



# BAYSHORE REGIONAL SEWERAGE AUTHORITY

100 Oak Street, Union Beach, NJ 07735  
732-739-1095 OFFICE 732-739-2459 FAX

Peter J. Canal, *EXECUTIVE DIRECTOR*  
J. Michael Broyles, *DIRECTOR OF OPERATIONS*

## MINUTES FOR REGULAR MEETING (via Zoom) MONDAY, FEBRUARY 27, 2023

At 7:05 P.M., Chairman Cavanagh made the following announcements:

The 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 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.

**Topic:** BRS A Monthly Public Meeting Schedule

**Time:** Eastern Time (US & Canada)

**Join Zoom Meeting:** February 27, 2023 07:00 PM Reorganization & Regular Meeting

**Meeting ID:** 825 9542 8520

**Passcode:** 860764

**Join Zoom Meeting:**

**<https://us02web.zoom.us/j/82595428520>**

**Dial by your location**

+1 646 518 9805 US (New York)

+1 646 876 9923 US (New York)

+1 267 831 0333 US (Philadelphia)

**Find your local number:** **<https://us02web.zoom.us/u/keEbcCjL0>**

Please be advised that the Zoom link, Meeting ID and Passcode for each meeting are the same.

During the public comment period, if you would like to make a public comment, please press the "Raise Hand" button on Zoom or dialing \*9 on your telephone keypad to raise your hand. A representative of the Authority will address you by name or by the last 4 digits of your telephone number to state your comment. The Authority will unmute your microphone. You must state your name and address prior to making a public comment. You may also mute and unmute yourself by pressing the microphone icon on Zoom or dialing \*6 on your telephone keypad. The Authority will not accept comments made through the "chat" feature available on Zoom remote meetings.

Chairman Cavanagh 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 Cavanagh called for a roll call via Zoom:

**PRESENT:** Commissioners Lauro, McMullen, Mioduszewski, Sutton, Whalen, and Chairman Cavanagh

Also, in attendance: Peter Canal, Executive Director  
Via Zoom J. Michael Broyles, Director of Operations  
Thomas Petti, P.E., Principal Engineer  
John Napolitano, General Counsel  
Manuel Ponte, P.E. Consulting Engineer  
Carlos Nunes, IT  
Roy Anderson, Superintendent  
Chad Sprague, Regulatory Compliance Manager  
Robert Fischer, PS&S

### **MOTIONS FOR REORGANIZATION**

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

**MOTION**- for the office of **CHAIRPERSON**: **Commissioner McMullen**

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

ROLL CALL: Commissioners Lauro, McMullen, Mioduszewski, Sutton, Whalen, and Chairman Cavanagh

Chairwoman McMullen thanked Commissioner Cavanagh for a job well done as chairman in the year 2022.

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

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Whalen, and Chairwoman McMullen

ABSTAINED: Commissioner Sutton

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

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

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

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

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

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

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

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

ROLL CALL: Commissioners Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

ABSTAINED: Commissioner Cavanagh

## **PUBLIC PORTION**

**ANNOUNCEMENT** (by Chairwoman McMullen): 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 PUBLIC IN ATTENDANCE

## **RESOLUTIONS**

**RESOLUTION (13/23): 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 21:44A-21.5; 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 17, 2023 from the Executive Director.

**RESOLUTION (14/23): To Designating the Asbury Park Press, as the Official Newspaper and www. Bayshorersa.com as the BRSA Official Website**

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

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

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

**RESOLUTION (15/23): Re-adopt a Cash Management Plan as set forth pursuant to provisions of NJSA 40A: 5-14**

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

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

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

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

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

**Cash Management Plan**

**I. STATEMENT OF PURPOSE**

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J. S.A. 40A: 5-14 in order to set forth the basis for the deposits (“Deposits”) and investment ("Permitted Investments") of certain public funds of the Bayshore Regional Sewerage Authority (“Authority”), 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	NJEIT Project Fund III
Debt Service Fund	Lakeland Bank CD
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 and Restricted Funds** - Funds not immediately needed for Authority purposes shall be maintained in the Reserve and Restricted Funds. 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. 2177, 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. 2170, c.236 (C. 18:21-41); 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 2140", 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. 2168, 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. 2167 c.93 (C49:3-56) and has at least \$25 Million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

## **VII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN**

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

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

## **VIII. REPORTING REQUIREMENTS**

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

- A.** The name of any institution holding funds of the Authority as a Deposit or a Permitted Investment.

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

**RESOLUTION (16/23): Designating TD Bank, qualified under the Government Unit Deposit Protection Act, as the Official Depository of the B.R.S.A.**

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

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

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

**RESOLUTION (17/23): Confirming Peter J. 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 J. Canal, Executive Director of the Authority is hereby appointed authorized signatory and representative of the Authority for the above listed purposes.



**RESOLUTION (18/23): Re-Adopt Procedures to be followed in the Payment of Invoices**

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

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

**WHEREAS**, 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

**WHEREAS**, 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 NJSA 40A: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 \$6,600; 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 (19/23): Re-Adopt Procedures to be followed in the Purchase of Equipment, Supplies and Services**

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

**WHEREAS**, the Authority is 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. 40A: 11-5 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 \$6,600, 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 \$6,600 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 \$6,600, 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 \$44,000 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 \$44,000 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 (20/23): Re-Adopt the Schedule of Financial Reports**

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

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

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

**SCHEDULE OF FINANCIAL REPORTS**

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

**RESOLUTION (21/23): Adopting and Specifying the Annual Notice of Scheduled Meetings for 2023/2024 of the BRSA**

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

**NOW THEREFORE BE IT RESOLVED** the Commissioners of the Bayshore Regional Sewerage Authority hereby adopt the following schedule of Regular Meetings during 2023/2024. All meetings in 2023/2024 will commence at 7:00 P.M. prevailing time, from March 20, 2023 thru February 26, 2024 and will be held virtually via Zoom from the Authority Administration Building, 100 Oak Street, Union Beach, NJ.

