fair and open process whose minimum requirements are:

- Publicly advertised either conventionally in newspapers or posted on the Authority website at least ten (10) calendar days prior to award (a copy of the website posting shall be kept on file);
- Awarded under a process that provides for public solicitation of proposals or qualifications;
- Established on the basis of an award and disclosure process documented in writing prior to any solicitation;
- Publicly opened and announced when awarded

3. Material, services, supplies may be purchased by emergency contract notwithstanding the cost or obligation provided the procurement process follows the emergency procurement policies of the Authority which policy is as follows:

Any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; provided that the awarding of such contracts is made in the following manner:

- A. The Executive Director or other authorized officer or employee shall notify the purchasing agent or designated representative of the Governing Body as to the need for an emergency contract, the nature of the emergency, the time of its occurrence, the notification must be reduced to writing;
- B. Furthermore, the emergency must be actual or imminent and must affect the public health, safety or welfare;
- C. The failure to plan cannot be the basis for an emergency purchase, the emergency must reasonably unforeseen, unforeseeable and immediate in nature;
- D. Quotations are not required but are suggested for emergency purposes;

All emergency purchases must be approved by the Executive Director and in his absence the Plant Engineer. If an emergency should arise in the absence of the Director and Engineer, the Plant Superintendent shall make the approval. For emergency purchases in excess of the bid threshold, the Executive Director shall endeavor to notify the Chairman or in his absence, the Vice-Chairman prior to any purchases.

4. Services may also be procured using a Non-Fair and Open Process only by authorizing Resolution of the Commissioners of the Authority

BE IT FURTHER RESOLVED that this Resolution shall supersede all prior Resolutions of the Authority and all By Law provisions that may be in conflict with any of the terms and conditions specified; and

BE IT FURTHER RESOLVED that this Resolution shall continue in full force or effect until the next organization meeting of the Authority pursuant to NJSA 40:14A-1 et seq. at which time it shall terminate unless re-instituted in its existing or in an amended form by appropriate Resolution of the Commissioners.

RESOLUTION (20/19): Re-Adopt the Schedule of Financial Reports.

WHEREAS, the Commissioners of the Bayshore Regional Sewerage Authority (“Authority”) are desirous of fully and faithfully discharging their duties and obligations and;

WHEREAS, the Commissioners wish to formalize the financial reporting procedures of the Authority.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the schedule of reports listed below be adopted and henceforth all affected employees and consultants shall adhere to the schedule.

SCHEDULE OF FINANCIAL REPORTS

- 1. Schedule of Accounts Receivable:** This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report.
- 2. Statement of Cash Receipts and Cash Disbursements:** This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report.
- 3. Un-audited Financial Statement:** This report shall be made at the end of each month and shall be in the hands of the Commissioners on the Friday before the Regular Meeting of the month following the month of the report. This financial statement shall contain the year to date _____ expenditures, the year to date budget allocation, and the expenditures for the same period for each account. An explanation is to accompany this statement whenever unusual transfers are made among accounts or when unusual expenditures are made.
- 4. Summary of Investments:** This report shall be prepared quarterly, and shall be in the Commissioners' hands Friday before the Regular Meeting in the month that the report is due. This report shall indicate such pertinent information as:
 - A. Investment Institution.
 - B. Amount invested.
 - C. Interest rate for the investment.
- 5. Bills to be Paid:** This report shall contain a listing of each bill to be paid, indicating the check number, the amount to be paid, the payee, and the reason for the payment. The report shall be in the hands of the Commissioners on the Friday before the Regular Meeting during which these payments will be approved.

RESOLUTION (21/19): Adopting and Specifying the Annual Notice of Scheduled Meetings for 2019/2020 of the BRSA.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) is required to adopt, publish and disseminate annually, a notice of its scheduled Agenda and Regular Meetings;

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority hereby adopt the following schedule of Regular Meetings during 2019/2020. All meetings in 2019/2020 will commence at 7:00 P.M. prevailing time, All meetings will be held at the Authority offices, Administration Building, 100 Oak Street, Union Beach, NJ.

BE IT FURTHER RESOLVED, In accordance with Open Public Meetings Act N.J.S.A. 10:4-6, participation by Commissioners may take place by means of telephone communications equipment and formal action may be taken at any of the listed meetings.

