

**Minutes of the Annual Reorganization Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, February 4, 2019, 7:00 p.m.
MCBOA Conference Room
200 Harbor Way, Belford, New Jersey**

Gregory W. Vella, Esq. as an Attorney of the State of New Jersey administered the Oath of Office to Gus Toomey III who was appointed by the Board of Chosen Freeholders as Authority Commissioners for a 5-year term, expiring on February 1, 2024.

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."

Pledge of Allegiance & Moment of Silence

III. ROLL CALL – ATTENDANCE

Commissioners Present: Aumack, Sachs, Sodon, Scarano, Schoeffling, Smith & Toomey

Members Absent: Foley & Knox

Also present: Gregory W. Vella, Esq., Authority Attorney, Collins, Vella & Casello
Dennis Dayback, Authority Engineer, T&M Associates
Theodore Panis, CPA, Panis & Attner, PA.
Edward Tuberton, Operations Manager
Barbara Vilanova, Recording Secretary.

The Chairman, Michael C. Sachs, turned the chair over to Mr. Vella, Authority Attorney, for election of officers.

Mr. Vella, Authority Attorney, noted that the first order of business was the election of a chairman and called for nominations.

Mr. Smith **Moved, Seconded** by Mr. Sodon that Michael C. Sachs, be nominated for Chairman.

There being no further nominations, Mr. Smith **Moved, Seconded** by Mr. Sodon, that the nominations for the election of the chairman be closed. Mr. Vella, as Authority Attorney, declared the nominations closed.

Roll Call:

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

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Mr. Vella relinquished the chair to the re-elected Chairman, Michael C. Sachs.

Chairman Sachs noted that the next order of business was the election of a Vice-Chairman and called for nominations.

Mr. Sachs **Moved, Seconded** by Mr. Aumack, that Paul J. Smith, Jr., be continued in his capacity as Vice-Chairman.

There being no other nominations, Mr. Sachs **Moved, Seconded** by Mr. Aumack, the nominations for the election of a Vice-Chairman be closed. The chairman declared the nominations closed.

Roll Call:

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

Mr. Sachs noted that the next order of business was the appointment of the Authority Professional Advisors for the period of 2/4/19 to 2/3/20.

Mr. Smith **Moved, Seconded** by Mr. Scarano, to appoint Gregory W. Vella, Esq., of Collins, Vella and Casello, L.L.C., to continue in his capacity as Authority Attorney.

There being no other nominations, Mr. Smith **Moved, Seconded** by Mr. Scarano, that the nominations for the election of the Authority Attorney be closed.

Roll Call:

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

Mr. Sachs noted that the appointment of an Authority Engineer was next on the agenda.

Mr. Sachs **Moved, Seconded** by Mr. Scarano, that T&M Associates, be appointed as Authority Engineer with request that Dennis Dayback attend the meetings.

There being no other nominations, Mr. Sachs **Moved, Seconded** by Mr. Scarano, that the nominations for the election of the Authority Engineer be closed. The chairman declared the nominations closed.

Roll Call:

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

Next on the Agenda was the appointment of Accountant.

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Mr. Sachs **Moved, Seconded** by Mr. Smith, that Theodore Panis, CPA, of Panis and Attner, P.A., be continued in his capacity as Authority Accountant.

There being no other nominations, Mr. Sachs **Moved, Seconded** by Mr. Smith, that the nominations for the election of the Authority Accountant be closed. The chairman declared the nominations closed.

Roll Call:

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

Next on the Agenda was the appointment of Bond Counsel.

Mr. Scarano **Moved, Seconded** by Mr. Sachs, that John Draikiwicz, Esquire of the firm Gibbons, P.C., be retained for Authority Bond Counsel.

There being no other nominations, Mr. Scarano **Moved, Seconded** by Mr. Sachs, that the nominations for the election of the Authority Bond Counsel be closed. The chairman declared the nominations closed.

