

**Minutes of the Regular Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, March 18, 2013, 7:30 p.m.
MCBOA Conference Room
200 Harbor Way, Belford, New Jersey**

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: Foley, Knox, Loud-Hayward, Sachs, Scarano, Schoeffling, Smith and Sodon

Commissioners Absent: Aumack (7:33 p.m.)

Also Present: Gregory W. 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 Tuberton, Foreman
Barbara Vilanova, Recording Secretary

IV. Approval of Minutes – Authority Annual Reorganization Meeting and Regular Meeting Held on 2/4/13

On **Motion** by Mr. Schoeffling, **Seconded** by Ms. Loud-Hayward, the Minutes of the Annual Reorganization meeting held on 2/4/13 were approved as presented by all Members present, no nays, one absent, none abstain.

On **Motion** by Ms. Loud-Hayward, **Seconded** by Mr. Schoeffling, the Minutes of the Regular meeting held on 2/4/13 were approved as presented by all Members present, no nays, one absent, none abstain.

REPORT OF ADVISORS

Foreman's Monthly Report

Edward Tuberton, MCBOA Foreman, presented his monthly report.

❖ **Monthly Highlights**

- SREC current pricing \$120, 129 auctioned in February @ \$113 + \$14,577
- Coe Place repair completed
- FEMA projects update
- Generator Service Contract
- Solar system damage update
- Retention ponds bid specs & staffing during project.
- Fuel Oil delivery Belford
- February DMR
- 3 operators attended NJWEA technology transfer seminar.
- Long Branch HS tour of Solar panels and Inverters on 4/12
- Two employees attended JIF Breakfast- JIF award – 7 year lost time accident free
- Operator John Roche medically cleared to return to work on 3/18.
- Operator Edward Tuberton, Sr. actions on 3/11.

Office Manager's Monthly Report

Ms. Vilanova reported on the following items, which were some of the highlights for the month.

❖ Financial Report

- All balances and monthly interest rate were presented.
- TOMSA billed for 2nd Quarter with 2012 adjustment.
- BRSA 1st Quarter payment received.
- County billed for ferry pump station for this year.
- Keansburg received a credit for the 1st quarter of this year after the adjustment for last year.

❖ Administrative Highlights

- Certified final budget received from State
- Final Budget sent to Trustee as required.
- Comcast Proposal for Belford.
- Cablevision Proposal for Union Beach.
- Sunshine Notices mailed.
- Bond Counsel Bid received.
- Meeting Schedule and Professional Appointments published in paper.
- 2011 AEA Wave Energy Savers Award for Solar Project.
- Final Invoices submitted to NJUAJIF for Sandy wind damage.

Engineer

▪ Force Main Repair at Coe Place

Mr. McKelvey reported that the installation and welding of the new pipe sections was completed by February 16, 2013. Construction work was observed by T&M Associates' staff as well as by a representative from Hanson Pipe. A payment certificate for work completed to date, excluding a small percentage for final restoration and 2% retainage has been approved by T&M and submitted for payment. The remaining site restoration should be completed prior to the Authority's April meeting.

▪ Solar Combiner Boxes

Mr. McKelvey reported that Vanguard continues to replace the combiner boxes as directed. Through March 12, 2013 four boxes remain to be replaced. Vanguard's surety company has requested additional information which is being compiled and will be provided to them.

▪ Retention Pond Repairs – Super Storm Sandy

Mr. McKelvey reported that the T&M has completed draft plans and specifications for the required repairs to the retention pond and PVC liner at the Union Beach Pump Station and the required repairs to the Belford retention pond. A meeting was held between T&M and Authority staff to review the plans and specs and a draft set was provided for comments. A draft set was also sent to Witt Associates and FEMA at the Authority's request.

▪ Super Storm Sandy Hazard Mitigation

MCBOA Regular Meeting of March 18, 2013

Mr. McKelvey reported that T&M prepared a conservative project estimate for outfall improvements to remove sand that has built up around the diffusers and to install risers on the active diffusers. The Authority prepared a Letter of Intent describing the proposed outfall mitigation and anticipated costs and submitted to the County Office of Emergency Management, who is reviewing applications for mitigation funds, during the week of February 25, 2013.

