

**Minutes of the Regular Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, June 16, 2014 6:30 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

Members Present: Aumack, Foley, Knox, Loud-Hayward, Scarano, Sachs, Smith & Sodon
Members Absent: Schoeffling

Also Present: Mary Krieger, Esq., Attorney, Collins, Vella and Casello, L.L.C.
Keith Henderson, P.E., Authority Engineer, T&M Associates
Theodore Panis, CPA, Authority Accountant, Panis & Attner, P.A. – left at 8:06 p.m.
Barbara Vilanova, MCBOA Administrative Assistant
Edward Tuberion, Jr. MCBOA Foreman
James Ientile, James R. Ientile, Inc.-. left at 6:43
Matt DeVito, Project Manager James R. Ientile, Inc.- left at 6:43

IV. Approval of Minutes – Authority Regular Meeting Held on 5/19/14

On **Motion** by Mr. Knox, **Seconded** by Mr.Sodon, the Minutes of the Regular meeting held on 5/19/14 were approved as presented by all Members present, no nays, one absent, one abstain (Smith)

At this time Mr. Sachs introduced James Ientile the owner of James R. Ientile Inc.

Mr. Ientile addressed the board and updated them on the project. Mr. Ientile anticipates the rest of the sludge to be trucked out by Friday the 20th. The Screener should be onsite this week and the screening process will begin. Spreading stone should take a week or so. Mr Ientile reported that 20 loads of sludge were taken out on Monday the 9th but then the rest of the week was lost due to weather. Mr. Ientile is seeking an extension until July 15th to finish the project. The board indicated they would like the project done by July 1st. Matt DeVito, the project manager asked if it was possible to compromise at July 8th or could they get one day added for each rain date. At this time Mr. Ientile and Mr. DeVito left.

On **Motion** by Mr. Knox , **Seconded** by Mr. Sodon, the board authorized an extension until July 1st to complete the Belford Retention Pond Project, without penalty for JRI or added expense to the Authority under the following conditions; JRI work 7 days a week. This matter was passed by the affirmative voice vote of all members present, no nays, no abstain, one absent.

REPORT OF ADVISORS

Foreman's Monthly Report

Edward Tuberon, MCBOA Foreman, presented his monthly report:

❖ Monthly Highlights

- SREC's current pricing \$170 – 73 available for auction, 53 earned in May.
- FEMA projects update
 - Union Beach- pond complete
 - Density testing completed -due by August 2014.
 - Outfall Pipe- time extension approved by FEMA until 10/31/14. Project completed June 6, 2014.
- Ocean Dischargers group & NJDEP-5 years of data sent to Hall & Associates for mixing zone justification report
- Exhaust fan motor replaced at UB.
- May 2014 DMR

Office Manager's Monthly Report

Ms. Vilanova reported on the following items:

❖ Administrative Highlights

- Keansburg Second Quarter payment received.
- 2013 Summary published in newspaper as required.
- Audit and Corrective Action Plan sent to state.
- Audit sent to Trustee and Customer Authorities.
- Financial Disclosure Forms – if you haven't completed yet please do so, due date 6/13/14.
- Blinds ordered.
- Dental Plans
- Election of NJ SEM Regional State representative and alternate.

Attorney's Report

Ms. Krieger provided the following information:

Ms. Krieger informed the board that the property owner at 50 Bayside Drive (Ettriem) would like to start their retaining wall. The Authority has been holding off the work while the pond was offline. Now that the pond is online we can move forward. The County and the County's attorney would like us to approve first and then the County will approve and make sure the Ettriems have all outside agency approvals. The property has provided an acceptable insurance certificate. Mr. Vella drafted an agreement which must be signed by the Ettriems and Compass construction, which includes payment of fees – legal and engineer, and must be signed by both. Compass is requesting June 30-July 21 for construction. This is up to the Authority.

On **Motion** by Mr. Sodon, **Seconded** by Mr. Scarano, the board authorized The Ettriems to construct a retaining wall on their property subject to the following; revised plans approved by T&M, Receipt of full executed agree-

ment Mr. Vella has drafted, approved construction time and approval from Monmouth County.. This matter was passed by the affirmative voice vote of all members present, no nays, no abstain, one absent.

Ms. Krieger also explained the Payment certificate #5 from JRI that is under new business this evening. The partial payment of sludge is allowable because that is the sludge that has been moved offsite. Mr. Vella also discussed JRI's request for an extension.