2019

March 18-regular

April 15-regular

2020

January 27-regular

February 24-Reorganization/Regular

May 20-regular
 June 17-regular-Connection Fee Hearing/Regular
 July 15-regular
 August 19-regular
 September 16-regular
 October 21-regular
 November 18- regular
 December 16-User-Charge Public Hearing/Regular

BE IT FURTHER RESOLVED that the Organizational Meeting of the Bayshore Regional Sewerage Authority shall commence at 7:00 P.M., prevailing time, immediately before the Regular Meeting on Monday February 24, 2020, at the Authority offices, 100 Oak Street, Union Beach, NJ, and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority be and is hereby directed to forthwith publish a true copy of this Resolution in the official newspaper so designated by the Authority and be posted on its official website, www.bayshorersa.com; and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority be and is hereby directed to post a true copy of this Resolution in a public place designed for such purposes; and

BE IT FURTHER RESOLVED that the Secretary of the Bayshore Regional Sewerage Authority is hereby directed to forthwith transmit a true copy of this Resolution to: Municipal Clerks of Aberdeen, Hazlet, Holmdel, and Marlboro, Union Beach, Keyport, Keansburg, and Matawan; and the Western Monmouth Utilities Authority.

RESOLUTION (22/19): To Re-Adopt TD Banks Resolution Payroll Account

BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority:

1. That an account or accounts be continued and maintained with **TD BANK** (hereinafter called the Bank) titled **Payroll Account**, 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. Any other property may be deposited with the Bank for safe keeping, custody and other purposes. 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 two 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.

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	_____
SCOTT WHALEN	Chairman	_____
ADAM KHACHATURIAN	Vice-Chairman	_____
CHRIS CAVANAGH	Treasurer	_____
BARTHOLOMEW SUTTON	Asst. Treasurer	_____

MARCY MCMULLEN
CHARLES STEINER

Secretary
Asst. Secretary

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 25th day of February 2019

/s/ _____, **BRSA Secretary**
Marcy McMullen

I, Whalen, Chairman of the above-named Authority, do hereby certify that Adam Khachaturian, 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**
Scott Whalen

RESOLUTION (23/19): To Re-Adopt TD Banks Resolutions Incoming Revenue, Operating, Reserve, Rent Reserve, Bond Service Account and NJEIT Accounts.

BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority:

1. That an account or accounts be continued and maintained with **TD BANK** (hereinafter called the Bank) titled **Incoming Revenue, Operating Account, Reserve, Rent Reserve, NJEIT Project Fund, Bond Service Account, and NJEIT Project Fund II Accounts**, 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. Any other property may be deposited with the Bank for safe keeping, custody and other purposes. Items for deposit, collection or discount may be endorsed by any one 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, 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, except that in the wire transfer of funds for the payment of taxes, employee payroll, benefits or other such obligation as may be required of the Authority, the Executive Director is authorized to make such wire transfers using the financial institutions' secured portals. All such wire transfers shall be ratified at the first Authority meeting subsequent to transfer of funds.

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 _____
SCOTT WHALEN Chairman _____
ADAM KHACHATURIAN Vice-Chairman _____

BARTHOLOMEW SUTTON	Asst. Treasurer	_____
MARCY MCMULLEN	Secretary	_____
CHARLES STEINER	Asst. Secretary	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 25th day of February 2019

/s/ _____, **BRSA Secretary**
 Marcy McMullen

I, Scott Whalen, Chairman of the above-named Authority, do hereby certify that Adam Khachaturian, 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**
 Scott Whalen

RESOLUTION (25/19): To Re-Adopt Authority Indemnification Resolution.

WHEREAS, The Governing Body of the Bayshore Regional Sewerage Authority (“Authority”) declares that:

Section 1. Except as hereinafter provided, the Bayshore Regional Sewerage Authority, hereinafter known as the (Authority) shall, upon the request of any present or former official, employee or appointee of the Authority provide for indemnification and legal defense of any civil action brought against said person or persons arising from an act or omission falling within the scope of their public duties.

Section 2. Pursuant to NJSA 59:10-4, the indemnification and defense provided for in this ordinance shall include exemplary or punitive damages resulting from the employee's civil violation of State or federal law if, in the opinion of the Bayshore Regional Sewerage Authority the acts committed upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.

Section 3. The terms of this Resolution and the definition of official, employee and appointee are to be construed liberally in order to effectuate the purposes of this Resolution except that these terms shall not mean a) any person who is not a natural person; b) any person while providing goods or services of any kind under any contract with the Authority except an employment contract; c) any person while providing legal or engineering services for compensation unless said person is a full-time employee of the Authority; and d) any person who as a condition of his or her appointment or contract is required to indemnify and defend the Authority and/or secure insurance.

Section 4. The Authority shall provide for defense of and indemnify any present or former official, employee or appointee of the Authority who becomes a defendant in a civil action if the person or persons involved a) acted or failed to act in a matter in which the Authority has or had an interest; b) acted or failed to act in the discharge of a duty imposed or authorized by law; and c) acted or failed to take action in good faith. For purposes of this resolution, the duty and authority of the Authority to defend and indemnify shall extend to a cross-claim or counterclaim against said person.

Section 5. In any other action or proceeding, including criminal proceedings, the Authority may provide for the defense of a present or former official, employee or appointee, if the Authority

concludes that such representation is in the best interest of the Authority and that the person to be defended acted or failed to act in accord with the standards set forth in this resolution.

