

**MINUTES OF REGULAR MEETING
OF THE
CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY
SEPTEMBER 21, 2011**

A Regular Meeting of the Cape May County Municipal Utilities Authority was held on Wednesday, September 21, 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	X	

Also present were: Authority Staff, Charles M. Norkis, John R. Baron, Thomas J. LaRocco, William W. Cathcart, Robert P. Donato, Vincenette C. DiCicco, Theresa A. Gallagher, Ann M. McDevitt; Authority Solicitor, John D. Wade; Fred Pracht of the Avalon Land and Homeowners Association.

MINUTES

Minutes of the September 7, 2011 Regular Meeting were submitted for approval or correction. Mr. Pantalone offered MOTION TO APPROVE THE SEPTEMBER 7, 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 unanimous Roll Vote, the September 7, 2011 Regular Meeting Minutes were approved as submitted.

**CORRESPONDENCE &
COMMUNICATIONS**

None offered.

**UNFINISHED
BUSINESS**

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

1. To enable the Authority Members to certify their review of the July 13, 2011 Findings of the Local Finance Board related to its refunding of all, or a portion of, the CMCMUA's Sewer Revenue Refunding Bonds (Refunding Series 2002C), Chairman Betts presented RESOLUTION OF THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY CONCERNING REVIEW OF THE FINDINGS OF THE LOCAL FINANCE BOARD MADE AT A MEETING OF SAID BOARD ON JULY 13, 2011 IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:5A-7. Mr. Phelan 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. McMahan	x			
Mr. Pantalone	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 82-11 was adopted, copy annexed hereto and incorporated herein.

2. Mr. Donato reviewed with the Board the approval received from the New Jersey Environmental Infrastructure Trust (NJEIT) for funding through their 2012 fiscal year program for the seven (7) Authority proposed projects (NJDEP Project Nos. S340661-15, S340661-16, S340661-17, S340661-18, S340661-19, S340661-20 and S340661-21). Approval must be received from the Local Finance Board for funding of the Authority's projects 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 the NJEIT 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. 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. 83-11 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. McMahon	x			
Mr. Pantalone	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 84-11 was adopted, copy annexed hereto and incorporated herein.

SLUDGE COMPOSTING FACILITY -

The Authority Members reviewed and discussed the three (3) bids received on August 2, 2011 to Furnish and Deliver a Conveyance Screw and Electric Motor for the Sludge Composting Facility (Contract SC-EQUIP-24-11). During a review of the bids, it was determined by the Authority's General Legal Counsel that the apparent low bidder, A.C. Schultes, Inc., submitted a bid in complete accordance with the Bid Specifications and Advertisement. 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 a Contract for a total bid price of \$115,085.00 be awarded to A.C. Schultes, Inc., whose bid met all requirements of the bid documents for Contract SC-EQUIP-24-11. To enable the formal consideration of the above noted

recommendation, Chairman Betts presented RESOLUTION AWARDING CONTRACTS SC-EQUIP-24A-11 AND SC-EQUIP-24B-11 – FURNISH & DELIVER CONVEYANCE SCREW AND ELECTRIC MOTOR FOR SLUDGE COMPOSTING FACILITY TO A.C. SCHULTES, 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. McMahon	x			
Mr. Pantalone	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 85-11 was adopted, copy annexed hereto and incorporated herein.

WILDWOOD/LOWER REGION –

The Authority Members reviewed and discussed a recommended Change Order to Contract WW/L-09-11 to Furnish & Deliver a 2 Ton Rooftop HVAC Unit at Wildwood/Lower Wastewater Treatment Facility Administration Building, with Multi-Temp Mechanical, Inc., which represents a final settlement of all claims related to this Contract. It was noted that this Change Order authorizes a decrease of \$1,000.00 in the contract amount and a non-compensable time extension of fourteen (14) days. Following further discussion, Chairman Betts presented RESOLUTION AUTHORIZING CONTRACT CHANGE ORDER – MULTI-TEMP MECHANICAL, INC. Mr. Phelan 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. 86-11 was adopted, copy annexed hereto and incorporated herein.

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

1. Mr. Norkis gave an update on the Shared Services Agreements for Solid Waste and Recycling Services. He noted that all sixteen (16) municipalities have approved and executed the Shared Services Agreements with the Authority. He further noted that all Agreements have a term of seven (7) years beginning January 1, 2012.