Join Zoom Meeting:

<https://us02web.zoom.us/j/88944344251>

**Meeting ID: 889 4434 4251**

**Passcode: 187423**

One tap mobile

+16468769923,,88944344251#,,,,\*187423# US (New York)

+12678310333,,88944344251#,,,,\*187423# US (Philadelphia)

Dial by your location

+1 646 876 9923 US (New York)

+1 267 831 0333 US (Philadelphia)

+1 646 518 9805 US (New York)

Find your local number: <https://us02web.zoom.us/u/kd1gsCer6s>

**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; and

**2023**

March 20 – Regular Meeting

April 17 – Regular Meeting

May 15 – Regular Meeting

June 19 - Connection Fee Public Hearing/Regular Meeting

July 17 – Regular Meeting

August 21 – Regular Meeting

September 18 – Regular Meeting

October 16 – Regular Meeting

November 13 – Regular Meeting

December 18 - User-Charge Public Hearing/Regular Meeting

**2024**

January 22 – Regular Meeting

February 26-Reorganization/Regular Meeting

**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 26, 2024, (via Zoom) at the Authority offices, 100 Oak Street, Union Beach, NJ; and

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

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

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

**RESOLUTION (22/23): To Re-Adopt TD Banks 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	_____
MARCY MCMULLEN	Commissioner	_____
BART SUTTON	Commissioner	_____
SAMUEL LAURO	Commissioner	_____
CHRISOPHER CAVANAGH	Commissioner	_____
JOHN MIODUSZEWSKI	Commissioner	_____
SCOTT WHALEN	Commissioner	_____

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the said corporation this 27<sup>th</sup> day of February 2023

/s/ \_\_\_\_\_, **BRSA Secretary**  
John Mioduszewski



BART SUTTON Commissioner \_\_\_\_\_

SAMUEL LAURO Commissioner \_\_\_\_\_

CHRISOPHER CAVANAGH Commissioner \_\_\_\_\_

JOHN MIODUSZEWSKI Commissioner \_\_\_\_\_

SCOTT WHALEN Commissioner \_\_\_\_\_

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the said corporation this 27<sup>th</sup> day of February 2023

/s/ \_\_\_\_\_, **BRSA Secretary**  
John Mioduszewski

I, Marcy McMullen, Chairwoman of the above-named Authority, do hereby certify that John Mioduszewski, 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 Chairwoman**  
Marcy McMullen

**RESOLUTION (24/23): To Adopt Lakeland Bank Resolution Reserve 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 **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	_____
MARCY MCMULLEN	Commissioner	_____
BART SUTTON	Commissioner	_____
SAMUEL LAURO	Commissioner	_____
CHRISOPHER CAVANAGH	Commissioner	_____
JOHN MIODUSZEWSKI	Commissioner	_____
SCOTT WHALEN	Commissioner	_____

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of the said corporation this 27<sup>th</sup> day of February 2023

/s/ \_\_\_\_\_, **BRSA Secretary**  
John Mioduszewski

I, Marcy McMullen, Chairwoman of the above-named Authority, do hereby certify that John Mioduszewski, 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 Chairwoman**  
Marcy McMullen

**RESOLUTION (25/23): To Re-Adopt Authority Indemnification Resolution**

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

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

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

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

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

**Section 5.** In any other action or proceeding, including criminal proceedings, the Authority may provide for the defense of a present or former official, employee or appointee, if the Authority concludes that such representation is in the best interest of the Authority and that the person to be defended acted or failed to act in accord with the standards set forth in this resolution.

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

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

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

**RESOLUTION (26/23): To Designate Peter Canal as the Public Agency Compliance Officer for the State of NJ EEO Monitoring Program**

**BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority ("Authority") that Peter J. 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. 2175 c.127.

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

**RESOLUTION (27/23): To Authorize 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 \$500; and

**WHEREAS**, receipts into the Petty Cash Fund that exceed a balance of \$500 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 \$500.

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

**RESOLUTION (28/23): 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 40A:11-2(30).

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (29/23): To Appoint a Labor/Employment Attorney – Weiner Law Group**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Labor/Employment Legal Counsel services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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 \$180.00 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, Secretary and/or Executive Director are authorized to enter into a contract with Weiner Law Group, LLP as described more specifically in their proposal dated February 8, 2023.

**BE IT FURTHER RESOLVED** that the Contract with Weiner Law Group, LLP shall not exceed \$35,000 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 Lauro, SECONDED BY: Commissioner Sutton, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (30/23): To Appoint Auditor and Accountant Services to the Authority - Bart & Bart, CPA.**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Accounting and Auditing services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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 \$35,000.00 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, Secretary and/or Executive Director are authorized

to enter into a contract with Bart & Bart as described more specifically in their proposal dated February 14, 2023.

**BE IT FURTHER RESOLVED** the Contract with Bart & Bart for Auditing Services shall not exceed \$50,000 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 Lauro, SECONDED BY: Commissioner Sutton, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (31/23): To Accept the Proposal from ARCADIS US for continuing service as Authority's FEMA Consultant**

**WHEREAS**, the Bayshore Regional Sewerage Authority ("Authority") has contracted with ARCADIS U.S. 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 U.S. 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 17, 2023; and

**WHEREAS**, ARCADIS US. has completed and submitted Business Entity Disclosure Certifications which certifies that ARCADIS U.S. has not made any reportable contributions in the previous one year, and that the contract will prohibit ARCADIS U.S. 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 Consultant other line item and 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, Secretary and/or Executive Director are authorized to enter into a contract with ARCADIS U.S. as described more specifically in their proposal dated February 17, 2023.

**BE IT FURTHER RESOLVED**, the Contract with ARCADIS U.S. shall not exceed \$49,000 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 Cavanagh, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (32/23): To Appoint a Bond Counsel to the Authority - Gibbons P.C.**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Bond Counsel services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; and

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

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

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

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

**WHEREAS**, in accordance with NJAC 5:30-5.4(a)(3), the Authority certifies the availability of funds, in the Legal line item and 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, Secretary and/or Executive Director are authorized to enter into a contract with Gibbons P.C. as described more specifically in their proposal dated February 10, 2023.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (33/23): To Appoint a General Consulting Engineer to the Authority – R3M Engineering**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for General Engineering Consulting services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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 \$190.00 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, Secretary and/or Executive Director are authorized to enter into a contract with R3M as described more specifically in their proposal dated February 14, 2023.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (34/23): To Appoint a Risk Management Consultant to the Authority – Connor, Strong & Buckelew.**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Risk Management Consulting services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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, Secretary and/or Executive Director are authorized

to enter into a contract with Connor, Strong & Buckelew as described more specifically in their proposal dated February 17, 2023; and

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

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

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (35/23): To Appoint a Consulting Instrumentation and Control Engineer to the Authority – Morehouse Engineering**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Instrumentation and Control Engineer Consulting services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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 \$216 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, Secretary and/or Executive Director are authorized to enter into a contract with Morehouse Engineering, Inc. as described more specifically in their proposal dated February 13, 2023.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen



**RESOLUTION (36/23): To Appoint an Incinerator Consulting Engineer to the Authority – Chavond Barry Engineering.**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Incinerator Consulting Engineer services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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 \$250.00 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, Secretary and/or Executive Director are authorized to enter into a contract with Chavond Barry Engineering Corp. as described more specifically in their proposal dated February 17, 2023.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (37/23): To Appoint a Financial Advisor to the Authority – Acacia Financial Group**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Financial Advisory services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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, Secretary and/or Executive Director are authorized to enter into a contract with Acacia Financial Group, Inc. as described more specifically in their proposal dated February 17, 2023.

