

**Minutes of the Regular Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, December 10, 2012, 7:32 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, Sachs, Scarano, Schoeffling, & Sodon
Members Absent: Smith (7:35)

Also Present: Dennis Collins, Esq., Attorney, Collins, Vella and Casello, L.L.C.
John McKelvey, P.E., Authority Engineer, T&M Associates
Theodore Panis, CPA, Authority Auditor, Panis & Attner, P.A.
Barbara Vilanova, MCBOA Office Manager
Edward Tuberion, MCBOA Foreman

IV. Approval of Minutes – Regular Meeting Held on 11/19/12

On **Motion** by Mr. Schoeffling, **Seconded** by Mr. Aumack, the Minutes of the Regular Meeting of 11/19/12 were approved and on a roll call the following vote was recorded:

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

Executive Director's Monthly Report

Edward Tuberion, MCBOA Foreman, presented his monthly report.

❖ **Operational Highlights**

- SREC's
- Super storm Sandy damage update
- Outfall Inspection
- Two River Engineering request
- Security Cameras installed.
- Fire Extinguishers inspected 12/9
- Birdsall environmental audit letter
- Computer backup

Ms. Vilanova reported on the following administrative issues:

❖ **Administrative Highlights**

- Preliminary Budget approved and received from DCA

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- Preliminary Budget and Annual Consulting Engineers Report sent to Trustee as per Bond Resolution.
- RICE notices delivered to employees.
- TOMSA billed for 1st Quarter.
- 2013 Holiday schedule provided to employees.
- Verizon on site to repair phones again.
- Witt and Associates retained to assist with FEMA application process.
- NJUAJIF Elected Officials Training Seminar 1/29/13 @ Middletown Court Room

Attorney's Report

Mr. Collins provided the following information:

Mr. Collins discussed the Two River Engineering proposal for Whirl Construction Company. Whirl Construction company would like to construct a parking lot on one of the Authority easements over in the area of Main Street & Bray Avenue in Port Monmouth. Mr. Collins suggested the Authority obtain additional information as to how wide any trench would be if the Authority had to expose or get to the pipe. Typically building is not permitted on the easement, however, for a parking lot it could be done. Mr. Collins also explained that whatever the Board's decision is they are setting a precedent for future property owners. He also reported that any expenses incurred in the reviewing process should be handled by their company. The Board requested the Engineer and the Foreman do some additional investigative work before any decision is made.

Requests for proposals for the administrative professionals need to be done. The Authority will still use the Fair & Open process which it began using in 2007. The RFP's will be on the website by the 4th of January and will be due in the MCBOA office on January 18th. The professionals will be appointed at the February 4th meeting.

Engineer

▪ New Jersey Natural Gas Cleanup at Many Mind Creek

Mr. McKelvey reported the Authority is still waiting for the soil boring report from ERM. Tom Meranda of NJNG reported, in mid-November, the gas company is still evaluating less disruptive remedies in the vicinity of the MCBOA pipeline.

• Force Main Thrust Restraint Repair

Mr. McKelvey reported that the October 30, 2012 meeting with NJDEP to discuss the pipe repair scheduling and timeframe has been rescheduled to December 5, 2012.

• Solar System Combiner Boxes

Mr. McKelvey reported that the storm damaged two panels and two combiner boxes and reduced system operation to below 50%. During the week of November 26, 2012 Vanguard was onsite to replace the two panels; however, as of November 28, 2012, the system operation was reported to still be only approximately 80%. On November 29, 2012, the Authority Attorney directed Vanguard to immediately replace all of the combiner boxes to restore the PV system operation to 100% and install the rain diversion structures.

▪ Retention Pond Repairs – Super Storm Sandy

T&M Associates is preparing the 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. T&M recently met with the manufacturer of the existing PVC liner and they have advised that a new PVC liner cannot be installed during cold weather temperatures below 40°. Accordingly, subject to DEP and Authority input, con-

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struction of the Union Beach retention pond repairs will not be able to take place until March or April 2013. The schedule will be reviewed with NJDEP at the referenced December 5, 2012 meeting on the force main repair.

