RESOLUTION #41-17

2017 Revenue Fund

BE IT RESOLVED, by the South Monmouth Regional Sewerage Authority that Revenue Fund Requisition #05-17 in the total amount of $413,303.86 hereby approved for transfer as follows:

1. That $284,135.46 is transferred from the Revenue Fund to the Operating Fund in satisfaction of all approved bills attached hereto and made a part thereof as of this date.

2. That $129,168.40 is transferred from the Revenue Fund to the Payroll Fund to reimburse the Authority for the prior month’s gross payroll and employer payroll taxes.

BE IT FURTHER RESOLVED, that bills listed in the aforesaid Revenue Fund Requisition be and are hereby approved for payment from the Operating and Payroll Funds.

CERTIFIED TO BE A TRUE COPY OF A RESOLUTION DULY ADOPTED BY THE SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY AT ITS REGULAR OPEN PUBLIC MEETING ON 05-11-17.

BY:  
E. GENE CORY - SECRETARY
2017 REVENUE FUND REQUISITION

Requisition #05-17
Total of Requisition: $413,303.86
Date: May 11, 2017

CERTIFICATION

I hereby certify, on behalf of the South Monmouth Regional Sewerage Authority, that the expenses listed on the attached Revenue Fund Requisition have been approved for payment by the Authority. I further certify that (1) the expenses listed are reasonable, (2) the amounts being requisitioned for expenses plus amounts previously requisitioned during the present fiscal quarter for expenses classifiable in the same accounts do not exceed the amounts budgeted for those accounts for the quarter in the current budget on file with the Trustee.

SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY

BY: [Signature]
MICHAEL MATTIA – CHAIRMAN
**SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY**

*Supplemental Information to Requisition # 05 - 17*

9-May-17

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| Re-imburse SMRSA for April, 2017 Gross Payroll | 120,320.14 |
| Re-imburse SMRSA for April, 2017 Employer Portion Federal Payroll Taxes | 8,848.26 |

**SUB - TOTAL** | 196,406.72

**Adjustments:**

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**SUB - TOTAL** | 3.50

**REQUESTED AMOUNT OF WIRE TRANSFER** | 413,303.86

**WIRE INSTRUCTIONS:**

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**TO OPERATING ACCOUNT** | 284,135.46

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**TO PAYROLL ACCOUNT** | 129,168.40

**REQUESTED AMOUNT OF WIRE TRANSFER** | 413,303.86
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May 12, 2017

Emailed: caroline.hunter@usbank.com

Ms. Caroline Hunter
US Bank
Two Liberty Place, Suite 2000
50 South 16th Street, 20th Floor
Philadelphia, PA 19102

RE: 2017 Revenue Fund Account Transfer -- Requisition # 05-17

Dear Caroline,

Accept this letter as written authorization to initiate and complete on May 17, 2017 the following wire transfers to satisfy all known calendar year 2017 operating expenses approved at the SMRSA Regular Meeting held on May 11, 2017.

1. Wire transfer $284,135.46 to the SMRSA Ocean First Operating Account.

2. Wire transfer $129,168.40 to the SMRSA Ocean First Payroll Account.

Thank you for your assistance in this matter. If you have any questions or need additional information, please feel free to contact me at 732-681-0611.

Sincerely,

[Signature]

Bernard J. Biju
Finance & Administration Manager

BJB:cb

Enclosures:
2017 Requisition and Bill List
RESOLUTION #42-17

Construction Project Fund

BE IT RESOLVED, by the South Monmouth Regional Sewerage Authority that bills listed in Construction Project Fund Req. #05-17 and totaling $35,352.55 be and are hereby approved for payment from the Construction Project Fund.

CERTIFIED TO BE A TRUE COPY OF A RESOLUTION Duly adopted by the South Monmouth Regional Sewerage Authority at its Regular Open Public Meeting on 5-11-17.

