

**Minutes of the Regular Meeting of the  
Monmouth County Bayshore Outfall Authority  
Monday, December 16, 2013, 7:33 p.m.  
MCBOA Conference Room  
200 Harbor Way, Belford, New Jersey**

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**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, Smith & Sodon  
Members Absent: Foley (7:34)

Also Present: Gregory W. Vella, 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 Tuberon, MCBOA Foreman  
Douglas Pepe, Homeowner 86 Bayside Dr.  
Donald Pepe, Attorney for 86 Bayside Dr.

**IV. Approval of Minutes – Regular Meeting Held on 11/18/13**

On **Motion** by Ms. Loud-Hayward, **Seconded** by Mr. Knox, the Minutes of the Regular Meeting of 11/18/13 were approved and on a roll call the following vote was recorded:

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

**Executive Director's Monthly Report**

Edward Tuberon, MCBOA Foreman, presented his monthly report.

**❖ Operational Highlights**

- SREC's- current pricing is \$142, auction July-December 2013 in February
- FEMA project updates- UB retention pond back online, Belford Mobilization started  
Outfall pipe-check received for 50% of project, \$42,630- bid in January
- Lab bid contract award- QC labs
- 86 Bayside Dr.- Retaining wall construction
- TVSS @ Union Beach power module replacement.
- State boiler inspection 12/4.
- Insurance appraisal with JIF.
- November DMR

Ms. Vilanova reported on the following administrative issues:

❖ **Administrative Highlights**

- Preliminary Budget approved and received from DCA
- RICE notices delivered to employees.
- TOMSA billed for 1<sup>st</sup> Quarter.
- 2014 Holiday schedule provided to employees.
- Annual Consulting Engineers report sent to Trustee as required.
- NJUA JIF dividend - \$3,630.51
- October 2013 Voucher list/Minutes revised with correction

**Attorney's Report**

Mr. Vella provided the following information:

Mr. Vella will provide Mr. Tuberton with the names of three companies to contact for quotes for the Solar system as soon as possible.

At this time Mr. Vella introduced Douglas Pepe, homeowner of 86 Bayside Drive and his attorney, Mr. Donald Pepe. The Pepe's live at 86 Bayside Drive, a property located in the vulnerable slump block area. Douglas Pepe presented to the Board all of his facts and data about his home. As a direct result of the erosion caused by Super Storm Sandy the Pepe's house is moving. The house is built on helical piles and they are bending forward from the erosion and causing the house to tilt forward. In order to stabilize the hill they live on to prevent their home from moving more or potentially falling and collapsing onto our pipe they need to construct several retaining walls. The only way to access the back and bottom of their property is by way of the Henry Hudson Trail. The Pepe's have already obtained their CAFRA permit, a steep slope permit from the town and consent to use the Henry Hudson Trail from the County contingent upon MCBOA's authorization because of the easement. Time is of the essence and the contractor would like to begin immediately. He has already begun work on the top of their property utilizing street/driveway access.

The Pepe's have retained the services of Compass Construction for the project. T&M Associates have reviewed the plans and found the best acceptable one for the Authority to be the one where the pipe will not be crossed and the excavator will remain on the trail alongside the pipe. The Foreman expressed his concerns that if the Pepe's begin their project immediately, while our Retention Pond repair project is occurring in Belford, and there is any type of leak in the pipe due to construction he will not be able to shut down the pumps while the pond is drained in order to perform a repair.

After much discussion the board members came up with several conditions that need to be met and two viable options. The conditions that must be met no matter what option is agreed upon are an Indemnification agreement, Confirmation of environmental clause in their insurance by attorney, homeowner shall be responsible for MCBOA's attorney and engineering fees and the easement will expire January 29<sup>th</sup> whether their project is complete or not so MCBOA may begin their project.

Option A is to see if the Authority's contractor JRI would be willing to hold off on taking the Belford pond offline until the end of January without any cost to the Authority since he was seeking an extension any way. If he is in agreement then as soon as the Authority could do a pre-construction inspection of the pipe in the slump block area of the Pepe's home their contractor could begin.

On **Motion** by Mr. Schoeffling, **Seconded** by Mr. Aumack, the board authorized Option A for the homeowner's of 86 Bayside Drive.. This matter was passed by the affirmative voice vote of all members present, no nays, no abstain, none absent.