Engineer's Report

▪ Photovoltaic System

Mr. Henderson reported that JG Electrical did repair 2 of the three combiner boxes and one remains. Additionally, Mr. Charles Hopkins investigated the issue of the wiring rubbing the metal structure and causing it to short. Mr. Hopkins recommended the wires be wrapped for protection at those locations. Lastly, there is one no-operating string that remains to be investigated and repaired.

▪ Retention Pond Repairs - Super Storm Sandy

Mr. Henderson reported that JRI continued with the sludge handling and commenced removal from the site and disposal on June 6, 2014. JRI has submitted a new request for a time extension through July 15th citing weather and inability to get the sludge dry enough to dispose of offsite. JRI has also submitted a payment certificate #5 this evening which T&M has reviewed and approved.

Separately from the Retention Pond repairs, T&M coordinated with SESI Consulting Engineers to obtain soil samples from the bottom of the basin for testing of the permeability of the clay layer of the basin. T&M received results on June 9, 2014 and one quadrant did not pass. Although the results are better than they were in 1970 when the pond was built the regulations are more stringent. Mr. Henderson will contact the NJDEP to discuss the results and see if they accept them. T&M will also have the proper department research available options to possibly add more clay.

Mr. Tuberton has contacted FEMA to discuss that the pond can not pass the permeability test and this was an unforeseen circumstance. FEMA has indicated that a change of scope could possibly be permitted and the Authority may be able to receive reimbursement. Once T&M figures out the options, what is involved and a possible cost estimate Mr. Tuberton can submit to FEMA.

On **Motion** by Mr. Aumack, **Seconded** by Mr. Knox, the board voted to approve T&M Engineering an amount not to exceed \$5,000.00 to research the options for the clay as presented, approved by all Members present, no nays, one absent, none abstain

▪ Outfall Repairs

TNJ Marine completed the sand removal and riser installation. T&M is reviewing the TV inspection and completed work for approval.

• Bayside Drive Retaining Wall

T&M has reviewed the access and construction plan proposed for the retaining wall for 50 Bayside Drive and forwarded their comments to Mr. Vella, regarding the submitted information and outlining the outfall pipe protective measures required.

Accountant

Mr. Panis informed the Board that the GATSBY has changed certain items and how you report them on the annual audit causing some items to look vastly different than what was reported in prior years. If anyone has any questions they can contact him.

New Business

On **Motion** by Mr. Sodon, **Seconded** by Mr. Knox, the board authorized the payment of James R. Ientile, Inc., Payment Certificate #5 for the retention pond repair project. This matter was passed by the affirmative voice vote of all members present, no nays, no abstain, one absent.

Old Business

NONE

Resolution offered by Ms. Loud-Hayward:

SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF ADDITIONAL PROJECT NOTES OF THE MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY IN CONNECTION WITH THE VARIOUS RETENTION BASINS AND OUTFALL IMPROVEMENTS

WHEREAS, the Monmouth County Bayshore Outfall Authority (the “Authority”), duly adopted on May 9, 2013, that certain resolution entitled, “Resolution Authorizing the Issuance of Project Notes of the Monmouth County Bayshore Outfall Authority in connection with Various Retention Basins and Outfall Improvements (the “Project Note Resolution”) which authorized the issuance of Project Notes (Series 2013) (the “Initial Project Notes”) in the aggregate principal amount of not to exceed \$2,900,000 to provide funds to finance the Initial Project and pay costs of issuance incurred in connection with said Initial Project Notes; and

WHEREAS, the Authority desires to provide, in part, for the payment of the Initial Project Notes through the issuance of a series of Additional Project Notes (as such term is defined in the Project Note Resolution) in the principal amount not to exceed \$1,300,000 (the “Series 2014 Notes”); and

WHEREAS, the Authority desires to specify and determine certain terms and conditions with respect to such short-term project notes; and

WHEREAS, in accordance with the provisions of Section 302, Section 311 and Section 706(8) of the Project Note Resolution, the Authority desires to (a) authorize the issuance of the Series 2014 Notes, (b) provide certain terms and conditions with respect to such Series 2014 Notes in addition to those which have been previously established by the Project Note Resolution, and (c) provide for the sale of such Series 2014 Notes;

NOW, THEREFORE, BE IT RESOLVED BY THE MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY that the Project Note Resolution shall, in accordance with its terms and the terms hereof, be supplemented as follows:

ARTICLE I

DEFINITIONS AND INTERPRETATIONS

SECTION 101. *Short Title.* This resolution may hereafter be cited by the Authority, and is hereinafter sometimes referred to as the “2014 Supplemental Note Resolution”.

