

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
APRIL 14, 2011**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, April 14, 2011; at 4:30 PM. Chairman Edwards called the meeting to order with the following roll call:

PRESENT: Mr. John R. Edwards, Chairman
Mr. Robert Silcox, Vice Chairman
Mr. Jules Thiessen, Commissioner
Ms. Jacquelyn Perinchief, Commissioner

ALSO William G. Dunn, Executive Director
PRESENT: Stephen J. Mushinski, Esq., Solicitor
Edward A Kondracki, Esq., Special Counsel
Tracey Giordano, Deputy Director of Finance and Administration
Andrew Doyle, Assistant Executive Director
Robert Maybury, Operations Manager
Anthony Stagliano, Deputy Director of Regulatory Affairs
Richard A. Alaimo, R.A. Alaimo Associates, Engineer
Keith M. Weismann, R.A. Alaimo Associates, Engineer
Brooke Tidswell, Treasurer
Debra E. Fortner, Secretary

VERIFICATION OF NOTICE

Executive Director Dunn verified that "In compliance with the Open Public Meetings Act, this is to announce that adequate notice of this meeting was provided in the following manner: Notice of this meeting was published in the Burlington County Times on February 14th, 2011 and the Courier Post on February 15th, 2011. On Tuesday, April 12, 2011, advanced written notice of this meeting was posted on the Administrative Bulletin Board at the Township Building and advanced written notice of this meeting was mailed to all persons who, according to the records of the Authority, requested such notice."

MANDATORY AFFIRMATIVE ACTION COMPLIANCE NOTICE

Any contracts awarded tonight, and between now and the next meeting, the contractor, company or firm must comply with the requirements of N.J.S.A. 10:5-31 et seq. (P.L. 1975, C.127) N.J.A.C. 17:27.

SWEARING IN OF JASON CARTY AS COMMISSIONER TO MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY.

APPROVAL OF MINUTES

Commissioner Silcox moved for the approval of regular minutes of March 10, 2011. Commissioner Perinchief seconded the motion. Motion carried.

Commissioner Thiessen and Commissioner Carty abstained.

OLD BUSINESS

NEW BUSINESS

RESOLUTION 2011-41

**A RESOLUTION APPROVING THE SERVICE AGREEMENT WITH
GORDON DEY FARM FOR DISPOSAL OF WASTEWATER**

Executive Director Dunn explained Gordon Dey Farm is a small butcher establishment with liquid wastewater that is acceptable to the Authority. There have been no inquiries or outside questions. Commissioner Carty asked if this was previously discussed. Chairman Edwards answered no.

Commissioner Silcox moved for the approval of Resolution 2011-41. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Thiessen, Commissioner Perinchief,
Commissioner Silcox, Chairman Edwards

RESOLUTION 2011-36

**A RESOLUTION APPROVING THE OPERATING EXPENSES
FOR THE MONTH OF MARCH 2011**

Commissioner Carty questioned the amounts paid to William G. Dunn for mileage reimbursements. He asked if the amount of \$300.00 was paid twice. Deputy Director of Finance and Administration, Giordano, explained that the \$300.00 was allocated to three separate departments equally. Commissioner Carty inquired if this is in Executive Director Dunn's contract. Commissioner Silcox stated this is past practice.

Commissioner Silcox moved for the approval of Resolution 2011-36. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Thiessen, Commissioner Perinchief, Commissioner Silcox,
Chairman Edwards

NAYS: Commissioner Carty

RESOLUTION 2011-36A

**A RESOLUTION APPROVING THE SEWER REFUNDS
FOR THE MONTH OF MARCH 2011**

Commissioner Silcox moved for the approval of Resolution 2011-36A. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Thiessen, Commissioner Perinchief, Commissioner Silcox,
Chairman Edwards

NAYS: None

Commissioner Carty abstained.

Commissioner Thiessen left the meeting at 4:39pm.

RESOLUTION 2011-37

A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF MARCH 2011 FROM THE ESCROW FUND

Commissioner Silcox moved for the approval of Resolution 2011-37. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards.

NAYS: None

Commissioner Carty abstained.

RESOLUTION 2011-38

A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF MARCH 2011 FROM THE IMPROVEMENT AND REPLACEMENT FUND

Commissioner Silcox moved for the approval of Resolution 2011-38. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

NAYS: None

Commissioner Carty abstained.

RESOLUTION 2011-39

A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF MARCH 2011 FROM THE 2007-2010 PROJECT CONSTRUCTION FUND (PLANT EXPANSION)

Commissioner Silcox moved for the approval of Resolution 2011-39. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards.

NAYS: None

Commissioner Carty abstained.