Section 6. Whenever the Authority provides for the defense of any action set forth herein and as a condition of such defense, the Authority may assume exclusive control over the representation of such persons defended and such person shall cooperate fully with the Authority.

Section 7. The Authority may provide for the defense pursuant to this Resolution by authorizing its attorney to act in behalf of the person being defended or by employing other counsel for this purpose or by asserting the right of the Authority under any appropriate insurance policy that requires the insurer to provide defense.

Section 8. This Resolution shall take effect immediately upon passage and publication as required by law.

RESOLUTION (26/19): To Designate Robert C. Fischer as the Public Agency Compliance Officer for the State of NJ EEO Monitoring Program.

BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that Robert C. Fischer be and is hereby re-appointed as the Bayshore Regional Sewerage Authority Public Agency Compliance Officer (PACO) for all matters concerning Affirmative Action Regulations pursuant to P.L. 1975 c.127.

BE IT FURTHER RESOLVED, a copy of this resolution be filed with the State of New Jersey Department of Treasury Affirmative Action Officer.

RESOLUTION (27/19): To Authorize Petty Cash Fund

WHEREAS, for the greater efficiency of the Bayshore Regional Sewerage Authority there exists a need to purchase supplies at minimal cost on a day to day basis; and

WHEREAS, the Authority desires to maintain a Petty cash fund for the purposes of paying those minimal expenses from time to time as they occur; and

WHEREAS, the Authority desires to establish or reestablish a Petty Cash fund in an amount not to exceed \$300; and

WHEREAS, receipts into the petty cash fund that exceed a balance of \$300 shall be deposited into the Authority Incoming Revenue Account within 48 hours; and

WHEREAS, the Authority shall maintain a journal of receipts and expenses related to the petty cash fund which shall be reconciled by two signatures on a periodic basis.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority hereby establish or reestablish a petty cash fund in the amount not to exceed \$300.

BE IT FURTHER RESOLVED that the Executive Director and Administrative Assistant/Confidential Secretary are authorized to be custodians of the petty cash fund.

RESOLUTION (28/19): To designate Carolann Weisel as the Authority Qualified Purchasing Agent

WHEREAS NJAC 5:34-5 et seq establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Carolann Weisel possesses the designation of qualified purchasing agent as issued by the Director of the Division of Local Government Services in accordance with NJAC 5:34-5 et seq.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority that Carolann Weisel is appointed Qualified Purchasing Agent for the Bayshore Regional Sewerage Authority and is Authorized to exercise the duties of a purchasing agent pursuant to NJSA 40A11-2(30).

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (29/19): To Appoint a Labor/Employment Attorney – Weiner Law Group

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Labor/Employment Legal Counsel services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Weiner Law Group, LLP of Parsippany, NJ has submitted a proposal indicating they will provide Labor/Employment Legal Counsel services at \$155.00 per hour; and

WHEREAS, Weiner Law Group, LLP has completed and submitted Business Entity Disclosure Certifications which certifies that Weiner Law Group, LLP has not made any reportable contributions in the previous one year, and that the contract will prohibit Weiner Law Group, LLP from making any reportable contributions through the term of the contract,

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Weiner Law Group, LLP as described more specifically in their proposal dated February 11, 2019, and

BE IT FURTHER RESOLVED that the Contract with Weiner Law Group, LLP shall not exceed \$20,000 without prior authorization of the Commissioners, and

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (30/19): To Appoint Auditor and Accountant Services to the Authority Bart & Bart, CPA.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Accounting and Auditing services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Bart & Bart of Woodbridge, NJ has submitted a proposal indicating they will provide Auditing Services at \$30,500.00 and Accounting Services at \$130.00 per hour; and

WHEREAS, Bart & Bart has completed and submitted Business Entity Disclosure Certifications which certifies that Bart & Bart has not made any reportable contributions in the previous one year, and that the contract will prohibit Bart & Bart from making any reportable contributions through the term of the contract,

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Bart & Bart as described more specifically in their proposal dated February 13, 2019.

BE IT FURTHER RESOLVED the Contract with Bart & Bart for Auditing Services shall not exceed \$30,500 without prior authorization of the Commissioners, and

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (31/19): To Accept the Proposal from ARCADIS US for continuing service as Authority’s FEMA Consultant

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has contracted with ARCADIS US for FEMA Consulting Services to support the recovery from Superstorm Sandy and mitigate against future flood events, and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, there exists a need to continue services with ARCADIS US as FEMA Consultants to develop mitigation proposals for an Authority Power Resiliency System, obtain reimbursements from

NJOEM, seek additional sources of funding and as more specifically described in their proposal dated February 14, 2019, and

WHEREAS, ARCADIS US. has completed and submitted Business Entity Disclosure Certifications which certifies that ARCADIS US has not made any reportable contributions in the previous one year, and that the contract will prohibit ARCADIS US from making any reportable contributions through the term of the contract,

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Engineers Unrestricted Net Position, to cover the maximum dollar value of the pending contract as set forth in the Resolution

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with ARCADIS US. as described more specifically in their proposal dated February 14, 2019.

