

REORGANIZATION
& REGULAR MEETING
MONDAY, FEBRUARY 24, 2020

At 7:05 P.M., Chairman Whalen make 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, Kearsburg, 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 Whalen 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 Whalen called for a roll call of attendance:

PRESENT: Commissioners Cavanagh, Khachaturian, McMullen, Russo, Sutton and Chairman Whalen

Also In Attendance: Mr. Peter Canal, Executive Director
J. Michael Broyles, Superintendent
Thomas Petti, P.E., Principal Engineer
John Napolitano, General Counsel
Manuel Ponte, P.E., Consulting Engineer
Susan DuBey, Admin. Assistant

MOTIONS FOR REORGANIZATION

Chairman Whalen called for a **MOTION** for the following:

MOTION - for the office of **CHAIRMAN: Commissioner Khachaturian**

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

AYES: Commissioners Cavanagh, McMullen, Russo, Sutton, Whalen and Chairman Khachaturian
Chairman Khachaturian congratulated Commissioner Whalen for a job well done.

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

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

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

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

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

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

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

MOTION - for the office of **ASSIST-TREASURER** – **Commissioner Whalen**

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

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

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

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

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

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

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

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

PUBLIC PORTION

ANNOUNCEMENT (by Chairman Khachaturian): This portion of the meeting is now open to the public for comments or questions related to Agenda items only. The public is reminded; only questions or comments specific to the scope of the Agenda items are to be addressed at this time. As a courtesy to all, please be mindful of limiting your comments to 5 minutes.

NO ONE FROM THE PUBLIC SPOKE

RESOLUTIONS

Resolutions #15 through #30 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 No. (15/20): 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 20:44A-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 24, 2020 from the Executive Director.

RESOLUTION No. (16/20): 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 No. (17/20): Readopt a Cash Management Plan as set forth pursuant to provisions of NJS 40A:5-14

WHEREAS, pursuant to the provisions of NJS 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. 2077, 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. 2070, c.236 (C. 18:20-41); 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 2040", 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. 2068, 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. 2067 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 No. (18/20): To designate TD Bank, qualified under the Government Unit Deposit Protection Act, as the Official Depository of the Bayshore Regional Sewerage Authority

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 No. (19/20): Confirming Peter Canal, Executive Director as the Signatory and Authorized Representative of the Authority to sign and verify documents submitted to all 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 Peter Canal, Executive Director of the Authority is hereby appointed authorized signatory and representative of the Authority for the above listed purposes.

RESOLUTION No. (20/20): 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; and

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, no 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 No. (21/20): 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 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 No. (22/20): 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 No. (23/20): ADOPTING AND SPECIFYING THE ANNUAL NOTICE OF SCHEDULED MEETINGS FOR 2020/2021 OF THE BAYSHORE REGIONAL SEWERAGE AUTHORITY

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 2020/2021. All meetings in 2020/2021 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.

2020

March 16-regular

April 20-regular

May 18-regular

June 15-regular-Connection Fee Hearing/Regular

July 20-regular

August 17-regular

September 21-regular

October 19-regular

November 16- regular

December 21-User-Charge Public Hearing/Regular

2021

January 25-regular

February 22-Reorganization/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 22, 2020, at the Authority offices, 100 Oak Street, Union Beach, N., 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 NO. (24/20): TD Bank Resolution - Payroll Account

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

PETER CANAL	Executive Director	_____
ADAM KHACHATURIAN	Chairman	_____
BART SUTTON	Vice-Chairman	_____
MADLINE RUSSO	Treasurer	_____
SCOTT WHALENLEN	Asst. Treasurer	_____
CHRISTOPHER CAVANAGH	Secretary	_____
MARCY MCMULLEN	Asst. Secretary	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 24th day of February 2020

/s/ _____, **BRSA Secretary**
Christopher Cavanagh

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

Adam Khachaturian

RESOLUTION No. (25/20): TD Bank Resolution - Incoming Revenue, Operating, Reserve, Rent Reserve, Bond Service and NJEIT Project Fund Accounts

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

- PETER CANAL Executive Director _____
- ADAM KHACHATURIAN Chairman _____
- BART SUTTON Vice-Chairman _____
- MADLINE RUSSO Treasurer _____
- SCOTT WHALENLEN Asst. Treasurer _____
- CHRISTOPHER CAVANAGH Secretary _____
- MARCY MCMULLEN Asst. Secretary _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 24th day of February 2020

/s/ _____, **BRSA Secretary**

Chrisopher Cavanagh

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

RESOLUTION No. (26/20): Lakeland Bank Resolution

BE IT RESOLVED, by the Commissioners of the Bayshore Regional Sewerage Authority (“Authority”):

