

**Minutes of the Regular Meeting of the  
Monmouth County Bayshore Outfall Authority  
Monday, January 10, 2011, 7:30 p.m.  
MCBOA Conference Room  
200 Harbor Way, Belford, New Jersey**

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**I. CALL TO ORDER**

Michael C. Sachs, Authority Chairman, called the Meeting to Order.

**II. COMPLIANCE STATEMENT:**

The Chairman announced that adequate notice has been given to the public and press of the date, time and place of this Meeting, in accordance with P.L. 1975, Chapter 231, "Open Public Meetings Act."

**III. ROLL CALL – ATTENDANCE**

Members Present: Bateman, Foley, Knox, Loud-Hayward, Sachs, Schoeffling, Smith & Sodon

Members Absent: None

Also Present: Gregory Vella, Esq., Attorney, Collins, Vella and Casello, L.L.C.  
John McKelvey, P.E., Authority Engineer, T&M Associates  
Barbara Vilanova, MCBOA Administrative Assistant  
Edward Tuberton, Jr. MCBOA Foreman

**IV. Approval of Minutes – Authority Public Hearing on 2011 Budget Held on 12/06/10**

On **Motion** by Mr. Schoeffling, **Seconded** by Mr. Sodon, the Minutes of the 12/06/10 Public Meeting were approved as presented by all Members present, no nays, three abstain (Bateman, Loud-Hayward & Smith), none absent.

**V. Approval of Minutes – Authority Regular Meeting Held on 12/06/10**

On **Motion** by Mr. Schoeffling, **Seconded** by Mr. Sodon, the Minutes of the Regular Meeting of 12/06/10 were approved as presented by all Members present, no nays, two abstain (Loud-Hayward & Smith), none absent.

**REPORT OF ADVISORS**

**Foreman's Monthly Report**

Edward Tuberton, MCBOA Foreman, presented the 2011 Operational Plan and Monthly Highlights:

❖ **2011 Major Initiatives**

- Sludge Removal
- Lab Contract
- Many Mind Creek

• **2011 1<sup>st</sup> Quarter Agenda**

- Scada Service
- Permit Fee
- Uniforms

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- **2011 2<sup>nd</sup> Quarter Agenda**
  - VFD Motor Service
  - Generator Service Contract
  - AC service
  - Lawn Equipment
  
- **2011 3<sup>rd</sup> Quarter Agenda**
  - Slump Block Inspection
  - Outfall Pipe Inspection
  - 2012 Budget Preparation begins
  - Employee Evaluations
  
- **2011 4<sup>th</sup> Quarter Agenda**
  - Boiler Service
  - Fuel Oil Purchase
  - Finalize Budget
  
- ❖ **Monthly Highlights**
  - Solar Project Update
  - Many Mind Creek
  - SEM
  - Snow Plow
  - Garage Heater
  - Diesel Maintenance Contract
  - Backflow Preventers

**Office Manager's Monthly Report**

Ms. Vilanova reported on the following items:

❖ **Administrative Highlights**

- Official 2011 Holiday calendar distributed.
- All employees received a memo with their accumulated sick time.
- W-2 Forms distributed.
- 4<sup>th</sup> Quarter Pension Report of Contributions completed and payment made.
- 2010 Billing Adjustment completed.
- BRSA billed for 1<sup>st</sup> Quarter 2011.
- 4<sup>th</sup> Quarter Officers report on unencumbered moneys sent to Trustee.
- Adopted 2011 Budget sent to DCA for approval.
- New Automobile Insurance Cards & Workers Compensation Notices for 2010 received.
- Risk Management Consultants Agreement.

**Attorney's Report**

Mr. Vella provided the following information:

The rebate that the Authority is expecting may not arrive prior to the March 1, 2011 deadline to payoff the temporary note. Mr. Vella has been in contact with New Jersey Clean Energy and the paperwork process is a timely one. Although inspection of the project was originally waived, due to the size of the rebate the pro-

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ject must be inspected which will take place tomorrow morning. The Authority's application is going to be separated from the normal batch of approximately 100 and done separately which should help to expedite it through the process. Mr. Vella will remain in contact with New Jersey Clean Energy as to the status of the rebate but in the mean time the Authority needs to have a contingency plan in case the rebate is not received in time. Mr. Vella and Bond Counsel concluded the best solution would be to have another temporary note not to exceed 1.3 million to cover the amount of the rebate. This will be a fully callable 4 month temporary note. The Authority will approve a resolution for the temporary note this evening but it will only be used if necessary. The Authority has until mid-February before the process of obtaining the temporary note needs to take place.