**BE IT FURTHER RESOLVED** that the Contract with Acacia Financial Group, Inc. 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 Mioduszewski, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (38/23): to Appoint a General Counsel to the Authority - Cleary, Giacobbe, Alfieri & Jacobs, LLC.**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for General Legal Counsel services to be provided as a non-fair and open contract pursuant to the provisions of NJSA 21:44A-21.5; 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 9, 2023, indicating they will provide General Legal Counsel services at \$190.00 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, Secretary and/or Executive Director are authorized to enter into a contract with Cleary, Giacobbe, Alfieri, Jacobs, LLC as described more specifically in his proposal dated February 9, 2023.

**BE IT FURTHER RESOLVED** that the Contract with Cleary, Giacobbe, Alfieri, Jacobs, LLC shall not exceed \$50,000 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 Lauro, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (39/23): To Appoint an Air Quality Consultant to the Authority – All 4, LLC**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to contract for Air Quality Permitting Consultant 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**, All 4, LLC of Philadelphia, PA has submitted a proposal indicating they will provide Air Quality Permitting Consulting services at \$195 per hour and in accordance with their proposal dated February 17, 2023; and

**WHEREAS**, All 4, LLC has completed and submitted Business Entity Disclosure Certifications which certifies that All 4, LLC has not made any reportable contributions in the previous one year, and that the contract will prohibit All 4, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Consultant-other line item of the Authority Operating & Capital Budgets 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 that the Chairman is authorized to enter into a contract with All 4, LLC as described more specifically in their proposal dated February 17, 2023.

**BE IT FURTHER RESOLVED**, that the Contract with All 4, LLC 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 Mioduszewski, SECONDED BY: Commissioner Cavanagh, and carried by a unanimous voice vote recorded as follows:

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

## **SUB-COMMITTEE APPOINTMENTS**

**Chairwoman McMullen** calls for a review of the recommended Sub-Committee Appointments offered and requested a **MOTION** of acceptance:

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

### **2023 Committee Appointments**

<b><u>FINANCE COMMITTEE:</u></b>	Chair	Commissioner McMullen Commissioner Lauro Commissioner Whalen
<b><u>LEGAL COMMITTEE:</u></b>	Chair	Commissioner Sutton Commissioner Cavanagh Commissioner Mioduszewski
<b><u>ENGINEERING COMMITTEE:</u></b>	Chair	Commissioner Cavanagh Commissioner Lauro Commissioner Mioduszewski
<b><u>PERSONNEL COMMITTEE:</u></b>	Chair	Commissioner Whalen Commissioner McMullen Commissioner Sutton

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen and Chairwoman McMullen

**Chairwoman McMullen** calls for a **MOTION** – to Close the Reorganization Meeting of February 27, 2023 at 7:15 P.M. and Open the Regular Meeting of February 27, 2023.

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

A YES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen and Chairwoman McMullen

## Reports

### BRSA Projects, Special Reports & Connection Applications

#### 1. **Executive Directors Report**

- **Administration** - The Authority currently has one employee out sick with COVID. We have had nine (9) employees out with COVID since September. We continue to follow the CDC guidelines.
- **Disaster Recovery Update** - On February 24, 2023, we received Authorization to Advertise public bids from NJDEP for the Power Resiliency Generation Project. We anticipate advertising on or about March 16, 2023 with public bid opening on May 18, 2023. HDR is presenting an update on the project at the March 20, 2023 public meeting.
- **Dorr Oliver** - Project is proceeding well. HDR has submitted their final Value Engineering Report and are continuing with the sixty (60) percent design milestone. They will also update on this project while they are here next month.
- **Financial** – We Met with Gabel Associates our energy consultant on February 17, 2023 and they are proceeding with the advertising for bids to be opened on March 22, 2023. There is a Resolution on tonight to authorize an energy agent contract and for the Executive Director and/or the attorney to award the contract or reject the bids. We are in need to replace two (2) 2013 Ford utility vehicles. There is a Resolution on tonight to approve the purchase of two (2) 2023 Ford Utility vehicles in the amount of \$49,873.29 each. There is also a Resolution on tonight to join the Passaic County Cooperative, which is for purchasing supplies, parts, and equipment. There are no contracts or money associated with this resolution, it simply allows us to purchase goods under the Co-op. There are payments to approve this month for Project Fund (PF) No. 3, for Power Resiliency Generation Project for Cleary, Giacobbe, Alfieri, Jacobs in the amount of \$777 and R3M Engineering for \$1,359. We have the first quarter MCBOA contract payment in the amount of \$278,137.53 and the annual payment for pension and benefits to PERS in the amount of \$408,126.
- **Human Resources** – We have personnel matters for Executive Session.
- **Other** – If anyone would like to attend the AEA Conference, it is being held on March 14-15<sup>th</sup>. The agenda is attached to report.

Commissioner Cavanagh asked for a reminder of what the town's Condition Assessment Reports entails and for an update. Mr. Canal explained that the towns must provide a Condition Assessment Report, listing needed repairs and a plan for completion of these repairs every five (5) years. We received all reports in 2017 and the 10-year reports, including the Condition Assessments, were due in 2022. At the December, 2022 public meeting, the Board approved a 1-year extension to the deadline.

### Contract 138 – Recycle Pump Station Improvements Presentation

**Mr. Robert Fischer of PS&S presented on the Recycle Pump Station Improvements project.**

- The project is approximately fifty (50) percent completed.
- There are two (2) main objectives to this project. The first is to upgrade the station to increase the hydraulic capacity of the pumps. Currently, the pumps are operating at approximately ninety

(90) percent capacity. The Authority may introduce additional flow to the process which will increase the demand on the station. The solution was to install two (2) new 40HP pumps, complete with discharge piping. The second objective was to install an emergency overflow bypass line. Mr. Fischer explained that all of the processes throughout the plant have drains that flow to the Recycle Pump Station. If there were to be a failure of the Recycle Pump Station pumps, the plant processes would continue to contribute flow to the station. The water flowing to the station would eventually back up enough to overflow at the lowest point, which is the chlorine contact tanks. This would allow untreated water to discharge with the plant effluent, possibly causing noncompliance issues. The emergency overflow bypass line will prevent this problem if the pumps are to fail by allowing the water to flow by gravity back to the wet well once the level in the Recycle Pump Station reaches the level of the bypass line in the station. This line is placed below the level at which the water would overflow at the chlorine contact tanks.

