

AGENDA  
CUMBERLAND COUNTY UTILITIES AUTHORITY  
JUNE 16, 2011

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
6. MINUTES OF REGULAR MEETING OF MAY 19, 2011
7. 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 – Commissioner Olbrich
    - (4) FINANCE AND BUDGET – Commissioner Hill
    - (5) INDUSTRIAL WASTE - Commissioner Friedman
    - (6) INSURANCE – Commissioner T. Edwards
    - (7) OPERATIONS - Commissioner Wasserman
    - (8) AD HOC – Commissioner Boutros
8. RESOLUTIONS
  - A. RESOLUTION TO AMEND THE CRACK/JOINT & RESURFACING OF CLARIFIER FLOOR CONTRACT TO INCLUDE A CHANGE ORDER
  - B. RESOLUTION OF THE SERIES 2011 LOCAL UNIT PARTICIPATING IN THE **CUMBERLAND COUNTY IMPROVEMENT AUTHORITY'S** SERIES 2011 RENEWABLE ENERGY PROGRAM, AND AUTHORIZING THE AUTHORITY, IF ANY, TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF THE PARTICIPATING LOCAL UNIT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF CUMBERLAND GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS, SERIES 2011 (FEDERALLY TAXABLE), IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$75 MM AND THE RENEWABLE ENERGY PROJECT FINANCED THEREBY
9. TREASURER'S REPORT
  - A. CASH POSITION OF THE AUTHORITY
  - B. RESOLUTION APPROVING AND AUTHORIZING PAYMENT OF CERTAIN OPERATING ACCOUNT VOUCHERS
  - C. RESOLUTION OF THE CUMBERLAND COUNTY UTILITIES AUTHORITY AUTHORIZING PAYMENT OF CERTAIN COSTS AND EXPENSES FROM THE CUA NJEIT 2010 CONSTRUCTION FUND
10. CHAIRPERSON'S REMARKS
11. MOTION FOR EXECUTIVE SESSION
12. OPEN FLOOR FOR COMMENTS OF COMMISSIONERS
13. PUBLIC PORTION
14. ADJOURNMENT

REGULAR MEETING  
CUMBERLAND COUNTY UTILITIES AUTHORITY  
June 16, 2011

The Cumberland County Utilities Authority (CCUA) held its Regular Monthly Meeting on Thursday, June 16, 2011 in the Meeting Room of the Operations Building, 333 Water Street, Bridgeton, New Jersey.

Representing the CCUA:  
Nancy Sungenis, Chairperson  
Albert Jones, Vice Chairman  
Sam Boutros, Commissioner  
Angelia Edwards, Commissioner  
Harvey Friedman, Commissioner  
Kenneth Hill, Commissioner  
Donald Olbrich, Commissioner  
Keith Wasserman, Commissioner  
Steve Testa, Auditor  
James Quinn, Treasurer  
Ronald Curcio, Engineer  
Robert O'Donnell, General Counsel  
Thelma D.Scott, Secretary  
Theodore Propert, Director  
Michael Fernandez, Deputy Director  
Robert Rose, Public Relations  
Sandy Acevedo, Business Administrator  
Patti McAllister, Assistant Secretary/Treasurer

Chairperson Sungenis called the meeting to order, announced that adequate notice of this meeting has been given in accordance with Chapter 231, P.L. (THE OPEN PUBLIC MEETING ACT) and led in the flag salute.

Secretary Scott called the roll and a quorum was present. Commissioner Todd Edwards is noted as an excused absence.

Chairperson Sungenis called for a motion to approve the minutes of the Regular Monthly Meeting of May 19, 2011. It was motioned by Commissioner Don Olbrich and seconded by Commissioner Keith Wasserman.

## **REPORTS**

### **Director**

Director Propert submitted the May Discharge Monitoring Report (DMR) for inclusion in the minutes of this meeting. He stated that all parameters were met for the month of May.

Director Propert stated, in following up last months meeting with the CCIA, the new Hauler Agreement has been completed and the Authority has been accepting four loads per day and two loads on the weekends since May 23<sup>rd</sup>. The loads have been staggered over 24 hour periods with no ill effects on plant operation so far. This demonstrates CCUA's continued efforts for operational efficiency and cost reduction for the Authority and it's Users.

