

**MINUTES OF REGULAR MEETING  
OF THE  
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY  
JULY 6, 2011**

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A Regular Meeting of the Cape May County Municipal Utilities Authority was held on Wednesday, July 6, 2011 at 6:30 P.M., at the Authority office in Swainton, N.J. Vice Chairman Pantalone 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	
Thomas M. Phelan, Esq.	X	
Patricia A. Callinan	X	
William J. McMahan, Jr.	X	
Beatrice Payne	X	

Also present were: Authority Staff, Charles M. Norkis, John R. Baron, Thomas J. LaRocco, William W. Cathcart, Robert P. Donato Ann M. McDevitt, Authority Solicitor, Howard C. Long, Esquire; Brian Reynolds of the Avalon Land and Homeowners Association.

**MINUTES**

Minutes of the June 15, 2011 Regular Meeting were submitted for approval or correction. Mr. Burns offered MOTION TO APPROVE THE JUNE 15, 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			
Ms. Payne			x	
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, the June 15, 2011 Regular Meeting Minutes were approved as submitted.

**TREASURER'S  
REPORT**

Mr. Phelan offered MOTION TO ACCEPT THE MAY 31, 2011 TREASURER'S REPORT as submitted, 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, the May 31, 2011 Treasurer's Report was accepted as submitted, copy annexed hereto and incorporated herein.

**CORRESPONDENCE &  
COMMUNICATIONS**

The Authority Members reviewed the summary of wastewater flows received at each of the Authority's Pump Stations during the Fourth of July holiday weekend. Mr. Norkis noted that the Cape May, Wildwood/Lower, Seven Mile Beach/Middle and the Ocean City Regions all received flows which were slightly higher than those received during the same period in 2010. He further noted that there were no significant rainfall events in 2010 and only scattered thunder showers in 2011; therefore, the recorded flows represent a true reflection of the actual wastewater generated in each town during the holiday periods.

**UNFINISHED  
BUSINESS**

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

1. The Authority Members reviewed the Construction Status Report on CMCMUA construction related activities prepared by the CMCMUA Staff. The following information was discussed in addition to the update provided in the written Status Report:

Landfill Gas to Energy - Mr. LaRocco reported that the Authority's operations staff has been dedicated to other tasks and, therefore, no significant physical work has been accomplished in the last month on the Landfill Gas to Energy Project. He further noted that the Air Permit has not yet been received from the State of New Jersey. The project is estimated to be completed by September 2012.

Two-Ton Rooftop HVAC Unit - Mr. LaRocco reported that the Contractor for the HVAC improvements at the Wildwood/Lower WTF Administration Building, Multi-Temp Mechanical, Inc., has essentially completed the project, with only minor punchlist items remaining.

Roof Replacements - Cape May Region - Mr. LaRocco reported that the Contractor, Tortorice Contractors, has satisfactorily completed the installation of the roof on both the Screen and Sludge Processing Buildings at the Cape May Region WTF. Mr. LaRocco noted that once the Contractor demolished and removed the existing roof from the lower portion of the Sludge Processing Building, unforeseen adverse conditions became apparent which have since been remediated. He further noted that a Change Order was necessary to cover the cost of supplies and that extra work was performed in order to remediate the unforeseen conditions.

Ocean Outfall Inspections – Mr. LaRocco reported that Commercial Diving Service completed the annual inspections at all three (3) ocean outfall locations as of June 9, 2011. He further reported that the video and report have been received and reviewed by the Authority. Mr. LaRocco noted that some minor damage was discovered on the Wildwood/Lower outfall but no repairs are necessary at this time.

2. It was reported that the CMCMUA adopted Resolution No. 2-11 in January of this year authorizing the purchase of budgeted items from various State Contract Vendors. To authorize the purchase of budgeted items from a recommended list of additional State Contract Vendors which were not identified in the above-noted Resolution, Vice Chairman Pantalone presented RESOLUTION AUTHORIZING PURCHASE OF SUPPLIES, SERVICES, AND EQUIPMENT FROM STATE CONTRACT VENDORS IN EXCESS OF BID THRESHOLD FOR FISCAL YEAR 2011. Mr. McMahon 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 55-11 was adopted, copy annexed hereto and incorporated herein.