Option B would be to allow the homeowners to begin their project concurrently with the Retention Pond Project should JRI not be in agreement to delay their work.

On **Motion** by Mr. Knox, **Seconded** by Mr. Scarano, the board authorized Option B for the homeowner's of 86 Bayside Drive.. This matter was passed by the affirmative voice vote of all members present, no nays, no abstain, none absent.

It was agreed neither option may commence until the previously discussed conditions are met and the pipe inspection takes place. At this time the Douglas Pepe and his attorney left the meeting.

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 4<sup>th</sup> of January and will be due in the MCBOA office on January 18<sup>th</sup>. The professionals will be appointed at the February 3rd meeting.

### Engineer

#### ▪ Photovoltaic System

Mr. McKelvey reported the Authority is proceeding with an agreement for a third party independent investigation of the system to identify problems and causes of below expected efficiency.

#### ▪ Retention Pond Repairs

Mr. McKelvey reported that JRI has completed the liner installation and most of the related work including the sand layer and stone layer installation. The Union Beach pond was put back online the week of November 25, 2013. Mobilization will begin at the Belford Facility. JRI is seeking an extension for the project due to a couple delays and holidays. Mr. McKelvey will prepare a response for JRI.

#### ▪ Super Storm Sandy Hazard Mitigation

Mr. McKelvey reported that the Authority is awaiting the response from the County Office of Emergency Management as to the mitigation application.

#### ▪ Outfall Repairs

T&M Associates is awaiting further direction on proceeding with the outfall repairs. The board advised T&M to go prepare specifications and cost estimates for this project.

#### ▪ 86 Bayside Avenue Retaining Wall

T&M reviewed the applicant's plan to use a large excavator for the retaining wall construction and to access the Bayside Avenue property using the Henry Hudson Trail which runs parallel to and within 4 to 6 feet of the Authority's 48" force main. In order to address loading and vibration concerns, the applicant has been directed and has agreed to provide plywood sheeting under the excavator for the entire route and to limit speed of the machine. T&M has discussed with the contractor and the homeowner as to which plan is acceptable.

### New Business

On **Motion** by Mr. Knox, **Seconded** by Mr. Scarano, the board authorized the payment of James R. Ientile, Inc., Payment Certificate #3 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.

On **Motion** by Mr. Knox, **Seconded** by Ms. Loud-Hayward, the board authorized the foreman to schedule a dive inspection of the slump block area that is in the area of the Pepe's property at 86 Bayside Drive in order to have

pre-construction pipe conditions. 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:**

**Salary Guide Resolution for the Year 2014**

**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 2014, as shown below, be and are hereby approved:

|   | <u>Name &amp; Title</u>                   | <u>Base Annual</u> | <u>Longevity</u> | <u>License Bonus</u> |
|---|---|--------------------|------------------|----------------------|
|   | Robert Chrzan, Pump Station Operator      | 46,957             | 2,340            | ---                  |
|   | Roger Dandorph, Pump Station Operator     | 45,326             | 2,340            | ---                  |
|   | Michael Dickie, Mechanic                  | 53,014             | 3,120            | ---                  |
|   | Jonathan Mannarino, Pump Station Operator | 40,314             | ---              | 780                  |
|   | John R. Roche, Pump Station Operator      | 43,806             | 1,560            | 780                  |
|   | Edward M. Tuberton, Jr., Foreman          | 67,360             | 3,120            | 5,200                |
|   | Part Time Employee                        | 15.00/hr           | ---              | ---                  |
|   | Barbara J. Vilanova, Office Manager       | 49,043             | 780              | ---                  |
| E | Executive Director Stipend                | 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              | ---              | ---                  |
|   | J. Timothy Sodon, Commissioner            | 4,236              | ---              | ---                  |

- 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

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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 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

**Resolution No. 121613-1**

**Resolution offered by Mr. Sachs:**

**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, 2012 and 2013; and

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**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 2014 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 2014; 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 3, 2014 and receive proposals by January 17, 2014 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 3, 2014 meeting.

