

**Minutes of the Regular Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, October 20, 2014, 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." Pledge of Allegiance & Moment of Silence

III. ROLL CALL – ATTENDANCE

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

Commissioners Absent: None

Also Present: Gregory W. Vella, Esq., Authority 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
Barbara Vilanova, Recording Secretary

Approval of Minutes – Authority Regular Meeting Held on 9/15/14

On **Motion** by Ms. Loud-Hayward, **Seconded** by Mr. Sodon, the Minutes of Regular meeting held on 9/15/14 were approved as presented by all Members present, no nays, none absent, none abstain

REPORT OF ADVISORS

Foreman's Monthly Report

Edward Tuberion, MCBOA Foreman was absent due to illness. In his absence Ms. Vilanova presented his monthly report.

❖ **Monthly Highlights**

- SREC's 86 July, 82 August & 63 September- Current Pricing \$155
Repair quotes for Solar
AMEC \$17,555
JG Electric \$13,250
Andy Kutschman Electric \$9,985
- FEMA Project Updates- JRI punch list items completed, extra stone completed.
- Slump block force main repair update- employees monitoring area everything is dry.
- EJIF regulatory inspection completed.
- Transformer fire UB pump station insurance claim
- Backflow preventers tested 9/22
- Meter calibration 10/15
- New employee completed excel training and also started school for her C-1 license.
- Quarterly Safety/Employee meeting 10/1.
- September DMR

- Hall & Associates proposal to Prepare CPO & Ammonia-Nitrogen Reports
\$5,000 Split with BRSA & TOMSA

The Authority discussed the newest proposal for the Solar repair from Andy Kutschman. His proposal is to add wiring to allow for more sway and swag. The board had questions as to how he was going to do this and requested a more detailed explanation and perhaps a drawing. The board also would like the electrician to separate and itemize each portion of his quote. Mr. Henderson responded that what is being suggested is what T&M would have recommended if they designed the project. Several of the commissioners responded that T&M did design the project. It was a design build. The board also commented to Mr. Henderson that T&M did the field inspections and signed off on the project and if the Engineers were not happy with the work at the time why was nothing said. Again, Mr. Henderson replied that T&M didn't do the inspections. Ms. Vilanova will go through the Engineer's reports and Project invoices to gather the information.

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.
- Preliminary 2015 Budget Resolution
- BRSA & Keansburg billed for 4th Quarter
- 3rd quarter Pensions Report of Contributions completed.
- 4th quarter flow of funds completed by Trustee.
- TOMSA 4th Quarter payment received
- Check received from NJDEP for \$10,874.78 labeled duplicate permits.

❖ Administrative Highlights

- AEA Convention Nov. 18th & 19th @ Golden Nugget
- Open Enrollment for Health Benefits in progress.
- Annual Membership Certification- Chapter 52- completed for Pension system
- OPRA request for 160 Ocean Blvd.
- All journal entries completed as per Mr. Panis' 2013 Audit.
- Internet & Phone service at Belford being switched to Comcast. Verizon can no longer provide adequate internet service for the Authority. Comcast is waiving the \$6,006.00 construction cost to bring the service to us.
- Xerox copier – new rental price would be \$111.65 for a 4 year contract- all computers will be able to print to it as well.

Attorney

Mr. Vella reported that he is currently working with the Attorney for Whirl Construction in order to come up with an agreeable plan for their construction. There was an issue with the fence, a parking area and a retention pond on our easement. Until the issues are resolved Whirl can't move forward.

Mr. Vella also reported that a claim has been made against Vanguard's maintenance bond for the Solar Project and the damages that occurred after Super Storm Sandy.

Mr. Vella is also processing the individual property owner billings for legal and engineering fees for the Bay-side Drive Properties. In reference to the OPRA request for the property owners at 160 Ocean Blvd. Ms. Vilanova gathered the information the Authority had since 1983 for this property. The only items the Authority had were the Minutes and Engineer's reports from the last several months since the mudslide occurred. Mr. Vella prepared a letter and forwarded the information to the property owners' attorney.

Lastly, Mr. Vella reported that there is not a final payment certificate from JRI for the retention pond project because JRI needs to produce documentation that the contractors and suppliers have been paid and he has not done that.

Engineer

▪ Photovoltaic System

Mr. Henderson reported that there two remaining issues to be addressed with respect to the PV system. One is the wiring that is rubbing against the metal in some areas. The Authority has obtained quotes for different types of repairs as previously discussed. The other issue is that combiner box 1-4 requires repair.