Roll Call:

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

Resolutions

Resolution Offered by Mr. Smith:

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY ATTORNEY

WHEREAS, the Monmouth County Bayshore Outfall Authority has a need to acquire Legal Goods and Services by the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq*; and

WHEREAS, the Monmouth County Bayshore Outfall Authority has determined and certified in writing that the value of the acquisition will not exceed \$17,500.00; and

WHEREAS, the term of the contract is for One (1) year from February 4, 2019 to February 3, 2020 and may be extended as approved by this governing body; and

WHEREAS, Gregory W. Vella, Esquire of the firm Collins, Vella & Casello, L.L.C. in Manasquan, New Jersey has submitted a proposal indicating they will provide the legal goods and services for \$5,750.00 as retainer per year and an hourly rate of \$160.00 per hour; and

WHEREAS, Gregory W. Vella, Esquire of the firm Collins, Vella & Casello, L.L.C. has submitted a proposal pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq*; and

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WHEREAS, Monmouth County Bayshore Outfall Authority has complied with certification of the availability of funds requirements – N.J.S.A. 50:30-5.4; and

NOW THEREFORE, BE IT RESOLVED that the Monmouth County Bayshore Outfall Authority authorizes entering of a contract for legal services with Gregory, W. Vella, Esquire of the firm Collins, Vella & Casello, L.L.C. as described herein; and

BE IT FUTHER RESOLVED that I hereby certify the foregoing to be a true copy of the Resolution adopted by Monmouth County Bayshore Outfall Authority, County of Monmouth, and State of New Jersey on the 4th Day of February 2019.

Resolution was Seconded by Commissioner Scarano and approved by roll call vote.

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

Resolution Offered by Mr. Sachs:

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY ENGINEER

WHEREAS, the Monmouth County Bayshore Outfall Authority has a need to acquire Engineering Services by the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq*; and

WHEREAS, the Monmouth County Bayshore Outfall Authority has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, T&M Associates in Middletown, New Jersey has submitted a proposal indicating they will provide Engineering Services consistent with the request for proposal at a fee structure identified in their proposal and their contract; and

WHEREAS, T & M Associates also represented that an Engineer from T & M Associates will be attending MCBOA's monthly meetings and MCBOA will not be charged for his attendance at the MCBOA's monthly meetings; and

WHEREAS, the term of the contract is for One (1) year from February 4, 2019 to February 3, 2020 and may be extended as approved by this governing body; and

WHEREAS, T&M Associates has submitted a proposal pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq* ; and

WHEREAS, Monmouth County Bayshore Outfall Authority has complied with certification of the availability of funds requirements – N.J.S.A. 50:30-5.4; and

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NOW THEREFORE, BE IT RESOLVED that the Monmouth County Bayshore Outfall Authority authorizes entering of a contract for Engineering Services with T&M Associates as described herein; and

BE IT FUTHER RESOLVED. MCBOA hereby require that Dennis Dayback, P.E. of T & M attend MCBOA’s monthly meetings; and

BE IT FUTHER RESOLVED that I hereby certify the foregoing to be a true copy of the Resolution adopted by Monmouth County Bayshore Outfall Authority, County of Monmouth, and State of New Jersey on the 4th Day of February 2019.

Resolution was Seconded by Commissioner Scarano and approved by roll call vote.

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

Resolution offered by Mr. Sachs:

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY AUDITOR

WHEREAS, the Monmouth County Bayshore Outfall Authority has a need to acquire Accounting Services by the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq*; and

WHEREAS, the Monmouth County Bayshore Outfall Authority has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, Theodore Panis, CPA of Theodore Panis, CPA LLC. in Oakhurst, New Jersey has submitted a proposal indicating they will provide accounting services set forth in the request for proposal for a gross fee not to exceed \$19,930.00; and

WHEREAS, the term of the contract is for One (1) year from February 4, 2019 to February 3, 2020 and may be extended as approved by this governing body; and

WHEREAS, Theodore Panis, CPA of Theodore Panis, CPA LLC has submitted a proposal pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq* ; and

WHEREAS, Monmouth County Bayshore Outfall Authority has complied with certification of the availability of funds requirements – N.J.S.A. 50:30-5.4; and

NOW THEREFORE, BE IT RESOLVED that the Monmouth County Bayshore Outfall Authority authorizes entering of a contract for accounting services with Theodore Panis, CPA of Theodore Panis, CPA LLC as described herein; and

BE IT FUTHER RESOLVED that I hereby certify the foregoing to be a true copy of the Resolution adopted by Monmouth County Bayshore Outfall Authority, County of Monmouth, and State of New Jersey on the 4th Day of February 2019.

Resolution was Seconded by Commissioner Smith and approved by roll call vote.