E. Gene Cory - Secretary
SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY
CONSTRUCTION PROJECT FUND

Requisition No. CPF #05-17
Date: May 11, 2017

Payee and Address                                      Character of Obligation                  Amount
T&M Associates                                         Belmar Pumping Station Resolution #57-15 LAF320630 dtd 04/12/17 $ 3,619.00
P.O. Box 828                                           Co-Generation Resiliency Upgrades Resolution #95-16 LAF320631 dtd 04/12/17 $ 31,733.55
Red Bank, NJ 07701                                     
Attn: Richard Crane                                    TOTAL                               $ 35,352.55

IN CONNECTION THEREWITH, WE CERTIFY THAT THE ABOVE OBLIGATIONS TO BE PAID WERE PROPERLY INCURRED BY THE AUTHORITY AND ARE PROPER CHARGES AGAINST THE CONSTRUCTION FUNDS. THE AMOUNTS TO BE PAID BY THIS REQUISITION ARE DUE AND UNPAID AND THERE ARE NO LIENS OR OTHER CLAIMS AFFECTING THE RIGHT TO PAYMENT WHICH SHOULD BE SATISFIED AND DISCHARGED BEFORE PAYMENT IS MADE OR WHICH WILL NOT BE DISCHARGED BY THIS PAYMENT.

SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY

BY: _______________________________  GARY MCLEAN - TREASURER
May 12, 2017

Emailed: caroline.hunter@usbank.com

Ms. Caroline Hunter
US Bank
Two Liberty Place, Suite 2000
50 South 16th Street, 20th Floor
Philadelphia, PA 19102

RE: Construction Project Fund Requisition #05-17 – $35,352.55

Dear Caroline,

Enclosed please find the above-referenced Construction Project Fund Requisition which was approved for payment by the Authority at its regular meeting, held on May 11, 2017. Payment of these bills should be made on May 17, 2017 and disbursed from the SMRSA Series 2011 Project Fund.

Thank you for your assistance in this matter. If you have any questions or need additional information, please feel free to contact me at 732-681-0611.

Regards,

[Signature]

Bernard J. Boffa
Finance & Administration Manager

BJB/cb
Enclosure
RESOLUTION # 43-17

A Resolution to Approve an Agreement Between
The South Monmouth Regional Sewerage Authority and
The United Steel Workers International Union
AFL-CIO-CLC
Local 4-406

WHEREAS, The United Steel Workers International Union AFL-CIO-CLC Local 4-406 (hereinafter referred to as the Collective Bargaining Unit) expired on December 31, 2016; and

WHEREAS, negotiations were held between the South Monmouth Regional Sewerage Authority and the Collective Bargaining Unit; and

WHEREAS, an agreement between the Authority and the Collective Bargaining Unit was arrived at with both parties agreeing on the terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, that the agreement has been delineated on the memo attached (Attachment A) be and is hereby approved.

BE IT FURTHER RESOLVED that upon final codification of the terms and conditions of the aforementioned agreement into the existing contract language between the parties that the Chairman, Secretary, Executive Director, and Financial/Administration Manager are herein authorized to execute same on behalf of the Authority.

LASTLY BE IT RESOLVED by the South Monmouth Regional Sewerage Authority that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length.

CERTIFIED TO BE A TRUE COPY OF A RESOLUTION DULY ADOPTED BY THE SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY AT ITS REGULAR MEETING ON 05-11-17.

E. GENE CORY - SECRETARY
MEMORANDUM OF AGREEMENT
BETWEEN
SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY
AND
UNITED STEEL WORKERS LOCAL # 4-00149

The Parties hereby agree to the following terms to be contained in a successor collective negotiations agreement. This Agreement is subject to ratification by the Union and approval by the Commissioners. Any term in the prior agreement, not addressed herein, shall remain unchanged. The Negotiation Committee of each Party shall recommend ratification/approval of the terms of this Agreement.

1. Article VIII, Hours of Work

8. Should an employee need to enter upon the Authority premises for any other purpose other than paragraphs 1-7 above, he or she must first obtain authorization from their immediate supervisor (and in the supervisor’s absence, the Operator responsible at the time). Despite not being on “payable time,” on all such occasions, the employee is required to sign in similar to all visitors, and limit their visit to a minimum.

9. All employees are required to report to work for the scheduled shifts. Employees who fail to report to work and are without a pre-approved leave (sick, vacation, personal) shall be considered as being Absent Without Leave and shall not be paid until such time that they are permitted to return to work by the Authority and/or appropriate leave is granted.