BE IT FURTHER RESOLVED, the Contract with ARCADIS US shall not exceed \$49,000 without prior authorization of the Commissioners.

BE IT FURTHER RESOLVED, a copy of this award shall be placed in the official Authority newspaper and on the Authority Website.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (32/19): To Appoint a Bond Counsel to the Authority Gibbons P.C..

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Bond Counsel services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Gibbons P.C. of Newark, NJ has submitted a proposal indicting they will provide Bond Counsel services at \$295.00 per hour with a fee of \$30,000 for a traditional Note issue plus \$0.50 per \$1,000 of notes issued and with a fee of \$40,000 for a traditional Bond issue plus \$1.00 per \$1,000 of Bonds issued; and

WHEREAS, Gibbons P.C. has completed and submitted Business Entity Disclosure Certifications which certifies that Gibbons P.C. has not made any reportable contributions in the previous one year, and that the contract will prohibit Gibbons P.C. from making any reportable contributions through the term of the contract,

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds, the Legal line item as well as Unrestrictive Net Position, to cover the maximum dollar value of the pending contract as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Gibbons P.C. as described more specifically in their proposal dated February 5, 2019.

BE IT FURTHER RESOLVED that the Contract with Gibbons P.C. shall not exceed \$55,000 without prior authorization of the Commissioners; and,

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (33/19): To Appoint a General Consulting Engineer to the Authority – R3M Engineering

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for General Engineering Consulting services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, R3M of Old Bridge, NJ has submitted a proposal indicating they will provide Engineering Consulting services at \$188.00 per hour; and

WHEREAS, R3M has completed and submitted Business Entity Disclosure Certifications which certifies that R3M has not made any reportable contributions in the previous one year, and that the contract will prohibit R3M from making any reportable contributions through the term of the contract,

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with R3M as described more specifically in their proposal dated February 12, 2019; and,

BE IT FURTHER RESOLVED that the Contract with R3M shall not exceed \$40,000 without prior authorization of the Commissioners; and,

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (34/19): To Appoint a Risk Management Consultant to the Authority – Connor, Strong & Buckelew.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Risk Management Consulting services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Connor, Strong & Buckelew of Toms River, NJ has submitted a proposal indicating they will provide Risk Management Consulting services at 6% of the fund assessment; and

WHEREAS, Connor, Strong & Buckelew has completed and submitted Business Entity Disclosure Certifications which certifies that Connor, Strong & Buckelew has not made any reportable contributions in the previous one year, and that the contract will prohibit Connor, Strong & Buckelew from making any reportable contributions through the term of the contract,

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Connor, Strong & Buckelew as described more specifically in their proposal dated February 13, 2019; and,

BE IT FURTHER RESOLVED that the Contract with Connor, Strong & Buckelew shall not exceed 6% of JIF Premium without prior authorization of the Commissioners; and,

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (35/19): To Appoint a Consulting Instrumentation and Control Engineer to the Authority – Morehouse Engineering

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Instrumentation and Control Engineer Consulting services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Morehouse Engineering, Inc. of Hopewell, NJ has submitted a proposal indicating they will provide Instrumentation and Control Engineer Consulting services at \$200 per hour; and

WHEREAS, Morehouse Engineering, Inc. has completed and submitted Business Entity Disclosure Certifications which certifies that Morehouse Engineering, Inc. has not made any reportable

contributions in the previous one year, and that the contract will prohibit Morehouse Engineering, Inc. from making any reportable contributions through the term of the contract,

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Morehouse Engineering, Inc. as described more specifically in their proposal dated February 7, 2019

BE IT FURTHER RESOLVED that the Contract with Morehouse Engineering shall not exceed \$10,000 without prior authorization of the Commissioners; and,

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (36/19): To Appoint an Incinerator Consulting Engineer to the Authority – Chavond Barry Engineering.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Incinerator Consulting Engineer services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Chavond Barry Engineering Corp. of Blawenburg, NJ has submitted a proposal indicating they will provide Incinerator Consulting Engineer services at \$240.00 per hour; and

WHEREAS, Chavond Barry Engineering Corp. has completed and submitted Business Entity Disclosure Certifications which certifies that Chavond Barry Engineering Corp. has not made any reportable contributions in the previous one year, and that the contract will prohibit Chavond Barry Engineering Corp. from making any reportable contributions through the term of the contract,

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Chavond Barry Engineering Corp. as described more specifically in their proposal dated February 19, 2019.