**GENERAL COUNTY -**

1. Mr. Norkis reported that the existing Contracts between the CMCMUA and two (2) laboratories for Wastewater Laboratory Services will expire on July 15, 2011. It was noted that these Contracts contain an option clause which enables renewal of each Contract, under identical terms and conditions, for an additional 12 month period, upon mutual agreement of each party. Following review of the existing Contracts along with current market prices, it was determined to be in the best interest of the Authority to renew these Contracts for an additional year. Both laboratories were contacted by the Authority's Purchasing Agent and they have both agreed to continue the existing Contracts for an additional year. To enable continuation of Contracts for Wastewater Laboratory Services, Vice Chairman Pantalone

presented the following Resolutions for consideration by the Board:

a. RESOLUTION AUTHORIZING CONTINUATION OF QC, INC.'S CONTRACT SER-25-09 (PART I) UNDER CMCMUA RESOLUTION NO. 77-09. 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 56-11 was adopted, copy annexed hereto and incorporated herein.

b. RESOLUTION AUTHORIZING CONTINUATION OF GARDEN STATE LABORATORIES, INC.'S CONTRACT SER-25-09 (PARTS II & III) UNDER CMCMUA RESOLUTION NO. 78-09. 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 57-11 was adopted, copy annexed hereto and incorporated herein.

2. The Authority Members reviewed and discussed a recommended Change Order to Contract CM-WTF-08-11, Wastewater Treatment Facilities – Roof Replacements, with Tortorice Contractors, Inc., which represents a final settlement of all claims related to this Contract. It was noted that this Change Order authorizes an increase of \$1,370.00, which represents less than 1% of the total contract price. The purpose of this Change Order is to compensate the Contractor for the extra work done to remedy unforeseen conditions discovered during the roof replacements, which is considered a fair and reasonable settlement of all claims related to this construction contract. Following further discussion, Vice Chairman Pantalone presented RESOLUTION AUTHORIZING CONTRACT CHANGE ORDER CONTRACT CM-WTF-08-11 TORTORICE CONTRACTORS, INC. 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 58-11 was adopted, copy annexed hereto and incorporated herein.

**SLUDGE COMPOSTING FACILITY –**

1. The Authority Members reviewed and discussed the sole bid received on April 21, 2011 to Furnish and Deliver a Conveyance Screw for the Authority's Sludge Composting Facility (Contract SC-05-11-REBID). During a review of the bid, it was determined by the Authority's General Legal Counsel that the bid submitted by the only bidder for Contract SC-05-11-REBID, Jeffrey Radar Corporation, had to be rejected as non-responsive and in substantial non-compliance with the bid specifications and statutory law. It was the recommendation of the Authority's Wastewater Engineer and Purchasing Agent, with the concurrence of the Authority's Wastewater Program Manager, Executive Director and General Counsel that the bid submitted by Jeffrey Radar Corporation for Contract SC-05-11-REBID be rejected and that the Authority should revise the technical specifications and rebid for the conveyance screw. To enable formal consideration of the above noted recommendation, Vice Chairman Pantalone presented RESOLUTION REJECTING BID OF JEFFREY RADAR CORPORATION - FURNISH AND DELIVER CONVEYANCE SCREW FOR SLUDGE COMPOSTING FACILITY - CONTRACT SC-05-11-REBID. 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 59-11 was adopted, copy annexed hereto and incorporated herein.

2. The Authority Members reviewed and discussed the two (2) bids received on May 17, 2011 to furnish and deliver two (2) new sludge roll-off trucks for sludge hauling.

Following review of the bids received, it was discovered that the bid submitted by the apparent low bidder, Harvey Truck Center-Mack, contained deviations from the Bid Specifications which the Authority's General Counsel has determined to be material in nature. Therefore, the bid submitted by this firm was determined to be non-responsive and in substantial non-compliance with the bid specifications. Therefore, it was the recommendation of the Wastewater Operations Coordinator and Purchasing Agent, with the concurrence of the Executive Director, that a Contract in the amount of \$337,424.54 be awarded to Bergey's Truck Center, Inc., whose bid met all requirements of the Bid Specifications for Contract SC-EQUIP-18-11. Following further discussion, Vice Chairman Pantalone presented RESOLUTION AWARDED CONTRACT SC-EQUIP-18-11 FURNISH AND DELIVER TWO (2) NEW SLUDGE ROLL-OFF TRUCKS TO BERGEY'S, INC. Ms. Callinan 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 60-11 was adopted, copy annexed hereto and incorporated herein.

3. Mr. Norkis requested that award of Contract RFP-22-11, to furnish and deliver two (2) conveyor belts to the Authority's Sludge Compost Facility be tabled and that no formal action be taken at this time. Mr. Norkis noted that the Technical Specifications for RFP-22-11 called for a nylon belt and that all the Proposals received offered products made with polyester. He further advised the Authority Members that the Authority will readvertise for the required conveyor belts, revising the language in the Technical Specifications to assure that such conveyor belts are manufactured utilizing a nylon/polyester weave.

