

MINUTES FOR
REGULAR MEETING
MARCH 16, 2020

At 7:___ P.M., Chairman Khachaturian made the following announcement:

The Regular Meeting of the Bayshore Regional Sewerage Authority will now come to order. I hereby announce that pursuant to Section 5 of the Open Public Meetings Act, that adequate notice of this meeting has been sent to the Newark Star Ledger and Asbury Park Press. Notice has also been sent to the Clerks of Aberdeen, Hazlet, Holmdel, Keansburg, Keyport, Matawan, Union Beach and Marlboro and the Western Monmouth Utilities Authority. This notice is also posted in the lobby of the Bayshore Regional Sewerage Authority Administration Building.

Chairman Khachaturian asked all in attendance to stand for the Pledge of Allegiance and a Moment of Silence for the safety of US Troops all over the world.

Chairman Khachaturian called for a roll call of attendance:

PRESENT: Commissioners Russo, Sutton, Whalen and Chairman Khachaturian

PHONE: Commissioners Cavanagh and McMullen

Phone Attendance: Manuel Ponte, P.E., Consulting Engineer
Mark Tabakin, Labor Attorney

Also In Attendance: Mr. Peter Canal, Executive Director
J. Michael Broyles, Superintendent
Charles Theodore, Asst. Superintendent
Thomas Petti, Principal Engineer, PE
John Napolitano, General Counsel
Susan DuBey, Admin. Assistant

REPORTS

1. Executive Directors Report:

Pete Canal Reported:

- **Power Distribution System – Contract 81S** – working on Punch List items and Change Order work
- **Power Resiliency Project – Contract 114S** – completed the Basis Design Report and meeting with MCBOA tomorrow, and then we'll meet with FEMA.
- **New Staff Engineer** will be starting June 1st. He's currently working one day a week and would like to extend it to two days.
- NJ Sustainable Energy Joint Meeting (NJSEM) – electric power supply for the 8 remote facilities went out March 13th to be received on April 7th.

- The 2020 Financial Disclosure Forms can be submitted starting April 1st. The roster has been updated.

2. Principal Engineer Report

Tom Petti Reported:

- **Sludge Concentration Tanks Rehab – Contract 106** – Tank #1 is done and back on line. Ready to take down Tank #4 and install the mechanical sludge collection equipment sometime in April
- **Dorr Oliver Incinerator Upgrade Evaluation Phase 3** – additional work beyond the scope of their original contract, additional correspondence with regard to the permit with NJDEP, comments and review of final permit. Amendment of an additional \$20,000.
- **Interceptor Sewer Rehab Phase 3** – RFP was issued March 9th, pre-proposal meeting March 31st and proposals are due April 17th.
- **Fuel Oil Tank #3 Replacement** – located a small leak that was contained to the casing pipe of the fuel line that feeds the NIRO. Upon inspection R3M recommended to replace and relocate the tank. R3M's design proposal of \$25,140.00.
- **Odor Identification & Mitigation** – had a conference call with Trinity on March 5th and they plan to conduct a three day on site walkthrough and field study on March 30th. Field study postponed due to virus.
- **Matawan and West Keansburg Pump Station Control System Upgrade** – award Amendment #1 in the amount of \$20,572 to Morehouse Engineering for additional modifications to the PLCs and functionality changes.

Commissioner Cavanagh commented about the Title V Permit stating that he was under the impression there would not be delay in getting the Permit. Tom stated that the review of the permitting iterations and provisions went back and forth with NJDEP.

Commissioner Cavanagh asked if there was any soil contamination with Fuel Oil Tank #3. Tom said no and has been contained since December.

3. Consulting Engineer – R3M

Manuel Ponte Reported:

- **Storage Building** – workers working on punch list items.
- **Annual Inspection** – draft report submitted and being reviewed by BRSA staff.
- **Proposal for Fuel Oil Tank #3** – proposal for the Basis of Design and relocation of tank #3.

4. Superintendent's Report

Mike Broyles Reported:

- The flow is the same as last month.
- Effluent Suspended Solids & BOD up slightly but the same % removal at 98%.
- The incinerator is running good and we had no odor complaints reported to the Authority.
- There was an issue with Concentration Tank #3 with a clogged line that we had to drain it out. It took several days to backwash and clear the clog.
- IPP-CEI was issued a Notice of Violation along with the Penalty Assessment in one document just to expedite it.
- The DEP was here and did a Compliance Inspection of the plant and the collection system.