BE IT FURTHER RESOLVED that the Contract with Chavond Barry Engineering Corp. shall not exceed \$30,000 without prior authorization of the Commissioners; and,

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (37/19): To Appoint a Financial Advisor to the Authority. – Acacia Financial Group

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Financial Advisory services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Acacia Financial Group, Inc. of Marlton, NJ has submitted a proposal indicating they will provide Financial Advisory services at \$250.00 per hour; and

WHEREAS, Acacia Financial Group, Inc. has completed and submitted Business Entity Disclosure Certifications which certifies that Acacia Financial Group, Inc. has not made any reportable contributions in the previous one year, and that the contract will prohibit Acacia Financial Group, Inc. from making any reportable contributions through the term of the contract, and

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Acacia Financial Group, Inc. as described more specifically in their proposal dated February 4, 2019.

BE IT FURTHER RESOLVED that the Contract with Acacia Financial Group, Inc. shall not exceed \$8,000 without prior authorization of the Commissioners; and,

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (38/19): to Appoint a General Counsel to the Authority - Cleary, Giacobbe, Alfieri & Jacobs, LLC.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for General Legal Counsel services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Executive Director has determined and certified in writing that the value of the contract may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended at times as approved by this governing body; and

WHEREAS, Cleary, Giacobbe, Alfieri, Jacobs, LLC has submitted a proposal dated February 6, 2019, indicating they will provide General Legal Counsel services at \$180.00 per hour, and

WHEREAS, Cleary, Giacobbe, Alfieri, Jacobs, LLC has completed and submitted Business Entity Disclosure Certifications which certifies that Cleary, Giacobbe, Alfieri, Jacobs, LLC has not made any reportable contributions in the previous one year, and that the contract will prohibit Cleary, Giacobbe, Alfieri, Jacobs, LLC from making any reportable contributions through the term of the contract,

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

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority the Chairman is authorized to enter into a contract with Cleary, Giacobbe, Alfieri, Jacobs, LLC as described more specifically in his proposal dated February 6, 2019.

BE IT FURTHER RESOLVED that the Contract with Cleary, Giacobbe, Alfieri, Jacobs, LLC shall not exceed \$45,000 without prior authorization of the Commissioners; and,

BE IT FURTHER RESOLVED notice of this award will be publicly advertised within ten (10) days of this award.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (39/19): To Appoint a Conflict Attorney, Manna and Bonello of Long Branch, NJ
TABLED

SUB-COMMITTEE APPOINTMENTS

Chairman Whalen called for a review of the recommended Sub-Committee Appointments offered and requested a **MOTION** of acceptance:

COMMITTEE APPOINTMENTS are offered by the Chairman who may preside over any Sub-Committee Meeting with adequate public notice.

2019 Committee Appointments

FINANCE COMMITTEE: Chair Commissioner McMullen
Commissioner Steiner
Commissioner Whalen

LEGAL COMMITTEE: Chair Commissioner Steiner
Commissioner Khachaturian
Commissioner Whalen

ENGINEERING COMMITTEE: Chair Commissioner Khachaturian
Commissioner Cavanagh
Commissioner Sutton

PERSONNEL COMMITTEE: Chair Commissioner Cavanagh
Commissioner McMullen
Commissioner Sutton

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

Chairman Whalen called for a **MOTION** – to Close the Reorganization Meeting of February 25, 2019 at 7:13 P.M. and Open the Regular Meeting of February 25, 2019.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

REGULAR MEETING

Reports

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

Robert C. Fischer reported:

- T4 is scheduled to be shipped the end of March, T5 & T6 will be shipped around April 1st and the Main Switchgear will be shipped around April 22nd. The contractor forecast the substantial completion for July 12, 2019 and a final completion on September 24th.
- On February 22nd conference call with the Engineering Committee regarding the Power Resiliency Project. Discussion to continue in Closed Session, as contract negotiations are confidential.
- Received 20 resumes for the Financial Administrative Assistant. About 8 applicants have the Qualifications, 5 will be interviewed and 2 or 3 will be interviewed by the Personnel Committee.
- Our Lab Chemist, Jessica Lockwood, is being recognized by the NJWEA for the Robert Rowe Laboratory Excellence Award for her professionalism in Chemistry. The award will be given out at the Conference in Atlantic City in May.
- For a Lifetime of Contributions to the BRSA the AEA is recognizing Sue DuBey with the WAVE Award on March 12th & 13th. Susan's award will be given at the AEA Spring Conference.

Staff Engineer Report

Peter Canal reported:

- Collection System Rehab-Virginia Avenue easement was TV inspected on Friday night. Early report is that a liner could correct the problem but we will wait for the official report.

- Annual Calibration & Repair of Flow Meters Instrumentation - a RFQ was published and we received one quote from ABB of Warminster Pa. in the amount of \$19,551.
- 2019 Annual Stack Test for NIRO Incinerator – award to Chavond Barry Engineers in the amount of \$67,300. CBE solicited quotes for the testing work and chose the low quote.
- Yen Quen Chen and Taimis Group, developers proposing to construct 2 residential units will perform a Hazlet sewer extension and is submitting for a TWA permit from the NJDEP.
- Matawan Town Center project was approved back in November 2017 however they have extended the project and must submit information for additional EDU's.