Mr. Vella met with the Authority's NJDEP representative, Anthony Rotondo, and his supervisor in reference to Many Mind Creek. Mr. Rotondo does not have the authority to authorize the unpermitted discharges for the pipeline inspections but Mr. Vella is hopeful that Mr. Rotondo's superiors and the NJDEP representatives handling the Many Mind Creek cleanup can come to some agreement. Mr. Vella is seeking to get the Authority protection from the DEP for any discharges and future issues that may arise from this project. Exempting our property from the cleanup probably will not happen since that would leave the property owner with a title defect. Mr. Vella is working on setting up a meeting between all of the involved parties (the property owner, the Authority, NJDEP representatives for both the cleanup and the Authority, NJNG, ERM the project engineers and the Authority engineer) so all issues can be discussed and hopefully an amicable solution can be reached.

**Engineer's Report**

▪ **Solar Energy**

Mr. McKelvey reported that JCP&L has approved the Authority's Inter-connection agreement. The system can be turned on as soon as tomorrow. The Authority will begin generating electricity and accruing SREC's. The NOVEDA system is operational but the Authority needs passwords and training. The training should take place late this week or next. Vanguard will be on site for the New Jersey Clean Energy Inspection that will take place tomorrow morning and they will also be working on the punch list items that are left.

▪ **New Jersey Natural Gas Cleanup at Many Mind Creek**

Mr. McKelvey reported that the Authority Attorney is currently in the process of setting up a meeting with all interested parties regarding this matter.

**New Business**

The NJUAJIF nomination statement for the 2011 Slate for the JIF Executive Committee and Alternates was distributed to all MCBOA commissioners. The Board agreed to vote for the full slate.

**Resolution offered by Mr. Smith:**

**Resolution of the  
Monmouth County Bayshore Outfall Authority  
Appointing Risk Management Consultant**

**WHEREAS**, the Monmouth County Bayshore Outfall Authority is a Member of the New Jersey Utility Authorities Joint Insurance Fund, following a detailed analysis; and

**WHEREAS**, the bylaws of said Fund require that each Authority appoints a Risk Management Consultant to perform various professional services as detailed in the bylaws; and

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**WHEREAS**, the bylaws indicate a minimum fee equal to six percent (6%) of the Authority's assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Authority;

**WHEREAS**, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

**NOW THEREFORE**, be it resolved that the Monmouth County Bayshore Outfall Authority does hereby appoint Charles L. Casagrande, CPCU, Vice President/Secretary of Danskin Agency, as its Risk Management Consultant, in accordance with the Fund's bylaws; and

**BE IT FURTHER RESOLVED** that the Governing Body are hereby authorized and directed to execute the Risk Management Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5 (1) (a) (i).

**Seconded by Mr. Schoeffling**, and on a roll call the following vote was recorded:

AYES:	Bateman, Foley, Knox, Loud-Hayward, Sachs, Schoeffling, Smith & Sodon
NAYS:	None
ABSENT:	None
ABSTAIN:	None

**Resolution offered by Mr. Smith:**

SUPPLEMENTAL RESOLUTION NO. 2A TO THE MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY PROJECT NOTE RESOLUTION ADOPTED ON JANUARY 11, 2010 AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,310,000 PROJECT NOTES OF THE MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY

Adopted: January 10, 2011

WHEREAS, The Monmouth County Bayshore Outfall Authority (the "Authority") adopted on January 11, 2010 that certain resolution entitled "Resolution Authorizing the Issuance of Project Notes of The Monmouth County Bayshore Outfall Authority in Connection with the Installation of a Solar Power Generating System" (the "Project Note Resolution") which authorized the issuance of Project Notes (Series 2010) (the "2010 Project Notes") in the aggregate principal amount of not to exceed \$6,000,000 to provide funds to finance the Initial Project and pay costs of issuance incurred in connection with said 2010 Project Notes; and

WHEREAS, on March 25, 2010, the Authority issued \$3,500,000 principal amount of its 2010 Project Notes in order to finance the Initial Project and pay costs of issuance incurred in connection with the 2010 Project Notes; and

WHEREAS, the 2010 Project Notes mature on March 1, 2011; and

WHEREAS, the Authority desires to provide for the payment of the 2010 Project Notes and (ii) the payment of the costs of issuance incurred in connection with the 2011 Project Notes (as hereinafter defined) through the issuance of short-term project notes in the aggregate principal amount not to exceed \$1,310,000 (the "2011 Project Notes"); and

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WHEREAS, the Authority desires to authorize the issuance of the 2011 Project Notes pursuant to Section 311 and Section 706 of the Project Note Resolution;

NOW, THEREFORE, BE IT RESOLVED BY The Monmouth County Bayshore Outfall Authority that:

SECTION 1. Short Title. This resolution may hereinafter be cited by the Authority and referred to as "Supplemental Resolution No. 2A".

