



CUMBERLAND COUNTY IMPROVEMENT AUTHORITY JANUARY BOARD MEETING MINUTES

Wednesday, January 16, 2013 @ 4:00 p.m.
2 N. High Street, Millville, N.J. 08332

MEETING OPENING

The meeting convened at approximately 4:00 p.m. with Chairman, Albert B. Kelly presiding.

The meeting notice, roll call, and the Pledge of Allegiance were performed during the public session.

The Management Consultant noted that the following people were present:

Board Members:

Albert B. Kelly, Chairman
Jose B. Velez, Secretary
Robert P. Nedohon, Jr. Treasurer
Dale K. Jones, Assistant Treasurer

Staff Members and others in attendance:

Donald H. Rainear, Management Consultant
Donna R. Beron, Executive Secretary
Craig Truitt, Facility Manager
Mary Triboletti, CPA, Accounting Manager / Supervisor
James B. Rocco, Assistant Engineer
George R. Saponaro, Esquire, Saponaro & Sitzler
Joseph J. Derella, Jr., Freeholder Liaison
Spencer Kent, The South Jersey Times

APPROVAL OF AGENDA

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

APPROVAL OF MINUTES

December 19, 2012 – Regular Meeting

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

MANAGEMENT REPORT BY DONALD H. RAINEAR OF PUTNAM ASSOCIATES, L.L.C.

Mr. Rainear updated the Board on our Leachate Treatment Facility, Hurricane Sandy damage and debris removal / disposal, temporary rain cover, the Landfill Gas Expansion Project, the Cumberland County Insurance Commission, and the Landfill Operations Study. Mr. Rainear's Board Report was distributed at the Board Meeting and is also attached hereto for your reference.

Mr. Rainear also mentioned that there was updated information available regarding the Cellmark litigation and he asked our Solicitor, Mr. Saponaro to update the Board regarding same.

Mr. Saponaro stated that he prepared Resolution #2013-005 on today's agenda authorizing a Consent Agreement between Cellmark, Inc. and the CCIA. Basically, one of Mr. Saponaro's predecessors got a judgment (approximately \$25,000) against a company called New Journey Recycling, L.L.C. They were essentially insolvent and had very little assets. The lawsuit was filed by another company called Cellmark, Inc. against New Journey Recycling as well as about 30 other defendants. We were really not a defendant to it, only that we were the other creditors and Cellmark wanted to take priority for it. It was a situation where they were likely going to get priority. About 2/3 of the other third party defendants have entered into similar Consent Agreements. The assets that they found, which are very limited, is going to give Cellmark some priority. In the meantime, it requires them to notify us of anything else that is found and anything that is adverse to the Authority's interests. So, they take the lead in terms of finding any assets. It's a case that's not really worth spending any more litigation fees on. There hasn't been an awful lot out of my Saponaro & Sitzler's Office but it's something that this puts to rest and we don't have to worry about it so much and we will be notified. So, that's the purpose of the resolution. It will effectively end the litigation.

Chairman Kelly mentioned that he read an article in Sunday's Star Ledger and a follow-up article in today's Star Ledger about a Florida-based company who has the contract to clean up all of the storm related debris in Monmouth County. He asked "where are they taking most of that debris?" Mr. Rainear said that some of it was going out-of-state, unfortunately. He said that Jim Rocco was the closest to that situation and could shed further light on the subject. Jim said that the majority of the debris was going to Pennsylvania. They were trucking it right out. They were getting much cheaper rates. Monmouth County had flow control but, they lifted it for C & D debris because they knew they had a lot. Ocean County didn't. Jim stated that he was contacted by "a bunch of haulers" saying they were waiting in line for four (4) hours and they wanted to bring it to us but because of flow control, they

couldn't do it. A brief discussion ensued and Chairman Kelly said that he was just wondering if there was any way that we could benefit from it, since it seems as though New Jersey's waste haulers and landfills are all being bypassed in all of this. The Chairman asked Jim to keep his ears to the ground to see if there's anything that we could benefit from.

