

**Minutes of the Regular Meeting of the
Monmouth County Bayshore Outfall Authority
Monday, October 24, 2011, 6:00 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, Bateman, Foley, Loud-Hayward, Sachs, Schoeffling, Smith and Sodon

Commissioners Absent: Knox (6:12)

Also Present: Gregory W. Vella, Esq., Authority Attorney, Collins, Vella and Casello, L.L.C.
John McKelvey, P.E. Authority Engineer, T&M Associates
Theodore Panis, CPA, Authority Accountant, Panis & Attner, P.A.(arrived 6:50)
Edward Tuberton, Foreman
Barbara Vilanova, Recording Secretary

Approval of Minutes – Authority Regular Meeting Held on 9/19/11

On **Motion** by Mr. Schoeffling, **Seconded** by Mr. Bateman, the Minutes of Regular meeting held on 9/19/11 were approved as presented by all Members present, no nays, one absent, none abstain

REPORT OF ADVISORS

Foreman's Monthly Report

Edward Tuberton, MCBOA Foreman, presented his monthly report.

❖ **Monthly Highlights**

- SREC Auction for November
- TOMSA letter- emergency back-up power
- Many Mind Creek soil borings
- NJDEP meeting 10/21/11- Coe Place repair
- Keansburg tap-in
- Circuit board replacement in alarm control panel
- Lab contract RFP
- Safety/Employee quarterly meeting
- Meters calibrated
- Boiler serviced – Belford
- Health Dept. outside generator inspection at Union Beach
- Employee out four weeks for surgery

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.

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- Preliminary 2012 Budget Resolution
- TOMSA 4th Quarter payment received.
- BRSA billed for 4th Quarter
- 3rd quarter Pensions Report of Contributions completed.
- 3rd quarter flow of funds completed by Trustee.

❖ **Administrative Highlights**

- Keansburg billed for charges incurred from June-July.
- NJNG billed for charges incurred during March.
- Employee retiring 10/31/11..
- Open Enrollment for Health Benefits dates changed, information distributed to employees..

Attorney

Mr. Vella reported that a meeting was held at MCBOA's Belford facility with Anthony Rotondo, the Authority's NJDEP representative and his boss. The purpose of the meeting was to discuss the Coe Place repair and get both the DEP's input and their requirements. The DEP was very receptive of the Authority's plan for the repair and requested a summary letter be sent to them outlining the pertinent information. Mr. Rotondo also requested that when the permit package is sent to the state could the DEP please get a copy as well. Mr. Rotondo will reach out on behalf of the Authority to try to get the permit in place for the timeframe the DEP would like the repair to be done. Mr. McKelvey will be preparing the letter for the NJDEP.

At 6:40 p.m., the Authority convened in a non-public portion of the Regular Meeting after a **Motion** by Ms. Loud-Hayward seconded by Mr. Sodon, providing for non-public discussion upon certain exceptions under the Open Public Meetings Act.

Roll Call:

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

Public session reconvened at 6:46 p.m. upon Motion by Mr. Schoeffling, seconded by Mr. Sodon and passed by the affirmative vote of all Members present, no nays, no abstain, none absent.

Engineer

▪ **New Jersey Natural Gas Cleanup of Many Mind Creek**

Mr. McKelvey reported that ERM conducted additional soils investigation in the vicinity of the MCBOA pipeline to further delineate contamination in the area of the pipe. ERM is preparing a report on the findings.

▪ **Borough of Keansburg Water Treatment Plant Desalination**

Mr. McKelvey reported that the Borough of Keansburg made the connection to the MCBOA pipeline on September 19, 2011. Keansburg will notify the Authority when the plant is ready to go on line.

▪ **Force Main Repair**

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Mr. McKelvey reported that the project was advertised for bids on September 28, 2011 and bids will be received on October 27, 2011. To date seven contractors picked up bid packages.