SECTION 2. Authority for Supplemental Resolution No. 2A. This Supplemental Resolution No. 2A supplements the Project Note Resolution, and is adopted pursuant to the provisions of the Act and pursuant to Article III and Article VII of the Project Note Resolution. The Authority has ascertained and hereby determines that (a) adoption of Supplemental Resolution No. 2A is necessary to carry out the powers, purposes and duties expressly provided in the Act; (b) each and every act, matter, thing or course of conduct as to which provision is made herein is necessary in order to promote, carry out and effectuate the purposes of the Authority in accordance with the Act and to carry out powers expressly given in the Act; and (c) the powers of the Authority herein exercised are in each case exercised in accordance with the provisions of the Act, the Project Note Resolution and this Supplemental Resolution No. 2A and in furtherance of the purposes of the Authority.

SECTION 3. Definitions. Whenever used or referred to in this Supplemental Resolution No. 2A all words or terms which are defined in Section 102 of the Project Note Resolution, except the words or terms which are defined in this Supplemental Resolution No. 2A, shall, unless a different meaning clearly appears from the context, have the meanings given or ascribed to such words and terms, respectively, in Section 102 of the Project Note Resolution.

SECTION 4. Authorization of and Purpose for Issuance of 2011 Project Notes. In accordance with the provisions of the Act, and subject to and pursuant to the provisions of the Project Note Resolution and this Supplemental Resolution No. 2A, as same may be amended or supplemented from time to time, and for the purpose of raising funds to pay, among other things, the Cost of refunding all of the 2010 Project Notes, the 2011 Project Notes of the Authority are hereby authorized to be issued in accordance with the provisions of Article III and Article VII of the Project Note Resolution in an aggregate principal amount not to exceed \$1,310,000.

SECTION 5. Terms of 2011 Project Notes. The 2011 Project Notes shall be dated, shall bear interest at such rate or rates of interest per annum and shall mature on such date or dates as shall be determined by an additional Supplemental Resolution of the Authority duly adopted prior to their authentication and delivery. Such additional Supplemental Resolution may contain such other terms and provisions with respect to the 2011 Project Notes which are not established by or inconsistent with the terms of the Project Note Resolution or the terms hereof .

SECTION 6. Other Details of 2011 Project Notes. Any terms and conditions which are to be determined in connection with the issuance or purchase of the 2011 Project Notes which are not determined by this Supplemental Resolution No. 2A shall be determined by a Supplemental Resolution of the Authority duly adopted prior to the authentication and delivery of the 2011 Project Notes upon original issuance.

SECTION 7. Filing of Supplemental Resolution No. 2A. A copy of this Supplemental Resolution No. 2A shall be filed for public inspection in the office of the Authority. The Secretary is directed to cause to be published a notice of the adoption of this Supplemental Resolution No. 2A in a newspaper published or circulating in the district of the Authority. Such notice shall state the fact and date of the adoption of Supplemental Resolution No. 2A and the places where this Supplemental Resolution No. 2A has been filed for public inspection, and such further information as is required by N.J.S.A. 40:14B-28.

SECTION 8. Effective Date. This Supplemental Resolution No. 2A shall take effect immediately.