Mr. Propert noted that Perna Finnigan started working on the Upper Deerfield Force Main Replacement Project this week and that construction is scheduled to begin the end of this month.

He further reported that the baffles for the North Secondary Clarifier have been delivered and will be installed next month.

The Employee Relations Committee met last week to discuss upcoming negotiations with the hourly employees. Mr. Propert noted that another meeting with the Employee Representatives is scheduled for tomorrow at 1:00 pm.

During discussions with the Facilities Expansion Committee, last week, approval was given concerning Resolution "A" on the agenda this evening. The engineer's recommendations for this beneficial change is included in the Commissioner's package.

Mr. Propert further stated that Resolution "B" is to adopt a Cumberland County Improvement Authority Resolution, to enter into a countywide Renewable Energy Program.

Continuing his report, Mr. Propert stated that it was recently discovered that six (6) connection fees for the Twin Oaks Development had not been paid for. Four of the units appear to be occupied and two for sale. Patti has been working with the City of Bridgeton to collect the \$15,798 in unpaid Connection Permit Fees.

Mr. Propert further reported that the Authority has wrapped up its spring land application at Cumberland Nurseries and will be taking the sludge to GCUA and Ash Lane until later this summer.

He also reported that the Authority would be following up with Bona Vita, on their Notice of Violation, next week. There still has been no word on their operator replacement and the Authority has increased the frequency of monitoring.

Mr. Propert stated that a draft has been developed on a revised lab operations plan. At a minimum, the Authority should be able to further reduce the frequency of some of the more time consuming tests (BOD), with the installation of a new influent sampler, which has been ordered. Also, the Authority is looking into contracting out compliance samples for nitrate and ammonia, and purchasing simpler test kits for the process control testing for these parameters. Although the kits do not do not provide the level of precision needed for compliance reporting, they should be accurate enough for process control. They will be usable by operators and eliminate the time-consuming steps needed to run these tests that are required for compliance reporting accuracy.

In conclusion, Mr. Propert reported that with the County now the lead agency, a public hearing was held the beginning of April concerning the Wastewater Management Plan. Responses from DEP to comments, at the hearing, imply that they have already decided on what the plan is, without the local plan even being submitted yet.

Commissioner Olbrich asked Director Propert how the change order in Resolution "A" would affect the cost of the project. Mr. Propert stated that even though the added repairs would increase the project by \$6,990.00, for a total of \$42,680.00, this amount is far less than the anticipated \$80,000 that was budgeted for the project.

**Engineer**

Mr. Curcio reported Perna & Finnigan started work on the Upper Deerfield Force Main project on Monday of this week. Their plan is a 12 to 14 week construction schedule, beginning on the south end of the project and working back toward the center of the City.

Mr. Curcio also reported that J.P. Smith Contractors have completed the Clarifier rehabilitation and coating work. Upon his inspection and recommendations, a change order was made to fix the perimeter joint between the clarifier walls and bottom. Further, it is the Engineer's recommendation

that the Authority approves the Change Order submitted for this repair, in the amount of \$6,990.00, on tonight's agenda. Final payment application will be submitted next month for Authority approval.

In conclusion, Mr. Curcio stated that South Jersey Gas Company has begun the remedial soil excavation around the Authority's Force Main Infrastructure on Vine Street. They will be monitoring this work, which started today and will take approximately one week to complete.

**Auditor**

Mr. Testa reported that he has been compiling information necessary to prepare the Authority's Secondary Market Disclosure Report, but has not yet received all the needed information. As reported at last month's meeting, the report updates the economic and demographic information of the City of Bridgeton and the Township of Upper Deerfield that was included in the Authority's last official statement issued in connection with the Series 2006A and 2006B Bond Issues. Once all the information is received, the Report will be forwarded to the Trustee and will be sent by them, together with the previously submitted year 2010 Audit Report, to the national repository that collects updated information on all bond issuers. This is due by June 30<sup>th</sup>.

Mr. Testa further stated that they prepared and sent to Director Propert, the updated calculation of the Authority's maximum allowable Connection Fee as of December 31, 2010, in accordance with the Statutes (NJSA, 40:14B-22). The calculation resulted in a maximum allowable connection fee of \$2,768.00. The Authority's current connection fee is \$2,633.00.