SECTION 102. *Terms Defined in Project Note Resolution.* Whenever used or referred to in this 2014 Supplemental Note Resolution, all words or terms which are defined in Section 102 of the Project Note Resolution shall have the meanings given or ascribed to such words or terms, respectively, in said Section 102, except to the extent that words or terms are or shall be otherwise defined by this 2014 Supplemental Note Resolution.

SECTION 103. *Terms Defined Herein.* As used or referred to, and unless a different meaning clearly appears from the context, in this 2014 Supplemental Note Resolution:

- (2) “2014 Resolution” means this 2014 Supplemental Note Resolution; and
- (3) “Resolutions” means collectively, the Project Note Resolution and the 2014 Resolution.

SECTION 104. *Articles and Sections.* Articles and Sections mentioned by number are the respective Articles and Sections of the 2014 Resolution so numbered unless otherwise indicated.

SECTION 105. *Certain Terms Used.* The terms “herein”, “hereunder”, “hereby”, “hereto”, “hereof” and any similar terms refer to the 2014 Resolution; the term “heretofore” means before the time of adoption of the 2014 Resolution; and the term “hereafter” means after the time of adoption of the 2014 Resolution.

SECTION 106. *Words.* Words importing persons include firms, associations and corporations, and words importing the singular number include the plural number and vice versa.

SECTION 107. *Successors and Assigns.* Whenever in the Resolutions the Authority is named or referred to, it shall and shall be deemed to include its successors and assigns whether so expressed or not. All of the covenants, stipulations, obligations and agreements by or on behalf of, and other provisions for the benefit of, the Authority contained in the Resolutions shall bind and inure to the benefit of such successors and assigns and of any officer, board, commission, authority, agent or instrumentality to whom or to which there shall be transferred by or in accordance with law any right, power or duty of the Authority, or of its successors or assigns, the possession of which is necessary or appropriate in order to comply with any such covenants, stipulations, obligations, agreements or other provisions of this 2014 Resolution.

SECTION 108. *Parties Interested Herein.* Nothing in this 2014 Resolution expressed or implied is intended or shall be construed to confer upon, or to give to, any person or corporation, other than the Authority, the Fiduciaries and the holders of the Series 2014 Notes, any right, remedy or claim under or by reason of such resolution or any covenant, condition or stipulation thereof. All the covenants, stipulations, promises and agreements in this 2014 Resolution contained by and on behalf of the Authority shall be for the sole and exclusive benefit of the Authority, the Fiduciaries and the holders of the Series 2014 Notes.

SECTION 109. *Severability of Invalid Provision.* If any one or more of the covenants or agreements made or provided for in this 2014 Resolution to be performed on the part of the Authority or any Fiduciary should be contrary to law, then such covenant or covenants, agreement or agreements, shall be deemed separable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 2014 Resolution or of the Series 2014 Notes.

ARTICLE II

DETERMINATIONS AND OBLIGATION OF THE AUTHORITY

SECTION 201. *Authority for 2014 Resolution.* This 2014 Resolution is adopted by virtue of the Act and pursuant to the provisions of the Act. The Authority has ascertained and hereby determines and declares that adoption of this 2014 Resolution is necessary to carry out the powers and duties expressly provided by the Act, that each and every act, matter, thing or course of conduct as to which provision is made in this 2014 Resolution is necessary or convenient in order to 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 that each and every covenant or agreement herein contained and made is necessary, useful or convenient in order to better and to further secure the Series 2014 Notes and are contracts or agreements necessary, useful and convenient to carry out and effectuate the corporate purposes of the Authority under the Act.

SECTION 202. *Resolutions to Constitute Contract.* In consideration of the purchase and acceptance of the Series 2014 Notes by those who shall hold the same from time to time, the provisions of the Resolutions shall be part of the contract of the Authority with the holders of the Series 2014 Notes and shall be deemed to be and shall constitute a contract between the Authority and the holders from time to time of the Series 2014 Notes. The provisions, covenants and agreements herein set forth to be performed on behalf of the Authority shall be for the equal benefit, protection and security of the holders of any and all of the Series 2014 Notes, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the Series 2014 Notes over any other thereof except as expressly provided herein.