10. Any employee commencing a calendar year either absent without leave, on an unapproved leave, or suspended without pay shall not be entitled to accrue any sick, vacation or personal days until such time as the employee has either returned to full duty, or been placed on an approved leave.

2. Article IX, Shift Differential

1. When an employee is assigned to an eight-hour shift, he/she shall be paid $1.50 per hour shift differential for those hours between 3:00 PM and 11:00 PM.

2. When an employee is assigned to an eight-hour shift, he/she shall be paid $2.00 per hour shift differential for those hours between 11:00 PM and 7:00 AM.

3. Article XI, Seniority

2. During the first 150 days of continuous employment, an employee shall be considered a probationary employee and the Authority may terminate his/her employment within that time without challenge by either the employee or the Union, and without resort to any grievance procedure or any other hearing procedure. The probationary period may be extended for one additional 30-day period upon the sole option of the Authority. Thereafter, upon mutual agreement of the Union and the Authority for additional 30-day periods. During the probationary
period, the Authority shall arrange for the physical examination of the probationary employee to determine that he/she is fit for employment with the Authority. There shall be no responsibility for re-employment of probationary employees if they are discharged during the probationary period. After the end of the probationary period, the said new employee shall be placed on the seniority list from the first day of starting work.

4. **Article XIII, Promotions**

1. In the event of a job vacancy for a position (that falls under this collective negotiations agreement), to be determined by the Authority, the Authority shall post the same for 7 calendar days . . .

1(b) The Authority shall make such promotion from its regular employees with the consideration for such promotion based on seniority, experience in this facility and qualifications

5. **Article XXIII, Health Insurance Benefits**

1(a) and 2(a). Amend to provide that employees shall continue the current practice of contributing to the cost of health care in accordance with P.L. 2011, c. 78.

7. The Authority complies with all relevant provisions of Chapter 92, P.L. 2007. All qualified full-time staff who meet New Jersey’s “Active at Work” status and who voluntarily waive medical benefits as provided by the State Health Benefits Program will be compensated in an amount equal to the lesser of $5,000.00 or 25% of the amount saved and as provided for in Resolution #48-08.

6. **Article XXXII, Licensing Program/Incentive Pay**

To encourage employees to become more qualified in the operation/maintenance of the treatment plant and/or other systems, the Authority agrees to maintain an ongoing Licensing Program and Incentive Pay. Employees shall continue to receive the license incentive so long as the employee continues in good faith to study and take the examination for next higher license. Should an employee cease to study and take the test for the next higher examination, the Employee shall no longer be entitled for the license incentive. Notwithstanding the foregoing, Employees shall remain entitled to receive the incentive for maintaining an S-1/C-1 license regardless of continuing to study/sit for the examination of any higher license.

(a) Licensing Program . . . The Authority agrees to maintain adequate funds in its budget to provide for all employees who are eligible to receive License Incentive Pay . . .

(b) Incentive Pay . . . Incentive pay shall be paid to each employee who meets the eligibility requirements established above and possesses . . .

**Annual Incentive**

S-4 and C-4 $2,500
S-3 and C-3  $1,700
S-2 and C-2  $1,000
S-1 and C-1  $ 500
Cert. Ind. Main. Mech. Any Trade  $2,000

7. **Schedule B1 and B2, Wage Rate Lists**

As attached, retroactive to January 1, 2017

8. **Article XXVI, Sick Leave Policy**

Employees hired after July 1, 2017 shall accrue one sick day per month up to six (6) days during first calendar year of employment. Thereafter, accumulate 10 days (2017) and 9 days (2018 and thereafter).

9. **Article XXXV**

1. Shall provide for a two-year agreement from January 1, 2017 through December 31, 2018.

FOR THE AUTHORITY

\[Signature\]

\[Signature\]

\[Signature\]

FOR THE UNION

\[Signature\]

\[Signature\]

\[Signature\]

DATED: April 12, 2017
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RESOLUTION #44-17

Resolution Ratifying an Offer of Employment to Mr. Keenan Morin
For the Apprentice II Vacancy

WHEREAS, the South Monmouth Regional Sewerage Authority has an opening for an Apprentice II; and

WHEREAS, the available position was posted in accordance with the Collective Bargaining Agreement; and