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
UNRESTRICTED INVESTMENTS	February 29, 2020
Lakeland Bank-CD#1	\$ 1,042,505.50
Lakeland Bank-CD#2	<u>\$ 1,026,969.35</u>
TOTAL UNRESTRICTED INVESTMENTS	\$ 2,069,474.85
<u>TD BANK UNRESTRICTED CASH</u>	
Incoming Revenue Account	\$ 1,230.53
Operating Regular Account	\$ 2,591,219.04
Operating Reserve Account	\$ 8,364,587.63
Operating Payroll Account	<u>\$ 723,404.52</u>
TOTAL UNRESTRICTED CASH	\$11,680,441.72
TOTAL UNRESTRICTED CASH & INVESTMENTS	\$13,749,916.57
<u>RESTRICTED INVESTMENT</u>	
Cash Management	\$ 7,306,232.41
TD Bank-CD	<u>\$ 3,071,479.17</u>
TOTAL RESTRICTED INVESTMENTS	\$10,377,711.58
<u>RESTRICTED CASH</u>	
NJEIT Project Fund	\$ 343,737.08
NJEIT Project Fund #2	\$ 2,551,155.69
Bond Service Fund	<u>\$ 693,558.24</u>
TOTAL RESTRICTED CASH	\$ 3,588,451.01
TOTAL RESTRICTED CASH & INVESTMENTS	<u>\$13,966,162.59</u>
TOTAL AUTHORITY ACCOUNTS	\$27,716,079.16

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
BRSA CHARGES	February 29, 2020
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	\$	0.00
TOTAL	\$	<u>0.00</u>

RENT RESERVE ACCOUNTS as of February 29, 2020

Hazlet Township Sewerage Utility	\$	762,774.36
Township of Holmdel	\$	322,647.22
Borough of Union Beach	\$	197,045.54
Borough of Keyport	\$	312,245.08
Borough of Keansburg	\$	267,370.58
Borough of Matawan	\$	327,096.24
Western Monmouth Utilities Authority	\$	102,833.58
Township of Aberdeen	\$	<u>479,388.20</u>
TOTAL	\$	2,771,400.80

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

PAYMENT OF REQUISITIONS

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

Amended Operating Fund Req. No. 582A	-\$290,588.00
Amended Payroll Account Req. No. P230A	+\$290,588.00
Operating Fund Req. No. 583 (Regular)	\$496,924.41
Payroll Account Req. No. P 231 (Payroll)	\$147,544.48
NJEIT Project Fund #2 Req. #PF-43	\$ 50,075.75

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

APPROVAL OF MINUTES

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

- Reorganization/Regular Meeting Minutes of February 24, 2020
- Closed Session Minutes of February 24, 2020

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

PUBLIC PORTION

Chairman Khachaturian announces: This meeting is open to the public to discuss any BRSA matter on the agenda 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.

NO ONE WAS PRESENT FROM THE PUBLIC

RESOLUTIONS

RESOLUTION No. (55/20): To Amend Hazen Engineers Contract for Title V Air Permit Modification for Dorr Oliver Incinerator in the amount of \$20,000

WHEREAS, on April 16, 2018 the Bayshore Regional Sewerage Authority ("Authority") approved an engineering proposal for Submission of Title V Air Permit Modification for the Dorr Oliver Incinerator, in the amount of \$75,300 to Hazen Engineers ("Hazen") of Edison, NJ via Resolution #60/18 in accordance with the terms and conditions of their proposal dated April 10, 2018; and

WHEREAS, it is necessary for Hazen to perform work beyond the scope of their contract including additional correspondence regarding the permit with the NJDEP, review of permitting iterations, provision of comments and review of the final permit; and

WHEREAS, Hazen has submitted an amendment request for this additional work dated February 28, 2020 in the amount of \$20,000; and

WHEREAS, the Executive Director and Principal Engineer have met with Hazen to review the amendment and find it to be fair and reasonable for the additional scope added to the project; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Dorr Oliver Incinerator Upgrade 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 an amendment for the engineering proposal for the Submission of Title V Permit Modification for the Dorr Oliver Incinerator in the amount of \$20,000 to Hazen Engineers of Edison, NJ in accordance with their letter dated February 28, 2020 increasing the total contract value to \$95,300.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute any necessary contract amendment documents.

OFFERED BY: Commissioner Sutton, 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. (56/20): To Award Engineering Services for the Replacement of Fuel Oil Tank #3 Project to R3M Engineering, Inc., in the amount of \$25,140.00

WHEREAS, the Bayshore Regional Sewerage Authority ("Authority") owns and maintains four (4) fuel oil tanks that service the standby generators and incineration buildings; and

WHEREAS, Fuel Oil Tank #3 services the Dorr Oliver and Niro Incinerator and has a need to be replaced and relocated; and

WHEREAS, the Authority has solicited a proposal from R3M Engineering, Inc. of Old Bridge, NJ for the engineering services for the Replacement of Fuel Oil Tank #3 Project, dated March 4, 2020, in the amount of \$25,140.00; and

WHEREAS, the Executive Director and Principal Engineer have reviewed the proposal and found 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 Capital Improvements Projects 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 the Replacement of Fuel Oil Tank #3 Project, in the amount of \$25,140.00 to R3M Engineering, Inc., of Old Bridge, NJ in accordance with the terms and conditions of the proposal dated March 4, 2020.

BE IT FURTHER RESOLVED that the Chairman and Secretary are hereby authorized to execute the contract agreement with R3M Engineering, Inc., of Old Bridge, NJ.