RESOLUTION 2011-40

A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF MARCH 2011 FROM THE 2007-2010 CONSTRUCTION FUND (EDWARD STREET PUMP STATION)

Commissioner Silcox moved for the approval of Resolution 2011-40. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards.

NAYS: None

Commissioner Carty abstained.

Commissioner Thiessen returned to the meeting at 4:43pm.

COMMUNICATIONS

Executive Director Dunn reported he has received the Wastewater Management Plan letter. He is currently in talks with the county discussing such issues as Martin Marietta in Moorestown, NJ.

Executive Director Dunn stated there has been a final resolution in regards to the issue with tidal waters. He is currently in possession of a letter of approval and the fee to be paid will be \$2,790.00.

MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Kevin Brown, of Lincoln Avenue in Mount Holly, New Jersey, asked if the new sewage treatment plant is completed and now on line. Executive Director Dunn reported that yes, the new plant, is currently on line and operating efficiently, however, minor adjustments are being made.

Mr. David Hasson, of 216 Broad Street in Mount Holly New Jersey, thanked the board for the opportunity to serve the Authority for 17 years as well as working with dedicated employees. He stated during his time serving the Board he was able to travel to 500 municipalities and spoke with many municipal utility authorities. Mr. Hasson said that in his opinion, our supervisory people were not paid enough based on their work ethic and dedication. Mr. Hasson reported that he had served on the payroll committee of the Authority for 17 years. He is well aware of the jobs done by Joel, Tracey, Bob, Anthony, and Andy, who he recommended raises for and still feels they deserved them. Mr. Hasson stated that currently there are some slimy snakes in the organization who have made guarantees of employment positions within the Authority. He advised "Dick" and "Steve" to beware; when more snakes are appointed to the Board, the two of them are out of there! Mr. Hasson declared himself the new self appointed protector of all rate payers. He said he will not allow the snakes to rape this Authority; using it for their own personal cash cow. Mr. Hasson asked to be called The Mongoose. He warned everyone associated with the Authority to beware, they have a long road to hoe, but these people have messed with the wrong mongoose.

Mr. George Saponaro of 27 Cedar Street in Mt. Holly welcomed Mr. Carty to the Board. He asked the board members to take a fresh look at expenditures and rates and listen to all members since he is tired of tax and rate increases Vice Chairman Silcox advised Mr. Saponaro the Authority is not responsible for taxes but has not had a rate increase itself since 2007. As an attorney who is involved with other local municipalities, Mr. Saponaro also suggested cutting the Authorities legal budget.

Mr. Richard Dow of 232 Rutland Avenue in Mount Holly New Jersey stated he is looking forward to board meetings being moved to a later time; either 6 or 7pm. He said he has recently seen meeting times posted for Mount Laurel and Cinnaminson which are both later then the Mount Holly Municipal Utilities Authority meetings. Mr. Dow feels the 4:30pm meeting time does not offer the public the option to attend if they want to. Mr. Dow stated he wants benefits and pensions discontinued for board members. Mr. Dow stated, moving forward, he would like the Authority to provide the maximum allowed appropriation of \$524,710.00 which is nearly \$342,000.00 more then the \$183,000.00 cash currently provided to the Township of Mount Holly. Mr. Dow recognizes there are other things the Authority provides in lieu of cash, but he wants the cash, and if what it takes to get that money for the Mount Holly Township is cutting the six digit salaries or perks, or eliminating benefit and pensions, then it needs to be done. Mr. Dow went on to say the Board needs to start considering itself part of the Mount Holly Township that created it, because it is obviously an option at any time for the Authority to become part of the Mount Holly Township's Public Works Department. Chairman Edwards commented in regards to Mr. Dow's statements that it is a requirement for board members to participate in the pension program. He explained previously he requested to opt out of the pension program and he was told no. Mr. Dow replied that he was originally told the same thing for his position on the Mount Holly Town Council but has since been advised he can opt out if he chooses to. He went on to say that he feels he is quite often told conflicting things. Mr. Dow stated that upon reviewing his notes from last year he discovered at one point he was advised by the Board we do have an attendance policy, then at the last meeting, he was advised the Board has no attendance policy. Mr. Dow asked Chairman Edwards, given his comment, if the board was to vote to discontinue medical and pension, would he vote yes. Chairman Edwards responded he would have to think about it.

Mr. Luis Lopez of 370 S. Martin Street in Mount Holly asked what resolutions 2011-36 and 2011-36A are for. Deputy Director of Finance and Administration advised him they are for operating expenses and sewer refunds accordingly. Mr. Lopez wished new Commissioner Carty a happy future at the Authority.

Mr. John Flynn of 41 Green Street in Mount Holly New Jersey asked if it would be possible to have an intercom system installed for board meetings since it is difficult to hear the discussion going on. Chairman Edwards explained that would be a major undertaking so Mr. Flynn asked if the commissioners and employees of the Authority would agree to speak louder.