**General Counsel**

Mr. O'Donnell reported that he had a telephone conference with Director Propert and the Director of the Board of Chosen Freeholders, Bill Whelan regarding medical insurance coverage. A copy of the correspondence is included in the Commissioner's packages. He recommends that the Employee Relations Committee meet to address the issue.

Mr. O'Donnell further stated that he reviewed the proposed resolution from the Cumberland County Improvement Authority with regard to solar energy and found the same acceptable.

In conclusion, he stated that he was available for any questions and concerns from the Staff and Commissioners.

**Committees**

The Employees Relations Committee met on June 14<sup>th</sup> and the minutes of the meeting are in the Commissioners packages.

**RESOLUTIONS**

RESOLUTION (2409) TO AMEND THE CRACK/JOINT & RESURFACING OF CLARIFIER FLOOR CONTRACT TO INCLUDE A CHANGE ORDER, offered by Commissioner Albert Jones and seconded by Commissioner Angelia Edwards, carried unanimously at roll call.

RESOLUTION (2410) OF THE SERIES 2011 LOCAL UNIT PARTICIPATING IN THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY'S SERIES 2011 RENEWABLE ENERGY PROGRAM, AND AUTHORIZING THE AUTHORITY, IF ANY, TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF THE PARTICIPATING LOCAL UNIT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF CUMBERLAND GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS, SERIES 2011 (FEDERALLY TAXABLE), IN AN AGGREGATE PRINCIPAL

AMOUNT NOT TO EXCEED \$75 MM AND THE RENEWABLE ENERGY PROJECT FINANCED THEREBY, offered by Commissioner Don Olbrich and seconded by Commissioner Kenneth Hill, carried unanimously at roll call.

**Treasurers Report**

Revenue Account	\$	1,614,064.88
Operating Account		569,710.04
Petty Cash		500.00
Sensor Account		6,198.63
General Account		18,337.87
Plant Reconstruction/Replacement		2,147,301.85
Trust Account		2,336,186.81
Total Cash Position	\$	6,719,300.08

Treasurer Quinn reported that the bills submitted for payment today for the Operating Account total \$173,071.65. The Authority Chairperson and Secretary have checked the vouchers. The Operating Account has sufficient funds to cover these checks and he recommends approval of Resolution "B". He further reported that for the first five months of 2011, expenses have exceeded revenue by \$185,516.09.

RESOLUTION (2411) APPROVING AND AUTHORIZING PAYMENT OF CERTAIN OPERATING ACCOUNT VOUCHERS, offered by Commissioner Albert Jones, seconded by Commissioner Angelia Edwards and carried unanimously at roll call.

RESOLUTION (2412) OF THE CUMBERLAND COUNTY UTILITIES AUTHORITY AUTHORIZING PAYMENT OF CERTAIN COSTS AND EXPENSES FROM THE CCUA NJEIT 2010 CONSTRUCTION FUND, offered by Commissioner Angelia Edwards and seconded by Commissioner Keith Wasserman, carried unanimously at roll call.

**Chairperson's Remarks**

Chairperson Sungenis thanked Freeholder Carl Kirsten for attending the meeting.

Chairperson Sungenis also thanked Director Propert and the staff for having received an 8th Governor's Award, for ten years of no lost time accidents. This is a very notable commendation.

She also stated that the Authority received a Certificate of Appreciation from the Salvation Army expressing their thanks for the bicycle and helmet donations at Christmas

**Commissioners**

There were no comments.

**Public Portion**

Freeholder Kirsten stated that he was glad that he was able to attend the meeting. He further noted that the health insurance letter was sent out to all county agencies, not just the Authority, due to the fact they are trying to address the budget. He stated that the Freeholders would appreciate whatever can be done to cut costs.

Chairperson Sungenis asked for a motion to adjourn, which was duly made by Commissioner Don Olbrich.

The next regular Monthly Meeting of the Cumberland Counties Utilities Authority will be held Thursday, July 21, 2011 in the Public Meeting Room of the Operations Building, 333 Water Street, Bridgeton, New Jersey at 4:30 pm.