Attorney

Mr. Vella reported that a claim has been made against Vanguard Energy’s maintenance bond company. Mr. Vella has been dealing with the Surety Co. and Vanguard and they would like to hire an independent consultant to do a maintenance check of the system. The testing would be split 50-50, however, whoever is liable for the repairs will then pay 100%. Mr. Vella will contact Vanguard and tell them the Authority is in agreement.

Mr. Vella and Mr. Tuberton also discussed the Energy Market Exchange with the Authority. The Energy Market Exchange is another way for the Authority to purchase Electricity from a 3rd party in order to save money. The Authority would participate in an online auction where someone would bid for our business. Currently the Authority participates in the NJSEM to purchase electricity at discounted rates. The Board agreed to authorize Mr. Tuberton to wait for the strike price from the NJSEM and then participate in the live auction with EMEX. If the auction is less than the strike price Mr. Tuberton may opt out of the NJSEM.

On **Motion** by Mr. Smith, **Seconded** by Mr. Scarano, the board authorized the Mr. Tuberton to opt out of the NJSEM and enter an agreement with EMEX if the pricing will produce a savings. This matter was passed by the affirmative voice vote of all members present, no nays, no abstain, none absent.

New Business

On **Motion** by Mr. Knox, **Seconded** by Mr. Scarano, the board authorized the payment of Caruso Excavating Co, Inc., Payment Certificate #1 for the payment of the pipe repair project. This matter was passed by the affirmative voice vote of all members present, no nays, no abstain, none absent.

Resolutions

Resolution offered by Mr. Schoeffling:

**RESOLUTION OF THE
MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY
CONTINUING THE TEMPORARY ASSIGNMENT OF DUTIES
AND TEMPORARY STIPEND**

WHEREAS, in December of 2006, Monmouth County Bayshore Outfall Authority’s Executive Director resigned from her position; and

WHEREAS, by Resolution dated March 19, 2007, the Commissioners of the Monmouth County Bayshore Outfall Authority determined that in the best interest of Monmouth County Bayshore Outfall Authority, that Barbara Vilanova, Board Secretary, be assigned the financial management duties, Edward M. Tuberton,

MCBOA Regular Meeting of March 18, 2013

Jr. Foreman, be assigned the operational planning of Monmouth County Bayshore Outfall Authority and Michael Sachs, Chairman, act as Comptroller; and

WHEREAS, the Commissioners of Monmouth County Bayshore Outfall Authority agreed to a stipend for these serves to be prorated an annual rate of \$10,400.00 a year for Barbara Vilanova, Board Secretary, and Edward Tuberon, Jr. Foreman. The Stipend became effective on March 1, 2008; and

WHEREAS, Michael Sachs, Chairman, waived any additional compensation for acting as Comptroller in a temporary basis; and

WHEREAS, the Commissioners have reviewed the performances of Barbara Vilanova and Edward Tuberon, Jr. and determined that their performances have been exceptional of the past 6 years and has saved the Authority the added expense of having an Executive Director; and

WHEREAS, during these 6 years the stipend has not increased and the Commissioners of Monmouth County Bayshore Outfall Authority find that an increase in the stipend is warranted and deserved ; and

WHEREAS, the Commissioners of Monmouth County Bayshore Outfall Authority agreed to increase the stipend by 3 %, which increased the annual rate of \$10,712.00 a year for Barbara Vilanova, Board Secretary, and Edward Tuberon, Jr. Foreman. The Stipend shall be effective January 1, 2013; and

WHEREAS, Michael Sachs, Chairman, has waived any additional compensation for acting as Comptroller in a temporary basis; and

WHEREAS, the Monmouth County Bayshore Outfall Authority reserves the right to terminate this temporary assignment of duties and terminate the temporary stipend at any time; and

NOW, THEREFORE, BE IT RESOLVED that Monmouth County Bayshore Outfall Authority hereby agrees to increase the stipend by 3 %, which increased the annual rate of \$10,712.00 a year for Barbara Vilanova, Board Secretary, and Edward Tuberon, Jr. Foreman. The Stipend shall be effective January 1, 2013. Monmouth County Bayshore Outfall Authority hereby reserves the right to terminate the assignment of duties and stipend at any time.