WHEREAS, the Executive Director and staff have decided Mr. Keenan Morin is qualified and interested in the position of Apprentice II; and

WHEREAS, Mr. Morin of New Egypt, New Jersey was found to be duly qualified and ranked as the top rated candidate by the Executive Director; and

WHEREAS, the Executive Director has stated that the selection process has in fact complied in accordance with the Collective Bargaining Agreement and has made an offer of employment effective May 8, 2017.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby ratifies the actions of the Executive Director and authorizes the hiring of Mr. Keenan Morin as Apprentice II at a starting salary of $19.25 per hour effective Monday, May 8, 2017. The new hire is considered a probationary employee for the first one hundred and fifty (150) days of his continuous employment as per Union Contract, Article XI.

CERTIFIED TO BE A TRUE COPY OF RESOLUTION DULY ADOPTED BY THE SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY AT ITS REGULAR OPEN PUBLIC MEETING ON 05-11-17.

[Signature]
E. GENE CORY - SECRETARY
RESOLUTION # 45-17

RESOLUTION OF THE SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-6

WHEREAS, the South Monmouth Regional Sewerage Authority (the “Authority”) desires to make application to the Local Finance Board for its review and/or approval of a supplemental bond resolution authorizing the financing of a capital project consisting of the upgrading of the Authority’s existing biogas-fueled combined heat and power system through, inter alia, the issuance of subordinated sewer revenue bonds of the Authority in an amount not to exceed $1,280,000; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-6, prior to the adoption of a bond resolution by the Authority authorizing the issuance of bonds or notes, the proposed project financing must be submitted to the Local Finance Board for its review; and

WHEREAS, the Authority believes that:

(a) it is in the public interest to accomplish such purpose;

(b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the district of the Authority (which consists of the territorial boundaries of the Boroughs of Belmar, Brielle, Lake Como, Manasquan, Sea Girt, Spring Lake and Spring Lake Heights and the Township of Wall);

(c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the district of the Authority and will not create an undue financial burden to be placed upon the Authority;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the South Monmouth Regional Sewerage Authority, as follows:

Section 1. An application to the Local Finance Board reflecting the foregoing transaction (the “Application”) is hereby approved, and the Board’s Executive Director, General Counsel, Bond Counsel, and Financial Advisor, along with other representatives of the Authority, are hereby authorized to prepare such Application, to file such Application with the Local Finance Board, and to represent the Authority in matters pertaining thereto.

Section 2. The Secretary of the Authority is hereby directed to prepare and file a copy of this Resolution and the proposed supplemental bond resolution and other appropriate documents with the Local Finance Board as part of such Application.
Section 3. The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute(s).

Section 4. This Resolution shall take effect immediately.

**Governing Body Member:**

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Certified to be a true and correct copy of a Resolution of the Board of Commissioners of the South Monmouth Regional Sewerage Authority adopted at their Regular Meeting of May 11, 2017.

_E. Gene Cory - Secretary_
AFFIDAVIT OF PUBLICATION

State of New Jersey } SS.

Monmouth/Ocean Counties

Personally appeared DIANA FIGUEROA

Of the Asbury Park Press, a newspaper printed in Freehold, New Jersey and published in Neptune, in said County and State, and of general circulation in said county, who being duly sworn, deposes and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

05/16/17 A.D 2017

DIANA FIGUEROA

Sworn and subscribed before me, this 10 day of May, 2017

Ad Number: 0002138409
MONMOUTH COUNTY
SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY
NOTICE OF ADOPTION OF BOND RESOLUTION

PUBLIC NOTICE is hereby given that a resolution entitled: "Resolution Authorizing the Issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority and Providing for the Terms and Provisions Thereof" (the "Resolution") was adopted by the South Monmouth Regional Sewerage Authority on May 11, 2017. Copies of said Resolution have been filed and are available for public inspection in the office of the Clerks of the Boroughs of Belmar, Brielle, Manasquan, Sea Girt, South Belmar, Spring Lake and Spring Lake Heights and the Township of Wall, each in the County of Monmouth, New Jersey, and in the office of said Authority, 1235 18th Avenue, Belmar, New Jersey.