▪ Retention Pond Repairs

Mr. Henderson reported that JRI has completed the punch list items and restoration of disturbed area. T&M has prepared contract closeout documents and submitted to JRI for execution.

Separately from the Retention Pond repairs, NJDEP has accepted the Professional Engineer's Basin certification which was submitted as required under its general permit. However, the DEP has advised they cannot waive future testing and certification. Referencing T&M's letter of August 20, 2014 to MCBOA, T&M compared samples obtained from the berm and samples taken from the bottom of the basin and found them to be equivalent due to the uniformity of the clay layer in and around the basin. Due to the significant expense in dewatering the basin, it is recommended that future sample be obtained from the berm area.

Chairman Sachs questioned Mr. Henderson about the average of the samples and reminded Mr. Henderson that the board never thought the samples should have been taken around the berm since the Authority was not in a rush to get the samples done and the pond was going to be dewatered for the project. At the time the samples were done Mr. Sachs informed Mr. McKelvey that the Authority was not going to pay for the resampling because T&M should have waited. Ms. Vilanova asked Mr. Henderson if there is anything from NJDEP in writing in reference to the acceptance of the test results and he stated there is not as of yet. Given these circumstances the Authority chose to remove the \$3,800.00 amount that T&M submitted on their general services bill for this month for the testing that was done in June of 2014.

Mr. Henderson proceeded to discuss the Invoice that T&M submitted this month requesting an additional \$11,215.00 in fees for the Retention Pond Projects. The breakdown of the fees is as follows:

Contract Administration effort after original completion date and beyond what was budgeted:	\$6,640.00
Change Order No. 1 effort :	\$2,475.00
Sludge disposal effort:	\$2,100.00
Total	\$11,215.00

The board members questioned Mr. Henderson as to why all of this is just surfacing now. The change order #1 took place a year ago and T&M never mentioned these additional charges. Also, at each meeting when Mr. Ientile the contractor for the project spoke requesting extensions for project Chairman Sachs and the board specifi-

cally stated there would be no additional costs to the Authority and Mr. Henderson never indicated there would be. Mr. Sodon asked Mr. Henderson if in fact there are employees from T&M who have timesheets for billable hours to MCBOA for all this work and T&M just never billed us. Mr. Henderson replied yes. The board is requesting all the timesheets and the itemized invoices for all these charges before they will be considered. Mr. Vella also discussed about having the contractor be responsible for the charges that were directly a result of the contractor not completing the job as scheduled and needing extensions. The board would like all the documentation at least 10 days prior to the next meeting so the members will have time to go through it.

- **Pipe Stabilization in Slump Block Area**

Mr. Henderson reported that T&M will await further direction before continuing with preparation of a scope and fee estimate to investigate pipe stabilization to develop recommended improvements for the pipe in the slump block area.

Regarding the repair performed in the slump block area, T&M provided recommendations and support as required to Authority staff for repair of a leaking joint in the slump block area near Inspection Manhole #10. A weld repair was completed on September 11, 2014 and the joint was sealed with a sheet metal wrap and grout on September 18, 2014. The Authority may wish to consider similar repairs on the other joints that leaked in this area.

- **Whirl Construction**

T&M has reviewed the resubmitted plans for the referenced project and is coordinating with the Authority Attorney regarding fence location issues.

Resolutions

Resolution offered by Mr. Knox:

2015 AUTHORITY BUDGET RESOLUTION

Monmouth County Bayshore Outfall Authority

FISCAL YEAR: FROM: January 1, 2015 **TO:** December 31, 2015

WHEREAS, the Annual Budget and Capital Budget for the Monmouth County Bayshore Outfall Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 has been presented before the governing body of the Monmouth County Bayshore Outfall Authority at its open public meeting of October 20, 2014; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 1,845,933 , Total Appropriations, including any Accumulated Deficit if any, of \$ 1,845,933 and Total Unrestricted Net Position utilized of \$0; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$110,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$55,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend

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funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Monmouth County Bayshore Outfall Authority, at an open public meeting held on October 20th, 2014 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the Monmouth County Bayshore Outfall Authority for the fiscal year beginning, January 1, 2015 and ending, December 31, 2015 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Monmouth County Bayshore Outfall Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 15, 2014.