REPORT OF THE EXECUTIVE DIRECTOR

The Executive Director had nothing further to report.

REPORT OF THE ENGINEER

The report of the Engineer was received. Commissioner Thiessen asked how the odor control is at the new plant. Mr. Keith Weisman of R.A. Alaimo Associates explained carbon units have been part of the new plant since the first day so there has been odor control. Now, the biological system is also up and running to full capacity. Mr. Weisman stated Edward Street Pump Station is now online. Mr. Weisman reported that all there is left to do is paving, landscaping, and clean-up. Commissioner Carty asked Authority Engineer, Mr. Richard A. Alaimo, if the project is now slightly over budget. Mr. Alaimo stated that he just recently sent a letter to the Authority requesting more information. Executive Director Dunn added the project, in its entirety, is almost completely finished and is under the bid price.

REPORT OF THE DEPUTY DIRECTOR FOR PLANT OPERATIONS

The Report of the Deputy Director for Plant Operations was received.

REPORT OF THE DEPUTY DIRECTOR FOR REGULATORY AFFAIRS

The Report of the Deputy Director for Regulatory Affairs was received.

REPORT OF THE SOLICITOR

Solicitor Mushinski stated there will be one matter for closed session.

REPORT OF THE DEPUTY DIRECTOR OF FINANCE AND ADMINISTRATION

The Report of the Deputy Director of Finance and Administration was received. Deputy Director for Finance and Administration, Giordano, reported the Authority has just finished processing the second biweekly payroll for the Mount Holly Township. Ms. Giordano also reported the Authority has not yet received the audit draft for review but the audit is due to the State by April 30th. Commissioner Thiessen asked what kinds of difficulties have arisen for the Authority taking over the payroll. Deputy Director of Finance and Administration Giordano responded there was a lack of information and quite a bit of money involved with getting the payroll systems of the Township and the Authority up to speed so that they would be compatible. Commissioner Silcox stated he was involved with the payroll takeover. He understands the Township may have more requests for help forthcoming, therefore, he suggests a committee be formed to review these requests. It was decided Commissioner Silcox and Commissioner Perinchief will make up the committee. Commissioner Silcox stated the Authority and the Township have the same auditor and he would like to involve them with any assistance the Authority offers the Township to be sure what and how we do things is legal. Special Counsel Kondracki said that whatever assistance is ultimately agreed upon should be reduced to a Shared Services Agreement. Commissioner Carty asked for clarification of the difficulties encountered with the payroll takeover. Deputy Director of Finance and Administration Giordano reported the takeover has been in the process for one year. There was a lot of work involved with downloading the Township information into the Authorities system as well as adapting information to fit into one system. Deputy Director of Finance and Administration Giordano stated the cost was approximately \$10,000.00. This takeover allowed

the Township to discontinue the use of their outside payroll company. Commissioner Carty stated he supports the takeover but had not noticed during his review of the past two years minutes anything in regards to this issue and wondered how the takeover had come about. Executive Director Dunn reported the Authority was solicited by the Mount Holly Township Manager, Kathy Hoffman.

AUTHORITY STATUS REPORT OF NEW TREATMENT FACILITY

There was nothing further to report in regards to the status of the new treatment facility.

OTHER NEW BUSINESS

There was no other new business.

MATTERS TO BE PRESENTED BY THE COMMISSIONERS

Commissioner Carty stated that he would like to see The Pledge of Allegiance added to the monthly meetings. Since no one on the Board objected to the suggestion, Chairman Edwards asked the Board Secretary to begin adding the Pledge of Allegiance to monthly agendas following The Verification of Notice.

Commissioner Carty thanked the three members of the Mount Holly Council, Mr. Dow, Mr. Donnelly, and Ms. Kersey, who supported him for his new position on the Authorities Board, as well as members of the public and his union brothers.

Commissioner Carty responded to some of the comments made earlier in the meeting by Mr. Hasson. Commissioner Carty stated no one has been promised any jobs and no one is going to spend any money. Mr. Hasson was totally off base with his blind accusations.

Commissioner Carty stated he did not appreciate derogatory comments by a board member and Mr. Hasson directed at Mr. Luis Lopez. He feels that a when a member of the public has something to say, good or bad, an elected or appointed official must keep those types of sarcastic comments to themselves.