Any action or proceeding of any kind or nature in any court questioning the validity of the creation or establishment of the South Monmouth Regional Sewerage Authority, or the validity or proper authorization of bonds provided for by the Resolution, or the validity of any covenants, agreements or contracts provided for by the Resolution shall be commenced within twenty (20) days after the first publication of this notice, which was first published this 16th day of May, 2017. ($29.70)
May 12, 2017

Ms. April Claudio  
Belmar Municipal Building  
601 Main Street  
Belmar, NJ 07719

Dear Ms. Claudio:

Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

Michael J. Ruppel  
Executive Director

MJR:cb  
Enclosure
SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY

NOTICE OF ADOPTION OF BOND RESOLUTION

PUBLIC NOTICE is hereby given that a resolution entitled: “Resolution Authorizing the Issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority and Providing for the Terms and Provisions Thereof” (the “Resolution”) was adopted by the South Monmouth Regional Sewerage Authority on May 11, 2017. Copies of said Resolution have been filed and are available for public inspection in the office of the Clerks of the Boroughs of Belmar, Brielle, Manasquan, Sea Girt, South Belmar, Spring Lake and Spring Lake Heights and the Township of Wall, each in the County of Monmouth, New Jersey, and in the office of said Authority, 1235 18th Avenue, Belmar, New Jersey.

Any action or proceeding of any kind or nature in any court questioning the validity of the creation or establishment of the South Monmouth Regional Sewerage Authority, or the validity or proper authorization of bonds provided for by the Resolution, or the validity of any covenants, agreements or contracts provided for by the Resolution shall be commenced within twenty (20) days after the first publication of this notice, which was first published this 16th day of May, 2017.
May 12, 2017

Mr. Thomas Nolan
Brielle Borough Hall
601 Union Lane
P.O. Box 445
Brielle, NJ 08730

Dear Mr. Nolan:
Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

Michael J. Ruppel
Executive Director

MJR:cb
Enclosure
May 12, 2017

Mrs. Louise Mekosh
Lake Como Borough Hall
1730 Main Street
P.O. Box 569
Lake Como, NJ 07719

Dear Mrs. Mekosh:

Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

Michael J. Ruppel
Executive Director

MJR:cb
Enclosure
May 12, 2017

Ms. Barbara Ilaria
Manasquan Borough Hall
201 East Main Street
Manasquan, NJ 08736

Dear Ms. Ilaria:

Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

Michael J. Ruppel
Executive Director

MJR:cb
Enclosure
May 12, 2017

Ms. Lorraine Carafa
Sea Girt Borough Hall
321 Baltimore Boulevard
P.O. Box 296
Sea Girt, NJ 08750

Dear Ms. Carafa:

Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

Michael J. Ruppel
Executive Director

MJR:cb
Enclosure
May 12, 2017

Ms. Dina M. Zahorsky
Spring Lake Borough Hall
423 Warren Avenue
Spring Lake, NJ 07762

Dear Ms. Zahorsky:

Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

[Signature]

Michael J. Ruppel
Executive Director

MJR:cb
Enclosure
May 12, 2017

Ms. Jane Gillis
Spring Lake Heights Borough Hall
555 Brighton Avenue
Spring Lake Heights, NJ 07762

Dear Ms. Gillis:

Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

Michael J. Ruppel
Executive Director

MJR:cb
Enclosure
May 12, 2017

Ms. Roberta Lang
Wall Township Municipal Office
2700 Allaire Road
P.O. Box 1168
Wall Township, NJ 07719

Dear Ms. Lang:

Enclosed please find SMRSA Resolution #45-17 authorizing the issuance of Subordinated Sewer Revenue Bonds, Series 2017A (Energy Resilience Bank, Loan Promissory Note) of the South Monmouth Regional Sewerage Authority in the amount not to exceed $1,280,000. Be advised this action will be published via public notice in the Asbury Park Press on May 16, 2017 and the SMRSA Website on May 12, 2017.

If you have any questions or need additional information, please feel free to contact me on 732-681-0611.

