

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES
MAY 11, 2017**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday May 11, 2017; at 6:00 P.M. Chairman Thiessen called the meeting to order with the following roll call:

PRESENT: Jules Thiessen, Chairman
Chris Banks, Commissioner
Jason Jones, Commissioner
Gina LaPlaca, Commissioner
Robert Silcox, Commissioner (arrived at 6:24 P.M.)

ALSO

PRESENT: Robert Maybury, Executive Director
Tom Coleman, Raymond Coleman Heinold, LLP
Carol Berlin, Rainine Coughlin Minchello, LLC; Special Counsel
Richard Alaimo, R. A. Alaimo Associates, Engineer
Joel Hervey, Operations Superintendent
Anthony Stagliano, Safety Director & Special Projects
Michael Dehoff, Finance Administrator/ Treasurer
Brandy C. Boyington, Board Secretary

ABSENT:

VERIFICATION OF NOTICE

Executive Director Maybury 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 Courier Times on February 15, 2017 and the Courier Post on February 15, 2017. On Monday, May 8, 2017, 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 MHMUA, 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.

PLEDGE OF ALLEGIANCE



PUBLIC COMMENTS ON ACTION ITEMS

None.

APPROVAL OF MINUTES

Commissioner Jones moved for the approval of Regular Meeting Minutes and Executive Session Minutes of April 13, 2017. Commissioner Banks seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Silcox

AYES: Chairman Thiessen, Commissioner LaPlaca, Commissioner Silcox, Commissioner Banks

NAYES:

ABSTAIN:

OLD BUSINESS

None.

NEW BUSINESS

PUBLIC NOTICE: The RFP for Auditor was posted on the MHMUA's website and newspapers. Bid opening scheduled for May 24, 2017.

RESOLUTION 2017-46 A resolution approving the renewal of Industrial Waste Service Agreement with L&D Landfill for treatment of non-domestic wastewater.

Commissioner Jones moved for the approval of resolution 2017-46. Commissioner LaPlaca seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Silcox

AYES: Chairman Thiessen, Commissioner LaPlaca, Commissioner Silcox, Commissioner Banks

NAYES:

ABSTAIN:

RESOLUTION 2017-47 A resolution approving the renewal of Industrial Waste Service Agreement with Parklands Landfill and the former Agway for treatment of non-domestic wastewater.

Commissioner Jones moved for the approval of resolution 2017-47. Commissioner LaPlaca seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Silcox

AYES: Chairman Thiessen, Commissioner LaPlaca, Commissioner Silcox, Commissioner Banks

NAYES:

ABSTAIN:

RESOLUTION 2017-48 A resolution of Mt. Holly Municipal Utilities Authority authorizing the approval of the 2016 audit and corrective action plan. Mr. Dehoff explained the audit went well and there were two comments this year. The first comment reoccurs each year, since New Jersey American Water cannot provide the requested internal control reports to the MHMUA. Mr. Dehoff continued informing the board he will discuss with the Division of Local Government Services to find a way to remove this comment from future audits. The second comment is for Medicare wages being over stated for the first and second quarter of 2016. Executive Director Maybury inserted that the Federal Tax Section 125 allows the New Jersey State Chapter 78 medical healthcare contributions as pre-tax wage deduction instead of post-tax. The medical insurance contributions were not being processed as allowed by this IRS Section. The deduction irregularity was discovered during the transition to outsource the MHMUA's internal payroll department to Prime Point Payroll Services in April of 2016. The method of deducting the contributions as post-tax in lieu of pre-tax started back in June of 2011, at the very beginning of New Jersey's Chapter 78 requirement. Chairman Thiessen asked how we made the employees whole. Executive Director Maybury said the error was corrected immediately and was also properly adjusted back to January 01, 2016, but the MHMUA could not perform any additional services for the employees. There is no way to know how employees were affected for previous tax years, since the overpayment of any taxes may have been adjusted when the employee performed the end of year federal tax preparation and filing. Any tax returns prior to 2016 can only be amended by the employee. Chairman Thiessen stated he was confused by the answer, if I'm an MHMUA employee and I paid more money than I should have in taxes, how do I get that back. Executive Director Maybury explained the MHMUA cannot change prior filings for employees and each employee would need to determine if they were affected and amend their taxes if necessary. Mr. Maybury suggested continuing this in Executive Session as this is a personnel issue related to a former employee. Chairman Thiessen agreed. Commissioner Jones moved for the approval of resolution 2017-48. Commissioner Banks seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Silcox

AYES: Chairman Thiessen, Commissioner LaPlaca, Commissioner Silcox, Commissioner Banks

NAYES:

ABSTAIN:

RESOLUTION 2017-49 A resolution of the Mount Holly Municipal Utilities Authority authorizing Engineering services with Alaimo for High Street Reconstruction. Mr. Alaimo stated that after the sidewalks are done the project should only take two to three months to complete. We are lining everything except a nineteen foot section. Executive Director Maybury explained the nineteen foot section needs complete reconstruction. This project includes one short line on Brainerd Street and one on Murrell Street and manholes connecting to High Street. Several months back, the MHMUA televised the lines to find out the need for repairs and it was found to be extensive.