SECTION 203. *Obligation of Series 2014 Notes.* The Series 2014 Notes shall be special obligations of the Authority payable from the amounts pledged, as provided in Section 501 of the Project Note Resolution.

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION AND ISSUANCE OF SERIES 2014 NOTES

SECTION 301. *Purpose and Authorization of Series 2014 Notes.* In accordance with the Act and subject to and pursuant to the provisions of the Resolutions and for the purpose of providing funds on August 7, 2014 for the payment of principal of the Authority's Initial Project Notes, the Series 2014 Notes are hereby authorized in the aggregate principal amount not to exceed \$1,300,000.

SECTION 302. *Details of Series 2014 Notes.* (1) The Series 2014 Notes shall be of the denomination of \$100,000 each or any integral multiple of \$1,000 in excess thereof, and shall each be entitled and designated, and be distinguished from the Notes of all other series by the title and designation, "Project Notes (Series 2014)". The aggregate principal amount of the Series 2014 Notes which may be issued under this 2014 Resolution is limited to \$1,300,000. The Series 2014 Notes shall be numbered separately from one consecutively upward, each with the letter "R" prefixed to such number. All other terms of the Series 2014 Notes shall be fixed or determined by a Certificate of the Chairman or Vice-Chairman of the Authority duly executed prior to the authentication and delivery thereof upon original issuance in accordance with Section 302 of the Project Note Resolution.

SECTION 303. *Form of Series 2014 Notes.* The Series 2014 Notes shall be in substantially the form provided in Section 313 of the Project Note Resolution and such form is incorporated herein by reference as if

set forth in full herein, with such omissions, insertions and variations as are properly required and which are not contrary to any of the provisions of the Project Note Resolution.

SECTION 304. *Execution and Issuance of Series 2014 Notes.* The Series 2014 Notes shall be executed by or on behalf of the Authority as provided in the Resolutions, and the Series 2014 Notes shall upon such execution be delivered to the Paying Agent for authentication and thereupon shall be authenticated by the Paying Agent and be delivered to the Authority or upon its order, but only upon compliance with the applicable requirements of Article III of the Project Note Resolution.

SECTION 305. *2014 Resolution Constitutes a Supplemental Resolution.* It is hereby found, determined and declared by the Authority that the 2014 Resolution is and constitutes a Supplemental Resolution of the Authority authorizing the Series 2014 Notes in accordance with Section 302, Section 311 and Section 706 (8) of the Project Note Resolution.

SECTION 306. *Appointment of Fiduciaries.* In accordance with the provisions of Section 701 of the Project Note Resolution, The Bank of New York Mellon, Woodland Park, New Jersey is hereby appointed to serve as trustee, paying agent and registrar (the “Trustee”, “Paying Agent” and “Registrar”) for the Series 2014 Notes. Trustee, Paying Agent and Registrar shall accept and shall carry out its duties and obligations upon the terms and provisions which are set forth in the Project Note Resolution.

SECTION 307. *Effective Date.* This 2014 Resolution shall be effective immediately upon the expiration of the time period under N.J.S.A. 40A:5A-24 (or, if a hearing is requested pursuant thereto by the Local Finance Board, such hearing).

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

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

Resolution offered by Ms. Loud-Hayward:

HB-0720-0904

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF PENSIONS AND BENEFITS
NEW JERSEY STATE HEALTH BENEFITS PROGRAM
PO Box 299 Trenton, New Jersey 08625-0299

RESOLUTION

A RESOLUTION to authorize participation in the New Jersey State Health Benefits Program Act of the State of New Jersey for SHBP Dental Plan coverage.