1. That an account or accounts be continued and maintained with **LAKELAND BANK** (hereinafter called the Bank) titled **BRSA Reserve**, 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:

PETER CANAL	Executive Director	_____
ADAM KHACHATURIAN	Chairman	_____
BART SUTTON	Vice-Chairman	_____
MADLINE RUSSO	Treasurer	_____
SCOTT WHALENLEN	Asst. Treasurer	_____
CHRISTOPHER CAVANAGH	Secretary	_____
MARCY MCMULLEN	Asst. Secretary	_____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the said corporation this 24th day of February 2020

/s/ _____, **BRSA Secretary**
Chrisopher Cavanagh

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

RESOLUTION No. (27/20): To Authorize the Bayshore Regional Sewerage Authority to Provide Legal Counsel and Indemnification for Officials, Employees and Appointees of the Authority in Certain Actions Brought Against Said Officials, Employees and Appointees.

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 No. (28/20): To Re-Appoint Peter Canal as the Authority's Public Agency Compliance Officer

BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority ("Authority") that Peter Canal 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. 2075 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 No. (29/20): To Authorize an Authority Petty Cash Fund

WHEREAS, for the greater efficiency of the Bayshore Regional Sewerage Authority ("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 No. (30/20): 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).

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

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

RESOLUTION No. (31/20): To appoint a Labor/Employment Attorney

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 20:44A-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; and

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 January 29, 2020.

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.

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

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

RESOLUTION No. (32/20): To appoint Accounting and Auditing Services to the Authority

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 20:44A-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; and

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 10, 2020.

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.

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

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

RESOLUTION No. (33/20): To Accept the Proposal from ARCADIS US for continuing services as Authority 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, 2020; 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; and

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, 2020.

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

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

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

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

RESOLUTION No. (34/20): To appoint a Bond Counsel to the Authority

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 20:44A-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 indicating 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; and

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 12, 2020.

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.

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

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

RESOLUTION No. (35/20): To appoint a General Consulting Engineer to the Authority

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 20:44A-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 indicting 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; and

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, 2020.

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.

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

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

RESOLUTION No. (36/20): To appoint a Risk Management Consultant to the Authority

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 20:44A-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 indicting 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; and

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 10, 2020.

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

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

RESOLUTION No. (37/20): To appoint a Consulting Instrumentation and Control Engineer to the Authority

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 20:44A-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 \$215 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; and

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 10, 2020.

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.

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

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

RESOLUTION No. (38/20): To Appoint an Incinerator Consulting Engineer to the Authority

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 20:44A-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; and

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 January 17, 2020.

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.

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

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

RESOLUTION No. (39/20): To appoint a Financial Advisor to the Authority

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 20:44A-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 11, 2020.

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.

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

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

RESOLUTION No. (40/20): To appoint a General Counsel to the Authority

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 20:44A-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, 2020, 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; and

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 7, 2020.

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

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

RESOLUTION No. (41/20): To Appoint a Conflict Attorney, Manna and Bonello of Long Branch, NJ

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for a conflict attorney to provide legal counsel services whenever a conflict of interest arises with the Authority General Counsel’ and

WHEREAS, these services are to be provided as a non-fair and open contract pursuant to the provisions of NJSA 20:44A-20.5; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, Manna and Bonello of Long Branch, NJ has submitted a proposal indicting John Bonello will provide Legal Counsel services as a Conflict Attorney at \$160.00 per hour; and

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 Manna and Bonello as described more specifically in their proposal dated February 11, 2020.

BE IT FURTHER RESOLVED that the Contract with Manna and Bonello shall not exceed \$5,000 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 McMullen, SECONDED BY: Commissioner Whalen, and carried by a unanimous vote recorded as follows:

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

SUB-COMMITTEE APPOINTMENTS

Chairman Khachaturian calls 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.

2020 Committee Appointments

<u>FINANCE COMMITTEE:</u>	Chair	Commissioner McMullen Commissioner Russo Commissioner Whalen
<u>LEGAL COMMITTEE:</u>	Chair	Commissioner Russo Commissioner Khachaturian Commissioner Whalen
<u>ENGINEERING COMMITTEE:</u>	Chair	Commissioner Khachaturian Commissioner Cavanagh Commissioner Sutton
<u>PERSONNEL COMMITTEE:</u>	Chair	Commissioner Cavanagh Commissioner McMullen Commissioner Sutton

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

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

Chairman Khachaturian called for a **MOTION** – to Close the Reorganization Meeting of February 24, 2020 at 7:15 P.M. and Open the Regular Meeting of February 24, 2020.