Additionally, T&M has solicited quotes for the sampling and testing of the sludge in the two ponds. This work is required to characterize the materials for disposal during the construction work. Quotes were received from Accutest Laboratories and Hampton Clarke-Veritech. Accutest was the low bidder and T&M recommends the Authority authorize the work to be performed in an amount not to exceed \$8,752.00.

On **Motion** by Mr.Schoeffling, **Seconded** by Ms. Loud-Hayward, the Board authorized the sludge testing by Accutest Laboratories not to exceed \$8,752.00 approved as presented by all Members present, no nays, none absent.

New Business

None

Resolutions

Resolution offered by Mr. Sodon:

Salary Guide Resolution for the Year 2013

BE IT RESOLVED by the Monmouth County Bayshore Outfall Authority that:

- I. The base salaries for the Authority's employees and commissioners for the year 2013, as shown below, be and are hereby approved:

<u>Name & Title</u>	<u>Base Annual</u>	<u>Longevity</u>	<u>License Bonus</u>
Robert Chrzan, Pump Station Operator	45,589	2,340	---
Roger Dandorph, Pump Station Operator	44,006	2,340	---
Michael Dickie, Mechanic	51,470	2,340	---
Jonathan Mannarino, Pump Station Operator	39,140	---	364
John R. Roche, Pump Station Operator	42,530	1,560	780
Edward M. Tuberion, Jr., Foreman	65,398	3,120	5,200
Edward M. Tuberion, Sr. Pump Station Operator	50,174	2,340	5,200
Barbara J. Vilanova, Office Manager	47,615	780	---
Executive Director	25,000	---	---
Summer Employee (10 weeks maximum)	11.00/hr.	---	---
Part-Time Office Clerk	15.00/hr.	---	---
Harry Aumack, Commissioner	4,236	---	---
Mary Foley, Commissioner	4,236	---	---
Laurie Harnett, Lab Manager	1,600	---	---
Thomas J. Knox, Commissioner	4,236	---	---
Elizabeth Loud-Hayward, Commissioner	4,236	---	---
Michael C. Sachs, Chairman	4,776	---	---
Thomas Scarano, Commissioner	4,236	---	---
Robert A. Schoeffling, Commissioner	4,236	---	---
Paul J. Smith, Jr., Vice-Chairman	4,332	---	---

II. The above salaries shall be paid in such installments and at such times, as the Authority shall direct:

III. Each full-time employee shall be entitled to and received, in addition to his/her base salary stated above, a longevity bonus of \$780 annually for each completed five-year increment of continuous full-time employment.

- a. For the purpose of computation, an employee who is employed for more than six (6) months during the first calendar year of employment shall have that year included in the computation of years of service in determining longevity bonus. An employee with six months or less service during the first calendar year of employment shall not have that period included in the computation of years of service in determining longevity bonus; and
- b. Said longevity bonus shall be included in, and considered part of, the employee's base salary for purposes of computing taxes and payments into the retirement system, and shall be made in the same manner as prescribed for regular salaries.

IV. Each full-time employee shall be entitled to and receive, in addition to his/her base salary stated above, a license bonus according to New Jersey Department of Environmental Protection classifications, as follows:

C-1	\$364
C-2	\$780
C-3	\$2,600
C-4	\$5,200

- a. The license bonus shall be prorated for the year in which it is attained or upgraded, from the date of issue through December 31.
- b. Said license bonus shall be included in, and considered part of, the employee's base salary for purposes of computing taxes and payments into the retirement system, and shall be made in the same manner as prescribed for regular salaries.