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

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

Resolution offered by Mr. Sodon:

RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR BOND COUNSEL FOR THE 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

MCBOA Regular Meeting of March 18, 2013

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 is required to make repairs to the Union Beach Retention Basin, Belford Retention Basin and repairs to the Outfall Repairs as a result of Super Storm Sandy and the proposed financing requires the Authority to retain Bond Counsel; and

WHEREAS, the term of the contract is March 18, 2013 to March 17, 2014 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 authorizes entering of 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 18th Day of March 2013.

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

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

Approval of Vouchers

Resolution offered by Mr. Schoeffling:

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- March 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-March
2		Hess	\$2,732.78	S.H. 2/7-3/6/13 & Belford 2/1-3/4/13
3		Hess	\$2,144.55	S.H. 1/8-2/6/13 & Belford 1/4-1/31/13
4		Hess	\$4,188.45	Union Beach 1/29-2/27/13
5		JCP&L	\$37.98	Belford Street Lighting 1/19-2/19/13
6		JCP&L	\$1,872.88	Union Beach 1/29-2/27/13
7		JCP&L	\$1,788.19	Belford 2/1-3/4/13

MCBOA Regular Meeting of March 18, 2013

8		JCP&L	\$1,653.41	Belford ¼-1/31/13
9		JCP&L	\$66.18	Sandy Hook 2/7-3/6/13
10		JCP&L	\$76.00	Sandy Hook 1/8-2/6/13
11		NJAWC	77.64	Union Beach 1/23-2/27/13
12		NJAWC	\$84.80	Belford 12/22/12-1/22/13
13	4221	Verizon	\$73.45	Union Beach 2/17-3/16/13
14	4222	Verizon	\$15.01	Belford long distance- 2/23-3/22/13
15	4223	Verizon	\$149.07	Belford all in one/fax – 2/14-3/13/13
16	4220	Verizon Online	\$50.74	Broadband Service- 2/16-3/15/13
17		ADP	\$62.06	Payroll services 1/31/13
18		ADP	\$19.80	Payroll services 1 st quarter reports
19		ADP	\$48.74	Payroll services 2/14/13
20		ADP	\$47.34	Payroll services 2/28/13
21	4143	AT&T Mobility	\$94.36	Foreman’s cell phone 2/5-3/4/13
22		AT&T Mobility	\$97.18	Foreman’s cell phone 3/5-4/4/13
23		Andrew Kutschman Electric	\$725.00	Various Electric lighting repairs
24		Andrew Kutschman Electric	\$840.00	Electrical Installation of new chlorine analyzer
25		Automatics Unlimited	\$155.00	Repair Electronic Gate
26		Barbara Vilanova	\$151.94	Reimbursement of Petty cash Fund
27		Breeze Heating & A/C	\$440.00	Repairs to Heat
28		Cape Fear Analytical	\$1,350.00	PCB sampling
29		Collins Vella & Casello	\$2,070.00	January & February legal fees
30		Crown Tire	\$159.95	Tire for Ford Escape
31		Fisher Scientific	\$97.64	Buffer packs for Lab
32		Fisher Scientific	\$595.57	Deionized water & Electrode solution for lab
33		Independence Constructors, Inc.	\$457.00	Reprogram Surged Veeder Root
34		Garden State Laboratories	\$6,181.00	Outside Laboratory costs- January
35		Garden State Laboratories	\$4,738.00	Outside Laboratory costs- February
36		Gannett Newspapers	\$173.50	Publication of Meeting schedule & contracts
37		Gannett Newspapers	\$67.00	SREC Auction 2/13/13
38		Grainger	\$66.66	2 boxes of flow charts
39		I.B. Miller	\$805.15	Service call for heat-temporary repair
40	4145	Jaspan Brothers South	\$231.24	Heaters,broom,ice melt,lightbulbs,thermometers
41	4140	Jaspan Brothers South	\$125.27	Markout paint, batteries, misc screws& hardware
42		Jonathan Mannarino	\$99.00	Water Program 1 st course book
43		Neopost	\$96.00	Annual rate protection plan
44		Norwood Auto Parts	\$13.15	40lb bag of oil dry
45		One Call Concepts	\$257.64	One call notices for February
46		One Call Concepts	\$379.96	One call notices for January
47		Pedroni Fuel Company	\$13,172.70	4010.2 gals of diesel fuel- Belford
48		Sakoutis Brothers Disposal	\$70.00	Monthly trash pick-up – March
49		Semcor	\$95.12	Leather palm gloves & discharge hose
50		Serv-Air	\$895.00	A/C Rooftop Panel repair
51		Serv-Air	\$930.00	Roof coping repair
52		Serv-Air	\$2,985.00	Boiler enclosure and smoke stack repair
53		Serv-Air	\$1,175.00	Air Intake Louver Repair
54		Staples	\$99.76	Copy paper, staples, ink for Eddie& Barbara
55		Staples	\$45.98	HP 564 XL ink for fax machine
56		Staples	\$527.94	Lap top for Union Beach & New Fax machine
57		T&M Engineering	\$9,513.00	Coe Place Pipe Replacement
58		T&M Engineering	\$630.62	February/January General Services