Respectfully submitted,

Thelma D.Scott, Secretary

**RESOLUTION OF THE SERIES 2011 LOCAL UNIT PARTICIPATING IN  
THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY'S SERIES 2011  
RENEWABLE ENERGY PROGRAM, AND AUTHORIZING THE AUTHORITY, IF  
ANY, TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS  
AND APPROVALS ON BEHALF OF THE PARTICIPATING  
LOCAL UNIT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF  
CUMBERLAND GUARANTEED RENEWABLE ENERGY PROGRAM LEASE  
REVENUE BONDS, SERIES 2011 (FEDERALLY TAXABLE), IN AN AGGREGATE  
PRINCIPAL AMOUNT NOT TO EXCEED \$75 MM AND THE RENEWABLE  
ENERGY PROJECT FINANCED THEREBY**

**WHEREAS**, the Cumberland County Improvement Authority (the "*Authority*") has developed a program (the "*Renewable Energy Program*") for the financing, design, permitting, acquisition, construction, installation, operation and maintenance of photovoltaic and other renewable energy capital equipment and facilities, including any related electrical modifications, work related to the maintenance of roof warranties, or other work required, desirable or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the "*Renewable Energy Projects*") for and on behalf of the County of Cumberland (the "*County*") and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities (collectively, including the County, the "*Local Units*"); and

**WHEREAS**, the Renewable Energy Projects procured under the Renewable Energy Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit-controlled buildings, other structures, lands or other properties of the Local Units (collectively, the "*Local Unit Facilities*"); and

**WHEREAS**, the primary goal of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy-related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units; and

**WHEREAS**, in order to implement the Renewable Energy Program at no cost to the Local Units, the Authority has determined that it may finance the respective Renewable Energy Projects and Capital Improvement Projects, if any, on, in or about the respective

Local Unit Facilities, all as set forth on the exhibits to the Local Unit License Agreement defined below for each of the following participating Local Units:

- (i) Cumberland County College; and
- (ii) City of Bridgeton; and
- (iii) County of Cumberland; and
- (iv) Cumberland County Utilities Authority;
- (v) Hopewell Township;
- (vi) City of Millville;
- (vii) City of Vineland;
- (viii) Downe Township School District; and
- (ix) Vineland Board of Education

(each a “*Series 2011 Local Unit*,” and together with any additional local governmental units within the County that might be added by the Authority to the Renewable Energy Program pursuant to the Local Finance Board Application defined below or otherwise, collectively, the “*Series 2011 Local Units*”).

**WHEREAS**, it may be necessary for the Authority to issue one or more series of bonds entitled “County of Cumberland Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2011 (Federally Taxable)” in the aggregate principal amount (including Sinking Fund Installments, if any, as such term is defined in the Bond Resolution) not to exceed \$75 MM (the “*Series 2011 Bonds*”); and

**WHEREAS**, prior to the issuance of the Series 2011 Bonds, if necessary, and in accordance with N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, the Authority must file an application (the “*Local Finance Board Application*”) with, and seek, obtain, and officially recognize the findings from, the Local Finance Board in the Department of Local Government Services of the State Department of Community Affairs (the “*Local Finance Board*”); and

**WHEREAS**, the governing body of the Series 2011 Local Unit adopting this resolution (the “*Participant*”) desires to authorize the Authority and its consultants to submit the Local Finance Board Application on their behalf, if such application becomes necessary, to finance the Renewable Energy Project(s) for the Participant (the “*Participant Project*”) set forth in **Exhibit A** attached hereto (it being understood that the Participant is taking no action in connection with the other Renewable Energy Projects of the other Series 2011 Local Units as set forth in **Exhibit A**); and

**WHEREAS**, prior to the issuance of the Series 2011 Bonds, if any, and in accordance with (i) N.J.S.A. 40A:11-4.1(k) of the Local Public Contracts Law, (ii) Local Finance Board Notice 2008-20, December 3, 2008, *Contracting for Renewable Energy Services*, (iii) the State Board of Public Utilities (“*BPU*”) protocol for measuring energy savings in PPA agreements dated February 20, 2009 (*Public Entity Energy Efficiency and Renewable Energy Cost Savings Guidelines*), (iv) Local Finance Board Notice 2009-10 dated June 12, 2009, *Contracting for Renewable Energy Services: Update on Power Purchase Agreements*, and (v) all other applicable law, and pursuant to a competitive contracting process governed thereby, which shall include a request for solar developer proposals to be issued by the Authority (the “*RFP*”) and the receipt of proposals from prospective solar

developers, including the proposal (the “*Company Proposal*”) of the successful respondent (the “*Company*”), the Authority shall select the Company to design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects and design, permit, acquire, construct, renovate, and install the Capital Improvement Projects, if any, in both cases for the designated Local Unit Facilities of such Series 2011 Local Units, with the terms to be set forth in the contract documents to be entered into between the Company and, at a minimum, the Authority, or acknowledged by the Company, as applicable; and

