

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING MINUTES  
December 08, 2016**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday December 08, 2016; at 6:00 P.M. Chairman Thiessen called the meeting to order with the following roll call:

PRESENT: Mr. Jules Thiessen, Chairman  
Mr. Robert Silcox, Vice Chairman  
Mr. Christopher Banks, Commissioner  
Mr. Joshua Brown, Commissioner

ALSO Robert Maybury, Executive Director  
PRESENT: Katelyn McElmoyl, Esq., Solicitor  
Tom Coleman, Special Counsel  
David Skibicki, R. A. Alaimo Associates, Engineer  
Michael Dehoff, Finance Administrator/ Treasurer.  
Anthony Stagliano, Safety Director & Special Projects  
Joel Hervey, Operations Superintendent  
Brandy C. Boyington, Board Secretary  
Ken Pearson, MHMUA Retiree  
Francis Pilvalis, Lumberton Resident

ABSENT: Mr. Jason Jones, Commissioner

**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 16, 2016 and the Courier Post on February 15, 2016. On Monday December 05, 2016, 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 Banks moved for the approval of Regular Meeting Minutes and Executive Session Minutes of November 10, 2016. Commissioner Brown seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Jones

AYES: Chairman Thiessen, Commissioner Banks, Commissioner Brown

NAYES:

ABSTAIN: Commissioner Silcox

**OLD BUSINESS**

**RESOLUTION 2016-110** RESOLUTION APPROVING THE S-3 APPLICATION FOR LENNAR AT RANCOCAS

**RESOLUTION 2016-114** RESOLUTION APPROVING THE S-3 APPLICATION FOR EASTAMPTON PLACE WEST URBAN RENEWAL (previously GREGORY'S)

Commissioner Brown moved to table resolution 2016-110 and resolution 2016-114. Commissioner Banks seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Jones

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

NAYS:

ABSTAIN:

## **NEW BUSINESS**

PUBLIC NOTICE: The MHMUA will be posting for 2017 Professionals by mid-December.

**RESOLUTION 2016-123** RESOLUTION APPROVING THE EFFECTIVE CHANGES BY THE NJDEP THAT REQUIRES SIGNIFICANT INDUSTRIAL USERS AND PUBLICLY OWNED TREATMENT PLANTS TO DEVELOP/MODIFY EMERGENCY PLANS THAT CONTAIN PROVISIONS TO REDUCE OR PREVENT ADVERSE IMPACTS TO PUBLIC HEALTH AND THE ENVIRONMENT WHEN A TREATMENT WORKS' CONVEYANCE AND/OR TREATMENT CAPACITY HAS BEEN OR MAY BE DEMINISHED OR OTHERWISE DISRUPTED.

Commissioner Silcox moved for the approval of the resolution 2016-123. Commissioner Banks seconded the motion. The vote at the call of the roll was:

ABSENT: Commissioner Jones

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

NAYS:

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 2016-119** A RESOLUTION APPROVING THE OPERATING EXPENSES FOR THE MONTH OF NOVEMBER 2016

**\*RESOLUTION 2016-120** A RESOLUTION APPROVING THE SEWER REFUNDS FOR THE MONTH OF NOVEMBER 2016

**\*RESOLUTION 2016-121** A RESOLUTION APPROVING THE ESCROW EXPENSES FOR THE MONTH OF NOVEMBER 2016

**\*RESOLUTION 2016-122** A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF NOVEMBER 2016 FROM THE IMPROVEMENT AND REPLACEMENT FUND

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

ABSENT: Commissioner Jones

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

NAYS:

ABSTAIN:

## **COMMUNICATIONS**

Executive Director Maybury stated he received a phone call from T&M Associates. They offer a utility bill review service at no cost to the MHMUA. They propose to evaluate all utility bills from the past three years for billing discrepancies. Discrepancies that result in a savings to the MHMUA would require a fifty percent share agreement with T&M. Executive Director also stated the MHMUA has a need for an energy actuary to help determine the savings/loss of the Maple Ave solar field. The MHMUA needs a “True Up” analysis from the solar field owner, Summit Energy. T&M Associates performs this service and they will submit a proposal for this project. Executive Director Maybury has been in contact with Mr. Cave / Riverfront Recycling and Flying W Airport in Lumberton about a possible housing project that was recently published in Burlington County Times. The project is for low and moderate housing in parts of Lumberton and Medford Townships. Executive Director Maybury continued to explain there is a bigger project being discussed that could affect about 800 acres in total; Flying W, Rockhill Farm and possibly the Golden Pheasant Golf Course. The proposed development under discussion is currently outside the MHMUA sewer service area.