- Installation of the bypass line is one hundred (100) percent complete.
- The pumps should be arriving in April and should be installed by sometime in May. Final clean-up and restoration should be completed by the end of May to early June.
- There were a few problems during installation of the emergency bypass line. The Authority was not provided As-Built drawings relating to the plant upgrade performed in the 90's. Therefore, during excavation, there were two (2) areas where obstructions that were unknown to the contractor were uncovered. The contractor first found a large duct bank that required more complex shoring procedures with the need for additional equipment. The second obstruction found was near the existing Recycle Pump Station. During original construction, the contractor never removed the sheeting used, requiring it to be cut out of the way in order to complete this project.
- The additional work required resulted in a change order, which is on the agenda tonight for approval, in the amount of \$118,767. The original change order request was for an amount greater than submitted but was negotiated down by PS&S and the Authority. The change order brings the sub total for the entire project to \$794,767. To date, \$383,820 has been paid and, if the change order is approved, there will be a remaining balance of \$410,947.

Chairwoman McMullen asked how much greater the original change order request was. Mr. Fischer stated that the original request was close to \$132,000. A brief discussion concerning the negotiating ensued.

Commissioner Cavanagh asked if there was a procedure in place to survey the area prior to a project so that what is buried there is known. A brief discussion took place concerning the surveying of the area and methods that the Authority is using to improve the drawings for future use.

Chairman Cavanagh then asked if the replacement pumps were variable speed. Mr. Fischer stated that they were. The new pumps will utilize the existing VFD's.

## 2. Principal Engineer Report

- **Contract 122 – Interceptor Sewer Rehabilitation Phase 3** – All work is complete as of January 4<sup>th</sup>. There was a need for additional traffic control as required by Hazlet Police Department. There was a contract allowance, of which we used a portion for some heavy

cleaning. After accounting for the remaining contract allowance and adding the cost of the additional traffic control as well as an additional manhole frame and cover for a manhole that is located in the wetlands, there is a small change order on for tonight in the amount of \$11,406.69. This increases the total amount of the contract to \$504,641.69. We anticipate closing this project out in March or April.

- **Contract 138 – Recycle Pumping Station Improvements** – This is the contract that Mr. Robert Fischer presented on. The change order amount in the amount of \$118,797.70 increases the total contract amount to \$794,767.70. There is a Resolution on tonight to award this change order to CRS Contractors, Inc.
- **Contract 144 – Pumping Station Transfer Switch Replacements & Electrical Upgrades** – The project went out to bid beginning on January 20, 2023. We had a pre-bid meeting on-site on February 1, 2023 and the bid opening is scheduled for March 1, 2023 at 11:00 am. We are expecting at least three (3) to four (4) bids on this contract and there is a possibility of awarding it at the March Public Meeting.
- **Contract 23-005 – Furnish & Deliver Emergency Force Main Repair Inventory** – We spoke in December and January about the Request for Quotation to procure some emergency inventory for our Ductile Iron Force Main (West Keansburg Force Main). The Matawan Force Main is a Pre-Stressed Concrete Cylinder Pipe (PCCP). This Force Main is double the length of the West Keansburg Force Main and has required some more frequent repairs. As part of the Long-Term Management Program that R3M developed last year, we compiled a list of recommended repair inventory to have on hand. This procurement contract was done separately because it is a different pipe material, requiring different vendors and quantities than the West Keansburg Force Main. We have a Resolution on tonight to authorize advertisement of the contract for public bids.
- **Main Pumping Station Maintenance Garage Door Replacement** – We replaced three (3) rolling garage doors at the Grit Facility last year and we require replacement of four (4) additional doors at the Main Pump / Maintenance Garage area. The three (3) doors in the back are simple roll-up doors and the one (1) in the front is powered and will be tied into the existing electric. We solicited quotes for this under state contract, allowing us to award without competitive bidding. We got two (2) quotes that were within \$100 of each other with a low quote from Merchantville Overhead Door Company, Inc. in the amount of \$38,661.50. We have a Resolution on tonight to award the Main Pumping Station Maintenance Garage Door Replacement to Merchantville Overhead Door Company Inc.
- **Plant HVAC Upgrades** – This project is part of our Capital Budget this year to perform some miscellaneous upgrades to the HVAC systems, primarily the control systems and associated electrical upgrades, in the Hypochlorite Building, Odor Control Building & Grit Facility. This project will also include upgrades to the hot water boiler systems in the Lab Building and Main Pumping Station Addition. This will be the first project that we will be utilizing our new short list of Engineers for. We reached out to a couple of firms on the Electrical list to let them know that the scope of work is coming soon and expect to issue an RFP in March to get some proposals for design.
- **Contract 23-004 Furnish & Deliver Polymer** – Our annual Contract for Polymer expires on March 17, 2023. The bid opening for the new Contract took place on February 15, 2023 at 11:00 am. We received one (1) bid from Polydyne in the amount of \$100,000.00. We have a Resolution on tonight to award the contract to Polydyne.
- **RFQ 2023-02 – Roof Inspection & Preventative Maintenance for a One (1) Year Period** – We received one (1) quote for our Annual Roof Inspection Service Contract in the amount of \$24,590.00 from Roof Maintenance Systems, Inc. of Freehold, NJ. There is a Resolution on tonight to award RFQ-2023-02 Roof Inspection & Preventative Maintenance for a One (1) Year Period

- **RFQ 2023-03 – Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1) Year Period** – We have a Resolution on tonight to authorize advertisement of this RFQ for public bids.
- **RFQ 2022-04 – Jet Vacuuming Services of the BRSA Plant & Collection System on a Regular & Emergency Basis for a One (1) Year Period** – Vortex Services had our annual Jet/Vac Service Contract for the Plant & Collection System last year and have agreed to extend the contract for one (1) year at the same price, \$12,000.00. There is a Resolution tonight to award the first one-year Contract extension for Jet Vacuuming Services of the BRSA Plant & Collection System on a Regular & Emergency Basis for a One (1) Year Period to Vortex Services, LLC.
- **174 Church Street, LLC, B.85,L.4-10 & 13, Church Street, Keyport** – This is a small developer in Keyport that is looking to build a community with six (6) duplexes and two (2) single family homes for a total of 14 units. They have a unit credit on lots 9 & 10 for existing sewer connections, bringing their total to 12 units. They have paid the connection fee for the 12 units of \$61,536.00 and the review fee of \$177.47. There is a Resolution on tonight to approve a sanitary sewer connection and Treatment Works Approval application to 174 Church Street, LLC.

### 3. Consulting Engineer – R3M

- **Power Resiliency System** – We received authorization from NJDEP to advertise. The advertisement and bid schedules have been prepared by BRSA staff.
- **WPCP Site Specific Odor Control Study Update** – The design is complete and an advertisement date has been set for March 3, 2023 with bid opening scheduled for April 26, 2023 at 11:00 am. We estimate that construction will take approximately one (1) year.
- **Administration Building Roof Replacement** – We continue to review the shop drawings and roof materials.
- **West Keansburg Pump Station (WKPS) Bypass and Meter Facility Construction Services** – As mentioned in previous reports, the flange was damaged during the replacement of the mag meter. The repair to the flange was completed on February 22, 2023. The project is now complete.
- **Engineering Design Services for West Keansburg Force Main Replacement** – We continue to review shop drawings, with submission of additional shop drawings expected.
- **Condition Assessment and Planning Program of Authority Force Mains: Phase III** – We are finalizing the Hydraulic Evaluation and plan to present to BRSA staff shortly.