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

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

REGULAR MEETING **REPORTS**

Executive Directors Report

Peter Canal Reported:

- AEA Spring Utility Management Conference will be held March 10th & 11th. Mike Broyles will be presented with the Wave Award and the Authority will be getting a Wave Award for the Combined Blower Building Project for Best Management Practices/Energy Savers.
- Disaster Recovery Update – Contract 81S – Power Distribution System – HDR will be presenting Change Order #1 including emergency repair work.
- Power Resiliency Generation Project – Contract 114S – finalizing the Basis of Design Report and schedule a meeting with MCBOA.
- NJ SMUAESA Re-bid – The low bidder from December discovered an error in their bid and the second low bidder would not hold their price until the next day. Re-bid took place on January 24, 2020 and awarded to Direct Energy Business, LLC at .06756/kwh, which is approximately 8% lower than the current price.
- Hazlet Township sent a letter requesting the overage in their Rent Reserve Account approx.. \$95,000.
- Payments for Project Fund II are: \$298,984.59 for PKF Mark III and \$112,383.29 for HDR totaling \$411,367.88.
- Mike Samuels is here to give a presentation on the Force Main Inspection, Phase 2 proposal for inspecting, testing and repairs of our force mains.
- Trinity will be conducting an odor evaluation at the Treatment Plant at the end of March.
- Hazlet PBA has requested a yearly donation. If no one objects, we will send \$300.

Staff Engineer Report

Tom Petti Reported:

- Tom introduced Joseph Frissora, VP and Kevin Condon, Resident Engineer of HDR to give a presentation on Change Order #1 in the amount of \$151,318.53.
- Contract 106 – Sludge Concentration Tanks Rehab. & Improvements – Tank #1 is complete and back online. Tank #4 is being drained/is drained and contractor will begin rehab. tomorrow.
- Pump Station Force Main Inspections – Mike Samuels from R3M Engineering is here to make a Presentation for Phase II.
- Interceptor Sewer Rehabilitation Phase III – 3,375 linear feet of pipe in Hazlet needing repair. RFP is being prepared and will be sent out to 3-4 engineering firms who specialize in this type of repair work.
- Polydyne Inc.- Contract 110 - award annual furnishing and delivery of Liquid Polymer for a two-year period in the amount of \$127,700. @ a 2.16% increase.

- Generator Inspection, Service & Repair- RFQ 2020-01 – award RFQ to Foley Inc. in the amount of \$31,843.00
- Jet Vacuuming Services of Plant & Collection System – RFQ 2020-02 – award RFQ to North American Pipeline Services in the amount of \$24,000.
- Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment – RFQ 2019-02 – award RFQ to ABB in the amount of \$19,825.12. @ a 1.4% increase.
- Monarch Pointe, Marlboro – amend residential sanitary sewer application and TWA for 5 additional units.

Consulting Engineer – R3M

Manuel Ponte Reported:

- Storage Facility - Contract 108 – substantially complete, maintenance moving items in.
- 2019 annual facilities inspection report is being reviewed by the BRSA staff.
- Condition Assessment and Planning Program of Authority Force Mains, Phase 2 proposal presented by Mike Samuels.

Superintendent’s Report

Mike Broyles Reported:

- Flow for January down after a wet December.
- Still doing 98% removal
- We had a number of odor complaints. Mrs. Montalbano of 2 Kathleen Court has e-mailed in odor complaints but were not investigated due to the time laps. On Jan. 30th she came in for a plant tour.
- Having unusual calibrations in Chemical Controllers Odor for Towers 1, 2, & 3. We ordered and received new controllers. That will bring all 5 towers up to current control technology. It will be about a month before the controllers are installed and wired up.
- Compliance Safety and Training-beginning of the year there are a lot of reports to be done most are done, a few are pending.
- Received a letter from the NJDEP on the Corrective Action Plan (CAP) Lab on-site audit conducted November 26, 2019. The audit was acceptable and no further action to be taken.
- CEI failed to provide a on demand sample on January 7th. They did provide it the following week. Received an e-mail stating they had a contractual issue with their sampler and he did not show up on the 7th. CEI did not sample in the first week of January which is required by their permit. I told them to issue a report with an explanation. They will receive a Notice of Violation and find them accordingly.

TREASURER’S REPORT

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

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

	Balance
<u>UNRESTRICTED INVESTMENTS</u>	<u>January 31, 2020</u>
Lakeland Bank-CD#1	\$ 1,044,486.26
Lakeland Bank-CD#2	\$ 1,025,791.93

TOTAL UNRESTRICTED INVESTMENTS	\$ 2,070,278.19
<u>TD BANK UNRESTRICTED CASH</u>	
Incoming Revenue Account	\$ 2,706,566.19
Operating Regular Account	\$ 2,020,193.90
Operating Reserve Account	\$ 7,876,748.06
Operating Payroll Account	\$ <u>718,887.17</u>
TOTAL UNRESTRICTED CASH	\$12,322,395.32
TOTAL UNRESTRICTED CASH & INVESTMENTS	\$14,392,673.51

