

**MINUTES OF REGULAR MEETING
OF THE
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY
JULY 20, 2011**

A Regular Meeting of the Cape May County Municipal Utilities Authority was held on Wednesday, July 20, 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.

ROLL CALL

	<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, Esq.	X	

Also present were: Authority Staff, Charles M. Norkis, William W. Cathcart, Robert P. Donato, Thomas J. LaRocco, John R. Baron, Theresa A. Gallagher, Ann M. McDevitt, Authority Solicitor, Howard C. Long, Esquire; Fred Pracht of the Avalon Land and Homeowners Association; John and Ruth Leo, residents of the City of Cape May.

MINUTES

Minutes of the July 6, 2011 Regular Meeting were submitted for approval or correction. Mr. Phelan offered MOTION TO APPROVE THE JULY 6, 2011 REGULAR MEETING MINUTES AS SUBMITTED, seconded by Mr. McMahan, 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 majority Roll Vote, the July 6, 2011 Regular Meeting Minutes were approved as submitted.

**TREASURER'S
REPORT**

None submitted.

**CORRESPONDENCE &
COMMUNICATIONS**

None presented.

**UNFINISHED
BUSINESS**

**I. GENERAL COUNTY – WASTEWATER MANAGEMENT and
SOLID WASTE MANAGEMENT PROGRAMS (Combined)**

The Authority Members reviewed the recommendation of the Administrative Committee regarding selection of a firm to provide the CMCMUA with legal services as its General Counsel. It was noted that, pursuant to the requirements of the Fair and Open Process under the Local Pay-to-Play Law, the CMCMUA, on June 22, 2011 advertised a Request for Proposals for General Counsel Legal Services, with Proposals due by July 6, 2011. In response to this Advertisement, two (2) Proposals were submitted by the following firms: Wade, Long, Wood & Kennedy, LLC; and Youngblood, Lafferty & Sampoli, P.A. Following a review of the extensive Proposals submitted by both firms, it was the recommendation of the Administrative Committee that Wade, Long, Wood & Kennedy, LLC submitted a Proposal which represented the best response to RFP-17-11, and, therefore should be awarded a Contract to serve as the CMCMUA's General Counsel for the upcoming year, with a not-to-exceed Budget of \$180,000.00. Following further discussion, Chairman Betts presented RESOLUTION AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES - GENERAL COUNSEL LEGAL SERVICES – RFP-17-11. Mr. Phelan offered MOTION TO ADOPT THE RESOLUTION AS PRESENTED, 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. McMahon	x			
Mr. Pantalone	x			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 63-11 was adopted, copy annexed hereto and incorporated herein.

II. WASTEWATER MANAGEMENT PROGRAM

GENERAL COUNTY -

Mr. Cathcart gave a report on the Wastewater Program's various projects being performed by in-house labor, specifically:

Various Emergency Generators Repairs – Mr. Cathcart reported that a malfunction in the engine of the 39th Street Pump Station was discovered during a recent evaluation of all of the Authority's emergency generators. He noted that the Authority's Project Crew has since disassembled and performed all repairs on the emergency generator

to ensure reliable service for the remaining summer months. Mr. Cathcart also reported that the Authority recently procured a new generator for the Crest Haven Pump Station and the Project Crew has successfully replaced the unit.

Ocean City RBR Cover Fabrications – Mr. Cathcart reported that the Authority's Project Crew is currently in the process of fabricating covers for the Rotating Biological Reactors (RBR's) at the Ocean City WTF. He noted that the RBR covers were fabricated in a way to create an easier access for monitoring purposes, while maintaining protection for the equipment from the elements. He also noted that by fabricating the RBR covers in-house rather than purchasing them from an outside vendor, the Authority was able to save a substantial amount of money.

Buss Tie Upgrades at the Wildwood/Lower WTF – Mr. Cathcart reported that the original design of the Wildwood/Lower WTF required that at least two (2) of the three (3) emergency generators be utilized to power the facility in an emergency situation. With the recent upgrades to the buss ties and installation of some additional switchgear, the facility will be able to use any one of the three (3) generators independently if an emergency situation would arise.

Rebuild Effluent Pump for the Cape May WTF – Mr. Cathcart reported that the Authority's Project Crew recently removed and completely rebuilt the effluent pump at the Cape May WTF. He noted that this job used to require an outside contractor, but the Authority is now able to accomplish such tasks completely with in-house forces.