### III. SOLID WASTE MANAGEMENT PROGRAM

#### GENERAL COUNTY –

1. The Authority Members reviewed and discussed the sole proposal received on June 28, 2011 to Furnish and Deliver Replacement Parts and Repair Service - Bomag Construction & Heavy Equipment (RFP-14-11). Following review of the proposal received, it was the recommendation of the Authority's Assistant Solid Waste Manager and Purchasing Agent, with the concurrence of the Solid Waste Program Manager and the approval of the Executive Director that a Contract in an amount not-to-exceed \$26,000 be awarded to Jesco, Inc. Following further discussion wherein it was noted that Jesco, Inc.'s Proposal contained a 2% discount from Bomag's current parts price list, Vice Chairman Pantalone presented RESOLUTION AUTHORIZING THE PROCUREMENT OF OEM REPLACEMENT PARTS AND REPAIR SERVICE FOR BOMAG CONSTRUCTION AND HEAVY EQUIPMENT

FROM JEC SO, INC. SELECTED UNDER THE FAIR AND OPEN PROCUREMENT PROCESS – RFP-14-11. Ms. Callinan 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 61-11 was adopted, copy annexed hereto and incorporated herein.

2. Mr. Norkis gave an update on the Shared Services Agreements for Solid Waste and Recycling Services. He noted that eleven (11) of the sixteen (16) municipalities have approved and executed the Shared Services Agreement. He further noted that he and Mr. Baron are scheduled to meet with the Commissioners of the Borough of Woodbine to discuss the proposed Agreement on July 21, 2011.

#### RECYCLING –

1. The Authority Members reviewed the Preliminary Regional Recycling Program Progress Report for April 2011, which noted that Cape May County achieved a 39.77% municipal solid waste stream diversion rate and a 32.15% total solid waste stream diversion rate for the first four (4) 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 April was up compared to the same period last year. Mr. Baron reported that although the first four (4) months has historically been a low revenue period for the Authority's Recycling Program, it has achieved a net gain of \$308,000 this year compared to \$56,000 for the same period in 2010.

2. The Authority Members reviewed and discussed the request from the Operator of the Intermediate Processing Facility (IPF), Hudson Baylor, for an extension to the original 60-day Pilot Program that was approved at the Regular Board Meeting on March 16, 2011, wherein, they would continue to negotiate with local haulers spot market agreements for the acceptance of commercial recyclables at the IPF. The Authority will continue to share the revenue from the commercial recyclables. Following review of the request received, it was the recommendation of the Recycling Coordinator, with the concurrence of the Solid Waste Program Manager and the approval of the Executive Director that an extension to the aforementioned Pilot Program will continue through December 31, 2011. Following further discussion, Vice Chairman Pantalone presented RESOLUTION AUTHORIZING PILOT PROGRAM FOR RECEIPT OF COMMERCIAL RECYCLABLES FOR PROCESSING AT THE INTERMEDIATE PROCESSING FACILITY WITH HUDSON BAYLOR CAPE MAY, L.L.C. Mr. McMahon 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			
Ms. Payne	x			
Mr. Phelan	x			
Mr. Pantalone	x			
Mr. Betts				x

By unanimous Roll Vote, Resolution No. 62-11 was adopted, copy annexed hereto and incorporated herein.

**PUBLIC  
DISCUSSION**

None offered.

**PAYMENT OF  
BILLS**

1. On Motion by Ms. Callinan, seconded by Mr. McMahan, a Roll Vote followed on the approval of the Administration Vouchers List dated July 6, 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 July 6, 2011 was approved, copy annexed hereto and incorporated within.

2. On Motion by Mr. McMahan, seconded by Ms. Payne, a Roll Vote followed on the approval of the Wastewater Operating Funds Vouchers List dated July 6, 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 Wastewater Operating Funds Vouchers List dated July 6, 2011 was approved, copy annexed hereto and incorporated within.

3. On Motion by Ms. Payne, seconded by Ms. Callinan, a Roll Vote followed on the approval of the Solid Waste Operations Fund Vouchers List dated July 6, 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 July 6, 2011 was approved, copy annexed hereto and incorporated within.

4. On Motion by Ms. Callinan, seconded by Mr. McMahon, a Roll Vote followed on the approval of the Solid Waste Project Fund Vouchers List dated July 6, 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 July 6, 2011 was approved, copy annexed hereto and incorporated within.

The total of all four (4) approved Vouchers Lists, dated July 6, 2011, was \$2,035,451.40.

**NEW BUSINESS** None presented.

**ADJOURNMENT** There being no further business, the Regular Meeting adjourned at 6:55 p.m.

Respectfully submitted,

  
Ann M. McDevitt  
Recording Secretary