RESTRICTED INVESTMENT

Cash Management	\$ 7,247,957.58
TD Bank-CD	\$ <u>3,071,479.17</u>
TOTAL RESTRICTED INVESTMENTS	\$10,319,436.75

RESTRICTED CASH

NJEIT Project Fund	\$ 343,505.73
NJEIT Project Fund #2	\$ 2,848,231.71
Bond Service Fund	\$ <u>693,091.44</u>
TOTAL RESTRICTED CASH	\$ 3,884,828.88

TOTAL RESTRICTED CASH & INVESTMENTS \$14,204,264.63

TOTAL AUTHORITY ACCOUNTS \$28,596,939.14

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

	Balance	
	January 31, 2020	
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>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>0.00</u>
TOTAL	\$	0.00
RENT RESERVE ACCOUNTS as of January 31, 2020		
Hazlet Township Sewerage Utility	\$	762,419.11

Township of Holmdel	\$	322,496.96
Borough of Union Beach	\$	196,953.77
Borough of Keyport	\$	321,651.92
Borough of Keansburg	\$	257,693.94
Borough of Matawan	\$	326,943.90
Western Monmouth Utilities Authority	\$	102,785.68
Township of Aberdeen	\$	<u>464,346.27</u>
TOTAL	\$	2,755,291.55

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

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

PAYMENT OF REQUISITIONS

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

Operating Fund Req. No. 582 (Regular)	\$1,004,017.62
Payroll Account Req. No. P230 (Payroll)	\$ 199,807.52
NJEIT Project Fund #2 Req.#PF-42	\$ 411,367.88

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

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

APPROVAL OF MINUTES

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

- Closed Session Minutes of January 27, 2020
- Agenda Meeting Minutes of January 27, 2020

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

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

RESOLUTIONS

RESOLUTION No. (42/20): To Extend RFQ 2019-02 for Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1) Year Period to ABB, Inc. in the amount of \$19,825.12.

WHEREAS, in accordance with Local Public Contracts Law at 2:00 P.M. on Thursday February 7, 2019, the Bayshore Regional Sewerage Authority (“Authority”) advertised and received quotes for Request for Quotation (RFQ) 2019-02 the Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1) Year Period; and

WHEREAS, on February 25, 2019, the Authority awarded the Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1) Year Period to the lowest responsible bidder being ABB, Inc. of Warmister, PA, by Resolution #41/19; and

WHEREAS, on March 17, 2020 the Contract is scheduled to expire; and

WHEREAS, the Contract provides by mutual agreement, and the Local Public Contracts Law allows for a one-time two (2) year extension, where the extension is available and the total price shall not exceed the change in the index rate for the twelve (12) months preceding the most recent quarterly calculation and price available; and

WHEREAS, the Authority and ABB mutually agreed to extend the original Contract under the same terms with an increase in price of 1.40% for a period of one (1) year, increasing to a total Contract amount from \$19,551.00 to \$19,825.12; and

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

WHEREAS, the Qualified Purchasing Agent and Principal Engineer have reviewed the correspondence with ABB, Inc. accepting the one (1) year extension in accordance with the same product, terms and conditions as the original RFQ with a 1.40% increase in total price and a recommending the first one (1) year extension; and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Service Contract line item of the Authority Operating Budget 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 that ABB, Inc. of Warmister, PA is hereby awarded the first one (1) year extension of RFQ 2019-02 Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1) Year Period in accordance with the terms and conditions of the original bid and Contract Documents, for a total Contract price of \$19,825.12.

BE IT FURTHER RESOLVED, the Chairman and Secretary are hereby authorized to execute the Contract extension documents.

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

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

RESOLUTION No. (43/20): To Award Change Order No. 1, in the amount of \$151,318.53 to PKF Mark III, Inc. for Contract 81-S, Restoration and Mitigation of Power Distribution Systems

WHEREAS, the Bayshore Regional Sewerage Authority (Authority) owns and operates a Power Distribution System that is in need of restoration and Mitigation; and

WHEREAS, in accordance with Local Public Contract Law, PKF Mark III, Inc., was awarded Contract No. 81-S Restoration and Mitigation of Power Distribution Systems by Resolution No. 01/17 in the amount of \$4,793,000; and

WHEREAS, there is a need to amend the Contract for a change in scope of the base work due to Power Distribution Enclosure (PDE) exterior modifications, relocation of load bank circuit breakers, modifications of PDE House Power Transformers feeds, Motor Control Center (MCC) conduit clearings, replacement and repairs of medium voltage utility cut-out switches and other items required as detailed in the Change Order No. 1 document, dated February 17, 2020; and

WHEREAS, the Authority and its Consulting Engineer, HDR, Inc. have prepared Change Order No. 1 to amend the Contract, in the amount of \$151,318.53; and

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

NOW THEREFORE BE IT RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority approve Change Order No. 1 for PKF Mark III, Inc., in the amount of \$151,318.53, increasing the total Contract value to \$4,944,318.53.

