

**MINUTES OF REGULAR MEETING  
OF THE  
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY  
OCTOBER 19, 2011**

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A Regular Meeting of the Cape May County Municipal Utilities Authority was held on Wednesday, October 19, 2011 at 1:30 P.M., at the Authority office in Swainton, N.J. Chairman Betts stated proper notice was given under the provisions of the Open Public Meetings Act. The Pledge of Allegiance was recited.

<b>ROLL CALL</b>	<u>Present</u>	<u>Absent</u>
George W. Betts, Chairman	X	
John J. Pantalone, Vice Chairman	X	
William G. Burns, Jr.	X	
Patricia A. Callinan	X	
William J. McMahan, Jr.	X	
Beatrice Payne		X
Thomas M. Phelan	X	

Also present were: Authority Staff, Charles M. Norkis, John R. Baron, Thomas J. LaRocco, Joshua Palombo, Robert P. Donato, Theresa A. Gallagher, Ann M. McDevitt; Authority Solicitor, Howard C. Long, Esquire; Fred Pracht of the Avalon Land and Homeowners Association.

**MINUTES** Minutes of the October 5, 2011 Regular Meeting were submitted for approval or correction. Mr. Pantalone offered MOTION TO APPROVE THE OCTOBER 5, 2011 REGULAR MEETING MINUTES AS SUBMITTED, seconded by Mr. Burns, a Roll Vote followed:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahan	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts	x			

By unanimous Roll Vote, the October 5, 2011 Regular Meeting Minutes were approved as submitted.

**CORRESPONDENCE &  
COMMUNICATIONS**      None offered.

UNFINISHED  
BUSINESS

I. GENERAL COUNTY - WASTEWATER MANAGEMENT AND  
SOLID WASTE MANAGEMENT PROGRAMS (COMBINED)

1. Mr. Donato reported that closing on the refunding of the Authority's Sewer Revenue Bonds (Refunding Series 2002-C), which was authorized by the Board on May 18, 2011, is scheduled for November 3, 2011. As a result of the sale of the bond offering on October 13, 2011, the Authority will realize a \$2.5 million savings in debt service expense over the 10-year life of the bonds, which represents a net present value savings of 14.3% which is well above the minimum 3% requirement of the Local Finance Board. The Authority Members noted that, particularly in light of the current financial climate, such savings are very beneficial to the CMCMUA and its users. It was further noted that the savings include all the costs of refunding.

2. Mr. Donato reported that the existing Contracts for both General Counsel Services and Bond Counsel Services contain a provision wherein the fees associated with a bond issue and/or refunding are to be negotiated at the time of such a financing on the part of the CMCMUA. In this regard, it was the recommendation of the Authority's Chief Financial Officer and Executive Director that Amendments to the above-noted Contracts for Professional Services be approved to compensate both the firm of Wade, Long, Wood & Kennedy, LLC (General Counsel); and McManimon & Scotland, LLC (Bond Counsel), for legal services provided in connection with the Authority's issuance of its Sewer Revenue Bonds, Refunding Series 2002-C. It was recommended that the Contract with General Counsel be amended to include a lump sum payment of \$8,000; and the Contract for Bond Counsel Services be amended to increase the Budget of this Agreement by \$20,000, for a total revised Contract amount of \$65,000. All other terms and conditions of the Professional Services Agreements with General Counsel and Bond Counsel shall remain in full force and effect. Following further discussion, Chairman Betts presented the following Resolutions for consideration by the Board:

a. RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH McMANIMON & SCOTLAND, LLC TO REPRESENT THE CMCMUA AS BOND COUNSEL WITH REGARD TO THE REFUNDING AND ISSUANCE OF CERTAIN WASTEWATER REVENUE BONDS. Mr. Burns offered MOTION TO ADOPT THE RESOLUTION AS PRESENTED, seconded by Mr. Phelan, a Roll Vote followed:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahan	x			
Mr. Pantalone	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 94-11 was adopted, copy annexed hereto and incorporated herein.

b. RESOLUTION AUTHORIZING AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH WADE, LONG, WOOD & KENNEDY, LLC TO REPRESENT THE CMCMUA AS GENERAL COUNSEL WITH REGARD TO THE REFUNDING AND ISSUANCE OF CERTAIN WASTEWATER REVENUE BONDS. Mr. McMahon offered MOTION TO ADOPT THE RESOLUTION AS PRESENTED, seconded by Mr. Pantalone, a Roll Vote followed:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahon	x			
Mr. Pantalone	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 95-11 was adopted, copy annexed hereto and incorporated herein.