Very truly yours,

Michael J. Ruppel
Executive Director

MJR:cb
Enclosure
RESOLUTION # 46-17

Resolution Re-appointing
Michael J. Ruppel As Executive Director of the
South Monmouth Regional Sewerage Authority

WHEREAS, Michael J. Ruppel currently serves as Executive Director of the South Monmouth Regional Sewerage Authority and is employed under the provisions of an existing Employment Agreement dated August 13, 2015; and

WHEREAS, the South Monmouth Regional Sewerage Authority is desirous of amending the duties, responsibilities, term, and compensation provisions of the said agreement; and

WHEREAS, a new agreement, dated May 1, 2017 incorporating said amendments to the existing agreement has been prepared, agreed to and signed by all parties which is attached hereto and made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED by the South Monmouth Regional Sewerage Authority that Michael J. Ruppel, be and the same is hereby employed as the Executive Director of the South Monmouth Regional Sewerage Authority pursuant to the terms and conditions of the written contract of employment attached hereto and made a part hereof during the term as contained therein.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of this Authority by order of the Board of Commissioners on this 11th day of May, 2017.

CERTIFIED TO BE A TRUE COPY OF A RESOLUTION DULY ADOPTED BY THE SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY AT ITS REGULAR OPEN PUBLIC MEETING ON 05-11-17.

E. GENE CORY - SECRETARY
AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of May, 2017, by and between SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY, a public body organized under N.J.S.A. 40:14A-1 et seq., whose address is 1235 18th Avenue, Belmar, New Jersey 07719, hereinafter referred to as the “Authority,” and MICHAEL J. RUPPEL, the Executive Director of the Authority, whose address is 2 Ashford Road, Jackson, New Jersey 08527.

WITNESSETH

WHEREAS, the Authority has engaged Michael J. Ruppel as the Executive Director Officer of the Authority, hereinafter referred to as the “Executive Director;” and

WHEREAS, the parties are desirous of continuing their relationship by entering into this contract.

NOW THEREFORE, IT IS AGREED, by and between the parties hereto as follows:

1. **Employment:** The Authority hereby employs Executive Director and the Executive Director hereby accepts employment upon the terms and conditions hereinafter set forth.

2. **Term:** Subject to the provisions for termination as provided hereinafter, the terms of this Agreement shall commence May 1, 2017 and continue through and terminate on April 30, 2020 (the “Term”). Subsequent to the expiration of the Term, the Term shall automatically be extended for one additional year only, i.e.,
May 1, 2020 through April 30, 2021, unless either party hereto shall notify the other in writing by registered mail no less than sixty (60) days prior to either: (1) the requested expiration date; (2) the annual expiration thereafter; or (3) of an intention to retire or otherwise modify this Agreement. Said notice, if given by the Executive Director, shall be delivered to the Authority at its offices located at 1235 18th Avenue, Belmar, New Jersey 07719, ATTN: Chair, Board of Commissioners; and said notice, if given by the Authority, shall be delivered to the Executive Director at 2 Ashford Road, Jackson, New Jersey 08527.

3. **Compensation:** For all services rendered by the Executive Director under this Agreement, the Authority shall pay the Executive Director an annual salary of $162,315.14, in accordance with the usual procedure for payment of employees’ salaries. At the Authority’s annual reorganization meeting, the Authority may provide salary increases in its sole discretion.

   a. In addition to the annual salary, as set forth herein, the Executive Director shall be entitled to all fringe benefits enjoyed by all other Authority employees and more particularly as represented and described in the Non-Union Policies Manual.

   b. The Authority shall reimburse the Executive Director for health benefit contributions made pursuant to P.L. 2011, c. 78 in the amount of $4,875, annually, pro rated, provided that such reimbursement does not reduce Executive Director’s contributions
to less than 1.5% of his salary. This amount shall remain unchanged during subsequent renewal periods unless mutually agreed by the Parties.

4. **Duties:** The Executive Director shall be the Chief Executive Officer of the Authority. The Executive Director shall carry out all of the policies established and/or directed by the Board. The Executive Director shall administer all policy decisions rendered by the Board and shall amend existing policies and/or new policies after said policies have been approved by the full Board. The Executive Director shall be in charge of all personnel and have the right to hire or to terminate employees, subject to the approval of the Board of Commissioners. The Executive Director shall carry out all responsibilities as set forth in the job description for his position, a copy of which is attached hereto.

