

AGENDA
CUMBERLAND COUNTY UTILITIES AUTHORITY
NOVEMBER 19, 2012
4:30 P.M.

1. CALL TO ORDER
2. ANNOUNCEMENT THAT ADEQUATE NOTICE OF THIS MEETING WAS PROVIDED IN ACCORDANCE WITH CHAPTER 231, P.L. 1975 (THE OPEN PUBLIC MEETINGS ACT)
3. FLAG SALUTE
4. ROLL CALL
5. MOTION TO OPEN THE MEETING TO THE PUBLIC FOR THE PURPOSE OF PRESENTING QUESTIONS OR COMMENTS RELATIVE TO THE PROPOSED 2013 BUDGET
6. MOTION TO CLOSE THE PUBLIC HEARING ON THE 2013 BUDGET
7. MOTION TO RETURN TO REGULAR MEETING
8. MINUTES OF REGULAR MEETING OF OCTOBER 18, 2012
9. REPORTS
 - A. DIRECTOR
 - B. ENGINEER
 - C. AUDITOR
 - D. GENERAL COUNSEL
 - E. COMMITTEES
 - (1) COMMUNITY RELATIONS – Commissioner A. Edwards
 - (2) EMPLOYEE RELATIONS – Vice-Chairman Jones
 - (3) FACILITIES EXPANSION/CONSTRUCTION - Commissioner Olbrich
 - (4) FINANCE AND BUDGET – Commissioner Wasserman
 - (5) INDUSTRIAL WASTE - Commissioner Crilley
 - (6) INSURANCE – Commissioner Friedman
 - (7) OPERATIONS - Commissioner Boutros
 - (8) AD HOC – Commissioner Begley
10. RESOLUTIONS
 - A. RESOLUTION AUTHORIZING AMENDMENTS TO THE SEWER USE RULES AND REGULATIONS AND EXHIBIT B
 - B. RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY THROUGH GOVDEALS
 - C. RESOLUTION OF THE CUMBERLAND COUNTY 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)
 - D. RESOLUTION OF THE CUMBERLAND COUNTY UTILITIES AUTHORITY DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS PARTICIPATION IN THE 2012-2013 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM
 - E. RESOLUTION TO APPROVE BID SPECIFICATIONS AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE FY 2013 TREATMENT PLANT UPGRADES
 - F. RESOLUTION TO AMEND THE CUMBERLAND COUNTY USER SERVICE AGREEMENT
11. TREASURER'S REPORT
 - A. CASH POSITION OF THE AUTHORITY
 - B. RESOLUTION APPROVING AND AUTHORIZING PAYMENT OF CERTAIN OPERATING ACCOUNT VOUCHERS
12. CHAIRMAN'S REMARKS
13. OPEN FLOOR FOR COMMENTS OF COMMISSIONERS
14. PUBLIC PORTION
15. ADJOURNMENT

A RESOLUTION TO AMEND CUMBERLAND COUNTY
USER SERVICE AGREEMENT

WHEREAS, the Cumberland County Utilities Authority adopted Sewer Use Rules and Regulations on November 16, 1978; and

WHEREAS, the Authority is in the process of amending the Sewer Use Rules Regulations in order to revise the method of calculating Sewer Use charges to make them more uniform and equitable for all users; and

WHEREAS, the Authority's Rules and Regulations require that all customers enter into a Service Agreement with the Authority, which agreement sets forth each party's responsibilities and rights; and

WHEREAS, the Commissioners, Director and General Counsel of the Cumberland County Utilities Authority reviewed the Service Agreements between the Authority and its Users and determined that they needed to be revised to reflect the new method of calculating charges; and

WHEREAS, General Counsel drafted uniform Service Agreements incorporating the new method of calculation; and

WHEREAS, after receiving the revised Agreement authorized by Resolution 2501 on September 20, 2012, the County of Cumberland requested a revision to Section 403 requesting any legal action between the parties commence in Cumberland County Superior Court; and

WHEREAS, General Counsel modified Section 403 of the User Agreement with the County of Cumberland to include such language; and

WHEREAS, the Commissioners of the Authority desire that the amended Service Agreement between the Authority and the County of Cumberland be executed and become effective January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority to approve the amended Service Agreement between the Authority and the County of Cumberland with the modification set forth above and authorize the execution of the Service Agreement by the Chairman and Secretary of the Authority, to be effective January 1, 2013.

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority's Administration Building, 333 Water Street, Bridgeton, New Jersey, on Monday afternoon, November 19, 2012 at 4:30 p.m. prevailing time.