3. The Authority Members reviewed and discussed the three (3) Proposals received on September 21, 2011 to provide General Consulting Engineering Services on behalf of the CMCMUA (RFP-20-11). Following review of the Proposals, it was the recommendation of a committee comprised of Authority Staff Members that the Proposal submitted by the engineering firm of Hatch Mott MacDonald best responded to the Authority's Request for Proposals. Therefore, it was recommended that a Contract with a lump sum budget of \$12,000 be awarded to Hatch Mott MacDonald at this time, which includes the inspection of all Authority facilities and the completion and submittal of a subsequent Annual Inspection Report, as required by the Authority's Bond Covenants. A separate supplemental budget not-to-exceed \$40,000 was also recommended in the event the Authority needs specialty technical services over the next year. Such engineering services shall be authorized in writing, by the Authority's Executive Director or Chief Engineer, for each supplemental service requested. Following further discussion, Chairman Betts presented RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES TO HATCH MOTT MACDONALD RELATED TO GENERAL CONSULTING ENGINEERING SERVICES FOR THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY. Mr. Burns offered MOTION TO ADOPT THE RESOLUTION AS PRESENTED, seconded by Mr. McMahon, a Roll Vote followed:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahon	x			
Mr. Pantalone	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 96-11 was adopted, copy annexed hereto and incorporated herein.

**II. WASTEWATER MANAGEMENT PROGRAM -  
GENERAL COUNTY -**

The Authority Members reviewed and discussed a proposed schedule for the adoption of the Fiscal Year 2012 Wastewater Management Program Budget and Wastewater User Charge Report. The schedule noted that the Authority's consideration regarding approval of this Budget for subsequent submission to the New Jersey Department of Community Affairs (DCA) is slated for the November 2, 2011 Regular Meeting of the CMCMUA, with a Public Hearing on the proposed User Charges currently scheduled for December 7, 2011 at 4:00 p.m. Following consideration of any comments from the public and the CMCMUA's receipt of approval of the Wastewater Program Budget by the DCA, final adoption of the Budget and Wastewater User Charge Report is currently scheduled for the December 21, 2011 Meeting of the Authority.

**III. SOLID WASTE MANAGEMENT PROGRAM  
GENERAL COUNTY -**

The Authority Members reviewed and discussed a proposed schedule for the adoption of the Fiscal Year 2012 Solid Waste Management Program Budget and User Fees, Terms and Conditions. The schedule noted that Authority consideration regarding approval of this Budget for subsequent submission to the New Jersey Department of Community Affairs (DCA) is slated for the November 2, 2011 Regular Meeting of the CMCMUA. A Public Hearing on the proposed User Fees, Terms and Conditions document is currently scheduled for December 7, 2011 at 6:30 p.m. Following the CMCMUA's consideration of any comments from the public and receipt of approval of the Solid Waste Management Program Budget by the DCA, final adoption of the Budget and User Fees, Terms and Conditions is currently scheduled for the December 21, 2011 Meeting of the Authority.

**PUBLIC  
DISCUSSION**

None offered.

**PAYMENT OF  
BILLS**

1. On Motion by Mr. Pantalone, seconded by Ms. Callinan, a Roll Vote followed on the approval of the Administration Vouchers List dated October 19, 2011:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahan	x			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts	x			

By unanimous Roll Vote, the Administration Vouchers List dated October 19, 2011 was approved, copy annexed hereto and incorporated within.

2. On Motion by Ms. Callinan, seconded by Mr. McMahon, a Roll Vote followed on the approval of the Wastewater Operating Funds Vouchers List dated October 19, 2011:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahon	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts	x			

By unanimous Roll Vote, the Wastewater Operating Funds Vouchers List dated October 19, 2011 was approved, copy annexed hereto and incorporated within.

3. On Motion by Mr. Phelan, seconded by Mr. Burns, a Roll Vote followed on the approval of the Solid Waste Operations Fund Vouchers List dated October 19, 2011:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahon	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts	x			

By unanimous Roll Vote, the Solid Waste Operations Fund Vouchers List dated October 19, 2011 was approved, copy annexed hereto and incorporated within.

4. On Motion by Mr. Burns, seconded by Mr. Phelan, a Roll Vote followed on the approval of the Solid Waste Project Fund Vouchers List dated October 19, 2011:

	<u>Aye</u>	<u>Naye</u>	<u>Abstain</u>	<u>Absent</u>
Mr. Burns	x			
Ms. Callinan	x			
Mr. McMahon	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts	x			

By unanimous Roll Vote, the Solid Waste Project Fund Vouchers List dated October 19, 2011 was approved, copy annexed hereto and incorporated within.

The total of all four (4) approved Vouchers Lists, dated October 19, 2011, was \$980,815.84.

NEW BUSINESS      None submitted.

ADJOURNMENT      There being no further business, the Regular Meeting adjourned at 1:50 p.m.

Respectfully submitted,



Ann M. McDevitt  
Recording Secretary

10/20/11