

**Minutes of the Regular Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, May 15, 2017, 7:00 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: Aumack, Foley, Knox, Loud-Hayward, Sachs, Scarano, Schoeffling, Smith and Sodon

Commissioners Absent: None

Also Present: Gregory W. Vella, Esq., Authority Attorney, Collins, Vella and Casello, L.L.C.
Dennis Dayback, 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 Regular Meeting Held on 4/17/17

On **Motion** by Mr. Knox, **Seconded** by Mr. Schoeffling, the Minutes of the Regular meeting held on 4/17/17 were approved as presented by all Members present, no nays, none absent, three abstain(Aumack, Loud-Hayward, Scarano).

REPORT OF ADVISORS

Foreman's Monthly Report

Edward Tuberton, MCBOA Foreman, presented his monthly report.

❖ **Monthly Highlights**

- SREC current pricing \$219
 - SREC's sold April 26 @\$219.00=\$9,636.00
- 61 SREC's earned for March 2017 to be auctioned 5/17
- 64 SREC's April 2017
- Bayshore Trail Update
- Liner Integrity test for UB due- quote \$9,930
- 2008 Ford Escape
 - Book value = \$3,290
 - Transmission repair = \$4,100
- Long field service (mercoid switch troubleshoot/repair)
- NJDEP Inspection 5/1
- Quarterly meter calibration complete 4/20
- Annual A/C service complete 5/3
- Bi-annual emergency diesel pump maintenance completed 4/20
- P/T (Proficiency Study) data acceptable

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- Meter calibrations completed 4/21
- Outside generator repair UB (fuel water separator)
- Additional Truck repairs- front end Ford Escape – Steering rack
- April DMR

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.
- Keansburg 2nd Quarter payment received.
- TOMSA billed for 3rd Quarter.

❖ **Administrative Highlights**

- 2016 audit completed by Mr. Panis.
- Annual Financial Disclosure Forms are due by May April 30th if you have not completed them please do so ASAP.
- Agreement with Wage works for the Cafeteria 125 Plan for pre-tax medical deductions.
- June Meeting will be on June 19th, you will receive your packet at the meeting that night so please mark your calendars accordingly.
- Majority of the funds in the operating account transferred to BCB bank. Waiting for checks to clear and all electronic fund transfers to be taken care of before closing Two Rivers account.

Engineer

▪ **NJNG Many Mind Creek Remediation**

Mr. Dayback reported that there has been no change over the past month, no activity since the last report.

▪ **Whirl Construction**

Mr. Dayback reported there has been no activity this month.

▪ **ACOE Port Monmouth Flood Protection Project**

T&M has reviewed the submitted plans and found the information to be incomplete. Mr. Dayback provided comments.

▪ **Force Main Condition Assessment**

Mr. Dayback reported Rose Santos spoke to a representative from the NJDEP for Infrastructure Trust Fund and the Authority would qualify for the 50% forgiveness loan, with 25% at 0% and 25% at market rate. Mr. Dayback will provide the Authority with a proposal for T&M's services to prepare the application.

▪ **Monmouth County Parks Trail Renovations**

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The Authority received the additional documentation requested by our letter dated March 8, 2017 except for the footing details. Mr. Tuberton and Mr. Dayback attended an onsite meeting with representatives of the Monmouth County Parks System to review and discuss the ongoing construction activity as well as the project schedule as it relates to the MCBOA force main. Mr. Dayback provided a copy of the minutes from the meeting.

▪ **Outfall Diffuser Repair**

Mr. Dayback provided a cost proposal for the preparation of plans and specifications and permit application for the Diffuser repair project. The cost for the services would be as follows:

Preparation of Design Plans and Specifications	\$4,800.00
Preparation of Permit Applications	\$9,500.00
Construction Administration & Observation	\$1,700.00
Total	\$16,000.00

▪ **BRSA Emergency Power**

Remains as previously discussed.

Accountant

Mr. Panis reported on the 2016 audit. He provided everyone with a copy of the audit and gave a review of it. At this time Mr. Panis has no recommendations for corrective action. Mr. Panis found no errors or anything being done incorrectly. At this time no one had any questions about the Financial Statement for 2016.

New Business

None

Old Business

None

Resolution offered by Mr. Sachs:

RESOLUTION PROVIDING FOR THE DECLARATION
OF OFFICIAL INTENT UNDER TREASURY REGULATION SECTION 1.150-2
TO REIMBURSE PRIOR EXPENDITURES RELATED TO
VARIOUS SYSTEM IMPROVEMENTS – FORCE MAIN INSPECTION PROJECT

Adopted: May 15, 2017

WHEREAS, the Monmouth County Bayshore Outfall Authority (the “Authority”) intends to issue debt obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and that will be used to finance various capital improvements to its sewer system, specifically the Force Main Inspection Project (the debt obligations herein referred to as “Project Debt Obligations” herein referred to as the “Project”);