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

New Business

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

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 – October 20, 2014**

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Avaya, Inc	\$56.88	Monthly ACS maintenance agreement-Oct.
2	4939	Cablevision	\$129.85	Phone & Internet UB 10/1-10/31/14
3		JCP&L	\$38.49	Belford Street Lighting 8/20-9/18/14
4		JCP&L	\$6,655.51	Union Beach 8/28-9/25/14
5		JCP&L	\$2,763.63	Belford 9/32-10/01/14
6		JCP&L	\$272.48	Sandy Hook 9/5-10/2/14
7		NJAWC	\$70.56	Union Beach 8/27-9/24/14
8		NJAWC	\$103.05	Belford 8/23-9/23/14
9	4937	Verizon	\$15.80	Belford long distance- 9/23-10/22/14
10	4936	Verizon	\$139.87	Belford all in one/fax – 9/14-10/13/14
11	4938	Verizon Online	\$49.99	Broadband Service- 9/16-10/15/14
12		ADP	\$65.95	Payroll services 10/9/14
13		ADP	\$51.77	Payroll services 9/25/14

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14	ADP	\$65.95	Payroll services- 9/12/14
15	Andrew Kutschman	\$365.00	Wiring for new sump pump
16	4933 AT&T Mobility	\$97.89	Foreman's cellular phone 9/5-10/4/14
17	AT&T Mobility	\$97.94	Foreman's cellular phone 10/5-11/4/14
18	Belford Auto Service	\$370.00	Power steering pump & pressure hose - Truck
19	BR Welding	\$1,280.00	Welding for Joint #16 repair
20	Central Jersey Equipment	\$160.03	Solenoid for John Deere
21	Central Jersey Equipment	\$134.78	Fuel pump for John Deere
22	CJ Contracting	\$12,215.00	Additional stone for under solar panels
23	Collins Vella & Casello	465.00	September legal fees
24	Compass Construction	\$30,079.00	Repairs to Joint #16- slump block area
25	Emergency Systems Services	\$760.52	Repairs to Union Beach generator
26	Jaspan Brothers South	\$480.81	Duct tape, wasp spray, ratchets, cement, floodlights
27	Longo	\$2,500.00	Micro switch repair- Belford diesel
28	Municipal Maintenance	\$1,419.60	Repairs to Pump #1 Union Beach
29	Neopost	\$111.00	Ink cartridge for postage meter
30	Norwood Auto Parts	\$68.92	Spark plug, starter spray, oil & fuses
31	One Call Concepts	\$163.48	One call notices for September
32	Pilot Electric	\$1,400.00	Sump pump
33	QC Laboratories	\$5,636.00	Outside Lab services 8/25-9/23/14
34	Sakoutis Brothers	\$70.00	November garbage pick up
35	Sakoutis Brothers	\$70.00	October garbage pick up
36	Schaibles Plumbing	\$1,000.00	Quarterly backflow test
37	T&M Engineering	\$1,178.14	General services for September
38	T&M Engineering	\$3,570.00	Slump block investigation & pipe repair
39	W.B. Mason	\$293.67	Janitorial supplies & paper
40	W.B. Mason	\$97.07	Report covers & divider tabs
41	Xerox	\$105.00	Monthly copier rental 8/22-9/30/14
	TOTAL	<u>\$74,668.63</u>	

Fringe benefits and payroll processed after the September Operating Vouchers were submitted for review and approval at the Authority Regular Meeting of 9/16/14

<u>Date</u>	<u>Check No.</u>	<u>To</u>	<u>Amount</u>	<u>Description</u>
09/26/14	ADP	Employee's Payroll & Payroll Taxes	\$14,759.37	Payroll of 09/26/14
10/10/14	ADP	Employee's Payroll & Payroll Taxes	\$18,794.55	Payroll of 10/10/14
10/16/14	TEPS	NJSHBP	\$15,362.34	Oct. health & dental benefits
10/01/14	4934	Sun Life Financial	\$ 740.41	Oct.. long-term disability benefits ins.

Seconded by Ms. Loud-Hayward and on roll call the following vote was recorded:

AYES: Aumack, Foley, Loud-Hayward, Knox, 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. Aumack**, and passed by the affirmative voice vote of all Members present, no nays, no abstain, none absent, the meeting adjourned at 8:27 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 Resolution Authorizing the 2015 Preliminary Budget was approved.