- **Emergency Back-up Power Evaluation**

Mr. McKelvey supplied a proposal of \$4,650 to perform a review of MCBOA’s emergency backup systems. Recommendations will be made if there are any areas which require improvement.

Resolutions

Resolution offered by Mr. Bateman:

**RESOLUTION
OF THE
MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY
APPROVING HOLD HARMLESS AGREEMENT WITH BAYSHORE REGIONAL SEWAGE
AUTHORITY**

WHEREAS, Monmouth County Bayshore Outfall Authority (“MCBOA”) has agreed to permit Bayshore Regional Sewage Authority’s (“BRSA”) employees to install sampling equipment at MCBOA’s Union Beach pump Station for the purpose of conducting water tests, while BRSA is obtaining approvals for a sampling station on BRSA’s property; and

WHEREAS, as a condition of this agreement, BRSA is indemnifying and holding MCBOA harmless, for any damages or liability arising from the use of MCBOA by BRSA; and

WHEREAS, BRSA has provided an Indemnification and Hold Harmless Agreement (“Agreement”) and provided proof of insurance with MCBOA as a certificate holder; and

WHEREAS, the Agreement is appropriate and the Commissioner of MCBOA authorizes the execution of the Agreement.

NOW THEREFORE, BE IT RESOLVED that Monmouth County Bayshore Outfall Authority hereby authorize Michael C. Sachs, Chairman to execute the Indemnification and Hold Harmless Agreement.

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

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

Resolution offered by Mr. Knox:

RESOLUTION

**Effluent Testing and Reporting
Groundwater Monitoring Wells Sampling, Testing and Reporting**

WHEREAS, the Monmouth County Bayshore Outfall Authority (MCBOA) is required to perform effluent testing and reporting and groundwater monitoring well sampling, testing and reporting under its New Jersey Pollutant Discharge Elimination System (NJPDES) Permit No. NJ0024694; and

WHEREAS, the existing contract between MCBOA and Garden State Laboratories, Inc. expires on December 31, 2011; and

WHEREAS, MCBOA desires to publicly advertising contract specifications for bidding of the sampling, testing and reporting by an independent laboratory; and

WHEREAS, MCBOA requests bids to be opened on December 6, 2011 at 10:00 AM at their offices at 200 Harbor Way, Belford, New Jersey;

NOW THEREFORE, BE IT RESOLVED, that the Board Secretary is authorized to advertise the bid and the Board Secretary is authorized to open such bids and present the bids to the Authority at the Authority's scheduled meeting on December 12, 2011.

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

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

Resolution offered by Mr. Knox:

2012 Authority Budget Resolution
Monmouth County Bayshore Outfall Authority

FISCAL YEAR: FROM January 1, 2012 TO December 31, 2012

WHEREAS, the Annual Budget and Capital Budget for the Authority for the fiscal year beginning, January 1, 2012 and ending, December 31, 2012 has been presented before the governing body of the Monmouth County Bayshore Outfall Authority at its open public meeting of October 24, 2011; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 1,721,668 , Total Appropriations, including any Accumulated Deficit if any, of \$1,821,668 and Total Unrestricted Net Assets utilized of \$100,000; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$305,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$105,000; 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 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.

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NOW, THEREFORE BE IT RESOLVED, by the governing body of the Monmouth County Bayshore Outfall Authority, at an open public meeting held on October 24, 2011 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Monmouth County Bayshore Outfall Authority for the fiscal year beginning, January 1, 2012 and ending, December 31, 2012 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 12, 2011.