5. **Vacation, Sick Leave, Personal and Retirement System Benefit:** The Executive Director shall be given the sick leave and retirement benefits as set forth in the Non-Union Policies Manual of the Authority. Notwithstanding, the Executive Director shall be entitled to five (5) personal days per year. In addition thereto, he shall be entitled to paid vacation of six (6) weeks during each calendar year for the term of this Agreement. Executive Director shall not take more than two (2) consecutive weeks of vacation at any one time. Any remaining vacation time at
the conclusion of any calendar year or at the conclusion of this Agreement shall be compensable pursuant to the terms of the Non-Union Policies Manual. In addition, any unused sick leave shall also be compensated as set forth in the Non-Union Policies Manual. It is agreed that with the exception of term, wage, compensation, disability, and indemnification, all other benefits to which the Executive Director is entitled will be as provided by and in accordance with the Non-Union Policies Manual.

6. **Disability:** If the Executive Director is unable to perform his services by reason of illness or incapacity for a period of more than twelve (12) consecutive weeks, then this Agreement may be terminated by the Authority by giving written notice to the Executive Director by certified mail. In the event of the death of the Executive Director, this Agreement shall terminate notwithstanding those spousal benefits that are provided in the Non-Union Policies Manual.

7. **Termination for Cause:** The Executive Director’s employment hereunder may be terminated only by a majority vote of the full Board of Commissioners of the Authority at any time for cause upon ten (10) days prior written notice to the Executive Director by certified mail, return receipt requested. Cause shall exist if the Executive Director is guilty of dishonesty, gross neglect of duty hereunder, or other act or omission which substantially impairs the Authority’s ability to conduct its
ordinary business in the usual manner. Said notice shall specify with particularity the actions or interactions constituting such cause. In the event of termination under this paragraph, the Authority shall pay the Executive Director all amounts due hereunder which are then accrued but unpaid within thirty (30) days after the date of said notice. The Authority shall have no additional or further liability to the Executive Director.

8. **Indemnification**: Whenever any civil action has been or shall be brought against the Executive Director for any act or omission arising out of and in the course of the performance of his duties, the Authority shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any; and shall hold harmless and protect the Executive Director from any financial loss resulting therefrom. The Authority shall have sole discretion in the hiring of any attorney for the aforesaid actions.

9. **Disclosure of Information**: Except as required in his duties to the Authority, the Executive Director shall never directly or indirectly use, disseminate, disclose, lecture upon, or publish articles concerning any confidential information, including copies thereof, whether prepared by him or others.

10. **Participation in Outside Organizations**: It is recognized that the professional organization known as Association of Environmental Authorities ("AEA") is a beneficial group in which
the Authority is a member. The Executive Director has long been a member of said organization and has advanced to an executive position with them. This is a volunteer action which enables the Executive Director to be exposed to all of the major issues pertaining to sewerage authorities in general. As such, it is advantageous to have the Executive Director participate as an Officer of said organization and his participation therein is hereby authorized as part of his employment under this Agreement. Furthermore, the Authority recognizes the benefit of the Executive Director participating in various relevant outside organizations, and as such encourages and inherently endorses his participation in organizations including but not limited to the New Jersey Department of Environmental Protection (DEP); United States Environment Protection Agency (EPA); the New Jersey Water Environment Federation (WEF); and the New Jersey Water Environment Association (WEA).

11. **Notices:** Any notice required or permitted to be given under this Agreement shall be sufficient, if in writing, and if sent by certified or registered mail, to the last known address of the Executive Director to the principal office of the Authority.

12. **Waiver of Breach:** The Waiver by the Authority of a breach of any provision of this Agreement by the Executive Director shall not operate or be construed as a waiver of any subsequent breach by the Executive Director.
13. **Entire Agreement**: This instrument contains the entire agreement of the parties named herein. It may be changed not orally but only by an agreement in writing, signed by the party against whom enforcement of any waiver, change, modification, extension or discharge is sought.

**IN WITNESS WHEREOF**, the parties hereto have signed, sealed and delivered this Agreement on the day and year below written.

**ATTEST**:                                **SOUTH MONMOUTH REGIONAL**

E. Gene Cory                                **SEWERAGE AUTHORITY**

BY:                                         

Michael Mattia, Chair

Dated: 5/11/17

**WITNESS**:                                

Bernard J. Bujak                            

Michael J. Ruppel

Dated: ___________________