### 4. Director of Operations Report

- **Plant Performance** - The flow for January was roughly the same as the previous month. There was a total increase in flow for the month of 4 MG or approximately 130,000 gallons per day. The flow for CEI was 126,000 gallons for the month.
- **Effluent Quality** - The effluent quality has degraded slightly from December, possibly due to the additional flow. We saw an increase of 2 mg/L of BOD and Suspended Solids and lost about 1% in percent removal. We are still at 96% removal and only at 30% of our permitted discharge amounts.
- **Fuel oil usage** – Usage is up slightly in the incinerator.
- **Odor Complaints** - we received one odor complaint. The wind direction was from the back of the plant to the front of the plant and the wind speed was about 16 miles per hour.



- **Noise Complaints** - There were no noise complaints. However, there was a complaint concerning the location of our monitor. It appears that the complainant saw the monitor in the woods and felt that this location was not adequate. The monitor was located at a spot in the woods directly between the plant and his property for a couple of weeks. We felt that this location would effectively pick up any noise headed in that direction. We have since moved the monitor to a different location.
- **Operations** - There were no scheduled or unscheduled shutdowns of the incinerator. We did have one delayed startup. We isolated the city water supply line running through the excavation performed for the Recycle Pump Station Emergency Bypass Line installation while the contractor was working in the area to prevent the hole from filling with water if they accidentally hit the water line. Once the contractors were done, we put the line back in service and resumed operations. Members of the staff attended several Capital project meetings throughout the month.
- **Compliance, Safety, and Training** - All annual and quarterly reporting that is due in the beginning of the year was completed.
- **Laboratory** - We received notification about the 2023 NJDEP Water Pollution Proficiency Test. This test involves lab testing blind samples and submitting those results to NJDEP to assure that the lab is obtaining accurate results. These tests will be performed in March.
- **Industrial Pretreatment Program**- CEI reported another minor pH violation in December for which a Notice of Violation (NOV) was issued in January. The Clean Water Enforcement Act (CWEA) annual report was completed. Fourth quarter flows for IFF R&D and Union Beach facilities were provided to Union Beach so that they can bill IFF.
- **Computers, Instrumentation, and Network Administration** - ABB performed quarterly calibrations of flow meters. All units were found to be performing within acceptable limits. ARCADIS performed our fourth quarter Cylinder Gas Audit (CGA) on the Continuous Emissions Monitoring System (CEMS). All analyzers passed with no problems. An AMETEK service technician came to the plant to try and resolve a problem that we have been having with the CO analyzer for our Carbon Scrubber. He has been assisting our staff with maintenance of the analyzer in order to minimize down time.
- **Treatment Plant Maintenance** - We had a failure of the hot water line that runs between the Lab Building and the Grit Facility and Main Pump Station Addition. The lines were isolated and temporary heat was supplied to the Grit Facility and Maintenance Shop until permanent repairs can be performed. A Wash Water Booster Pump line for Filter Press # 3 developed a leak and was replaced. A backflow preventor on a city water line in the Incineration Building failed. The unit was removed and a temporary bypass installed until a new unit can be procured.
- **Collection System Maintenance** - We repaired a water leak on the second floor of the West Keansburg Pump Station. Everything has since been dry, even with the wet weather. With the leak repaired, staff has been out painting and cleaning the building. The mounting of the davit bases for the safety retrieval devices at the meter chambers has been completed. Operators are now utilizing the new equipment. This saves time now that they do not have to set up and break down the portable base at every chamber.
  - Peter Canal asked if they were 100 percent complete at the pump stations. Mr. Anderson stated that they were complete at the meter chambers and there was

one more to be installed at the Raritan Valley Pump Station. However, the ones required for the routine work being performed are all complete.

- Mr. Canal then explained that this equipment is part of our Confined Space Program. It allows retrieval of a person within the confined space without the need for the second person to enter.

**5. Legal Report - Closed Session**

**TREASURER’S REPORT**

**STATEMENT OF CASH RECEIPTS AND CASH DISBURSEMENTS**

	<b>Balance January 31, 2023</b>
<b><u>UNRESTRICTED INVESTMENTS</u></b>	
TD Bank -CD#1	\$ 2,118,000.00
Lakeland Bank Reserved Checking	\$ 2,439.90
TOTAL UNRESTRICTED INVESTMENTS	\$ 2,120,439.90
<b><u>TD BANK UNRESTRICTED CASH</u></b>	
Incoming Revenue Account	\$ 2700.27
Operating Regular Account	\$ 2,733,703.54
Operating Reserve Account	\$ 7,039,931.65
Operating Payroll Account	<u>\$ 762,344.39</u>
TOTAL UNRESTRICTED CASH	\$ 10,538,679.85
TOTAL UNRESTRICTED CASH & INVESTMENTS	\$ 12,659,119.75
 <b><u>RESTRICTED INVESTMENT</u></b>	
Cash Management	\$ 7,468,379.94
TD Bank CD2	\$ 3,126,699.44
TOTAL RESTRICTED INVESTMENTS	\$10,595,079.38
<b><u>RESTRICTED CASH</u></b>	
NJEIT Project Fund	\$ 467,516.78
NJEIT Project Fund #II	\$ 3,704,723.27
NJEIT Project Fund #III	\$ 1,016,840.97
Bond Service Fund	<u>\$ 698,670.63</u>
TOTAL RESTRICTED CASH	\$ 5,887,751.65
TOTAL RESTRICTED CASH & INVESTMENTS	<u>\$16,482,831.03</u>
<b>TOTAL AUTHORITY ACCOUNTS</b>	<b><u>\$29,141,950.78</u></b>

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****January 31, 2023**

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	\$	452,443.67
<b>TOTAL</b>	\$	<u>452,443.67</u>

**OUTFALL AUTHORITY 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	\$	44,824.71
<b>TOTAL</b>	\$	<u>44,824.71</u>

**RENT RESERVE ACCOUNTS as of January 31, 2023**

Hazlet Township Sewerage Utility	\$	794,420.57
Township of Holmdel	\$	324,633.46
Borough of Union Beach	\$	199,206.86
Borough of Keyport	\$	302,829.02
Borough of Keansburg	\$	270,405.27
Borough of Matawan	\$	329,109.46
Western Monmouth Utilities Authority	\$	117,440.69
Township of Aberdeen	\$	486,377.94
<b>TOTAL</b>	\$	<u>2,824,423.27</u>