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

Resolution offered by Mr. Scarano:

**RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND
OPEN CONTRACT FOR BOND COUNSEL FOR THE MONMOUTH COUNTY BAYSHORE
OUTFALL AUTHORITY BOND COUNSEL**

WHEREAS, the Monmouth County Bayshore Outfall Authority has a need to acquire Legal Goods and Services by the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq*; and

WHEREAS, the Monmouth County Bayshore Outfall Authority has determined and certified in writing that the value of the acquisition will exceed \$17,500.00; and

WHEREAS, Monmouth County Bayshore Authority plans to apply for financing in 2019 and the financing regulations requires the Authority to retain Bond Counsel; and

WHEREAS, the term of the contract is from February 4, 2019 to February 3, 2020 and may be extended as approved by this governing body; and

WHEREAS, John D. Draikiwicz, Esquire of the firm Gibbons, P.C. in Newark, New Jersey has submitted a proposal indicating they will provide the legal services for a fee structure identified in their proposal; and

WHEREAS, John D. Draikiwicz, Esquire of the firm Gibbons, P.C. has submitted a proposal pursuant to the fair and open process in accordance with N.J.S.A. 19:44A-20.4 *et seq* ; and

WHEREAS, Monmouth County Bayshore Outfall Authority has complied with certification of the availability of funds requirements – N.J.S.A. 50:30-5.4; and

NOW THEREFORE, BE IT RESOLVED that the Monmouth County Bayshore Outfall Authority is authorized to enter into a contract for legal services with John D. Draikiwicz, Esquire of the firm Gibbons, P.C. as described herein; and

BE IT FUTHER RESOLVED that I hereby certify the foregoing to be a true copy of the Resolution adopted by Monmouth County Bayshore Outfall Authority, County of Monmouth, and State of New Jersey on the 4th Day of February 2019

Resolution was Seconded by Commissioner Sachs and approved by roll call vote.

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

Resolution offered by Mr. Smith:

**Resolution of the
Monmouth County Bayshore Outfall Authority**

Appointing Official Newspaper

BE IT RESOLVED that the official newspaper of the Monmouth
County Bayshore Outfall Authority for publication of all notices as required by
law will be the Asbury Park Press.

Resolution seconded by Commissioner Aumack, and approved by roll call vote.

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

Resolution offered by Commissioner Schoeffling:

**Resolution of the
Monmouth County Bayshore Outfall Authority
Providing For “Annual Notice” Of Meetings
Pursuant To Section 13 of The Open Public Meetings Act**

WHEREAS, the Open Public Meetings Act requires that all public bodies at the time of their annual organization meeting, or within 7 days thereof, shall post, mail to newspapers, and give notice to certain other persons the schedule of meetings for the succeeding year.

NOW, THEREFORE, BE IT RESOLVED, that the meeting dates of the Monmouth County Bayshore Outfall Authority be hereby fixed:

March	18, 2019
April	15, 2019
May	20, 2019
June	17, 2019
July	15, 2019
August	19, 2019
September	16, 2019
October	21, 2019

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November 18, 2019
December 9, 2019 —Public Budget Hearing, 7:00 PM
9, 2019 —Regular Meeting, Immediately after the Public Budget Hearing
January 13, 2020
February 3, 2020—Reorganization Meeting, 7:00 PM
3, 2020—Regular Meeting, Immediately after the Reorganization Meeting

All Meetings will be held on the third Monday of each month **with the exception of the December 2019 and January 2020 meeting which are the second Monday, and the February 2020 Meeting, which is the first Monday.** The meetings will take place at the Authority’s offices, 200 Harbor Way, Belford, New Jersey, at 7:00 PM

BE IT FURTHER RESOLVED, that the Secretary is hereby authorized to transmit the notice of these meetings to the Authority’s official newspaper, the County Clerk, the Board of Freeholders, the Customer Authorities, the Clerks of the municipalities served or to be served by the Monmouth County Bayshore Outfall Authority and to post said notice on the south door of the Authority’s offices in Belford, New Jersey.

BE IT FURTHER RESOLVED, that this resolution and the schedule contained herein may be amended from time to time provided the terms of the Act are followed.

Resolution seconded by Mr. Smith, and approved by roll call vote.

AYES: Aumack, Sachs, Scarno, Schoeffling, Smith, Sodon & Toomey
NAYS: None
ABSENT: Foley & Knox
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. Schoeffling**, and passed by the affirmative voice vote of all Members present, no Nays, no Abstain, two Absent, the Meeting adjourned at 7:10 p.m.

Respectfully submitted by:

Barbara Vilanova
Recording Secretary