Commissioner Khachaturian asked about the Force Main Inspection follow-up & report. Pete said he is waiting on R3M to get the report from Pure. Mike Samuels of R3M said he just received the report this week and verifying all the information. The report should be ready by next week.

Consulting Engineer – R3M

Manuel Ponte reported:

- Odor Control System #2,3 & 4 Refurbishments work complete. Waiting for NJDEP to approve test protocol and schedule stack test.
- Working with BRSA staff on Blower Building #1 conversion to Storage Building and the final design
- Prepared, submitted and discussed the 1st quarter 2018/2019 Flow Report.
- Prepared and submitted a draft report of the 2018 Annual Inspection report. After discussion with BRSA staff and final report with be prepared and submitted.

Superintendent's Report

- Flow is down slightly since last month.
- Plant effluent quality has degraded slightly although its still less than 50% of our limit. Not sure what happened in the 2nd week of January started to get fuzzy. A couple of very cold days.
- Unscheduled shut down of the incinerator due to the failure of the combustion oxygen analyzer. Upon restart the sludge injection ports had to be cleaned out before startup.
- One odor complaint from Sam Lauro – he called on a Monday and said it was also bad on Saturday and Sunday

Bob Fischer received a call on Friday from John Draikiwicz, BRSA Bond Council, saying he had a conversation with the NJIB about our Project Fund Phase II loan. We were assuming the loan would close after May, possible in November because of the delay with the Power Distribution System due to the sub-contractor filing for Chapter 7. Trust Dept. said they have a deadline to close the loan in May. John Draikiwicz explained the Resolution to the Board.

TREASURER'S REPORT

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

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

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

INVESTMENT ACCOUNTS	Balance January 31, 2019
Lakeland Bank-CD	\$ 1,013,427.70
Cash Management	\$ 7,093,230.43
TD Bank-CD	<u>\$ 3,000,000.00</u>
TOTAL INVESTMENT	\$ 11,106,658.13
TD BANK	
NJEIT Project Fund	\$ 153,540.90
NJEIT Project Fund #2	\$ 3,354,693.18
Incoming Revenue Account	\$ 737.78
Operating Regular Account	\$ 1,763,612.73
Operating Reserve Account	\$ 9,868,055.52
Operating Payroll Account	\$ 676,308.98
Debt Service Fund	<u>\$ 643,685.65</u>
TOTAL TD ACCOUNTS	\$ 16,460,634.74
TOTAL AUTHORITY ACCOUNTS	\$ 27,567,292.87

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

SCHEDULE OF ACCOUNTS RECEIVABLE

BRSA CHARGES

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	<u>\$</u>	<u>0.00</u>
TOTAL	\$	0.00

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	<u>\$</u>	<u>0.00</u>
TOTAL	\$	0.00

Balance of Rent Reserve Accounts as of January 31, 2019

Hazlet Township Sewerage Utility	\$	757,330.88
Township of Holmdel	\$	320,344.68
Borough of Union Beach	\$	195,639.37
Borough of Keyport	\$	298,227.08
Borough of Keansburg	\$	304,882.88
Borough of Matawan	\$	324,761.94
Western Monmouth Utilities Authority	\$	101,516.74
Township of Aberdeen	\$	<u>458,362.45</u>
TOTAL	\$	2,761,066.02

PAYMENT OF REQUISITIONS

Chairman Whalen called for a **MOTION** - to approve payment of bills listed on:

Operating Fund Req. No. 570 (Regular)	\$685,192.09
Payroll Account Req. No.P218 (Payroll)	\$257,036.28
NJEIT Project Fund #1 Req. #PF-39	\$ 2,290.40
NJEIT Project Fund #2 Req. #PF-30	\$234,787.43
Wire Transfer FEMA Phase II- NJIB WT#6	\$131,569.95

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton, and Chairman Whalen

APPROVAL OF MINUTES

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

Regular Meeting Minutes of January 21, 2019
Closed Session of January 21, 2019

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

PUBLIC PORTION

ANNOUNCEMENT (by Chairman Whalen): 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.

Mr. Sam Lauro of 9th Street, Union Beach stated that the odors have been much better but now he smells a burning ash that burns his nose.

RESOLUTIONS

RESOLUTION (40/19): To Accept the First Three (3) Month Flow Report for 2018/2019

WHEREAS, R3M Engineering, Consulting Engineers for the Bayshore Regional Sewerage Authority, (“Authority”) have determined the quantity of sewerage from each of the Towns and Authorities connected to the Authority’s system for the period September 26, 2018 to December 27, 2018 (First Quarter of 2018/2019), and

WHEREAS, said flow figures have been calculated from actual meter readings, maintenance service reports, meter calibration reports and other data, and

WHEREAS, said flow figures have been reviewed by the Commissioners of this Authority.