III. SOLID WASTE MANAGEMENT PROGRAM –

GENERAL COUNTY -

1. The Authority Members reviewed and discussed the sole bid received to provide inspections, calibrations, and maintenance and repair service on various truck scales for the Cape May County Municipal Utilities Authority (SW-25-11). It was noted that this contract is intended to provide service to all four (4) scales owned by the Authority at both the Transfer Station and the Sanitary Landfill Facilities. It was further noted that one of the functions of the scale company is to inspect and calibrate each of the scales on a quarterly basis in accordance with the New Jersey Law related to "Weights and Measures". Following review of the sole bid received, the Authority's Business Services Supervisor and Purchasing Agent, with the concurrence of the Solid Waste Program Manager and the approval of the Executive Director, have recommended that a contract in the total not-to-exceed amount of \$79,368.00 be awarded Advance Scale Company, Inc., whose bid met all requirements of the Bid Specifications for Contract SW-25-11. It was noted that it is not expected that the full budget of this Contract will be utilized unless Advance Scale is required to make major repairs to one or more of the Authority's scales. To enable consideration of the above-noted recommendation, Chairman Betts presented RESOLUTION AWARDED CONTRACT TO ADVANCE SCALE COMPANY, INC. FOR INSPECTION, CALIBRATION AND MAINTENANCE & REPAIR SERVICES –

VARIOUS TRUCK SCALES CONTRACT SW-25-11. Mr. McMahon offered MOTION TO ADOPT THE RESOLUTION AS PRESENTED, seconded by Ms. Payne, 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. 64-11 was adopted, copy annexed hereto and incorporated herein.

2. Mr. Baron gave a report on the Solid Waste Management Program's various projects being performed, specifically:

Avian Protection – Mr. Baron reported that the New Jersey Department of Environmental Protection (NJDEP) notified the Authority of the requirements for additional protection of the power lines located at the Landfill Facility to eliminate future harm to local birds. He noted that the Authority's Staff devised a plan which was submitted and approved by the NJDEP. He further noted that after approval was received, Scalfo Electric, Inc. ordered all materials and installed the bird protection guards. The job was successfully completed on June 23, 2011.

Landfill Scale Repairs – Mr. Baron reported on the recent need for various repairs on the Cardinal scales located at the Sanitary Landfill. He noted that due to the age and excessive wear and tear, it was determined that the in-bound scale needed the immediate resurfacing of the center section. He further noted that the Authority's in-house staff was able to accomplish this work for a fraction of the cost if performed by an outside contractor. The work was essentially complete on May 20, 2011.

Litter Fence Repair – Mr. Baron reported on the importance of maintaining the litter fencing located around the active portion of the landfill. He noted that all repairs, replacements and refurbishments of the fencing is included in the work load for the Authority's landfill staff during this summer season to ensure that there would be sufficient litter control.

Site Drainage Reconfiguration – Mr. Baron reported that in anticipation of the recently bid Contract for the filling of Sedimentation Basin No. 1 with sand, which is the first step in the construction of the next landfill cell, Operations Staff has begun to reconfigure site drainage away from this sedimentation basin. He noted that the drainage flow has to be redirected from Sedimentation Basin No. 1 to Sedimentation Basin No. 2 in order to comply with permit requirements for the expansion of the landfill. He further noted that Engineering and Operations Staff jointly engineered a plan to accomplish this work, which is 90% complete at this time.

Bird Deterrent Wires – Mr. Baron explained that part of the bird management plan was to provide wires that are strung across the active area of the landfill cells to keep the birds to a minimum. He noted that this year it was decided to install the wires 35 feet in height across the entire distance between Landfill Cells F and E to eliminate the possibility of vehicles running into these wires.

Cell E Cap Repair – Mr. Baron reported on the problems discovered with the Cell E cap work by Landfill staff during regular maintenance. He noted that after the Engineering Department followed up with a detailed inspection, the Contractor for the original construction, Atlantic Lining Company, was contacted to complete repairs. The repairs were covered under warranty and completed on May 26, 2011.