Commissioner LaPlaca moved for the approval of resolution 2017-49. Commissioner Banks seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Silcox

AYES: Chairman Thiessen, Commissioner LaPlaca, Commissioner Silcox, Commissioner Banks

NAYES:

ABSTAIN:

CONSENT AGENDA:

“All items listed with an asterisk (*) are considered routine by the Authority and will be enacted by one motion. Should a Commissioner wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence.”

***RESOLUTION 2017-44** A resolution approving the operating expenses for the month of May 2017.

***RESOLUTION 2017-45** A resolution approving the sewer refunds for the month of May 2017.

Commissioner Jones moved for the approval of the consent agenda. Commissioner LaPlaca seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Silcox

AYES: Chairman Thiessen, Commissioner Jones, Commissioner LaPlaca, Commissioner Banks

NAYS:

ABSTAIN:

COMMUNICATIONS

None.

MATTERS TO BE PRESENTED BY THE PUBLIC

None.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Maybury stated that Hainesport Township had their tax sale in April finalizing their obligation for their 2003 sewer project. There were eighteen properties from the 2003 project that required a mandatory connection fee and sewer hookup. These properties are required to physically connect to the sewer system now that the connection fee is paid. The MHMUA should receive payment after Hainesport’s next committee meeting. Executive Director Maybury continued stating the MHMUA office has converted from the previous billing/ accounting software to Edmunds. The software conversion started in October 2016, and the software is now in use. There is some fine-tuning remaining, but customers will soon be able to pay online at the MHMUA website. Credit/debit cards and e-check payments will be available at a cost that is outlined on the website. The office will not accept credit cards or e-checks in person, as the service is only available on the website. Executive Director Maybury explained the MHMUA is ending the fuel storage and dispensing system currently in use at Rancocas Road around August of this year. He has communicated with the Mt. Holly Police about this as they are the biggest users. All users of the fuel system will be notified by postal letter stating the end date for the fuel service. The MHMUA listed twenty one items for public auction on GovDeals and eighteen of these items sold for a total \$1382. The three items that did not sell on the first or second auction will be dismantled and scrapped. One item that was not advertised on GovDeals, was the John Deere Utility Gator Mt. Holly Township occasionally uses for special events. Public Works Director, Eric March of Mt. Holly Township requested if the MHMUA could transfer ownership of the old gator. The Commissioners agreed and the Gator will be formally transferred to Mt. Holly Township.

REPORT OF THE ENGINEER

The report of the Engineer was received.

REPORT OF THE OPERATIONS SUPERINTENDENT

The report of the Operations Superintendent was received.

REPORT OF THE SAFETY DIRECTOR AND SPECIAL PROJECTS

The report of the Safety Director and Special Projects was received.

REPORT OF THE SOLICITOR

None.

REPORT OF FINANCE ADMINISTRATOR/BOARD TREASURER

The report of the Finance Administrator report was received

OTHER NEW BUSINESS

None.

MATTERS TO BE PRESENTED BY COMMISONERS

None.

EXECUTIVE SESSION (2017-50)

RESOLUTION 2017-50 AUTHORIZING EXECUTIVE SESSION

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 Board of the Mount Holly MUA has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Board will reconvene at the conclusion of closed session, at approximately 6:30 p.m. this evening.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Mount Holly Municipal Utilities Authority, in the Township of Mount Holly, County of Burlington, and State of New Jersey will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

_____ Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public (Provision relied upon: _____);

_____ Any matter in which the release of information would impair a right to receive funds from the federal government;

_____ Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body (Specify contract: MHMUA Collective Bargaining Agreement);

_____ Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Any investigations of violations or possible violations of the law;

Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer (If contract negotiation the nature of the contract and interested party is _____ *Under certain circumstances, if public disclosure of the matter would have a potentially negative impact on the Authority's position in the litigation or negotiation, this information may be withheld until such time that the matter is concluded or the circumstances no longer present a potential impact*);

_____ Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting (Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing*, 124 N.J. 478, the employee(s) and nature of discussion is _____);

_____ Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

BE IT FURTHER RESOLVED that the Commissioners hereby declare that its discussion of the aforementioned subject(s) may be made public at a time when the Solicitor advises the Board that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the MHMUA or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Board, 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 MHMUA to take the appropriate action to effectuate the terms of this resolution.

I, Brandy C. Boyington, do hereby certify the above to be a true and correct copy of a resolution adopted by the Mount Holly Municipal Utilities Authority at its meeting held on May 11, 2017.

ADJOURNMENT

Commissioner LaPlaca moved for adjournment. Commissioner Silcox seconded the motion. Chairman Thiessen adjourned the meeting at 7:06 P.M.

Respectfully submitted,

Brandy C. Boyington, Secretary