2. Mr. Norkis reviewed with the Authority Members the complexity of the Solid Waste General Bond Resolution and the New Jersey Environmental Infrastructure Trust Financing (NJEIT) Program. He noted that as of August 1, 2011, the Authority has satisfied its obligations to the bond holders under its original Solid Waste General Bond Resolution of 1986 and all Supplemental Bond Resolutions. Since all solid waste debt obligations were met by the CCMUA, the original Solid Waste General Bond Resolution was considered expired. He further noted that the Authority is required to have a new Solid Waste General Bond Resolution in place prior to the issuance of Solid Waste Revenue Bonds. The Authority's Bond Counsel has prepared a new General Bond Resolution which was reviewed and recommended by the Executive Director and the Chief Financial Officer, for consideration by the Authority. Following further discussion, Chairman Betts presented RESOLUTION AUTHORIZING THE ISSUANCE OF SOLID WASTE SYSTEM REVENUE BONDS AND PROJECT NOTES OF THE CAPE MAY COUNTY MUNICIPAL UTILITY AUTHORITY. 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. McMahon	x			
Mr. Pantalone	x			
Ms. Payne				x
Mr. Phelan	x			
Mr. Betts	x			

By unanimous Roll Vote, Resolution No. 87-11 was adopted, copy annexed hereto and incorporated herein.

3. It was noted that to enable the following three (3) vehicles, 2001 Freightliner Tractor (VIN# 1FUY3WEB21LH33895); 2001 Freightliner Tractor (VIN# 1FUY3WEB41LH33896); and 2001 Freightliner Tractor (VIN# 1FUY3WEB61LH33897), which are in poor condition and have been scheduled for replacement, to be included as a trade-in during the procurement of new replacement tractors or to be sold at auction, or to another public entity, this equipment must formally be designated as surplus by the Authority. It was also noted that the Township of Lower has indicated that they would like to purchase one of the surplus vehicles for a price of \$9,500.00. There being no objection to designating this equipment as surplus, and selling one of the surplus vehicles to the Township of Lower,

Chairman Betts presented the following Resolutions for consideration by the Board:

a. RESOLUTION AUTHORIZING DISPOSITION OF SURPLUS EQUIPMENT. Mr. Pantalone 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. 88-11 was adopted, copy annexed hereto and incorporated herein.

b. RESOLUTION AUTHORIZING SALE OF SURPLUS EQUIPMENT TO THE TOWNSHIP OF LOWER. Mr. McMahan 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. 89-11 was adopted, copy annexed hereto and incorporated herein.

SANITARY LANDFILL –

The Authority Members reviewed and discussed the Proposed Renewable Energy Funding Agreement between the CCMUA and the Board of Public Utilities (BPU) associated with the construction of two (2) new landfill gas powered generators at its Sanitary Landfill Facility. It was noted that the BPU recently issued a revised Agreement which would approve the Authority's receipt of grant funding in the amount of \$256,320.00 to help offset the construction costs for its electrical generators. Following further discussion, Chairman Betts presented RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CCMUA AND THE STATE OF NEW JERSEY BOARD OF PUBLIC UTILITIES.

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. 90-11 was adopted, copy annexed hereto and incorporated herein.

**PUBLIC
DISCUSSION**

None offered.

**PAYMENT OF
BILLS**

1. On Motion by Mr. Pantalone, seconded by Mr. Burns, a Roll Vote followed on the approval of the Administration Vouchers List dated September 21, 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 September 21, 2011 was approved, copy annexed hereto and incorporated within.

2. On Motion by Mr. McMahon, seconded by Mr. Phelan, a Roll Vote followed on the approval of the Wastewater Operating Fund Vouchers List dated September 21, 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 Fund Vouchers List dated September 21, 2011 was approved, copy annexed hereto and incorporated within.

3. On Motion by Mr. McMahon, seconded by Mr. Phelan, a Roll Vote followed on the approval of the Solid Waste Operations Fund Vouchers List dated September 21, 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 September 21, 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 September 21, 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 Project Fund Vouchers List dated September 21, 2011 was approved, copy annexed hereto and incorporated within.

The total of all four (4) approved Vouchers Lists, dated September 21, 2011, was \$973,962.01.

III. MISCELLANEOUS

Mr. Norkis reported that the Authority's major wood pallet supplier, Robinson Pallet, has gone out of business. He noted that due to the significant reduction of wood pallets being received at the Landfill's Bulky Waste Facility for recycling, the Authority is being forced to discontinue the sale of its colored woodchips on the wholesale level. Mr. Norkis also noted that the CCMUA intends on informing its wholesale buyers of the situation and will continue to produce, color and sell woodchips produced from whatever pallets are received.

NEW BUSINESS

None submitted.

ADJOURNMENT

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

Respectfully submitted,



Ann M. McDevitt

Recording Secretary

9/22/11