Commissioner Carty said he looks forward to serving on the Authority's Board; learning what is going on and addressing any issues he may come upon. He promises transparency and accountability and, foremost, health and safety. Commissioner Carty advised the shop steward he is welcome to call him with questions or concerns at any time. In his effort towards transparency, Commissioner Carty asked that agendas and minutes for the monthly board meetings be placed on the Authorities website, as well as public notices, RFP's, and RFQ's. Commissioner Carty said in reference to accountability he will continue to scrutinize the bills and anything he believes to appear as wasteful spending will be challenged. Commissioner Carty was glad to see an expense policy being incorporated to the Authority, which he agrees with. Commissioner Carty stated in these tough economic times the Authority really needs to tighten its belt. Commissioner Carty stated he totally disagrees with medical benefits for board members. He said while he loves the former board secretary, Joan Boas, to death, the fact that her position has been filled by an Authority employee shows that the position could be absorbed. Commissioner Carty stated the Board's treasurer, Mr. Tidswell, receives medical benefits that cost the rate payers \$18,871.20 per year in addition to his annual stipend. Commissioner Carty finds this totally unacceptable and would like the board to address this situation by stopping the political patronage and appointments. Commissioner Carty supports moving the meeting time. Commissioner Carty thanked Deputy Director of Finance and Administration, Giordano, for being very helpful in supplying information he has requested in a timely manner. He felt she had gone above and beyond what was necessary.

Commissioner Thiessen welcomed Commissioner Carty to the board, acknowledging that there will be times when they agree and times when they disagree. Commissioner Thiessen stated he has continuously supported moving the meeting time to a later time frame that would make meetings more accessible to the public. He would like the meetings moved to 6pm. Chairman Edwards stated he has been serving on the Board for a long time and has found no compelling reason to change the meeting time. In the past when the meetings were at a later time he saw no increase in attendance, therefore, he is opposed to moving the meeting time.

Commissioner Carty said he begs to differ with Mr. Edwards because the current meeting time is not good for public availability. Commissioner Perinchief stated she agrees with transparency of the Board. She agreed the meeting should be moved to 6:00pm and then revisited at the 2012 reorganization meeting to determine if the meetings should be held at that time permanently based on attendance.

Commissioner Thiessen moved for the approval of changing the monthly board meeting from 4:30pm to 6:00pm. Commissioner Carty seconded the motion. Motion carried. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Thiessen, Commissioner Perinchief,
Commissioner Silcox

NAYS: Chairman Edwards

Chairman Edwards stated the new meeting time would have to be advertised by the beginning of May.

Treasurer Brooke Tidswell stated on a positive note, on March 9th, 2011, Executive Director Dunn was honored with a Lifetime Achievement Award from the Association of Environmental Authorities. Mr. Tidswell feels since this is such an incredible award, he would like to see a news release put together for local newspapers, particularly in light of Executive Director Dunn's part over the past few years in the construction of the new facility. Chairman Edwards agreed and stated the Authority will move forward on a press release.

EXECUTIVE SESSION

Commissioner Silcox moved for the approval of Resolution 2011-42. Commissioner Thiessen seconded the motion.

At 5:25 PM the Authority Commissioners retired to Executive Session for a discussion involving personnel and contract negotiations.

RESOLUTION 2011-42

AUTHORIZING EXECUTIVE SESSION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF DISCUSSION OF LITIGATION AND CONTRACT MATTERS

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Mount Holly Municipal Utilities Authority has deemed it necessary to go into closed session to discuss certain matters which are exempted from public discussion; and

WHEREAS, the regular meeting of this Authority will reconvene following closed session;

NOW, THEREFORE, BE IT RESOLVED that the Mount Holly Township Municipal Utilities Authority will go into closed session for the following reasons as outlined in N.J.S.A. 10:4-12:

Discussions of a pending litigation matter involving the termination of the engineering professional services contract with AECOM and the back charges issued by the Authority.

BE IT FURTHER RESOLVED that the Authority hereby declares that its discussion of the aforementioned subject may be made public at a time when the Authority Attorney advises the Authority that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Authority or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Authority, for the aforementioned reasons, hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Secretary to take the appropriate action to effectuate the terms of this resolution.

AYES: Commissioner Carty, Commissioner Thiessen, Commissioner Perinchief,
Commissioner Silcox, Chairman Edwards

NAYS:

The Authority Commissioners returned to regular session at 5:40 P.M.

Respectfully submitted,

Stephen J. Mushinski, Solicitor

RESOLUTION 2011-43

A RESOLUTION APPROVING SETTLEMENT WITH AECOM FOR OUTSTANDING CLAIMS RELATED TO PROFESSIONAL SERVICES CONTRACT

Commissioner Silcox moved for the approval of Resolution 2011-43. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards.

NAYS: None

Commissioner Carty abstained.

ADJOURNMENT

Commissioner Silcox moved for adjournment. Commissioner Perinchief seconded the motion. Chairman Edwards adjourned the meeting at 5:40pm.

Respectfully submitted,

Debra E. Fortner