**Seconded by Mr. Smith**, 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 Ms. Loud-Hayward:**

**RESOLUTION  
OF THE  
MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY  
AWARDING BID TO QC LABORATORIES**

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**WHEREAS**, Monmouth County Bayshore Outfall Authority ("MCBOA") published a Notice To Bidder for certified lab testing which is required pursuant to MCBOA's current NJDEP permit to be opened and read in public at MCBOA, 200 Harbor Way, Belford, New Jersey on November 14, 2013 at 10:00 a.m.; and

**WHEREAS**, on November 14, 2013 at 10:00 a.m., bids for certified lab testing which is required pursuant to MCBOA's current NJDEP permit were open and read at MCBOA; and

**WHEREAS**, at the December 16, 2013 meeting of MCBOA, the Commissioners determined that QC Laboratories was the lowest responsible bid of One Hundred Forty Five Thousand Five Hundred Seventy Dollars (\$ 145,570.00); and

**WHEREAS**, MCBOA has the funds appropriated to award this contract; and

**WHEREAS**, MCBOA is required to have certified lab testing pursuant to its NJDEP Permit; and

**WHEREAS**, Commissioners of MCBOA have determined it is in the best interest of MCBOA to award the Contract for \$ 145,570.00 to QC Laboratories.

**NOW THEREFORE, BE IT RESOLVED**, that MCBOA hereby awards the bid for certified lab testing which is required pursuant to MCBOA’s current NJDEP permit to QC Laboratories as the lowest responsible bidder and authorizes Michael C. Sachs, Chairman to execute any and all documents necessary to enter into a Contract for certified lab testing which required pursuant to MCBOA’s current NJDEP as set forth in the bid documents.

**Seconded by Mr. Knox**, 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. Knox:**

**RESOLUTION  
OF THE  
MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY  
APPROVING VACATION DAY CARRY OVER**

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**WHEREAS**, Monmouth County Bayshore Outfall Authority’s Employees are required to use all their vacation days in the year they accrue and are not permitted to carry over any vacation days to the next or subsequent years; and

**WHEREAS**, in 2013, Monmouth County Bayshore Outfall Authority began making substantial repairs of the repairs to the retention basins in Union Beach and Belford and to remove the sludge at Belford Retention Basin, caused by Super Storm Sandy. As a result of these repairs, the basins have to drain and the facilities need to be monitored and staffed 24 hours a day. As a result, MCBOA employees have been unable to take vacation days, due to MCBOA’s need for staffing the facilities due to this substantial project; and

**WHEREAS**, due to MCBOA’s need for staffing during this project, employees are unable to take all their vacation days during the 2013 year and would lose same due to MCBOA’s prohibition of carrying over vacation days; and

**WHEREAS**, the Commissioners of MCBOA find it is unfair to these employees to lose vacation days because they are staffing MCBOA due to this project. The Commissions there have determined that it would be fair and equitable to provide a onetime exception to the carry over rule due to these unique circumstances; and

**WHEREAS**, the Commissioners have determined that all employees are permitted to carry over a maximum of 10 vacation days from 2013 to 2014, but the employees must use all carry over days by July 1, 2014.

**NOW, THEREFORE, BE IT RESOLVED** that Monmouth County Bayshore Outfall Authority hereby permits all employees to carry over a maximum of 10 vacation days from 2013 to 2014, but the employees must use all carry over days by July 1, 2014.

**Resolution offered by Mr. Sodon:**

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 16, 2013**

| <u>No.</u> | <u>Check #</u> | <u>Provider</u>           | <u>Amount</u> | <u>Description</u>                                  |
|------------|----------------|---------------------------|---------------|---|
| 1          |                | Avaya, Inc                | \$54.19       | Monthly ACS agreement & repair                      |
| 2          |                | Cablevision               | \$89.85       | Union Beach phone& internet 12/1-12/31/13           |
| 3          |                | Constellation NewEnergy   | \$5.98        | Electricity thru SEM 5/18-6/18/12                   |
| 4          |                | JCP&L                     | \$5,633.13    | Union Beach 10/30-11/26/13                          |
| 5          |                | JCP&L                     | \$172.12      | Sandy Hook 11/6-12/6/13                             |
| 6          |                | JCP&L                     | \$39.08       | Belford Street Lighting 10/22-11/19/13              |
| 7          |                | NJAWC                     | \$123.19      | Union Beach 10/25-11/21/13                          |
| 8          |                | NJAWC                     | \$88.10       | Belford 10/24-11/22/13                              |
| 9          |                | Verizon                   | \$15.71       | Belford long distance- 11/23-12/22/13               |
| 10         | <b>4544</b>    | Verizon                   | \$141.28      | Belford all in one/fax – 11/14-12/13/13             |
| 11         | <b>4542</b>    | Verizon Online            | \$49.99       | Broadband Service- 11/16-12/15/13                   |
| 12         |                | ADP                       | \$50.96       | Payroll services 11/21/13                           |
| 13         |                | ADP                       | \$63.97       | Payroll services 12/05/13                           |
| 14         |                | Andrew Kutschman          | \$865.00      | Wiring repairs UB groundwater pump                  |
| 15         |                | Bayshore Fire & Safety    | \$96.00       | Fire extinguisher servicing 2012 & 2013             |
| 16         |                | Barbara Vilanova          | 143.01        | Reimbursement of Petty Cash Fund                    |
| 17         |                | Beacon Awards             | \$62.00       | Plaque for Roger Dandorph                           |
| 18         |                | Collins, Vella & Casello  | \$780.00      | General services - November                         |
| 19         |                | Electro Maintenance       | \$1,620.50    | Install new TVSS on UB pump                         |
| 20         |                | Gannett                   | \$123.00      | Advertise Annual Budget Meeting & Change of Meeting |
| 21         |                | Garden State Laboratories | \$5,070.00    | Outside lab services- November                      |
| 22         |                | Grainger                  | \$266.87      | Charts & chain lubricant                            |