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

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

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

RESOLUTION No. (44/20): To Return Excess Rent Reserve Funds to Township of Hazlet

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) and the Township of Hazlet 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 Township of Hazlet; and

WHEREAS, the Township of Hazlet has requested the return of \$95,063.40 in excess rent reserve balance; and

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

NOW THEREFORE BE IT RESOLVED, the Bayshore Regional Sewerage Authority Commissioners hereby authorize the return of excess Rent Reserve to the Township of Hazlet according to the executed SSA in the amount of \$95,063.40.

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

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

RESOLUTION No. (45/20): To Approve Amendment for Sanitary Sewer Connection and Treatment Works Approval Application for Monarch Pointe, LLC, Developer for Monarch Pointe

WHEREAS, Monarch Pointe, LLC (“Developer”), is the project developer of Monarch Pointe, located at 328 Texas Road, further designated as Block 119, Lots 23, 25, 26 & 27 in the Township of Marlboro, a 17-unit single family development; and

WHEREAS, the application was previously approved via Resolution No. 50/16 for 17 Equivalent Dwelling Units (“EDU’s”); and

WHEREAS, the Developer has modified the previously approved application by subdividing Lots 25.18 and 27, as shown on the Final Site Plan drawings dated April, 30, 2018, with one (1) credit for a previously approved connection and six (6) additional units, totaling five (5) EDU’s; and

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

WHEREAS, the project is expected to generate 4,950 gallons per day of wastewater; and

WHEREAS, the Principal Engineer has reviewed the Developer’s amended application and is recommending sanitary sewer connection approval; and

WHEREAS, the Developer has paid the additional connection fee in full of \$25,180; and

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority grant Monarch Pointe, LLC, sanitary sewer approval for the above referenced project, contingent upon the above requirements.

BE IT FURTHER RESOLVED the Executive Director is hereby authorized to execute the amended Statement of Consent documents and return the Treatment Works Approval application to the applicant for processing by the New Jersey Department of Environmental Protection.

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

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

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

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

RESOLUTION No. (46/20): To Award Request for Quotation 2020-02 Jet Vacuuming Services of the BRSA Plant & Collection System on a Regular & Emergency Basis for a One (1) Year Period to North American Pipeline Services, LLC. in the amount of \$24,000.00.

WHEREAS, the Bayshore Regional Sewerage Authority (Authority) owns and maintains a Wastewater Treatment Facility and Interceptor Sewer Collection System; and

WHEREAS, there is a need for a service Contract for Jet Vacuuming and Cleaning services for the Treatment Plant and Collection System; and

WHEREAS, the Authority Engineering Staff developed a Request for Quotation (RFQ) 2020-02 Jet Vacuuming Services of the BRSA Plant & Collection System on a Regular & Emergency Basis for a One (1) Year Period; and

WHEREAS, in accordance with Local Public Contracts Law, the Authority advertised and on Friday, February 14, 2020 at 11:00 A.M. received quotes for the Jet Vacuuming Services of the BRSA Plant & Collection System on a Regular & Emergency Basis for a One (1) Year Period; and

WHEREAS, two (2) quotes were received with the lowest of \$24,000.00 from North American Pipeline Services LLC of Freehold, NJ; and

WHEREAS, the Authority Engineer and Staff have reviewed the quotation and found it to be reasonable and 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 Service Contract line item of the Authority Operating Budget 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 award Jet Vacuuming Services of the BRSA Plant & Collection System on a Regular & Emergency Basis for a One (1) Year Period to North American Pipeline Services, LLC of Freehold, NJ in accordance with the terms and conditions of the Request for Quotation #2020-02 in the amount not to exceed \$24,000.00.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the project to North American Pipeline Services, LLC of Freehold, NJ.