BE IT RESOLVED:

1. The Monmouth County Bayshore Outfall Authority
Name of Employer
a participating employer in the State Health Benefits Program, hereby elects to participate in the SHBP Employee Dental Plans provided by the New Jersey State Health Benefits Act of the State of New Jersey (N.J.S.A. 52:14-17.25 et seq.) and to authorize coverage for all the employees and their dependents thereunder in accordance with the statute and regulations adopted by the State Health Benefits Commission.
2. As a participating employer we will remit to the State Treasury all charges due on account of employee and dependent coverage and periodic charges in accordance with the requirements of the statute and the rules and regulations duly promulgated thereunder.
3. As the employer I understand that the employer is responsible for at least 50% of the dental premium.
4. We hereby appoint the Barbara Vilanova
Certifying Officer in the administration of this plan. Title
5. This resolution shall take effect immediately and coverage shall be effective as of 9/1/14
or as soon thereafter as it may be effectuated pursuant to the statutes and regulations. Date

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

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

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 – June 16, 2014 Revised**

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Avaya, Inc	\$54.91	Monthly ACS maintenance agreement-June
2		Cablevision	\$89.95	Phone & Internet Union Beach
3		JCP&L	\$38.39	Belford Street Lighting 4/18-5/19/14
4		JCP&L	\$6,670.16	Union Beach 4/25-5/27/14
5		JCP&L	\$2,680.11	Belford 5/3-6/3/14
6		JCP&L	\$180.82	Sandy Hook 5/6-6/4/14
7		NJAWC	\$106.98	Union Beach 4/25-5/23/14
8		NJAWC	\$96.83	Belford 4/24/-5/22/14
9	4787	Verizon	\$15.91	Belford long distance- 5/23-6/22/14
10	4786	Verizon	\$138.37	Belford all in one/fax – 5/14-6/13/14
11	4785	Verizon Online	\$49.99	Broadband Service- 5/16-6/15/14
12		ADP	\$63.04	Payroll services 6/05/14
13		ADP	\$49.50	Payroll services 5/22/14
14		Automatics Unlimited	\$397.50	Repairs to gate
15		Central Jersey Equipment	\$91.02	Belt for John Deere
16		Collins Vella & Casello	\$1,920.00	May legal fees
17		Cooper Electric Supply	\$44.38	Fuses
18		Emergency System Services	\$975.50	Repairs to Union Beach generator
19		Gannett NJ Newspapers	\$186.65	Advertise Audit
20	4757	Jaspan Brothers South	\$232.05	Caulk,floor polish,bulbs>window cleaner,bug spray
21		Municipal Maintenance	\$1,691.74	New Exhaust fan motor in Union Beach
22		Norwood Auto Parts	\$127.23	Fuses, tape, rotors, brake pads, bulb,brakleen
23		One Call Concepts	\$242.78	One call notices for May
24		Poster Compliance	\$134.75	Annual Labor law posters
25		QC Laboratories	\$5,754.00	Outside Lab services 4/23-5/22/14
26		Staples	\$114.87	Ink cartridges & agenda dividers
27		T&M Engineering	\$2,304.37	General services for May
28		T&M Engineering	\$3,568.48	Retention Ponds Repair Contract
29		T&M Engineering	\$479.62	Outfall Pipe repairs
30		TOMSA	\$1,202.40	400.8 gallons of unleaded gas 3/3-5/30/14
31		Xerox	\$105.00	Monthly copier rental 4/22-5/28/14
32		Fisher Scientific	\$338.40	Laboratory Supplies
		TOTAL	<u>\$30,145.70</u>	

**Fringe benefits and payroll processed after the April Operating Vouchers
were submitted for review and approval at the Authority Regular Meeting of 5/19/14**

<u>Date</u>	<u>Check No.</u>	<u>To</u>	<u>Amount</u>	<u>Description</u>
05/23/14	ADP	Employee's Payroll & Payroll Taxes	\$19,119.92	Payroll of 05/23/14
06/06/14	ADP	Employee's Payroll & Payroll Taxes	\$24,019.44	Payroll of 06/06/14
05/30/14	4756	Sun Life Financial	\$ 740.41	June long-term disability benefits ins.
05/30/14	4755	Delta Dental	\$ 904.35	Dental premium June

MCBOA Regular Meeting of June 16, 2014

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

AYES: Aumack, Foley, Knox, Loud-Hayward, Sachs, Scarano, Smith & Sodon
NAYS: None
ABSENT: Schoeffling
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. Scarano**, Seconded by **Ms. Loud-Hayward**, and passed by the affirmative voice vote of all Members present, no nays, no abstain, one absent, the Meeting adjourned at 7:27 p.m.

Respectfully submitted by: _____
Barbara Vilanova, Recording Secretary