## **MATTERS TO BE PRESENTED BY THE PUBLIC**

Francis Pilvalis, 614 Main Street, Lumberton explained he was present because of his quarterly sewer bill. He stated he has owned his property for 30 plus years and always pays his bill. Recently, several big plumbing leaks increased his normal bill and he wanted to know if he could receive a credit for water that did not go to the sewer. Mr. Pilvalis continued by saying he contacted the main office of the MHMUA, requested and received a copy of his bills to show the jump in gallons used. Mr. Pilvalis stated he does not think the hundred dollar credit that the MHMUA gave is reasonable. Mr. Pilvalis stated he was a part of the automatic payment program, and not really looking at each quarterly bill. Mr. Pilvalis called the office about a week prior to the Board Meeting and was told to attend the MHMUA's board meeting to present his case since he was not satisfied with his adjustment. Chairman Thiessen asked Mr. Pilvalis to leave his documentation so the account could be reviewed. Mr. Pilvalis offered several suggestions to the board on sewer meters and other options for tracking individual home owner's flows.

**REPORT OF THE EXECUTIVE DIRECTOR** Executive Director Maybury explained the MHMUA received the connection fees for all 140 units for the Eastampton Place development near the CVS on Woodlane Road. Executive Director Maybury continued a discussion is needed due to additional contribution requirements from the developers for infrastructure upgrades due to two major Eastampton projects that will affect the older infrastructure. The Lennar Project at Rancocas Creek is for 452 age-restricted homes with some commercial and future expansion possibilities to the east, and an additional 240 units with some commercial on the former Gregory's property. Lennar is aware of the need to cost share the improvements within the MHMUA's sanitary system. The MHMUA's Garden Street Pumping Station which services these developments is already over 45 years old and is inadequate for future flows. There was discussion about what percentage the developers should contribute. Chairman Thiessen asked why the developers would only pick up some of the tab and not the whole thing. Executive Director Maybury explained the pump station is an old "can type" station and it would need to be replaced at some point in the future whether these developments are constructed or not. The additional flow from Lennar and the former Gregory's project is moving the replacement of this station ahead by several years. Alaimo associates has estimated the cost to construct a new state of the art pumping station to be about one million dollars. Chairman Thiessen stated this pump station would need to be replaced regardless of the additional flow. Chairman Silcox stated, the MHMUA should collect all contribution fees upfront instead of at each phase. Mr. Hervey explained the capacity is not the issue, it's the condition of this pump station and he feels it would not last another ten years. Mr. Hervey continued that this pump station has been a source of many complaints.

**REPORT OF THE ENGINEER** The Report of the Engineer was received. Mr. Skibicki stated he will be sending out a review letter for Eastampton Place West stating that further evaluation, comments from the MHMUA and that the pump station upgrades will be partially their responsibility; before the final approval.

**REPORT OF THE OPERATIONS SUPERINTENDENT** The Report of the Operations Superintendent was received.

**REPORT OF THE SAFETY DIRECTOR & SPECIAL PROJECTS** The Report of the Safety Director & Special Projects was received.

**REPORT OF THE SOLICITOR** The Report of the Solicitor was received.

**REPORT OF FINANCE ADMINISTRATOR/BOARD TREASURER** The Report of the Finance Administrator/Board Treasurer was received. Mr. Dehoff stated that the MHMUA received the approved 2017 budget back from the State and it has been posted on the website.

## **OTHER NEW BUSINESS**

## **MATTERS TO BE PRESENTED BY COMMISSIONERS**

### **EXECUTIVE SESSION**

## **MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY RESOLUTION 2016-124 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 6:35 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, 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: \_\_\_\_\_);

\_\_\_\_\_ Any matter involving the purchase, 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;

X 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 pending or anticipated litigation, the matter is: letter from Lumberton; Levis Drive Connection Fees.

(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 Authority 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 Authority 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 December 08, 2016.

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Brandy C. Boyington

**ADJOURNMENT**

Commissioner Silcox moved for adjournment. Commissioner Brown seconded the motion. Chairman Thiessen adjourned the meeting at 7:13 P.M.

Respectfully submitted,

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Brandy C. Boyington, Secretary