**WHEREAS**, the pricing terms for the purchase of renewable energy-generated electricity produced from the Participant Project and sold through the Authority to the Participant, and bought by the Participant at an agreed upon price lower than that presently being paid by the Participant for electricity from its local utility, which pricing terms shall be competitively procured through the public RFP process and the Company Proposal, shall be established under the Authority’s Series 2011 Local Unit Renewable Energy Program (the “*Renewable Energy Program*”) for an initial term no greater than 15 years, simultaneously with, or prior to the issuance of the Series 2011 Bonds; and

**WHEREAS**, the Participant has offered - and the Authority has accepted - public buildings for inclusion in the Renewable Energy Program, and the Participant understands and acknowledges that by taking this official action it intends to participate in the Renewable Energy Program, and that the Authority is taking several actions in reliance upon the inclusion of these public buildings, including without limitation seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds in accordance with the Local Finance Board Application, and proceeding with the issuance of the RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the marketing, sale and issuance of the Series 2011 Bonds; and

**WHEREAS**, the Participant desires to confirm its participation in the Renewable Energy Program in order to permit the Authority to obtain the approval of the Local Finance Board, proceed with the issuance of the RFP, and, if necessary, issue the Series 2011 Bonds;

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Participant as follows:

**Section 1.** The Participant believes that its participation in the Renewable Energy Program (a) is in the public interest through the accomplishment of the purposes described in the preamble paragraphs above; (b) benefits the health, wealth, convenience or betterment of the Participant’s citizens; and (c) is an efficient and feasible means of providing services for the needs of the Participant’s citizens without creating any financial burden upon the Participant.

**Section 2.** The Director, Theodore Propert and the Deputy Director, A. Michael Fernandez (Please fill in the “**authorized Officers**” of each local unit) of the Participant (including their designees in writing, each an “*Authorized Officer*”) are each hereby severally authorized to assist the Authority with the preparation and submission of the Local Finance Board Application, if such application becomes necessary, for the purpose of financing the Participant Project through the issuance of the Series 2011 Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall, if necessary, represent the Participant at any public hearing held by the Local Finance Board, if such hearing is required, in connection with the Local Finance Board Application.

**Section 3.** Upon a date to be selected by the Authority, but in no event later than the sale date of the Series 2011 Bonds, the Authorized Officers shall deliver to the Authority a fully executed certificate, substantially in the form attached hereto as **Exhibit A**, evidencing the proper officials approval of the substance and scope of the Participant Project.

**Section 4.** The Participant understands and acknowledges that by adopting this resolution, the Participant intends to participate in the Renewable Energy Program to fund the Participant Project possibly through a portion of the proceeds of the Authority's Series 2011 Bonds, and that the Authority is taking several actions in reliance upon this action by the Participant, including without limitation possibly seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds, as set forth in the Local Finance Board Application, and proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the possible marketing, sale and issuance of the Series 2011 Bonds, all for the benefit of the Participant and the other Series 2011 Local Units. The Participant further acknowledges that its continued participation in the Renewable Energy Program is critical to the pricing to be obtained from Proposers during the RFP process and any change in the extent of its participation will have a negative impact on the other Local Units participating in the Renewable Energy Project.

**Section 5.** The Participant covenants to the Authority that: (i) except for unforeseen circumstances not presently contemplated, the Participant intends to participate in the Authority's Series 2011 Local Unit Renewable Energy Program and will not withdraw any of the Local Unit Facilities in the Participant Project from inclusion that it has requested and the Authority has approved to be part of the Renewable Energy Program, so long as the Company Proposal results in a savings to the Participant, (ii) this official action authorizes the Authority to take all such actions contemplated above in order to develop the Participant Project and to provide the Participant with such savings and (iii) the Participant shall (a), if it is a board of education, obtain any and all approvals from the State Department of Education with respect to the Participant Project, and (b) adopt a resolution authorizing, among other things, the Participant to enter into that certain "License and Access Agreement (Cumberland County Renewable Energy Program, Series 2011)".