NOW THEREFORE BE IT RESOLVED that this Authority hereby accepts the flow calculations, certified by R3M for the period September 26, 2018 to December 27, 2018 (First Quarter of 2018/2019).

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (41/19): To Award the Request for Quotation 2019-02 for Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One Year Period to ABB, Inc.

WHEREAS, the Bayshore Regional Sewerage Authority (Authority) desires to have a Contract for annual preventative maintenance and calibrations for flow meter chambers and other instrumentation equipment, and

WHEREAS, the Authority Engineering Staff developed RFQ 2019-02 for the Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1)-Year Period; and

WHEREAS, in accordance with Local Public Contracts Law, the Authority advertised and on February 7, 2019 at 2:00 P.M. received quotes for the Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1)-Year Period; and

WHEREAS, one (1) quotation was received with the lowest of \$19,551.00 from ABB, Inc., of Warminster, PA; and

WHEREAS, the Authority Chief Engineer and Staff have reviewed the quotation and found it acceptable; and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Capital 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 BRSA authorize the award of the Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1)-Year Period to ABB, Inc., of Warminster, PA in accordance with the terms and conditions of this RFQ at the total price of \$19,551.00.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (42/19): To Award Contract for the Modifications of the PHE to Chavond Barry for the Not-to-Exceed Amount of \$32,000

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) operates a fluidized bed incineration system for the thermal destruction of organic solids generated and removed from the treatment process; and

WHEREAS, the primary heat exchanger (“PHE”) is an integral and necessary component of the fluidized bed system; and

WHEREAS, the PHE has experienced failures in the past leading to extensive downtime for the incineration system; and

WHEREAS, in response to the extensive downtime caused by PHE failures the Authority purchased a standby PHE for immediate replacement in the event of a failure of the existing PHE; and

WHEREAS, after Superstorm Sandy the Authority rebuilt the NIRO Incineration system and the standby PHE no longer aligns properly with this new system and is in need of modifications to allow it to align properly; and

WHEREAS, Chavond Barry Engineers, the Authority Consulting Incineration Engineers, has provided the Authority with a proposal for the design, bidding and engineering inspection services of the “Modifications to the Authority Standby PHE”, to allow it to align properly and be utilized in the event of a failure of the existing PHE; and

WHEREAS, the Authority Engineering department has reviewed the proposal and now find it fair and reasonable for the scope of work it represents

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

NOW THEREFOR BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority award the contract for the Modifications of the Authority Standby PHE to Chavond Barry Engineers of Whitehouse, NJ at a price not to exceed \$32,000

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (43/19): To Return Excess Rent Reserve Funds to the Borough of Keansburg

WHEREAS, the Bayshore Regional Sewerage Authority and the Borough of Keansburg entered into a Sewer Service Agreement (SSA) in 2012; and

WHEREAS, in accordance with Section 2.05 of the SSA the Authority shall return any rent reserve amount in excess of their annual obligation to the Borough of Keansburg; and

WHEREAS, the Borough of Keansburg has requested the return of \$48,938.56 in excess rent reserve balance; and

WHEREAS, the Executive Director has reviewed the amount of excess funds in the Borough of Keansburg Rent Reserve Account and finds it in agreement with the Borough of Keansburg requested amount.

NOW THEREFORE BE IT RESOLVED, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the return of excess Rent Reserve to the Borough of Keansburg according to the executed SSA in the amount of \$48,938.56.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (44/19): To Authorize Destruction of Records in Accordance with State Records Committee and Procure Records Disposal Services

WHEREAS, the New Jersey State Records Committee (committee) regulates the retention and disposal of all State and Local public records; and

WHEREAS, the Committee has developed retention schedules to regulate the length of time public records must be maintained as well as the procedure for the proper disposal of public records that have exceeded the retention period; and

WHEREAS, an important part of a good records management program is the timely destruction of records once their retention period has expired; and

WHEREAS, the Bayshore Regional Sewerage Authority has made application to, and has received authorization No. 552171 and No. 552173 from the State Records Committee dated 1/22/19 to dispose certain records that appear on the approval retention schedules of the Committee; and

WHEREAS, the Authorization, hereinafter made part of this resolution, permits the disposal of records dating from 1973 to 2013 as identified on the authorization form.