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

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

New Business

On **Motion** by Mr. Smith, **Seconded** by Mr. Schoeffling, the board authorized T&M Associates to conduct a review of the emergency backup system at the Belford Facility. 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. Bateman:

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- August 2011**

<u>No.</u>	<u>Check #</u>	<u>Provider</u>	<u>Amount</u>	<u>Description</u>
1		Avaya, Inc.	\$39.07	ACS Partner Agreement
2		JCP&L	\$30.18	Belford Street Lighting 6/16-7/15/11
3		JCP&L	\$2,464.39	Union Beach 6/17-7/18/11
5		JCP&L	\$80.83	Sandy Hook 7/6-8/3/11
6		NJAWC	\$49.43	Union Beach 6/24-7/25/11
7		NJAWC	\$128.85	Belford, 6/21-7/21/11
8	3483	Verizon Online	\$49.99	Broadband Service 7/16-8/15/11
9	3484	Verizon	\$144.04	Telephone Service all in one 7/14-8/13/11
10	3485	Verizon	\$84.07	Telephone Service U.B.7/17-8/16/11
11		ABB Inc.	\$1,178.81	Telephone Service U.B.6/17-5/16/11
12		Asbury Park Press	\$64.00	Foreman's cellular phone 5/5-6/4/11
13		Ceridian	\$64.92	Payroll services June
14		Collins, Vella & Casello	\$406.00	Legal Services for July 2011
15		Cosper Environmental	\$250.00	DMR-QA Study 31
16		Fisher Scientific	\$321.16	Filter, Storage Solution
17		Garden State Laboratories	\$7,386.83	Lab Services July 2011

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18	3482	Jaspan Brothers	\$36.96	Batteries, hose, acrylic caulk, foam
19		K & R Electric	\$395.00	Troubleshoot power to pump at UB
20		Middletown Sewerage Authority	\$70.00	Quarterly sewer- July-Aug-Sept.
21		Neopost	\$281.33	Annual equipment Rental fee
22		One Call Concepts	\$192.64	One call messages July 2011
23		Postmaster-Belford	\$176.00	Annual PO Box Rental fee
24		Semcor	\$43.20	Green mark-out paint
25		Staples	\$1,589.95	Laptop, Desktop, 2 yr service Microsoft business
26		Staples	\$24.99	Sony 100 pack DVD+R's
27		Staples	\$124.99	Minutes Ledger
28		Staples	\$63.26	Ink, Catalog Envelopes
29		Staples	\$186.29	8-tab dividers, ink
30		T&M Associates	\$662.90	General services-July
31		T&M Associates	\$108.75	July-Keansburg Desalination Project
32		The Sign Maker	\$20.00	Balance for two pair of magnetic signs
33		Treasurer, State of NJ	\$50.00	C-4 License for Ed. Tuberion, Jr.
34		Xerox	\$105.00	Copier rental 6/28-7/20/11
		TOTAL	<u>\$16,873.83</u>	

Fringe benefits and payroll processed after the June Operating Vouchers were submitted for review and approval at the Authority Regular Meeting of 07/18/11

<u>Date</u>	<u>Check No.</u>	<u>To</u>	<u>Amount</u>	<u>Description</u>
07/22	Ceridian	Employee's Payroll & Payroll Taxes	\$15,861.57	Payroll of 07/22/11
08/05	Ceridian	Employee's Payroll & Payroll Taxes	\$21,193.28	Payroll of 08/05/11
08/04	3454	GE Group Life Assurance Company	\$ 847.64	August long-term disability
07/22	3481	SBP Educational Fund	\$1,058.76	August Dental insurance
07/22	3480	Chase	\$ 698.84	Procurement Card Purchases

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

AYES: Aumack, Bateman, Foley, Loud-Hayward, Knox, Sachs, 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. Aumack, Seconded by Ms. Loud-Hayward**, and passed by the affirmative voice vote of all Members present, no nays, no abstain, none absent, the meeting adjourned at 6:55 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 approving the Hold Harmless Agreement with Bayshore Regional Sewerage Authority was approved.

The Resolution requesting bids for the samplings, testing and reporting by an independent laboratory was approved.

The preliminary budget resolution was approved.

T&M was authorized to conduct a review of the Authority's emergency back-up system.