

**Minutes of the Regular Meeting of the  
Monmouth County Bayshore Outfall Authority  
Monday, February 4, 2013, 7:37 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**

Commissioners Present: Aumack, Knox, Loud-Hayward, Sachs, Schoeffling, Scarano, Smith and Sodon

Commissioners Absent: Foley

Also Present: Gregory Vella, Esq., Authority Attorney, Collins, Vella and Casello, L.L.C.  
John McKelvey, P.E. Authority Engineer, T&M Associates  
Theodore Panis, CPA, Authority Accountant, Panis & Attner, P.A.  
Edward Tuberon, Foreman  
Barbara Vilanova, Recording Secretary

**IV. Approval of Minutes – Authority Regular Meeting Held on 1/14/13**

On **Motion** by Mr. Aumack, **Seconded** by Mr. Sodon, the Minutes of the 1/14/13 Public Meeting were approved as presented by all Members present, no nays, none abstain and one absent.

**REPORT OF ADVISORS  
Foreman's Monthly Report**

Edward Tuberon, MCBOA Foreman, presented his monthly report.

❖ **Monthly Highlights**

- SREC's
- Coe Place Repair
- FEMA projects update
- Generator Service Contract
- Solar system damage update
- Two River Engineering- Whirl Construction
- Wet weather PCB sample taken (5 of 6)
- December DMR
- All meters calibrated
- Window replacement in office

**Office Manager's Monthly Report**

❖ **Monthly Highlights**

- TOMSA first quarter payments received
- 1<sup>st</sup> quarter flow of funds completed by Trustee
- Physical Connection Permit Renewal Application
- OSHA Form 300A completed and posted

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- NJUA JIF Seminar for Public Officials
- Insurance Certificates for Underground Storage Tanks received.

**Attorney**

Mr. Vella thanked the chairman, vice-chairman and commissioners for his appointment as Authority Attorney.

Mr. Vella reported that he has notified Vanguard's bonding Company that we have a claim against the maintenance bond. Mr. Vella has set up a meeting for next Wednesday with Vanguard, the Engineer and Authority personnel to try to resolve the warranty issues and repairs that are needed without pursuing the bond claim.

Mr. Vella also reported that in regards to Whirl Construction's request to fence in a parking lot within the MCBOA easement on their property he suggests the Authority request Whirl to move the fence in 3ft from the property line. Whirl also needs to have tests pits dug to confirm the pipe locations. Authority personnel need to witness the test pits. Whirl will also be held responsible for any damages they may cause and they need to understand if access to the pipe is needed Authority will remove whatever is in the way of the pipe access.

Lastly Mr. Vella reported that the Authority has several options for financing the Sandy Repairs while going through the FEMA process, a temporary bond as we did with the Solar Project, the Monmouth County Improvement Authority pooled financing, the NJEIT is offering funding for storm repairs as well as FEMA's low interest loans. Mr. Vella suggested that the Authority should do a Request for Proposal for Bond Counsel to get the process started. Mr. Vella will prepare the RFP and the Authority will place it on the website. Proposals will be due prior to the next meeting. Mr. Vella provided the resolution and this matter passed by the affirmative voice vote of all members present, no nays, no abstain, one absent.

**RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS  
UNDER THE FAIR OPEN PROCESS PURSUANT  
TO N.J.S.A. 19:44A-20.4 et seq.**

**WHEREAS**, the State of New Jersey recently passed "Pay-To-Play" laws wherein all counties, municipalities and local authorities, who award contract in excess of \$17,500.00 for goods and services, may either retain professionals under the Fair and Open Process or the Non-Fair Open Process; and

**WHEREAS**, Monmouth County Bayshore Outfall Authority awarded contracts by the Fair and Open Process for legal services, engineering services and auditing services for 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013; and

**WHEREAS**, the Commissioners of the Monmouth County Bayshore Outfall Authority believe that it is the best interest of the Authority and their clients to continue to retain professionals pursuant to the Fair and Open Process; and