Chairwoman McMullen called for a **MOTION** to approve the Treasurer's report.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski,, Sutton Whalen, and Chairwoman McMullen

**PAYMENT OF REQUISITIONS**

Chairwoman McMullen called for a **MOTION** to approve payment of bills listed on:

Operating Fund Req. No. 618 (Regular)	\$1,214,409.13
Payroll Account Req. No. P266-1 (Payroll)	\$ 432,704.58
Payroll Account Req. No. P266 (Payroll)	\$ 408,126.00
NJEIT Project Fund #III Req. #PF-30	\$ 2,136.00

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

## **APPROVAL OF MINUTES**

Chairwoman McMullen called for a **MOTION** to approve the following Minutes:

Regular Meeting Minutes of January 23, 2023  
Closed Session Minutes of January 23, 2023

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

## **RESOLUTIONS**

### **RESOLUTION (40/23): To Authorize Advertisement for Public Bids for Contract 23-005 Furnish & Deliver Emergency Force Main Repair Inventory**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) owns and maintains 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**, as part of the Condition Assessment & Planning Program of the Authority force mains, R3M Engineering, Inc., the Authority’s Consulting Engineer, prepared a Long-Term Monitoring Program & Emergency Response Plan; and

**WHEREAS**, the Long-Term Monitoring Program & Emergency Response Plan recommends the Authority maintain an inventory of critical pipeline repair pieces for emergency repairs; and

**WHEREAS**, the Authority Engineering Staff has developed Contract 23-005, Furnish & Deliver Emergency Force Main Repair Inventory, with technical specifications for the work and public bidding documents for the solicitation of public bids; and

**WHEREAS**, the Authority requires authorization to solicit public bids for a new Contract.

**NOW THEREFORE BE IT RESOLVED** the Commissioners of the Bayshore Regional Sewerage Authority authorize the Qualified Purchasing Agent and Principal Engineer to advertise for

public bids for Contract 23-005 Furnish & Deliver Emergency Force Main Repair Inventory in the Authority Official Newspaper and on the Authority Website.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (41/23): To Authorize Advertisement for RFQ 2023-03 Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1)-Year Period**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) owns and maintains a Wastewater Treatment Plant with numerous flow meter chambers; and

**WHEREAS**, there is the need for annual preventative maintenance and calibrations of flow meter chambers and other instrumentation equipment; and

**WHEREAS**, a Request for Quotes (RFQ 2023-03) is being developed by the Authority Engineering Staff; and

**WHEREAS**, the Authority requires authorization to solicit public bids for an RFQ.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that the Principal Engineer and Qualified Purchasing Agent are authorized to advertise for quotes for RFQ 2023-03, Annual Preventative Maintenance, Calibration & Repair of Instrumentation Equipment for a One (1)-Year Period on the Authority Website.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (42/23): To Award Main Pumping Station Maintenance Garage Door Replacements to Merchantville Overhead Door Company, Inc. of Camden, NJ in the amount of \$38,661.50**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) owns and maintains a Wastewater Treatment Plant with a Main Pumping Station & Maintenance Garage; and

**WHEREAS**, there is a need to replace four (4) rolling overhead garage doors in the Maintenance Garage; and

**WHEREAS**, the Authority can purchase equipment under State Contract without competitive bidding in accordance with Local Public Contract Law; and

**WHEREAS**, the Authority received two (2) quotations for the Main Pumping Station Maintenance Garage Door Replacements, including furnishing, installation, and the required electrical work for the new rolling doors, under State Contract Blanket No. 21-GNSV1-01461; and

**WHEREAS**, Merchantville Overhead Door Company, Inc. of Camden, NJ has submitted a low quote for the work in the amount of \$38,661.50; and

**WHEREAS**, the Authority Engineering Staff has reviewed the State Contract price and find it be fair, reasonable and lower than similar quotes; and

**WHEREAS**, in accordance with N.J.S.A 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Treatment Plant Equipment & Improvements line item of the Authority Capital Budget, to cover the maximum dollar value of the pending Contract as set forth in the Resolution.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority hereby award the Contract for the Main Pumping Station Maintenance Garage Door Replacements to Merchantville Overhead Door Company, Inc. of Camden, NJ in accordance with the terms and conditions of their State Contract, in the amount not to exceed \$38,661.50.

**BE IT FURTHER RESOLVED**, the Executive Director is hereby authorized to execute any necessary documents to award the Contract to Merchantville Overhead Door Company, Inc. of Camden, NJ.

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (43/23): To Award Request for Quotation 2023-02 Roof Inspection & Preventative Maintenance for a One (1) Year Period to Roof Maintenance Systems, Inc. in the amount of \$24,590.00.**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) owns and maintains multiple office and process buildings within the Wastewater Treatment Plant; and

**WHEREAS**, there is a need for annual inspections and repair work on the various building roofs through the facility; and

**WHEREAS**, the Authority Engineering Staff developed a Request for Quotation (RFQ) 2023-02 Roof Inspection & Preventative Maintenance for a One (1) Year Period; and

**WHEREAS**, in accordance with Local Public Contracts Law, the Authority advertised and on Thursday, February 9, 2023 at 11:00 A.M. received quotes for the Roof Inspection & Preventative Maintenance for a One (1) Year Period; and

**WHEREAS**, one (1) quote was received in the amount of \$24,590.00 from Roof Maintenance Systems, Inc. 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 Contracts line item of the Authority Operating Budget to cover the maximum dollar value of the pending Contract as set forth in the resolution.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority hereby award the Roof Inspection & Preventative Maintenance for a One (1) Year Period to Roof Maintenance Systems, Inc. of Freehold, NJ in accordance with the terms and conditions of the Request for Quotation #2023-02 in the amount not to exceed \$24,590.00.

**BE IT FURTHER RESOLVED**, the Executive Director is hereby authorized to execute any necessary documents to award the project to Roof Maintenance Systems, Inc. of Freehold, NJ.

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (44/23): To Extend RFQ 2022-04, Jet Vacuuming Services of the BRSA Plant & Collection System on a Regular & Emergency Basis for a One (1)-Year Period to Vortex Services, LLC in the amount of \$12,000.00.**

**WHEREAS**, in accordance with Local Public Contracts Law, on February 28, 2022 the Bayshore Regional Sewerage Authority (“Authority”) awarded RFQ 2022-04 Jet Vacuuming Services of the Authority Plant & Collection System on a Regular & Emergency Basis for a One (1)-Year Period to Vortex Services, LLC of Freehold, NJ in the amount of \$12,000.00, by Resolution #53/22; and

**WHEREAS**, on February 28, 2023 the Contract is scheduled to expire; and

**WHEREAS**, the Contract provides by mutual agreement, and the Local Public Contracts Law allows for up to two, one (1)-year extensions, 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 Vortex Services, LLC mutually agreed to extend the Original Contract under the same terms and price for a One (1)-Year Period; 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 first one (1)-year extension in accordance with the same product, terms, price and conditions as the original RFQ and are 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.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority that Vortex Services, LLC of Freehold, NJ is hereby awarded the first one (1)-year extension of RFQ 2022-04 Jet Vacuuming Services of the Authority Plant & Collection System on a Regular & Emergency Basis for a One (1)-Year Period in accordance with the terms, price and conditions of the original bid and Contract Documents, for a total Contract price of \$12,000.00.