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority authorize the Executive Director, as the Custodian of Records, and the Qualified Purchasing Agent to procure the services of a Records Disposal Service to dispose of the records listed on the attached Authorization of the New Jersey State Records Committee.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (45/19): To Award Contract to Perform Annual Stack Test of NIRO Incinerator to Chavond-Barry Engineering Corp., at a cost not to exceed \$67,300

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”), owns and operates a NIRO Fluidized Bed Incinerator regulated by the State and Federal Government under an Air Pollution Control Operating Permit otherwise known as Title V permit (“the permit”), and

WHEREAS, the Authority last completed a performance test on the NIRO incinerator on April 4-6, 2018 and must conduct the next test between March 4th and May 4th to remain in compliance with the permit, and

WHEREAS, the firm of Chavond-Barry Engineering Corp. (“CBE”), the Authority Consulting Incinerator Engineers has submitted a proposal to conduct a stack test on April 1, 2019 using Gammie Air as the Stack testing company, and

WHEREAS, the Authority has reviewed the proposal submitted by CBE dated February 20, 2019 in the amount of \$67,300 and has found it reasonable for the services to be provided and consistent with prior stack testing costs, and

WHEREAS, in accordance with NJSA 40A-11.5 the Authority may award of a contract which exceeds the bid threshold without public advertising of bids if the subject matter thereof consists of Professional Services, and

WHEREAS, in accordance with NJAC 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 the Resolution.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority hereby award the contract for the Annual Stack Test to Chavond-Barry Engineering Corp. at the not to exceed amount of \$67,300 in accordance with the terms and conditions of its correspondence dated February 20, 2019.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute the contract with CBE of Blawenburg, NJ and a notice of this award shall be published in the Asbury Park Press and on the Authority Website.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (46/19): To approve Amendment for Sanitary Sewer Connection and Treatment Works Approval Application for Emlenrich, LLC, Developer for Matawan Town Center

TABLED

RESOLUTION (49/19): Supplemental Resolution Authorizing the Issuance of an Amount Not-To Exceed \$6,000,000 Aggregate Principal Amount of Sewer Revenue Bonds, Series 2019 of Bayshore Regional Sewerage Authority. [too large to reproduce in minutes-available from office]

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

PUBLIC PORTION

Chairman Whalen announced: 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.

Charles Hoffman, Florence Avenue, Hazlet questioned the term Sump Pump. He asked if the Municipalities inspect homes when getting a CO. The Board was not sure.

Charles asked about the Conti lawsuit. John Napolitano said it going slow.

EXECUTIVE SESSION

Chairman Whalen called for a **MOTION** to go into Closed Session at 7:53 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.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

EXECUTIVE SESSION MINUTES ARE RECORDED SEPERATELY

END CLOSED SESSION

Chairman Whalen called for a **MOTION** to End Closed Session and Re-Open the Regular Meeting @ 8:30 P.M.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (47/19): To Grant Josette Hutcheson Regular Employment Status Effective February 5, 2019

WHEREAS, Josette Hutcheson was hired as a probationary employee in the job title of Laboratory Technician on November 5, 2018; and

WHEREAS, the probationary period expires on February 5, 2019, and

WHEREAS, in a memorandum to the Executive Director dated February 4, 2019 the Plant Maintenance Superintendent has recommended that Ms. Hutcheson be granted Regular Status effective February 5, 2019.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that Josette Hutcheson is hereby granted Regular Status as an employee of the Bayshore Regional Sewerage Authority, and is further granted the rights and privileges, and responsibilities of the position.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

RESOLUTION (48/19): To Approve the Payment of Accrued Days Owed to James Cotugno at Termination of Employment

WHEREAS, On February 6, 2019 Operator James Cotugno officially resigned from the Bayshore Regional Sewerage Authority; and

WHEREAS, Authority Policy provides payout at retirement of accrued pro-rated Vacation benefits, and any remaining Sick time (capped at 240 hours) and Personal Days; and

WHEREAS, Mr. Cotugno's remaining Sick & Personal Days and accrued Vacation benefits have been calculated and recorded in a memorandum submitted by Mrs. Susan DuBey, Administrative Assistant to the Authority to the Executive Director, dated February 20, 2019; and

WHEREAS, the Executive Director has reviewed the calculated time owed and finds the calculation of Sick (76.75 hours), Vacation (128 hours), Pro-rated Vacation (6 hours) and Personal Days (16 hours) accurate; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Authority Salary line item, to cover the maximum dollar value of the pending contract as set forth in the Resolution; and

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority hereby accept the letter of resignation from James Cotugno authorize the payment of remaining Sick and Personal Days and accrued Vacation time owed James Cotugno as detailed in the attached memorandum dated February 7, 2019 in the amount of \$8,114.11.

(Attachment on file in the Administrative Offices of the Authority)

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen

ADJOURNMENT

ANNOUNCEMENT (by Chairman Whalen):

The next Regular Meeting of the B.R.S.A. is scheduled for Monday, March 19, 2019, 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 8:31 P.M., Chairman Whalen called for a **MOTION** to Adjourn the meeting.

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

AYES: Commissioners Cavanagh, Khachaturian, McMullen, Steiner, Sutton and Chairman Whalen