Reconfigure Landfill Gas to Electrical Generation – Mr. Baron reported on the modifications to the gas delivery system of the Landfill Gas to Electrical Generation Project at the Landfill site. He noted that the two blowers used for the landfill gas system have, at times, operated in conflict. To rectify this problem, the Authority decided to shut down the blower at the generator skid and only use the main blower at the flare station. He further noted that the Engineering and Operations Staff reconfigured the necessary pipe work and electronic controls to switch the generator station over to receiving the gas through the main flare station instead of creating its own vacuum.

3. Mr. Donato reviewed with the Board the approval received from the New Jersey Environmental Infrastructure Trust (NJEIT) for funding through their program for the filling of Sedimentation Basin No. 1 with soil, which will be the first phase of the overall construction of Landfill Cell 2G. The Authority must receive approval from the Local Finance Board for its application for funding under the NJEIT's financing program. To enable application to the Local Finance Board for the Authority's proposed borrowing through the NJEIT, and to enable the reimbursement of the Authority's expenses incurred before these funds are received, Chairman Betts presented the following Resolutions for consideration by the Board:

a. RESOLUTION OF THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:5A-6 AND N.J.S.A. 58:11B-9(a). Mr. Pantalone offered MOTION TO ADOPT THE RESOLUTION AS PRESENTED, seconded by Ms. Payne, 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. 65-11 was adopted, copy annexed hereto and incorporated herein.

b. RESOLUTION OF THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM PROCEEDS OF DEBT OBLIGATION IN CONNECTION WITH THE AUTHORITY'S PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM. Mr. Phelan offered MOTION TO ADOPT THE RESOLUTION AS PRESENTED, 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			
Mr. Pantalone	x			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 66-11 was adopted, copy annexed hereto and incorporated herein.

RECYCLING –

The Authority Members reviewed the Preliminary Regional Recycling Program Progress Report for May 2011, which noted that Cape May County achieved a 38.29% municipal solid waste stream diversion rate and a 31.87% total solid waste stream diversion rate for the first five (5) months of 2011. It was pointed out that the above-noted recycling rates are preliminary and subject to change, based on the submission of data from independent recycling operations and final State review. Mr. Baron reported that the tonnage recycled for the month of May was higher compared to the same period last year. Mr. Baron further reported that although the first five (5) months has historically been a low revenue period for the Authority's Recycling Program, it has achieved a net gain of \$453,000 this year compared to \$107,293 for the same period in 2010.

PUBLIC DISCUSSION

Ms. Ruth Leo, of the City of Cape May, began by introducing herself and her husband, John, as life long residents of Cape May who have a home directly across from the Authority's Claghorn Pumping Station in the City of Cape May. Ms. Leo noted that she and her husband John were disappointed to see the removal of trees that used to block their view of the pumping station by the City of Cape May in their efforts to improve the local sewer system. However, she noted that after discussions with the Supervisor of the Cape May Wastewater Treatment Facility and the Authority's Technical Assistant, a fence was installed around the Authority's property which resolved the issue. She then thanked and commended the Authority Personnel for their kind and courteous assistance.

**PAYMENT OF
BILLS**

1. On Motion by Mr. Pantalone, seconded by Mr. McMahon, a Roll Voted followed on the approval of the Administration Vouchers List dated July 20, 2011:

	<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, the Administration Vouchers List dated July 20, 2011 was approved, copy annexed hereto and incorporated within.

2. On Motion by Ms. Callinan, seconded by Ms. Payne, a Roll Vote followed on the approval of the Wastewater Operating Funds Vouchers List dated July 20, 2011:

	<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, the Wastewater Operating Funds Vouchers List dated July 20, 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 July 20, 2011:

	<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, the Solid Waste Operations Fund Vouchers List dated July 20, 2011 was approved, copy annexed hereto and incorporated within.

4. On Motion by Ms. Callinan, seconded by Ms. Payne, a Roll Vote followed on the approval of the Solid Waste Project Fund Vouchers List dated July 20, 2011:

	<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, the Solid Waste Project Fund Vouchers List dated July 20, 2011 was approved, copy annexed hereto and incorporated within.

The total of all four (4) approved Vouchers Lists, dated July 20, 2011, was \$1,140,186.45.

NEW BUSINESS

None offered.

ADJOURNMENT

There being no further business, the Regular Meeting adjourned at 2:15 p.m.

Respectfully submitted,



Theresa A. Gallagher
Alternate Recording Secretary

07/21/11