**Seconded by Mr. Knox**, and on a roll call the following vote was recorded:

AYES: Bateman, Foley, Knox, Loud-Hayward, Sachs, Schoeffling, Smith & Sodon  
 NAYS: None  
 ABSENT: None  
 ABSTAIN: None

**Resolution offered by Mr. Bateman:**

Approval of Vouchers

BE IT RESOLVED by the Monmouth County Bayshore Outfall Authority that the following bills or items or demands are hereby approved as amended and authorized for payment out of the appropriate funds or accounts established therefore subject to the availability of funds:

**Monmouth County Bayshore Outfall Authority  
 List of Operating Vouchers- January 2011**

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Avaya, Inc.	\$39.07	ACS Partner Agreement
2		Verizon Online	\$42.99	Broadband Service 12/16-1/15/11
3		Verizon	\$146.41	Telephone Service Belford 12/14-1/13/11
4		Verizon	\$118.31	Telephone Service U.B. 12/17-1/16/11
5		Verizon	\$13.78	Long distance service Belford-dec
6		AEA	\$2,900.00	2011 Membership Dues
7		Barbara Vilanova	\$200.00	Clothing Allowance
8		Collins, Vella & Casello	\$324.00	Solar project- December 2010
9		Collins, Vella & Casello	\$429.00	Legal Services for December 2010
10		Edward Tuberton, Jr.	\$200.00	Clothing Allowance
11		Edward Tuberton, Sr.	\$200.00	Clothing Allowance
12		Emergency Systems Service	\$3,600.40	Annual Service Contract
13		Gale's Industrial Supply	\$21.52	Mark Out Paint
14		Gannett NJ Newspaper	\$91.16	Publication of Meeting change
15		Gannett NJ Newspaper	\$106.28	Publication of Bond Adoption
16		Grainger	\$413.96	Heater for garage
17		Jaspan Hardware	\$43.86	Ice Melt, pliers & electrical tape
18		John Roche	\$200.00	Clothing Allowance
19		Joseph Gielbeda	\$200.00	Clothing Allowance
20		K& R Electric	\$4,400.00	Replace outside light fixtures
21		Michael Dickie	\$200.00	Clothing Allowance
22		Neopost	\$96.00	Rate change Protection 2/10-1/11
23		NJAWC	\$45.65	Union Beach 11/23-12/28/10
24		NJUA JIF	\$13,759.35	1 <sup>st</sup> Installment of Insurance
25		NJDEP OCA	\$106.20	WP-March 2011 Study
26		Robert Chrzan	\$200.00	Clothing Allowance
27		Roger Dandorph	\$200.00	Clothing Allowance
28		Sakoutis Brothers	\$70.00	January garbage pick up
29		Staples	\$95.70	Copy Plans for DEP

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30		Stan Wojdylak	\$600.00	Plowing for Blizzard 12/27
31		The Bank of New York	\$1,500.00	Annual Fee 2005A2 Bond Series
32		The Bank of New York	\$1,500.00	Annual Fee- 2005A Bond Series
33		T&M Engineering	\$910.77	General services – December 2010
34		T&M Engineering	\$5,460.50	Solar Project –December 2010
35		Township Hardware	\$16.17	Pad lock & toggle switch
36		Werner’s Dodge	96.60	Supplies for plow
		<b>TOTAL</b>	<b><u>\$38,547.68</u></b>	

**Fringe benefits and payroll processed after the December Operating Vouchers were submitted for review and approval at the Authority Regular Meeting of 12/20/10**

<u>Date</u>	<u>Check No.</u>	<u>To</u>	<u>Amount</u>	<u>Description</u>
12/24	Ceridian	Employee’s Payroll & Payroll Taxes	\$17,435.21	Payroll of 12/24/10
01/07	Ceridian	Employee’s Payroll & Payroll Taxes	\$20,898.04	Payroll of 01/07/11
01/04	3185	GE Group Life Assurance	\$ 833.24	January L.T.D.
01/04	3186	SBP Educational Fund	\$ 372.16	January Dental

**Seconded by Mr. Sodon** and on a roll call the following vote was recorded:

AYES: Bateman, Foley, Knox, Loud-Hayward, Sachs, Schoeffling, Smith & Sodon  
 NAYS: None  
 ABSENT: None  
 ABSTAIN: None

**Public Portion**

Chairman Sachs opened the Meeting to the public. There being no one appearing to be heard, Chairman Sachs declared the public portion of the Meeting closed to the public.

**Adjournment**

There being no further business to come before the Meeting, on **Motion** by **Mr. Knox**, Seconded by **Ms. Loud-Hayward**, and passed by the affirmative voice vote of all Members present, no nays, no abstain, none absent, the Meeting adjourned at 8:04 p.m.

Respectfully submitted by: \_\_\_\_\_  
 Barbara Vilanova, Recording Secretary

Actions Taken at this meeting:

- Resolution Appointing Risk Management Consultant
- Resolution Authorizing Temporary Project Note if Rebate isn’t received.
- Payment of Bills