**WHEREAS**, the Commissioners of the Monmouth County Bayshore Outfall Authority desire to request proposals pursuant to the Fair and Open Process for the position of Bond Counsel; and

**NOW, THEREFORE, BE IT RESOLVED** that Monmouth County Bayshore Outfall Authority hereby authorizes the attorney for the Monmouth County Bayshore Outfall Authority to prepare bid specifications for the position of Bond Counsel for Monmouth County Bayshore Outfall Authority; and

**BE IT FURTHER RESOLVED** that the Authority's Secretary is hereby authorized to publish Notice of the Bid Proposals on Monmouth County Bayshore Outfall Authority's website by February 8, 2013 and receive proposals by February 22, 2013 and submit copies of each proposal to all Commissioners for their consideration prior to the meeting, so the Commissioners can award contracts for these positions at the March 18, 2013 meeting.

### **Accountant**

Mr. Panis thanked the board for his appointment as the Authority Accountant.

### **Engineer**

Mr. McKelvey thanked the board for their continued confidence with T&M and for his appointment as the Authority Engineer. Mr. McKelvey reported as follows:

- **Solar System Combiner Boxes**

Mr. McKelvey reported that Vanguard has recently replaced four of the combiner boxes that needed replacing. As a result of the December 14<sup>th</sup> incident where the new combiner box caught fire, Vanguard has proposed a full inspection of the system at a cost of approximately \$4,000 to determine the extent of the storm damage. T&M has reviewed the incident and based on their findings and their discussions with the contractor, T&M has directed Vanguard to proceed immediately with the inspections at no additional cost to the Authority. T&M will also be attending the mediation meeting next week.

- **Retention Pond Repairs – Super Storm Sandy**

Mr. McKelvey reported that plans and specifications are in the final stages of preparation and will be ready to go to bid in a week or so. The sludge sampling has been completed at both ponds, testing was performed and the results were recently received. These results will be incorporated into the bid specifications.

- **Super Storm Sandy- Hazard Mitigation**

Mr. McKelvey prepared a report of areas the Authority may want to look into and apply for FEMA or State Mitigation Funds. One area is the retention ponds which could have the berm height increased, construction of a wall on top of the berm, installation of a different liner that would be more resistant to flood and wind damage, or a different type of slope treatment, which would be less susceptible to erosion.

The Outfall Pipe has approximately 60 of the 80 diffusers buried below sand. The Authority is working with Witt Associates on a potential FEMA reimbursed project to restore operation of the outfall diffusers. Witt has advised however that since the post storm inspection showed only 11 additional diffusers covered since the last inspection, it is likely that FEMA will only cover costs related to those 11. The Authority could consider dredging of the sand around all the diffusers and/or extending all of the diffusers to prevent or minimize interruption of diffuser operation from future storms. It is possible that this additional outfall work would be reimbursable under the State 404 hazard mitigation program, although since the amount of mitigation work significantly exceeds storm damage work, the amount of funding may be limited.

With any of the options there will be additional construction costs above and beyond the storm damage costs, as well as, additional engineering and Witt Associates costs related to the hazard mitigation work. The Authority would be responsible for 25% of these costs assuming FEMA approves the Plan.

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Mr. McKelvey also provided information on backup generators that would provide backup power for the diesel pump. These generators would be approximately 1250 kW. These costs would be range from \$1,600,000-\$2,000,000. Also, information was provided on rental rates of \$3,500-\$7,500 per week. Construction costs would range from \$50,000- \$200,000 depending on which option.

As far as other flood proofing measures the Authority may want to construct removable flood doors for each exterior door and roll up door and blocking up or raising diesel engine fresh air intakes to prevent entry of flood waters. The Authority may wish to consider raising or protecting the generator radiator assemblies against flooding.

The Authority is also in the process of mitigation measures to raise pumps and motors, where possible, off the floors of each pump station.