OFFERED BY: Commissioner Russo, 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. (57/20): To Amend Morehouse Engineering Contract for Matawan & West Keansburg Pump Station Control System Upgrade in the amount of \$20,572

WHEREAS, on July 16, 2018 the Bayshore Regional Sewerage Authority (“Authority”) approved an engineering proposal for the Matawan & West Keansburg Pump Station Control System Upgrade, in the amount of \$67,370 to Morehouse Engineering (“Morehouse”) of Hopewell, NJ via Resolution #80/18 in accordance with the terms and conditions of their proposal dated June 27, 2018; and

WHEREAS, it is necessary for Morehouse to perform work beyond the scope of their contract including additional programmable logic controller modifications and functionality changes; and

WHEREAS, Morehouse has submitted an amendment request for this additional work dated December 10, 2019 in the amount of \$20,572; and

WHEREAS, the Executive Director and Principal Engineer have met with Morehouse to review the amendment and find it to be fair and reasonable for the additional scope added to the project; and

WHEREAS, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds in the Capital Projects 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 an amendment for the engineering proposal for the Matawan & West Keansburg Pump Station Control System Upgrade in the amount of \$20,572 to Morehouse Engineering of Hopewell, NJ in accordance with their letter dated December 10, 2019 increasing the total contract value to \$87,942.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized to execute any necessary contract amendment documents.

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. (58/20): To Adopt Revised Documents for the Lincoln Financial 457 Plan

WHEREAS, the Bayshore Regional Sewerage Authority (“Authority”) by resolution previously adopted a Deferred Compensation Plan (“Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (“Code”) and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans “Acts and Regulations”); and

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations; and

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations; and

WHEREAS, such revised Plan shall supersede the previously adopted Plan.

NOW THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 92-PD-Lincoln-121316.

BE IT FURTHER RESOLVED that Lincoln Retirement Services, LLC (“Lincoln”) has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that Lincoln will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between the local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37-5.7; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to execute and Administrative Services Agreement with Lincoln (94-SA-Lincoln-110217) and such other agreements as are necessary to implement the Deferred Compensation Plan. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IF FURTHER RESOLVED that the Executive Director is authorized to serve as the “Administrator” of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Confidential Secretary forward a certified true copy of this resolution to the Executive Director; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803, Trenton, NJ 18625-0803.

Executed this sixteenth day of March, 2020 by:

X _____

the Chairman-Adam Khachaturian

X _____

Susan DuBey, Administrative Assistant

OFFERED BY: Commissioner Sutton, SECONDED BY: Commissioner Russo, and carried by a unanimous voice 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.

NO ONE WAS PRESENT FROM THE PUBLIC

EXECUTIVE SESSION

Chairman Khachaturian called for a **MOTION** to go into Closed Session at 7:30 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 @ 8:30 P.M.

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

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

RESOLUTIONS

RESOLUTION No. (59/20): To Grant Aina Yadav Regular Employment Status Effective December 21, 2019

WHEREAS, Aina Yadav was hired as a probationary employee in the job title of Laboratory Technician on September 23, 2019; and

WHEREAS, the probationary period expired on December 21, 2019; and

WHEREAS, in a memorandum to the Executive Director dated January 13, 2020, the Plant Superintendent has recommended that Ms. Yadav be granted Regular Status effective December 21, 2020.

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

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. (60/20): Emergency Resolution

WHEREAS, Coronavirus 2019 (“COVID-19”) is a highly contagious respiratory disease; and **WHEREAS**, the spread of COVID-19 may result in staffing shortages and otherwise disrupt operations at the Bayshore Regional Sewerage Authority (“Authority”); and

WHEREAS, Authority staff, Commissioners and Professionals must take immediate action to protect the health, safety and welfare of the employees, community & facility.

NOW THEREFORE BE IT RESOLVED, the Commissioners of the Bayshore Regional Sewerage Authority declare that an emergency exists at the authority facilities, collection system and pump sections and invoke the emergency procurement sections of the local public contracts law at N.J.S.A. 40A:11-6 as well as the Authority policy for purchasing.

BE IT FURTHER RESOLVED the Commissioners of the Bayshore Regional Sewerage Authority authorize the Executive Director to take the necessary action to procure the service, materials, equipment and supplies and manage the labor force as needed to protect the health, safety and welfare of the employees, community and facilities and to file this resolution and the Executive Director’s Declaration of Emergency with the Authority Qualified Purchasing Agent.

BE IT FURTHER RESOLVED by the Commissioners of the Bayshore Regional Sewerage Authority that the appropriate Authority Officials are hereby authorized to pay all necessary and proper bills and claims which may be incurred by the Authority in the event that meetings may be cancelled.

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

ADJOURNMENT

ANNOUNCEMENT (by Chairman Khachaturian):

The next Regular Meeting of the B.R.S.A. is scheduled for Monday, April 20, 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 8:32 P.M. Chairman Khachaturian called for a **MOTION** to Adjourn the meeting.

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

Respectfully submitted,
Susan DuBey, Administrative Assistant