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

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (45/23): To Approve Sanitary Sewer Connection Application for 174 Church Street, LLC, Developer of a Residential Community Project**

**WHEREAS**, 174 Church Street, LLC (“Applicant”), is the project developer of a proposed Residential Community located at 174 Church Street, further designated as Block 85, Lots 4-10 & 13 in the Borough of Keyport, a 12 Equivalent Dwelling Units (“EDUs”) project; and

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

**WHEREAS**, for the purposes of the Bayshore Regional Sewerage Authority (“Authority”) Sanitary Sewer Connection and any subject Developer’s Agreement, the Project is expected to generate 2,700 gallons per day of wastewater, which is calculated using the Authority’s projected flow criteria of 225 gallons per day per EDU; and

**WHEREAS**, for the purposes of the New Jersey Department of Environmental Protection Treatment Works Approval (“TWA”) Application, the Project is expected to generate 4,200 gallons per day of wastewater, which is calculated using the projected flow criteria from N.J.A.C. 7:14A-23.3; and

**WHEREAS**, the Authority’s Principal Engineer has reviewed the Developer Application and is recommending sanitary sewer connection approval; and

**WHEREAS**, the Developer has paid the connection fee of \$61,536.00 and review fee of \$177.47.

**NOW THEREFORE BE IT RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that 174 Church Street, LLC, is hereby granted sanitary sewer connection approval for the above-referenced project.

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

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

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

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen



**RESOLUTION (46/23): To Award Gentilini Ford Inc. the purchase of two (2) 2023 Ford Utility Vehicles**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) is in need of two (2) new vehicles to replace older, inefficient models and;

**WHEREAS**, the Authority can purchase equipment under State Contract without competitive bidding in accordance with Local Public Contract Law; and

**WHEREAS**, Gentilini Ford Inc. of Woodbine, New Jersey has submitted a proposal for the Authority to purchase two (2) 2023 Ford Utility Vehicles K8A AWD Police Basic or equivalent model, (latest year bid )including all labor, parts and installation of accessories, lights and upgrades as per Estimate #7276 in the amount of \$49,873.29 per vehicle for a total of \$99,746.58 and;

**WHEREAS**, the Authority staff find the State Contract price to be lower than similar offers; and

**WHEREAS**, in accordance with N.J.S.A 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Vehicles & Equipment 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 hereby award the Contract for the purchase of two (2) 2023 Ford Utility Vehicles to Gentilini Ford Inc. of Woodbine, New Jersey in accordance with the terms and conditions of their State Contract, in the amount not to exceed \$99,746.58.

**BE IT FURTHER RESOLVED**, the Executive Director is hereby authorized to execute any necessary documents to award the Contract to Gentilini Ford Inc. of Woodbine, NJ.

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (47/23): To authorize participation in the Passaic County Cooperative Pricing System ID# 38PCCP**

**WHEREAS**, N.J.S.A 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Passaic County Cooperative Pricing System ID#38PCCP, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on February 27, 2023, the governing body of the Bayshore Regional Sewerage Authority, County of Monmouth, State of New Jersey duly considered participation in the Passaic County Cooperative Pricing System for the provision and performance of goods and services;

**NOW, THEREFORE BE IT RESOLVED** this **RESOLUTION** shall be known and may be cited as the Cooperative Pricing Resolution of the Bayshore Regional Sewerage Authority and pursuant N.J.S.A 40A:11-11(5) , Peter J. Canal is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**BE IT FURTHER RESOLVED**, The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey. This resolution shall take effect immediately upon passage.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (48/23): To authorize an energy agent contract with Gabel Associates, Inc.**

**WHEREAS**, the Bayshore Regional Sewerage Authority(“Authority”) has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation (“NJSMAUESA”), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, “the Act”), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

**WHEREAS**, the existing electric power supply contract(s) for the Authority’s electric accounts, awarded and entered as a result of a bid conducted by the NJSMAUESA in March 2022 and then refreshed in July 2022, will expire upon the meter read dates in May 2023 for each Authority electric account; and

**WHEREAS**, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMAUESA to derive the benefits of bulk purchasing discounts; and

**WHEREAS**, the NJSMAUESA intends to issue a Request for Bids (“RFB”) on or about February 17, 2023 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in May 2023; and

**WHEREAS**, as a participant in the NJSMAUESA the Authority requires the services of an “Energy Agent,” as defined in the “Electric Discount and Energy Competition Act,” to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

**WHEREAS** the Authority previously approved the retention of Gabel Associates, Inc. as the Authority’s Energy Agent in connection with the procurement of electricity supply for the Authority’s electric accounts; and.

**WHEREAS**, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority’s energy needs, quantifying the Authority’s load profile, developing an energy plan for the Authority, preparing bid specifications and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority; and

**WHEREAS**, the Energy Agent shall not receive and monetary compensation directly from the Authority for the services to be provided; and

**WHEREAS**, the Authority and the Energy Agent agree that the electricity supply contract(s) (“ESC”) between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$.0005 per kilowatt-hour for all months of the ESC; and

**WHEREAS**, it is the NJSMUAESA’s intent to receive bid price submittals on or about March 22, 2023 in response to the RFB to be issued on or about February 17, 2023; and

**WHEREAS**, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority’s behalf by its designated representative by no later than 3:00 p.m. on bid day;

**NOW, THEREFORE, BE IT RESOLVED** that the Bayshore Regional Sewerage Authority (“Authority”) is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2022, pursuant to the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, “the Act”), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and applicable regulations.