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

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

RESOLUTION No. (47/20): To Award Request for Quotation 2020-01 Generator Inspection, Service & Repair for a Two (2) Year Period to Foley Inc. in the amount of \$31,843.00

WHEREAS, the Bayshore Regional Sewerage Authority (Authority) owns and maintains six (6) emergency diesel and natural gas generators for standby power within the facility and at its pumping stations; and

WHEREAS, there is a need for a service Contract for generator inspection, service and repair; and

WHEREAS, the Authority Engineering Staff developed a Request for Quotation (RFQ) 2020-01 Generator Inspection, Service & Repair for a Two (2) Year Period; and

WHEREAS, in accordance with Local Public Contracts Law, the Authority advertised and on Friday, February 14, 2020 at 11:30 A.M. received quotes for the Generator Inspection, Service & Repair for a Two (2) Year Period; and

WHEREAS, one (1) quote were received with the lowest of \$31,843.00 from Foley Inc. of Piscataway, NJ; and

WHEREAS, the Authority Engineer and Staff have reviewed the quotation and found it to be reasonable and 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 Service Contract line item of the Authority Operating Budget 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 award Generator Inspection, Service & Repair for a Two (2) Year Period to Foley Inc. of Piscataway, NJ in accordance with the terms and conditions of the Request for Quotation #2020-01 in the amount not to exceed \$31,843.00.

BE IT FURTHER RESOLVED, the Executive Director is hereby authorized to execute any necessary documents to award the project to Foley, Inc. of Piscataway, NJ.

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

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

RESOLUTION No. (48/20): To Award a Two (2) Year Extension for Contract 102-O for Furnishing and Delivering of Liquid Polymer to Polydyne, Inc. in the amount of \$127,700.00

WHEREAS, in accordance with Local Public Contracts Law at 2:00 P.M. on Tuesday, March 13, 2018, the Bayshore Regional Sewerage Authority (“Authority”) received bids for Contract 102-O Furnishing and Delivering Liquid Polymer for a Two (2) Year Period; and

WHEREAS, on March 18, 2018 the Authority awarded the Furnishing and Delivering of Liquid Polymer for a Two (2) Year Period to the lowest responsible bidder being Polydyne, Inc. of Riceboro, GA, by Resolution #48/18; and

WHEREAS, on March 18, 2020 the Contract is scheduled to expire; and

WHEREAS, the Contract provides by mutual agreement, and the Local Public Contracts Law allows for a one-time two (2) year extension, where the extension is available and the total price shall not exceed the change in the index rate for the twelve (12) months preceding the most recent quarterly calculation and price available; and

WHEREAS, the Authority and Polydyne mutually agreed to extend the original Contract under the same terms with an increase in price of 2.16% for a period of two (2) years; and

WHEREAS, the original Contract unit price of \$0.125 per pound is increasing to \$0.1277 per pound for a total contract amount of \$127,700; and

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

WHEREAS, the Qualified Purchasing Agreement and Principal Engineer have reviewed the correspondence with Polydyne, Inc. accepting the two (2) year extension in accordance with the same product, terms and conditions as the original Contract with a 2.16% increase in unit price and are recommending the final two (2) year extension; and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Chemical Contracts line item of the Authority Operating Budget 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 that Polydyne, Inc. of Riceboro, GA is hereby awarded the remaining and final, two (2) year extension of Contract 102-O Furnishing and Delivering Liquid Polymer for a Two (2) Year Period in accordance with the terms and conditions of the original bid and Contract Documents, for a total Contract price of \$127,700.00

BE IT FURTHER RESOLVED, the Chairman and Secretary are hereby authorized to execute the Contract extension Documents.

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

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

RESOLUTION No. (49/20): To Award Engineering Services for Condition Assessment and Planning Program of Authority Force Mains, Phase 2 to R3M Engineering, Inc., in the amount of \$263,670.00

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) has three (3) remote Sanitary Sewer Pumping Stations (PS) with force main pipelines designated as the Matawan PS, the West Keansburg PS and the Raritan Valley PS; and

WHEREAS, the age of the force main pipelines and most recent repairs demonstrate the need for a long-range condition assessment; and

WHEREAS, through Resolution 52/18, the Authority contracted with R3M Engineering, Inc. to perform a multi-phase condition assessment and planning program for the force main pipelines, beginning with Phase 1, initial condition assessments and inspections; and

WHEREAS, Phase 1 was completed in June 2019; and

WHEREAS, Phase 2 includes provisions for pipeline validations and initial repairs; and

WHEREAS, R3M Engineering, Inc. has submitted an engineering proposal for Phase 2 of the Condition Assessment and Planning Program, dated February 12, 2020, in the amount of \$263,670.00; and

WHEREAS, the Executive Director and Principal Engineer have met with R3M to review the proposal and find it to be fair and reasonable; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Force Main Improvements line item of the Authority Capital Budget, 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 Authority hereby approve the engineering proposal for Condition Assessment and Planning Program, Phase 2, in the amount of \$263,670.00 to R3M Engineering, Inc., of Old Bridge, NJ in accordance with the terms and conditions of the proposal dated February 12, 2020.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute the contract agreement with R3M Engineering, Inc., of Old Bridge, NJ.