▪ **Coe Place Repair**

Caruso Excavating has mobilized and begun working on the repair. The NJDEP had approved the two week shutdown and the Authority notified the hotline. T&M will have an inspector at the site periodically.

**New Business**

None

**Approval of Vouchers**

**Resolution offered by Mr. Scarano:**

**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 – February 4, 2013

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Avaya, Inc	\$49.26	Monthly ACS maintenance agreement
2		Hess	\$2,518.70	S.H. 12/6-1/7/13 & Belford 12/4-1/3/13
3		Hess	\$4,620.50	Union Beach 12/29-1/28/13
4		JCP&L	\$38.12	Belford Street Lighting 12/19-1/18/13
5		JCP&L	\$1,972.37	Union Beach 12/29-1/28/13
6		NJAWC	\$84.04	Union Beach 12/26-1/23/13
7		Verizon	\$76.27	Union Beach 12/17-1/16/13
8		Verizon	\$14.96	Belford long distance- 1/23-2/22/13
9		Verizon	\$143.93	Belford all in one/fax – 1/14-2/13/13
10		Verizon Online	\$49.99	Broadband Service- 1/16-2/15/13
11		ADP	\$48.74	Payroll services 1/28/13
12		ABB	\$1,442.91	Quarterly Meter Calibration
13		Andrew Kutschman Electric	\$750.00	Various Electric repairs
14		Andrew Kutschman Electric	\$2,800.00	Install new ground water meter U.B.
15		Central Jersey Equipment	\$100.59	Part for Union Beach tractor
16		Emergency Systems Services	\$3,708.41	Annual Service Agreement Generators
17		Mission Communication	\$1,126.80	SCADA service 2/1/13-1/31/14

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18	Municipal Maintenance	\$8,167.15	Repairs/Motors- Sandy
19	Sakoutis Brothers Disposal	\$70.00	Monthly trash pick-up – February
20	Staples	\$33.86	Scanning of plans/flash drive
21	T&M Engineering	\$267.75	Coe Place Pipe Replacement
22	T&M Engineering	\$850.00	January General Services
23	TOMSA	\$70.00	1st Quarter Sewer
24	Treasurer, State of New Jersey	\$200.00	Annual Physical Connection Permit
25	Treasurer, State of New Jersey	\$70.00	C2 License Test fee- J. Mannarino
26	Xerox	\$105.00	Monthly copier rental 12/3-1/3/13
27	Zeeks T's	\$275.00	5 Safety Jackets
	<b>TOTAL</b>	<u>\$29,654.35</u>	

Fringe benefits and payroll processed after the January Operating Vouchers were submitted for review and approval at the Authority Regular Meeting of 1/14/13

Date	Check No.	To	Amount	Description
01/18/13	Ceridian	Employee's Payroll & Payroll Taxes	\$16,823.43	Payroll of 01/18/13
02/01/13	Ceridian	Employee's Payroll & Payroll Taxes	\$21,640.94	Payroll of 02/01/13
01/24/13	4112	Chase	\$ 564.89	Procurement card Purchases
01/29/13	4114	Sun Life Financial	\$ 874.50	Feb. long-term disability benefits ins.
01/29/13	4113	Delta Dental	\$ 1,165.14	Dental premium February
01/18/13	TEPS	NJSHBP	\$14,530.44	January Health Benefits

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

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

**Public Portion**

The chairman opened the Meeting to the public. There being no one appearing to be heard, the chairman 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. Scarano, Seconded by Mr. Knox** and passed by the affirmative voice voter of all members present no nays, no abstain, one absent the Meeting adjourned at 8:17 p.m.

Respectfully submitted by:

\_\_\_\_\_  
 Barbara Vilanova  
 Recording Secretary

The following actions were taken at the meeting:  
 The Bills were paid –see attached voucher list.  
 The RFP for Bond Counsel was approved.