MCBOA Regular Meeting of March 18, 2013

59	TOMSA	\$1,703.84	1st Quarter Sewer
60	Treasurer, State of New Jersey	\$413.00	NJDEP Laboratory Renewal Fee
61	W.B. Mason	\$226.95	Janitorial supplies, report covers & dividers
62	Werner Automotive	\$546.73	Repairs to plow
63	Witt O'Brien's LLC	\$12,691.42	Services rendered through 1/31/13- Sandy/Fema
64	Xerox	\$105.00	Monthly copier rental 1/3-1/29/13
65	Xerox	\$105.00	Monthly copier rental 1/29-2/21/13
66	Zeeks Tee's	\$347.00	T'Shirts, Polo's and sweatshirts for employees
	TOTAL	\$81,984.60	

Fringe benefits and payroll processed after the February Operating Vouchers were submitted for review and approval at the Authority Regular Meeting of 2/4/13

Date	Check No.	To	Amount	Description
02/15/13	Ceridian	Employee's Payroll & Payroll Taxes	\$17,079.69	Payroll of 02/15/13
03/01/13	Ceridian	Employee's Payroll & Payroll Taxes	\$15,701.27	Payroll of 03/01/13
03/15/13	Ceridian	Employee's Payroll & Payroll Taxes	\$22,539.85	Payroll of 03/15/13
02/20/13	4141	Chase	\$ 612.31	Procurement card Purchases
03/06/13	4146	Sun Life Financial	\$ 862.31	Mar. long-term disability benefits
02/20/13	4142	Delta Dental	\$ 1,165.14	Dental premium March
03/14/13	TEPS	NJSHBP	\$14,530.44	March Health Benefits

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

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

At this time the Chairman requested the Authority go into Executive Session to discuss personnel issues. On motion by Ms. Loud-Hayward, Seconded by Mr. Schoeffling, approved by all present, the Board entered into Executive Session at 8:22 p.m. At this time Mr. McKelvey and Mr. Panis left for the evening.

Adjournment

There being no further business to come before the Meeting, on **Motion by Mr. Knox, Seconded by Mr. Scarano**, and passed by the affirmative voice vote of all Members present, no nays, no abstain, none absent, the Board ended the Executive Session and the Meeting adjourned at 8:30 p.m.

Respectfully submitted by:

Barbara Vilanova,
 Recording Secretary

MCBOA Regular Meeting of March 18, 2013

The following actions were taken at the meeting:

The Bills were paid –see attached voucher list.

The Resolution to increase Stipend was approved.

The Resolution to appoint Bond Counsel was approved.

Payment certificate #1 for Caruso Excavating Co. was approved.