DATED: November 19, 2012, 2012

A RESOLUTION AUTHORIZING AMENDMENTS TO THE SEWER
USE RULES AND REGULATIONS, ARTICLE IX AND EXHIBIT B

WHEREAS, the Cumberland County Utilities Authority adopted Sewer Use Rules and Regulations on November 16, 1978; and

WHEREAS, by Resolution of the Authority, said Rules and Regulations have been revised periodically and were last amended on January 19, 2012; and

WHEREAS, a public hearing was held on July 19, 2012 to review proposed changes to the Sewer Use Rules and Regulations, Article IX; and

WHEREAS, the proposed revisions to Article IX sets forth billing methods based on flow, providing uniformity of billing; and

WHEREAS, amendments to Exhibit B, User Rate Structure of the Sewer Use Rules and Regulations are needed to implement the revision of Article IX; and

WHEREAS, it is the determination of the Authority to amend the Sewer Use Rules and Regulations as outlined above.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority as follows:

1. That the CCUA Commissioners do approve the amended Sewer Use Rules and Regulations which are attached hereto and made a part hereof.
2. That the Sewer Use Rules and Regulations as amended shall become effective January 1, 2013.

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority's Administration Building, 333 Water Street, Bridgeton, New Jersey, on Monday afternoon, November 19, 2012 at 4:30 p.m. prevailing time.

DATED: November 19, 2012

RESOLUTION OF THE CUMBERLAND COUNTY 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)

WHEREAS, the Cumberland County Utilities Authority (the "Authority"), desires to make application to the Local Finance Board for its review of a proposed resolution authorizing the financing of various improvement through the 2012-13 New Jersey Environmental Infrastructure Trust Financing Program;

WHEREAS, the Authority believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

BE IT RESOLVED BY THE CUMBERLAND COUNTY UTILITIES AUTHORITY (the "Authority"), as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Authority's Bond Counsel, along with other representatives of the Authority, are hereby authorized to prepare such application and to represent the Authority in matters pertaining thereto.

Section 2. The Secretary of the Authority is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings and/or recommendations as provided by the applicable New Jersey Statute.

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority's Administration Building, 333 Water Street, Bridgeton, New Jersey, on Monday, afternoon, November 19, 2012 at 4:30 p.m. prevailing time.

DATED: November 19, 2012

RESOLUTION TO APPROVE BID SPECIFICATIONS
AND AUTHORIZING ADVERTISEMENT FOR BIDS FOR
FY 2013 TREATMENT PLANT UPGRADES

WHEREAS, the Authority's Director and Engineer have prepared and submitted, at this meeting, certain Specifications for the FY 2013 Treatment Plant Upgrades, as more fully appears in said Specifications; and

WHEREAS, the Commissioners of the Cumberland County Utilities Authority approve said Specifications.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority as follows:

1. That the aforesaid Specifications referred to in the preamble of this Resolution, prepared and submitted by the Director and Engineer, be and the same are hereby approved.
2. That this Authority advertise for and accept bids for the FY 2013 Treatment Plant Upgrades, as set forth in said Specifications, at the earliest possible date.
3. That the Secretary of this Authority prepare all necessary advertising for bids in a form satisfactory to the approval by the General Counsel of this Authority.

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority's Administration Building, 333 Water Street, Bridgeton, New Jersey, on Monday afternoon, November 19, 2012 at 4:30 p.m. prevailing time.

DATED: November 19, 2012

**RESOLUTION OF THE CUMBERLAND COUNTY UTILITIES AUTHORITY
DECLARING ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR
PROJECT COSTS FROM THE PROCEEDS OF DEBT OBLIGATIONS IN
CONNECTION WITH ITS PARTICIPATION IN THE 2012-2013 NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM**

WHEREAS, the Cumberland County Utilities Authority (the "Borrower") intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the "Project");

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds;

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$2,100,000.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

Passed and adopted at the regular meeting of the Cumberland County Utilities Authority, held at the Authority's Administration Building, 333 Water Street, Bridgeton, New Jersey, on Monday afternoon, November 19, 2012 at 4:30 p.m. prevailing time.

DATED: November 19, 2012

Note: must advertise sale of surplus property in newspaper & on website.

A RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS
PROPERTY THROUGH GOVDEALS

WHEREAS, the Cumberland County Utilities Authority is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Commissioners are desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority as follows:

1. The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Commissioners of the Cumberland County Utilities Authority,
2. The sale will be conducted online and the address of the auction site is govdeals.com.
3. The sale is being conducted pursuant to Local Finance Notice 2008-9.
4. A list of the surplus property to be sold is as follows:
 - Savin4035 Esp Copier
 - Lexmark Optra M412 & toner
 - Tascam CC-222 MkIII Tape and CD mic recorder
 - Sony Monitor Trinitron E400
 - Halo shallow fluorescent light
 - Cross country ski machine
 - Motor 15HR
 - Motor w/electric break Baldor/Sterns Break 2HP/3 Phase
 - Ice Machine
 - US Motor 10 HP w/ Clockwise impeller no volute
 - US Motor 10HP/w/Counter clockwise impeller no volute
 - Myers Submersible pump
 - Reliance feed pump 10HP 1750 RPM (2)
 - Old camera & parts
5. The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
6. The Cumberland County Utilities Authority reserves the right to accept or reject any bid submitted.

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DATED: November 19, 2012