WHEREAS, the Authority intends to finance the Project, in part, with the Project Debt Obligations but may pay for certain costs of the Project (“Project Costs”) prior to the issuance of the Project Debt Obligations with funds of the Authority which are not borrowed funds;

WHEREAS, the Authority desires to preserve its rights to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid by the Authority prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141-150 of the Code.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Authority as follows:

Section 1. The Authority reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Authority’s official intent to reimburse the Authority for expenditure of Project Costs by the Authority paid prior to the issuance of the Project Debt Obligations with the proceeds of the Project Debt Obligations, in accordance with Treasury Regulation Section 150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$ 3,000,000.00.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be “capital expenditures” in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an “abusive arbitrage device” under Treasury Regulation Section 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147 of the Code. The proceeds of the Project Debt Obligations used to reimburse the Authority for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of “replacement proceeds”, including “sinking funds”, “pledged funds”, or funds subject to a “negative pledge” (as such terms are defined in Treasury Regulation Section 1.148-1) of the Project Debt Obligations or another issue of debt obligations of the Authority, other than amounts deposited into a “bona fide debt service fund” (as defined in Treasury Regulation Section 1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of: (i) the date the expenditure from a source other than the Project Debt Obligations is paid; or (ii) the date the Project is “placed in service” (within the meaning of Treasury Regulation Section 1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution will take effect immediately.

Seconded by Mr. Schoeffling, 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

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 2017 and the financing regulations requires the Authority to retain Bond Counsel; and

WHEREAS, the term of the contract is May 15, 2017 to January 31, 2018 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 15th Day of May 2017.

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. Schoeffling:

Certificate of Resolution (2017)

For MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY

Section 125 Premium Only Plan

Plan Year Ending June 10, 2018

The undersigned Secretary or Principal of **MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY** (the Employer) hereby certifies that the following resolutions were duly adopted by the board of directors of the Employer on **June 11, 2017**, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of Amended Section 125 Cafeteria Plan effective **June 11, 2017**, presented to this meeting is hereby approved and adopted and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the amended Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

RESOLVED, that the proper officers of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the amended Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned further certifies that true copies of the Adoption Agreement, Plan Document, and the Summary Plan Description, approved and adopted in the foregoing resolutions, are attached herewith.

Seconded by Mr. Scarano, 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. 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 – May 15, 2017**

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Cablevision	\$148.82	Phone & internet Union Beach 5/1-5/31/17
2	5948	Comcast	\$269.20	Triple Play Package- Belford 3/26-4/25/17
3		JCP&L	\$28.87	Belford Street Lighting 3/22-4/19/17
5		JCP&L	\$3,985.76	Union Beach 3/30-4/25/16
6		JCP&L	\$1,839.13	Belford 4/1-4/28/17
7		NJAWC	\$52.07	Union Beach 3/24-4/26/16
8		NJAWC	\$124.03	Belford 3/22-4/24/17
9		ADP	\$55.93	Payroll services 4/20/17
10		ADP	\$71.19	Payroll services 5/04/17
11	5944	AT&T Mobility	\$108.33	Foreman's cellular phone 4/5-5/4/17
12		Collins Vella & Casello	\$375.00	April legal fees
13		Garden State Labs	\$3,931.00	Outside Laboratory services-March
14		Gannett Newspapers	\$62.00	SREC Auction 11/16/16 publication
15		Gannett Newspapers	\$61.40	SREC Auction 4/26/17 publication
16		Irven Bob Miller	\$493.80	A/C service
17	5947	Jaspan Brothers South	\$37.64	Ear plugs, markout paint, bug spray
18		One Call Concepts	\$188.75	March one call notices
19		Sakoutis Brothers	\$70.00	May garbage pick up
20		Staples	\$68.99	Ink and packing tape
21		T&M Engineering	\$460.00	April General Services
22		WageWorks	\$125.00	Cafeteria 125 compliance plan
23		Xerox	\$111.65	Monthly copier rental 3/21-4/21/17
TOTAL			<u>\$12,668.56</u>	

**Fringe benefits and payroll processed after the April Operating Vouchers
were submitted for review and approval at the Authority Regular Meeting of 4/19/17**

<u>Date</u>	<u>Check No.</u>	<u>To</u>	<u>Amount</u>	<u>Description</u>
04/21/17	ADP	Employee's Payroll & Payroll Taxes	\$15,610.38	Payroll of 04/21/17
05/05/17	ADP	Employee's Payroll & Payroll Taxes	\$19,603.03	Payroll of 05/05/17
03/31/17	TEPS	PERS	\$50,061.00	Annual Employer Appropriation
05/05/17	5946	Sun Life Financial	\$ 767.96	May long-term disability benefits ins.
05/15/17	TEPS	NJSHBP	\$17,400.00	May Health & Dental Benefits
05/08/17	TEPS	PERS	\$ 3,695.29	April PERS

Seconded by Mr. Ms. Loud-Hayward, 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.

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 Meeting adjourned at 7:36 p.m.

Respectfully submitted by:

Barbara Vilanova,
Recording Secretary