RESOLUTIONS

Our Solicitor, George R. Saponaro of Saponaro & Sitzler asked for a motion to proceed by way of a consent agenda with regard to Resolutions #2013-001 through #2013-009.

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

RESOLUTION #2013-001 Adopting the Cash Management Plan

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

WHEREAS, the State of New Jersey requires all governmental bodies to adopt a Cash Management Plan pursuant to N.J.S.A. 40A:5-14; and

WHEREAS, the Authority duly passed and adopted a Cash Management Plan on August 05, 1985; and

WHEREAS, the Authority duly passed and adopted a revised Cash Management Plan on February 01, 1996, and formally approved said plan for each succeeding year thereafter; and

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY, as follows:

1. That the updated Cash Management Plan is hereby adopted and shall be in effect from January 01, 2013, and shall remain in effect until December 31, 2013.
2. That a copy of this plan be forwarded to the designated depositories contained in Section 4 of the Plan.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey on Wednesday, January 16, 2013, at 4:00 p.m. prevailing time.



CUMBERLAND COUNTY IMPROVEMENT AUTHORITY
CASH MANAGEMENT PLAN
Adopted: August 05, 1985
Revised: Every year

1. STATEMENT OF PURPOSE

This Cash Management Plan (the "Plan") is prepared pursuant and subject to the provisions of N.J.S.A. 40A:5-14, et seq., as amended, in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Cumberland County Improvement Authority, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and Permitted Investments will be done to ensure the safety, liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to ensure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

2. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

- A. The Plan is intended to cover the deposit and/or investment of all funds and accounts of the Cumberland County Improvement Authority to include:

Colonial Bank FSB

General Fund

Revenue Account – Landfill

Solid Waste Taxes Account

Petty Cash – Administrative Office

Petty Cash – Solid Waste Complex

Operations and Maintenance (O&M) Account

Payroll Account

Renewable Energy Projects Account

License Agreement Escrow Account

Fulton Bank of New Jersey

Secondary General Surplus

Bank of New York (Trustee, Series 2006 / 2009 Solid Waste Bonds)

Gross Revenue

Authority Revenue

Operating Fund

Bond Service – Interest

Bond Service – Principal

Bond Reserve Fund

Renewal and Replacement – Cell Construction

Renewal and Replacement – Equipment

General Fund

Self-Insurance Fund

TD Bank

Board of Public Utilities (BPU) Closure Escrow

Department of Environmental Protection (DEP) Closure Escrow

Note: pursuant to the closure escrow agreements as promulgated by NJDEP, the Authority “. . . shall have no right to direct the investment of the escrow account funds. Investment shall be directed by the Escrow Agent (TD Banknorth, N.A.)”

State of New Jersey Cash Management Fund

Gross Revenue

Authority Revenue

Operating Fund

Bond Service – Interest

Bond Service – Principal

Bond Reserve Fund

Renewal and Replacement – Cell Construction

Renewal and Replacement – Equipment

General Fund

Self-Insurance Fund

and such other accounts as the Authority may legally establish.

The custodian of the accounts shall be the Accounting Manager / Supervisor. All disbursements shall be made by checks signed by three persons authorized by Resolution of the Authority with the exception of the Petty Cash Funds, which require the signature of the Accounting Manager / Supervisor only.

3. DESIGNATION OF OFFICIALS OF THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY AUTHORIZED TO MAKE DEPOSITS OR INVESTMENTS UNDER THE PLAN

The Accounting Manager / Supervisor (the “Designated Official”) is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such official of the Cumberland County

Improvement Authority, with the approval of the Executive Director, is directed to supply all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

4. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

Colonial Bank FSB
Fulton Bank of New Jersey
Bank of New York
TD Bank
State of New Jersey Cash Management Fund

In addition, the Authority, by Resolution may designate such other and/or additional financial institution as official depositories provided that any New Jersey bank must be covered by the New Jersey Governmental Unit Deposit Protection Act (GUDPA).

All such depositories shall acknowledge in writing receipt of this plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section 3 above.

5. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Cumberland County Improvement Authority referred to in this Plan may deal for purposes of buying and selling securities identified in this Plan as Permitted Investments or otherwise providing for Deposit, to wit, any member of the New York Stock Exchange (NYSE), American Stock

Exchange (ASE), National Association of Securities Dealers (NASD), provided all transactions are executed in the delivery vs. payments form between the brokerage firm or dealer and Cumberland County Improvement Authority's designated custodian. All such brokerage firms and/or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section 3 above.

6. PERMISSIBLE INVESTMENTS

A. Investments shall be limited by the express authority of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-15.1 and except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America and/or bonds or other obligations of the State of New Jersey or any of its political subdivisions provided that said bond or obligation is a legally authorized investment;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the

Division of Investment of the Department of Treasury for investment by Local Units;

- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L. 1977, c. 281 (C 52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - a. the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection;
 - b. the custody of collateral is transferred to a third party;
 - c. the maturity of the agreement is not more than 30 days;
 - d. the underlying securities are purchased through a public depository as defined in Section 1 of P.L. 1970, c. 236 (C. 17:19-41); and
 - e. a master repurchase agreement providing for the custody and security of collateral is executed.

For purpose of the above language, the terms “government money market mutual fund” and “local government investment pool” shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange

Commission under the "Investment Company Act of 1940", 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7;

- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and,
- (c) which is rated by a nationally recognized statistical rating organization.

Local Government Investment Pool. An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- (b) which is rated in the highest category by a nationally recognized statistical rating organization;
- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- (d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (c.52: 14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that are subject to high price volatility with changing market

conditions, cannot reasonably be expected at the time of interest rate adjustment, to have market value that approximates their par value; or utilize an index that does not support a stable net asset value; and,

- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchases or redemption, has been registered continuously for a period of at least two years pursuant to Section 9 of P.L. 1967 c.9 (C49:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government Securities.

7. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Cumberland County Improvement Authority, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Cumberland County Improvement Authority to assure that there is no unauthorized use of the funds or the Permitted Investments of Deposits. Purchase of any Permitted Investments that involve Securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Cumberland County Improvement Authority or by a third party custodian prior to or upon the release of the Cumberland County Improvement Authority funds.

To assure that all parties with whom the Cumberland County Improvement Authority deals either by way of Deposits or Permitted Investments are aware of the authority and the limits sets forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

8. REPORTING REQUIREMENTS

At least monthly at a public meeting of the Authority, the Designated Official(s) referred to in Section 3 hereof shall supply to the Board of the Cumberland County Improvement Authority a report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Cumberland County Improvement Authority as a Deposit or a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the Board of the Cumberland County Improvement

Authority.

The report shall include all monthly trustee and other bank statements containing the required information.

9. TERM OF PLAN

This Plan shall be in effect from January 01, 2013 to December 31, 2013. Attached to this Plan is a resolution adopted by the Board of the Cumberland County Improvement Authority approving this Plan for such a period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Board of the Cumberland County Improvement Authority, the Designated Official(s) is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

ADOPTED: January 16, 2013

RESOLUTION #2013-002 Authorizing the Cumberland County Improvement Authority to Utilize the Cumberland County Cooperative Contract Purchasing System, Identifier #181-CCCCPS, for Office Supplies

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

WHEREAS, N.J.S.A. 40A:11-11(6) authorizes contracting units to participate in the Cumberland County Cooperative Contract Purchasing System; and

WHEREAS, Cumberland County, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Contract Purchasing System for the Supply and Delivery of Office Supplies; and

WHEREAS, there was a Request for Bids by the Lead Agency for the Supply and Delivery of Office Supplies for itself and for the Cumberland County Cooperative Contract Purchasing System, Identifier #181-CCCCPS; and

WHEREAS, the Cumberland County Board of Chosen Freeholders, acting as the Lead Agency, awarded the open-ended contract for the Supply and Delivery of Office Supplies to

W.B. Mason, on December 27, 2012, by Resolution #2012-673; and

WHEREAS, it is the desire of the Cumberland County Improvement Authority to participate in this arrangement.

NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY, as follows:

1. That the Cumberland County Improvement Authority is authorized to utilize the Cumberland County Cooperative Contract Purchasing System, Identifier #181-CCCCPS, contract awarded to W.B. Mason Company, 59 Centre Street, Brockton, Massachusetts 02303, for the Supply and Delivery of Office Supplies at the established prices.
2. That the contract is effective January 01, 2013 through December 31, 2014. The contract identifies unit prices for approximately two hundred sixty (260) core items commonly used in an office environment. Those unit prices are fixed for the period of January 01, 2013 through December 31, 2014. The contractor has the right to request a price adjustment for those items for the period of January 01, 2013 through December 31, 2014. Should the contractor request and the County approve a price adjustment for that period, participating entities would be notified of the adjustment.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey on Wednesday, January 16, 2013, at 4:00 p.m. prevailing time.

RESOLUTION #2013-003 Approval of Change Order Numbers 7, 8, 9, & 11 to the Contract with Dynatec Systems, Inc. to Design, Furnish, and Install a Leachate Treatment System at the Cumberland County Solid Waste Complex

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

WHEREAS, Dynatec Systems, Inc. and the Cumberland County Improvement Authority (the “Authority”) duly entered into a Contract dated August 17, 2011; and

WHEREAS, the need has arisen to issue four (4) Change Orders to the Contract resulting in an increase to the Contract amount as follows:

<u>Reason for Change</u>	<u>Increase/(Decrease) in Contract Amount</u>
Change Order No. 7 – Cost to install and wire alternating relays and adjustable (operating-programmable) 24 hour timer in one (1) of the blower soft start enclosures.	\$3,600.00
Change Order No. 8 - Cost to provide various chemicals and	\$4,665.00

biocide for the new Pre-Treatment System.	
Change Order No. 9 - Cost to provide laboratory equipment for the operation of the new Pre-Treatment System.	\$11,543.35
Change Order No. 11 – Cost to provide a two (2) duplex, 6 inch (6”) strainers and four isolation valves. (This is not the install price)	\$10,900.00
Total Amount of Change Orders	\$30,708.35
Total Amount of All Change Orders to Date	(\$39,646.65)

WHEREAS, Dynatec Systems, Inc. and the Authority through their designated representatives, have negotiated an increase in said contract in the amount of \$30,708.35.

NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY as follows:

1. The Chairman of this Authority is hereby authorized and directed to execute Change Order Numbers 7, 8, 9 & 11 between Dynatec Systems, Inc. and the Authority in the form on file with the Secretary of the Authority.
2. That said Change Order shall be charged to Line Item Appropriation or Account Numbers 2-02-00-251-806 and 3-02-00-251-806 to be provided for and reimbursed from Closure Escrow funds.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey, on Wednesday, January 16, 2013 at 4:00 p.m. prevailing time.

RESOLUTION #2013-004 Approval of Work Assignment No. 2 to the Contract with SCS Engineers for 2013 Professional Engineering Services Pertaining to Title V Air Permit and New Source Performance Standards (NSPS) Monitoring, Reporting, and Compliance Services, and Landfill Gas Services

MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon Approved by a 4 – 0 vote as Mr. Veight was absent.

WHEREAS, On November 28, 2012, the Cumberland County Improvement Authority Board approved Resolution #2012-078 Awarding a Contract Through the Fair and Open Process to SCS Engineers for the 2013 Professional Engineering Services Pertaining to Title V Air Permit and New Source Performance Standards (NSPS) Monitoring, Reporting, and Compliance Services, and Landfill Gas Services; and

WHEREAS, in accordance with Resolution #2012-078, SCS Engineers has submitted

budgetary costs for the following tasks identified as Work Assignment No. 2:

TASK	DESCRIPTION	BUDGETARY COST
1	Design Phase VI Expansion of the Landfill Gas System	\$16,364.00
2	Bidding Assistance	\$3,818.00
3	Construction Engineering	\$39,269.00
	Total Work Assignment No. 2	\$59,451.00

WHEREAS, Staff has reviewed the budgetary costs and has determined that they are reasonable.

NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY, as follows:

1. That this Authority hereby authorizes Work Assignment No. 2 to the contract between SCS Engineers and this Authority in the form on file with the Secretary of the Authority.
2. Said costs shall be charged to Line Item Appropriation or Account Number 3-02-00-261-807 provided for, and reimbursed from Closure Escrow funds.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey on Wednesday, January 16, 2013 at 4:00 p.m. prevailing time.

RESOLUTION #2013-005 Authorizing a Consent Agreement between Cellmark, Inc. and the Cumberland County Improvement Authority

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

WHEREAS, the Cumberland County Improvement Authority was named as one (1) of many judgment-creditor, third-party defendants in the matter of Cellmark, Inc. v. Cumberland County Improvement Authority, et al., Docket Number MID-C-171-12; and

WHEREAS, in an effort to limit legal fees, a settlement has been reached between the Solicitor for the Authority and Plaintiff’s Counsel; and

WHEREAS, a Consent Order has been fully prepared in this matter and is to be signed by the Solicitor for the Authority and Plaintiff’s Counsel; and

WHEREAS, the Board of the Cumberland County Improvement Authority wishes to authorize the Authority’s Solicitor to settle the lawsuit by executing the Consent Order; and

WHEREAS, the Agreement requires Cellmark to notify the Authority in the event other assets of the debtor are located, thereby providing the Authority the ability to collect its debt.

NOW, THEREFORE BE IT RESOLVED BY THE CUMBERLAND IMPROVEMENT AUTHORITY, as follows:

1. The Authority's Solicitor and the Chairman of this Authority are authorized and directed to execute the aforementioned Consent Order.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey on Wednesday, January 16, 2013 at 4:00 p.m. prevailing time.

SEE ATTACHMENT TO RESOLUTION #2013-005:

CONSENT ORDER AS TO STIPULATION & STIPULATION OF DISMISSAL WITH PREJUDICE PURSUANT TO RULE 4:37-1(B) AS TO DEFENDANT CUMBERLAND COUNTY IMPROVEMENT AUTHORITY

RESOLUTION #2013-006 Authorizing the Cumberland County Improvement Authority to Execute a New Contract to Discharge Treated Leachate to the Cumberland County Utilities Authority

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

WHEREAS, the Cumberland County Improvement Authority (Authority) and the Cumberland County Utilities Authority have negotiated a new "Volume Waste Hauler Agreement" to reflect the higher quality treated leachate produced by the Authority's New Treatment System; and

WHEREAS, the Improvement Authority will be charged a fixed rate of \$0.015 / gallon from the execution date of the contract through December 31, 2013; and

NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY, as follows:

1. The Chairman of this Authority is hereby authorized to enter into said agreement and execute such documents as shall be necessary as set forth in this resolution.

Passed and adopted at a meeting of the Cumberland County Improvement Authority at its offices located at 2 N. High Street, Millville, New Jersey on Wednesday, January 16, 2013, at 4:00 p.m. prevailing time.

SEE ATTACHMENTS TO RESOLUTION #2013-006:

VOLUME WASTE HAULER AGREEMENT BETWEEN THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY AND THE CUMBERLAND COUNTY UTILITIES AUTHORITY

CUMBERLAND COUNTY UTILITIES AUTHORITY RESOLUTION #2532

RESOLUTION #2013-007 Awarding Contract for Professional Services Pursuant to the Fair and Open Process for Solicitor to Saponaro & Sitzler

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

WHEREAS, pursuant to the Fair and Open Process, on November 07, 2012, the Cumberland County Improvement Authority received, publicly opened, and read Qualifications for Solicitor for the Cumberland County Improvement Authority; and

WHEREAS, qualifications were received from three (3) firms as follows:

1. Archer & Greiner, P.C., One Centennial Square, Haddonfield, New Jersey 08033
2. Long Marmero & Associates, L.L.P., 98 N. Pearl Street, Bridgeton, New Jersey 08302
3. Saponaro & Sitzler, 98 N. Pearl Street, Bridgeton, New Jersey 08302

WHEREAS, the qualifications submitted were evaluated in accordance with the criteria set forth in the Request for Qualifications; and