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|    |                             |                           |   |
|----|-----------------------------|---------------------------|---|
| 23 | Hach Company                | \$59.30                   | Lab supplies- sample cell w/cap                 |
| 24 | Home Depot                  | \$75.24                   | Pipe, coupling & pvc cement                     |
| 25 | Independence Constructors   | \$12,745.00               | Remove & Replace line for UST                   |
| 26 | Irven Bob Miller            | \$271.70                  | Service call for A/C water leak                 |
| 27 | <b>4545</b> Jaspan Hardware | \$52.91                   | Stakes, duct tape, sharpies, tools, light bulbs |
| 28 | One Call Concepts           | \$135.66                  | One call notices for November                   |
| 29 | Sakoutis Brothers           | \$70.00                   | December trash pick up                          |
| 30 | Semcor                      | \$72.80                   | Hose  |
| 31 | Staples                     | \$81.94                   | Ink, 2013 desk calendars & appt. book           |
| 32 | Staples                     | \$64.79                   | Dividers & Ink                                  |
| 33 | Staples                     | \$155.89                  | Report Covers, Fax ink & dividers               |
| 34 | T&M Engineering             | \$2,220.35                | Retention Pond Repair Project                   |
| 35 | T&M Engineering             | \$2,766.00                | General Services November                       |
| 36 | TOMSA                       | \$730.02                  | 264.5 Gallons of gas 9/3-11/27/13               |
| 37 | Witt O'Brien's LLC          | \$678.56                  | Contracted services for October                 |
| 38 | Xerox                       | \$105.00                  | Copier rental 10/29-11/21/13                    |
|    | <b>TOTAL</b>                | <b><u>\$35,839.09</u></b> |   |

**Fringe benefits and payroll processed after the November Operating Vouchers were submitted for review and approval at the Authority Regular Meeting of 11/18/13**

| <b>Date</b> | <b>Check No.</b> | <b>To</b>                          | <b>Amount</b> | <b>Description</b>                      |
|-------------|------------------|------------------------------------|---------------|---|
| 11/23/13    | ADP              | Employee's Payroll & Payroll Taxes | \$19,137.86   | Payroll of 11/22/13                     |
| 12/06/13    | ADP              | Employee's Payroll & Payroll Taxes | \$22,089.90   | Payroll of 12/06/13                     |
| 11/27/13    | 4541             | Sun Life Financial                 | \$ 752.71     | Dec. long-term disability benefits ins. |
| 11/27/13    | 4540             | Delta Dental                       | \$ 1,093.71   | Dental premium Dec.                     |

**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 8:43 p.m.

Respectfully submitted by: \_\_\_\_\_  
 Barbara Vilanova, Recording Secretary

**MCBOA Regular Meeting of December 16, 2013**

The following actions were taken at the meeting:

The Bills were paid –see attached voucher list.

The 2014 Salary Resolution was adopted.

QC Laboratories was awarded the annual lab contract for 2014 &2015.

RFP's for 2014 were approved.

A pipe inspection in the slump block area near 86 Bayside Drive was authorized.

Payment Certificate #3 for James R. Ientile, Inc. was approved