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

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

Resolution No. 121012-1

Resolution offered by Ms. Loud-Hayward:

RESOLUTION AUTHORIZING REQUEST FOR PROPOSALS

**UNDER THE FAIR OPEN PROCESS PURSUANT
TO N.J.S.A. 19:44A-20.4 *et seq.***

WHEREAS, the State of New Jersey recently passed “Pay-To-Play” laws wherein all counties, municipalities and local authorities, who award contract in excess of \$17,500.00 for goods and services, may either retain professionals under the Fair and Open Process or the Non-Fair Open Process; and

WHEREAS, Monmouth County Bayshore Outfall Authority awarded contracts by the Fair and Open Process for legal services, engineering services and auditing services for 2006, 2007, 2008, 2009, 2010, 2011 and 2012; and

WHEREAS, the Commissioners of the Monmouth County Bayshore Outfall Authority believe that it is the best interest of the Authority and their clients to continue to retain professionals pursuant to the Fair and Open Process; and

WHEREAS, the Commissioners of the Monmouth County Bayshore Outfall Authority desire to request proposals pursuant to the Fair and Open Process for the position of attorney, engineer and auditor for the 2013 year; and

NOW, THEREFORE, BE IT RESOLVED that Monmouth County Bayshore Outfall Authority hereby authorizes the attorney for the Monmouth County Bayshore Outfall Authority to prepare bid specifications for the position of attorney, engineer, and auditor for Monmouth County Bayshore Outfall Authority for 2013; and

BE IT FURTHER RESOLVED that the Authority’s Secretary is hereby authorized to publish Notice of the Bid Proposals on Monmouth County Bayshore Outfall Authority’s website by January 4, 2013 and receive proposals by January 18, 2013 and submit copies of each proposal to all Commissioners for their consideration prior to the meeting, so the Commissioners can award contracts for these positions at the February 4, 2013 meeting.

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

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

Resolution offered by Mr. Schoeffling:

**RESOLUTION OF THE
MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY
RATIFYING THE DECLARATION OF EMERGENCY AND
AUTHORIZING EMERGENCY CONTRACTS**

WHEREAS, Governor Christie has declared a State of Emergency for and in the State of New Jersey inclusive of the Borough of Sea Bright, Borough of Union Beach and Township of Middletown; and

WHEREAS, Monmouth County Bayshore Outfall Authority has pump stations and sampling stations within these municipalities; and

WHEREAS, there has been a properly declared local state of emergency issued by the Chairman authorizing immediate action to protect life and property; and

WHEREAS, due to the overwhelming emergent nature of the disaster, Monmouth County Bayshore Outfall Authority must expend funds in response to protect the health, safety and welfare of the residents of these Municipalities, the surrounding municipalities and the environment; and

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 provides for the award of emergency contracts by authorized officers and/or employees of Monmouth County Bayshore Outfall Authority without regard for public bidding when such emergency requires the immediate delivery of goods or the performance of services to attend to the health, safety and welfare; and

NOW THEREFORE BE IT RESOLVED that the Chairman Michael Sachs and Foreman Edward Tuberion Jr. are hereby authorized to arrange for the services of the following contractors to provide for the Emergency Services for Monmouth County Bayshore Outfall Authority:

<u>Vendor Name</u>	<u>Service</u>
Municipal Maintenance Co.	Equipment Repair & Replacement
I.B. Miller	Building Repair
Witt Associates	Disaster Services
T&M Associates	Disaster Services
Vanguard	Solar System Repair

BE IT FURTHER RESOLVED that the Chairman Michael Sachs and Foreman Edward Tuberion Jr. are hereby authorized to arrange for the services of additional contractors consistent with the purposes and procedures of this resolution to provide for the Emergency Services for Monmouth County Bayshore Outfall Authority; and

BE IT FURTHER RESOLVED that actions taken by the Chairman Michael Sachs and Foreman Edward Tuberion Jr. prior to the issuance of this resolution to arrange for the services of additional contractors consistent with the purposes and procedures of this resolution to provide for the Emergency Services for Monmouth County Bayshore Outfall Authority are hereby ratified;

BE IT FURTHER RESOLVED, that each authorization/contract/invoice shall be transmitted to Monmouth County Bayshore Outfall Authority as soon as practical after the execution or receipt of same.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be filed with MCBOA

and available for inspection, pursuant to New Jersey Law.