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

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

RESOLUTION No. (50/20): To Award a 24 month Contract to Direct Energy Business for Basic Generation Services for the Pump Station effective May 2020

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) is a member of the New Jersey Sewerage and Municipal Utility Authority Electricity Supply Aggregation (NJSMUAESA), (“the Aggregation Group”); and

WHEREAS, the Commissioners of the Authority on October 21, 2019 (Resolution 120/19) entered into an agreement with Gabel Associates to (1) serve as Energy Agent for the Aggregation Group for the purpose of purchasing aggregate electrical power and (2) authorizing the Executive Director to execute a Certificate of Acceptance for the winning bidder on the date bids are accepted by the Aggregation Group; and

WHEREAS, by previous Resolution the Authority allowed Aggressive Energy to withdraw its bid due to a mistake and authorized a re-bid of the contract; and

WHEREAS, on January 24, 2020 the re-bid was received and the members of the Aggregation Group opened 3 bids and reviewed bids for electrical power supply for a 24-month period for the Pump Stations with the following results:

- Direct Energy Business \$0.06851 per kilowatt hour
- Constellation New Energy \$0.06944 per kilowatt hour
- EDF Energy Services \$0.07219 per kilowatt hour; and

WHEREAS, upon review by the Aggregation Group, and Gabel Associates determined Direct Energy Business to be the lowest responsible bidder with a unit price of \$0.06851 per kilowatt hour, for a 2-year fixed price contract commencing the first meter reading of May 2020; and

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

NOW THEREFORE BE IT RESOLVED, that the Commissioners of the Bayshore Regional Sewerage Authority deem it in the best interest of the customers it serves to accept the recommendations of Gabel Associates and confirm award of the electrical power supply contract to Direct Energy Business in accordance with the terms and conditions set forth in the contract documents and authorizes the Chairman to execute the necessary documents.

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

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

PUBLIC PORTION

Chairman Khachaturian announces: This meeting is open to the public to discuss any BRSA matters the public may care to address. The public is reminded, only questions or comments not previously addressed; and/or specific to the scope of BRSA’s operations or projects will be addressed. As a courtesy to all members of the public wishing to speak, please be mindful of limiting your comments to 5 minutes.

Sam Lauro, 9th Street, Union Beach stated we are waiting for the wind to blow in the Spring before anything is done about the odors. Sam also stated the wind was blowing this past Friday with no smell. Tom Petti said that we are not waiting for the wind to blow in the spring, as it takes time to put together a contract, get a resolution passed and a contract signed by both parties. The odor evaluation study is moving forward.

EXECUTIVE SESSION

Chairman Khachaturian called for a **MOTION** to go into Closed Session at 8:17 P.M. in accordance with Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permitting the exclusion of the public from a meeting in certain circumstances. This action will be taken to discuss matters falling within attorney-client privileges, specifically, pending or anticipated litigation, contract negotiations and matters of employment of public employees. It is anticipated at this time that the above stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.

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

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

Executive Session minutes are recorded separately.

END CLOSED SESSION

Chairman Khachaturian called for a **MOTION** to End Closed Session and Re-Open the Regular Meeting @ 8:45 P.M.

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

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

Executive Session minutes are recorded separately

RESOLUTIONS

RESOLUTION No. (51/20): Authoring a Settlement Agreement and Mutual Release by and between Bayshore Regional Sewerage Authority and Conti Enterprises, Inc.

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) and Conti Enterprises, Inc. (“Conti”) entered into a contract for a project known as known as the “Wind-to-Energy Project, Contract No. 54” hereinafter the (“Project”), pursuant to which Conti agreed to serve as general contractor and perform certain work, including the furnishing and installation of a wind turbine; and

WHEREAS, in July 2012, when Conti was in the process of transporting the wind turbine to the Project site, the New Jersey Superior Court, Appellate Division, issued an Interlocutory Order in the matter bearing Docket No. MON-L-32-11 which stayed transportation and erection of the wind turbine pending disposition of the appeal then pending; and

WHEREAS, as a result of the Appellate Division’s Order, the Authority and Conti agreed that the wind turbine should be stored at a facility in Newark, New Jersey; and

WHEREAS, while the wind turbine was stored in Newark, New Jersey, the property at which the turbine was stored suffered significant flooding resulting from Super Storm Sandy, which flooding resulted in the destruction of the turbine; and

WHEREAS, subsequent thereto a dispute arose between the Authority and Conti over who, as between them, was responsible for the damage to the turbine; and

WHEREAS, as a result of this dispute, the Authority would not consider certain claims which Conti had presented and refused to pay Conti the remainder of the contract amount which Conti claimed was due and owing; and

WHEREAS, when the parties could not amicably resolve the dispute, on January 15, 2018 the Authority and Conti agreed that the dispute and each party's competing claims would be decided in binding arbitration; and

WHEREAS, the "Agreement to Submit Claims and Disputes to Private and Binding Arbitration" entered into between the Authority and Conti identified the claims which were outstanding and to be arbitrated, the identification of those claims being identified on Attachment A to the aforesaid Agreement to Submit Claims and Disputes to Private and Binding Arbitration; and

WHEREAS, to avoid the time, expense and uncertainty associated with having the competing claims decided in binding arbitration, the Authority and Conti have agreed to amicably resolve the Outstanding Claims as set forth in the attached Settlement Agreement and Mutual Release; and

WHEREAS, the Settlement Agreement reflects an agreement that is fair, equitable, and beneficial for the Authority.