WHEREAS, it was determined that, after such evaluation of the qualifications, Saponaro & Sitzler was the most qualified firm meeting all the requirements of the Request for Qualifications and shall be appointed as Solicitor for the Authority; and

NOW THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY, as follows:

1. The Chairman of this Authority is hereby authorized and directed to execute the agreement filed with the Secretary and with Saponaro & Sitzler to provide Legal Services for the Cumberland County Improvement Authority for the period January 01, 2013 through December 31, 2013. Compensation shall be based on the proposed fee schedule.
2. That said contract shall be charged to Line Item Appropriation or Account Number 3-02-20-005-555.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey on Wednesday, January 16, 2013, at 4:00 p.m. prevailing time.

PAYMENT OF BILLS

RESOLUTION #2013-008 Approval of Issuing Checks for Payments as Submitted for the Month

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

RESOLVED, by the Members of the Cumberland County Improvement Authority, that the bills presented at this meeting, per the detailed list attached, amount to \$231,217.78 and the same are hereby approved and passed by this Board of the Cumberland County Improvement Authority be and is hereby authorized and directed to issue Authority checks in payment of same.

RESOLUTION #2013-009 Recognizing Payments for Purchases Made Under State Contract

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

WHEREAS, the Authority has duly passed and adopted Resolution #2012-091, Authorizing the Cumberland County Improvement Authority to purchase materials according to the terms of pertinent State Contracts, according to N.J.S.A. 40A:11-12; and

WHEREAS, the Authority has passed and adopted Resolution #2013-008 Approval of Issuing Checks for Payments as submitted for the month, which includes payments for purchases made pursuant to N.J.S.A. 40A:11-12.

NOW, THEREFORE BE IT RESOLVED BY THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY as follows:

1. That the attached list of payments are for purchases made pursuant to Authority Resolution #2012-091 and N.J.S.A. 40A:11-12, and are hereby recognized and acknowledged.

Passed and adopted at a meeting of the Cumberland County Improvement Authority held at its offices located at 2 N. High Street, Millville, New Jersey, on Wednesday, January 16, 2013, at 4:00 p.m. prevailing time.

TREASURER'S REPORT BY MARY TRIBOLETTI

Tonnage

12,778 Tons were brought into the Solid Waste Complex for the month of December. In-county tons received decreased by 1,368 and out-of-county tons received decreased by 861. This represents a net decrease of 2,229 over December of last year.

The 2012 Budget was based on the receipt of an estimated 150,000 tons. Year-to-date, a total of 166,300 tons were received, which is 6,359 tons ahead of last year.

General Fund

The use or replenishment of monies in the General Fund is calculated using the cascade equation run upon the close of the month. There was a net decrease in the General Fund of \$1,266,954 primarily due to the cash flow effect of construction payments for the Leachate Treatment Facility. The balance in the General Fund at month's end was \$9,885,647.

Cash and Investments

Interest earned on the local and Trustee Accounts for the month amounted to \$4,008 as noted on the Schedule of Bank Account balances.

Operations Summary

Landfill operations generated revenues of \$935,684 which included tipping fees of \$820,241, methane gas receipts of \$40,229, and revenues from other landfill activities of \$75,214. Total revenues of \$965,991, less total expenses for the month of \$683,444 resulted in a net excess of \$282,547.

STAFF REPORTS

Staff Reports were included in the Board Packets. Several Staff Members were present to answer any questions.

OLD BUSINESS

There was no old business discussed at this time.

NEW BUSINESS

There was no new business discussed at this time.

FREEHOLDER LIAISON REMARKS

Freeholder Derella attended the meeting but had no comments at this time, other than he was glad to be back. Chairman Kelly congratulated and welcomed him as our Liaison.

PRIVATE SESSION

Chairman Kelly asked, and the Board and the Management Consultant agreed, that there was no need for Private Session this evening.

OPEN PUBLIC SESSION

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

There were no members of the public wishing to address the Board at this time.

CLOSE PUBLIC SESSION

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**

ADJOURNMENT

**MOTION – MADE/Mr. Velez – SECONDED/Mr. Nedohon
Approved by a 4 – 0 vote as Mr. Veight was absent.**