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

AYES: Aumack, Foley, Loud-Hayward, Knox, Sachs, Scarano, Schoeffling, Smith & Sodon

NAYS: None

ABSENT: None

ABSTAIN: None

Resolution offered by Mr. Schoeffling:

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 – December 10, 2012**

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Avaya, Inc	\$49.26	Monthly ACS agreement & repair
2		Hess	\$4,008.43	Union Beach 10/26-11/28/12
3		JCP&L	\$1,579.92	Union Beach 10/26-11/28/12
4		JCP&L	\$38.32	Belford Street Lighting 10/19/-11/16/12
5		NJAWC	\$141.58	Union Beach 10/24-11/27/12
6		Verizon	\$77.17	Union Beach 11/17-12/16/12
7		Verizon	\$15.14	Belford long distance- 11/23-12/22/12
8		Verizon	\$138.80	Belford all in one/fax – 11/14-12/13/12
9		Verizon Online	\$49.99	Broadband Service- 11/16-12/15/12
10		ABB	\$1,342.70	Quarterly Meter Calibration
11		ADP	\$48.74	Payroll services 11/22/12
12		AEA	\$2,000.00	Additional dues for 2012
13	4071	AT&T	\$97.30	Foreman’s cell phone 11/5-12/4/12
14		Barbara Vilanova	\$172.43	Reimbursement of Petty Cash Fund
15		Cape Fear Analytical	\$1,450.00	PCB Testing 6/18/12
16		Cape Fear Analytical	\$1,350.00	PCB Testing 8/10/12
17		Cape Fear Analytical	\$1,350.00	PCB Testing 9/14/12
18		Collins, Vella & Casello	\$1,140.00	General services - November
19		Emergency Systems Service	\$880.65	Belford Generator high temp alarm
20		Emergency Systems Service	\$4,200.00	Generator Rental
21		Gannett	\$48.00	Advertise Annual Budget Meeting
22		Garden State Laboratories	\$5,099.00	Outside lab services- October
23		Grainger	\$205.97	2 Utility pumps
24		Hach Company	\$5,387.95	Chlorine Analyzer- Sandy Hook
25		Irven Bob Miller	\$134.95	Roof Inspection of Hurricane Sandy damage
26		Jaspan Hardware	\$81.69	Bungee cords, floodlights, knife, masks
27		One Call Concepts	\$162.84	One call notices for October

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28	Pilot	\$1,100.65	Two new pumps for Sandy Hook
29	Staples	\$110.95	Pens, 2013 desk calendars & appt. book
30	T&M Engineering	\$38.90	Coe Place pipe replacement project
31	T&M Engineering	\$1,647.99	General Services 10/8-11/15/12
32	T&M Engineering	\$362.50	General Services 11/17-11/19/12
33	TOMSA	\$1,232.34	391.22 Gallons of gas 9/10-11/28/12
34	W.B. Mason	\$100.98	Case of copy paper, toner for Barbara
	TOTAL	<u>\$35,845.14</u>	

Fringe benefits and payroll processed after the November Operating Vouchers were submitted for review and approval at the Authority Regular Meeting of 11/19/12

<u>Date</u>	<u>Check No.</u>	<u>To</u>	<u>Amount</u>	<u>Description</u>
11/23/12	ADP	Employee's Payroll & Payroll Taxes	\$16,409.78	Payroll of 11/23/12
12/07/12	ADP	Employee's Payroll & Payroll Taxes	\$24,826.00	Payroll of 12/07/12
12/05/12	4074	Sun Life Financial	\$ 850.12	Nov. long-term disability benefits ins.
12/05/12	4073	Delta Dental	\$ 1,165.14	Dental premium Nov.
11/21/12	4070	Chase	\$ 460.94	Procurement card purchases

Seconded by Ms. Loud-Hayward and on a 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

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. 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 8:16 p.m.

Respectfully submitted by: _____
Barbara Vilanova, Recording Secretary