NOW THEREFORE BE IT RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the attached Settlement Agreement and Mutual Release with Conti Enterprises, Inc. wherein Conti agrees to pay the Authority \$237,500.00 within thirty (30) days of the effective date of this Resolution in full and final settlement of the Outstanding Claims which were the subject of the aforesaid arbitration is hereby accepted and approved; and

BE IT FURTHER RESOLVED that in consideration for the payment set forth above, both the Authority and Conti, along with their respective officers, directors, shareholders, members, principals, agents, representatives, administrators, successors and assigns fully, finally and forever release the other and the other's respective officers, directors, shareholders, members, principals, agents, representatives, administrators, successors and assigns from the Outstanding Claims and any and all other claims, actions, causes of action, damages, judgments and liabilities of any kind whatever in law or equity, whether known or unknown, whether based in tort, contract, statute or any other theory of recovery, in connection with or arising out of the Contract and Project referenced herein; and

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to execute the Settlement Agreement and Mutual Release.

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

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

RESOLUTION NO. (52/20): To Hire a New Staff Engineer

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

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

WHEREAS, the Authority management staff have interviewed qualified candidates for the position of Staff Engineer; and

WHEREAS, Austin Carroll, of Doylestown, PA has demonstrated through his resume and interview the qualities for the position of the Staff Engineer; and

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

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority authorize the hiring of Austin Carroll of Doylestown, PA as Staff Engineer at a starting pay rate of \$60,000 per year, effective June 1, 2020 with a 90 day probationary period and pending the results of the Authority Criminal History, Drug and Alcohol Screening and contingent upon Austin graduating with his Bachelor's of Science/Mechanical Engineering in May from Rutgers and becoming a New Jersey resident within one year from employment.

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

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

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

RESOLUTION NO. (53/20): To Authorize Execution of Documents to Transfer Land to the County of Monmouth

WHEREAS, Bayshore Regional Sewerage Authority (the "Authority") is the owner of certain land designated as Lot 2, Block 140 in the Borough of Keyport, Monmouth County, NJ; and

WHEREAS, the County of Monmouth ("County") is advancing improvements to Bridge R-3 on County Route 6/39 (First Street/Broadway over Chingarora Creek in the Boroughs of Keyport and Union Beach); and

WHEREAS, the County seeks to acquire from the Authority in fee simple a parcel of Lot 2, Block 140 of approximately 398 square feet in size ("Parcel 2"), to facilitate the improvements; and

WHEREAS, in addition, the County seeks to acquire from the Authority a temporary construction easement in a parcel of Lot 2, Block 140 of approximately 911 square feet in size ("Parcel TE2").

NOW THEREFORE BE IT RESOLVED, that the Chairman and Secretary are hereby authorized to execute the necessary documents, subject to the review and approval of the Authority's counsel, for the sale of certain land and for a temporary construction easement for the sum of \$9,200.00.
OFFERED BY: Commissioner McMullen, SECONDED BY: Commissioner Whalen, and carried by a unanimous vote recorded as follows:

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

RESOLUTION No. (54/20): To Hire a New IT Support Manager

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

WHEREAS, for the more efficient operation of the Authority the Bayshore Regional Sewerage Authority has a need to hire a new employee in the position of IT Support Manager to fill a newly created position; and

WHEREAS, the Authority management staff have interviewed qualified candidates for the position of IT Support Manager; and

WHEREAS, Marc Schneider, of Morganville, NJ has demonstrated through his resume and interview the qualities for the position of the IT Support Manager; and

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

NOW THEREFORE BE IT RESOLVED that the Commissioners of the Bayshore Regional Sewerage Authority authorize the hiring of Marc Schneider of Morganville, NJ as IT Support Manager at a starting pay rate of \$75,000 per year, effective March 16, 2020 with a 90-day probationary period and pending the results of the Authority Criminal History, Drug and Alcohol Screening.

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

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

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

ADJOURNMENT

ANNOUNCEMENT (by Chairman Khachaturian):

The next Regular Meeting of the B.R.S.A. is scheduled for Monday, March 16, 2020, 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 8:47 P.M. Chairman Khachaturian called for a **MOTION** to Adjourn the meeting.

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

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