**BE IT FURTHER RESOLVED** by the Commissioners of the Bayshore Regional Sewerage Authority that the Authority’s Executive Director, or in his absence John A. Napolitano, Esq., General Counsel to the Authority, is hereby authorized to act in his sole discretion as the Authority’s designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about February 17, 2023. Such authorization to award a contract to the low bidder as the Authority’s designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority’s accounts prior to the data of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

**BE IT FURTHER RESOLVED** that, notwithstanding the foregoing, the Authority’s Executive Director or in his absence John A. Napolitano, Esq., General Counsel to the Authority, may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (49/23): To Award Contract 23-004 Furnishing & Delivering of Liquid Polymer for a One (1)-Year Period, to Polydyne, Inc. of Riceboro, GA in the amount of \$100,000**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) has a need to continue the delivery of Polymer in an uninterrupted fashion for daily operations; and

**WHEREAS**, the Authority has a current Contract for the Furnishing & Delivering of Liquid Polymer which expires on March 16, 2023; and

**WHEREAS**, the Authority Engineering Staff has developed Contract 23-004, Furnishing & Delivering of Liquid Polymer for a One (1)-Year Period with technical specifications for the solicitation of Public Bids; and

**WHEREAS**, in accordance with Local Public Contracts Law, the Authority publicly advertised for the Furnishing & Delivering of Liquid Polymer for a One (1)-Year Period and one (1) sealed bid was received and publicly opened on February 15, 2023 at 11:00 A.M., with the low bidder being Polydyne, Inc. of Riceboro, GA in the amount of \$100,000.00; and

**WHEREAS**, the Authority Attorney, Principal Engineer and Qualified Purchasing Agent have reviewed the bid and are recommending award of the Contract to Polydyne, Inc. of Riceboro, GA in the amount of \$100,000.00; and

**WHEREAS**, in accordance with N.J.S.A 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Chemicals line item of the Authority Operating Budget, to cover the maximum dollar value of the pending Contract as set forth in the Resolution.

**NOW THEREFORE BE IT RESOLVED**, the Commissioners of the Bayshore Regional Sewerage Authority that Polydyne, Inc. of Riceboro, GA is hereby awarded Contract 23-004 Furnishing & Delivering of Liquid Polymer for a One (1)-Year Period in the amount of \$100,000.00 in accordance with the terms and conditions of the bid and Contract Documents.

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

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (50/23): To Award Change Order No. 1, in the amount of \$11,406.69 to National Water Main Cleaning Company of Kearny, NJ for Contract 122, Interceptor Sewer Rehabilitation – Phase 3**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) owns and operates interceptor sewers in the Township of Hazlet; and

**WHEREAS**, in accordance with Local Public Contracts Law, National Water Main Cleaning Company was awarded Contract 122, Interceptor Sewer Rehabilitation – Phase 3 by Resolution No. 104/21 in the amount of \$493,235.00; and

**WHEREAS**, there is a need to amend the Contract for a change in scope that includes one (1) additional manhole frame and cover replacement and additional uniformed police traffic control during the work as detailed in the Change Order No. 1 document, dated February 8, 2023; and

**WHEREAS**, the Authority and its Consulting Engineer, Jacobs Engineering Group, Inc., have prepared Change Order No. 1 to amend the Contract, in the amount of \$11,406.69, increasing the total Contract Value to \$504,641.69; and

**WHEREAS**, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Collection System Improvements 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 National Water Main Cleaning Company in the amount of \$11,406.69, increasing the total Contract value to \$504,641.69.

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

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

**RESOLUTION (51/23): To Award Change Order No. 1, in the amount of \$118,767.70 to CRS Contractors, Inc. of Colts Neck, NJ for Contract 138, Recycle Pumping Station Improvements**

**WHEREAS**, the Bayshore Regional Sewerage Authority (“Authority”) owns and maintains a Wastewater Treatment Plant with a Recycle Pumping Station for plant drainage and process sidestreams; and

**WHEREAS**, in accordance with Local Public Contracts Law, CRS Contractors, Inc. was awarded Contract 138, Recycle Pumping Stations Improvements by Resolution No. 118/22 in the amount of \$676,000.00; and

**WHEREAS**, there is a need to amend the Contract for a change in scope to include additional work required during the excavation for the static overflow line to support unforeseen buried utilities, ductbanks and concrete thrust blocks as further detailed in the Change Order No. 1 document, dated February 9, 2023; and

**WHEREAS**, the Authority and its Consulting Engineer, PS&S, have prepared Change Order No. 1 to amend the Contract, in the amount of \$118,767.70, increasing the total Contract Value to \$794,767.70; and

**WHEREAS**, in accordance with N.J.S.A. 5:30-5.4 (a) (3), the Authority certifies the availability of funds in the Treatment Plant Equipment & Improvements 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 CRS Contractors Inc. in the amount of \$118,767.70, increasing the total Contract value to \$794,767.70.

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

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

### **PUBLIC PORTION**

**Chairwoman McMullen 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 PUBLIC IN ATTENDANCE

### **EXECUTIVE SESSION**

Chairwoman McMullen called for a **MOTION** to go into Closed Session at 8:13 P.M. in accordance with Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permitting the exclusion of the public from a meeting in certain circumstances. This action will be taken to discuss matters falling within attorney-client privileges, specifically, pending or anticipated litigation, contract negotiations and matters of employment of public employees. It is anticipated at this time that the above stated subject matter shall be made public at such time as the need for non-disclosure no longer exists.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

### **END CLOSED SESSION**

**Chairwoman McMullen** calls for a **MOTION** to End Closed Session and Re-Open the Regular Meeting @ 8:27 P.M.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

### **RESOLUTIONS**

**RESOLUTION NO. (52/23): To Hire a New Administrative/Purchasing Assistant**

**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 Administrative/Purchasing Assistant; and

**WHEREAS**, the Authority Management staff have interviewed qualified candidates for the newly created position of Administrative/Purchasing Assistant; and

**WHEREAS**, Marilyn Raymundo-Sanchez of Union Beach, NJ has demonstrated through her resume and interview the skill set, experience and qualifications for the position available; 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 Marilyn Raymundo-Sanchez of Union Beach, NJ as Administrative/Purchasing Assistant with a salary and benefits in accordance with the Executive Directors memorandum dated February 27, 2023 with a 90-day probation period and pending the results of a Medical Examination, Criminal History, Drug and Alcohol screening.

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

**BE IT FURTHER RESOLVED** the Authority Personnel Committee will conduct a 6-month salary review.

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

ROLL CALL: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen, and Chairwoman McMullen

## **ADJOURNMENT**

### **ANNOUNCEMENT (by Chairwoman McMullen):**

The next B.R.S.A. Public Meeting is scheduled for Monday, March 20, 2023, 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.

Commissioner Lauro commented that approximately one week ago a contractor knocked down a resident’s mailbox. Mr. Canal sent Mr. Anderson and Mr. Petti to investigate. Commissioner Lauro commended them for the work performed and stated that the neighbor is very happy with the result.

At 8:28 P.M. Chairwoman McMullen called for a **MOTION** to Adjourn the meeting.

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

AYES: Commissioners Cavanagh, Lauro, Mioduszewski, Sutton, Whalen and Chairwoman McMullen

Respectfully submitted,

Chad Sprague, Regulatory Compliance Manager