**Section 6.** The Authorized Officer shall direct the Participant official in charge of the officially adopted resolutions of the governing body of the Participant to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 11 below. Further, the Participant hereby consents to such certified copy of the resolution, and any further information regarding the Participant and/or the Participant Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Renewable Energy Program.

**Section 7.** The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in developing the Participant Project, producing the contemplated energy savings for the Participant, issuing the RFP and selecting the Company through the most desirable Company Proposal in accordance with the terms of the RFP and applicable law, procuring the final terms of the Renewable Energy Program documents, and, if necessary, marketing, selling, and issuing the Series 2011 Bonds, or any other action related to the implementation of the Renewable Energy Program for the Series 2011 Local Units.

**Section 8.** The Local Finance Board is hereby respectfully requested to consider any Local Finance Board Application that may be submitted by the Authority in connection with the Renewable Energy Program as the means to finance the Participant Project, and to record its findings and recommendations as provided by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law.

**Section 9.** To the extent the Series 2011 Bonds are issued in any year other than 2011, references herein to "2011" may without any further action be changed to the year of issuance of such Series 2011 Bonds.

**Section 10.** All actions of the Authorized Officers or Participant consultants taken prior to the date of adoption hereof in connection with the Renewable Energy Program, the Participant Project or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

**Section 11.** Upon the adoption hereof, a certified copy of this resolution shall be forwarded to: Ryan J. Scerbo, Esq., Renewable Energy Program Counsel to the Authority at [rscerbo@dectotiislaw.com](mailto:rscerbo@dectotiislaw.com) and Donald H. Rainear, Management Consultant of the Authority, 2 N. High Street Millville, New Jersey 08332, [drain44@aol.com](mailto:drain44@aol.com).

**Section 12.** 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 Thursday afternoon, June 16, 2011 at 4:30 p.m. prevailing time.

DATED: June 16, 2011

A RESOLUTION TO AMEND THE CRACK/JOINT REPAIR & RESURFACING OF  
CLARIFIER FLOOR CONTRACT TO INCLUDE A CHANGE ORDER

WHEREAS, the Commissioners of the Cumberland County Utilities Authority authorized the contract of the Crack/Joint Repair & Resurfacing of Clarifier Floor and entered into a contract with J.P. Smith Contractors, Inc. to perform said repairs and resurfacing; and

WHEREAS, it is determined that it would be beneficial for the Authority to rehabilitate the perimeter joint between the bottom and the side walls of the clarifier to enhance longevity of the new coating system by inhibiting water infiltration through the joint; and

WHEREAS, upon review and inspection of the condition of the existing joint seal, the Authority Engineer recommends this modification; and

WHEREAS, authorization for these changes has been approved by the Facilities Expansion Committee.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Cumberland County Utilities Authority, that the Chairperson of the Authority be and is hereby authorized to execute the attached change order to the contract for the Crack/Joint Repair & Resurfacing of Clarifier Floor as follows.

1. Rehabilitate the perimeter joint at base of wall of the clarifier in the amount of \$6,990.00, as previously approved by the Facilities Expansion Committee.
2. The amount of the contract with modifications will increase from \$35,690.00 to \$42,680.00

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 Thursday afternoon, June 16, 2011 at 4:30 p.m. prevailing time.

DATED: June 16, 2011



The foregoing is a true copy of a resolution adopted by the Governing Body of the Cumberland County Utilities Authority on June 16, 2011.

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Thelma D. Scott, Secretary

**RESOLUTION OF THE SERIES 2011 LOCAL UNIT PARTICIPATING IN THE  
CUMBERLAND COUNTY IMPROVEMENT AUTHORITY'S SERIES 2011  
RENEWABLE ENERGY PROGRAM, AND AUTHORIZING THE AUTHORITY, IF  
ANY, TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS  
AND APPROVALS ON BEHALF OF THE PARTICIPATING LOCAL UNIT, ALL IN  
CONNECTION WITH THE AUTHORITY'S COUNTY OF CUMBERLAND  
GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS,  
SERIES 2011(FEDERALLY TAXABLE), IN AN AGGREGATE PRINCIPAL  
AMOUNT NOT TO EXCEED \$75MM AND THE RENEWABLE ENERGY  
PROJECT FINANCED THEREBY**

**Dated: August 19, 2010**