

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING  
MARCH 08, 2012**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, March 08, 2012; at 6:00 PM. Chairman Edwards called the meeting to order with the following roll call:

PRESENT: Mr. John R. Edwards, Chairman  
Mr. Jules Thiessen, Vice Chairman  
Mr. Robert Silcox, Commissioner  
Mr. Jason Carty, 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 & Administration/Treasurer  
Joel Hervey, Deputy Director of Plant Operations  
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  
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 3, 2012, and February 20<sup>th</sup>, 2012, and the Courier Post on February 4, 2012, and February 20<sup>th</sup>, 2012. On Tuesday, March 6<sup>th</sup>, 2012, 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.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS ON ACTION ITEMS**

There were no public comments on action items.

**APPROVAL OF MINUTES**

Commissioner Thiessen moved for the approval of regular minutes of February 16, 2012. Commissioner Perinchief seconded the motion. Motion carried.

**OLD BUSINESS**

**RESOLUTION 2012-21**

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY APPROVING THE SERVICE AGREEMENT RENEWAL WITH FREEHOLD CARTAGE, INC. FOR THE TREATMENT OF NON DOMESTIC WASTE WATER FROM THE MONMOUTH COUNTY RECLAMATION CENTER**

Executive Director Dunn stated he negotiated a 5% increase in cost with Freehold Cartage, Inc.

The Commissioners received information in their packets regarding the proposed service agreement renewal with Freehold Cartage, Inc. Chairman Edwards asked if any comments had been received. The Executive Director stated that no written or oral comments were received. Chairman Edwards asked if there were any comments from the public. There were no comments from the public. Chairman Edwards asked if there were any comments from the Commissioners. There were no comments from the Commissioners. Chairman Edwards declared the public hearing closed.

Commissioner Thiessen moved for the approval of Resolution 2012-21. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

**RESOLUTION 2012-8**

**A RESOLUTION AUTHORIZING AN EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACT FOR ENVIRONMENTAL CONSULTING ENGINEER FOR THE MHMUA FOR A 1-YEAR TERM (CONTRACT 2012-05)**

Executive Director Dunn recommended Omni Environmental, due to experience, knowledge, and past working relationship with the Authority, as Environmental Consulting Engineer. Mr. Dunn reported he talked to Environmental Resolutions and they have not had the extent of experience Omni Environmental has and understand Omni Environmental is more qualified.

Commissioner Thiessen respectfully disagreed. Commissioner Thiessen feels other firms can do what Omni Environmental does for ½ the cost. This contract is not acceptable to Commissioner Thiessen who stated even if the Board does vote for Omni Environmental, the contract needs to be reopened. In his opinion the pricing is out of whack for today.

Commissioner Thiessen made a motion to appoint Environmental Resolutions. Commissioner Carty seconded the motion.

AYES: Commissioner Carty, Commissioner Thiessen

NAYS: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

Commissioner Perinchief stated she agrees with Mr. Thiessen in regards to Omni Environmental's current billing; their rates appear to be outdated and exorbitant. Chairman Edwards suggested a sub committee to examine the contract if Omni Environmental is appointed. Commissioner Carty asked if it is the past practice of the Authority to appoint a sub committee to evaluate RFPs once they have been awarded.

Commissioner Perinchief made a motion to appoint Omni Environmental with the stipulation there would be a change in the rate structure. Commissioner Silcox seconded the motion.

Solicitor Mushinski asked for clarification on what changes in the rate structure are being asked for. Commissioner Perinchief stated it is her understanding that currently the rate structure is set up with carte blanche billing. Solicitor Mushinski responded if the board is going to appoint Omni Environmental there needs to be some analysis of what the changes will be. Chairman Edwards stated the board should appoint a committee to evaluate the rates and come back to the board with recommendations. Commissioner Carty stated his understanding is the board appoints based on what was submitted, including the fee schedule. Special Counsel Kondracki explained Omni Environmental bills on the basis of an hourly rate. A resolution appointing them as Environmental Consulting Engineer does not give them the authorization to engage in any projects on behalf of the Authority unless authorization is expressly given by the Authority. Before a project is authorized, a scope of work, and a "not to exceed" number is reached on the specifications for each project. Solicitor Mushinski asked, then, if the commissioners are approving the rates listed. Special Counsel Kondracki responded yes, with the idea of adding the "not to exceed" language in on a project by project basis.

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

NAYS: Commissioner Carty, Commissioner Thiessen

### **NEW BUSINESS**

#### **RESOLUTION 2012-19**

#### **A RESOLUTION APPROVING THE OPERATING EXPENSES FOR THE MONTH OF FEBRUARY 2012**

Deputy Director of Finance and Administration, Giordano, asked the commissioners to note that expenses are higher than normal this month as a result of the pension payment of \$371,000.00, due the first of April.

Commissioner Silcox moved for the approval of Resolution 2012-19. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

NAYS: Commissioner Carty, Commissioner Thiessen

#### **RESOLUTION 2012-20**

#### **A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF FEBRUARY 2012 FROM THE IMPROVEMENT AND REPLACEMENT FUND**

Commissioner Carty moved for the approval of Resolution 2012-20. Chairman Edwards seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Thiessen

## **COMMUNICATIONS**

Executive Director Dunn reported he received a letter today from South Construction notifying the Authority they are beginning construction on March 16<sup>th</sup>. This construction, which will be at the intersection of Rancocas Road and the Mount Holly Bypass, is to add a new Left turn. Executive Director Dunn stated the construction appears to be in order and it is not a detriment to the Authority.

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

Mr. David Benn of Warwick Place in Mount Holly stated he had attended the February, 2012 Reorganization meeting, ready, willing, and able, to serve. Mr. Benn stated he was told by the Authority's Counsel he could not sit on the board because any actions taken might not count if later he was unappointed. Mr. Benn stated in his opinion the board is in the same position at this meeting, by allowing Mr. Silcox to sit on the board, since official action was taken.

Special Counsel Kondracki stated the Authority has not been served with any action and therefore, cannot comment on something that has not been seen. Mr. Benn reported the Mount Holly Township Manager was given a copy of the paperwork. Special Counsel Kondracki stated again the Authority has not been served so he has no comment and, also, since Mr. Benn is being represented by Counsel, it would be unethical for him to address Mr. Benn's questions.

### **REPORT OF THE EXECUTIVE DIRECTOR**

The Executive Director had nothing further to report.

### **REPORT OF THE ENGINEER**

The report of the Engineer was received.

### **REPORT OF THE DEPUTY DIRECTOR FOR PLANT OPERATIONS**

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

Deputy Director of Plant Operations, Hervey, reported there is a meeting scheduled with a representative of Gov Deals on March 13<sup>th</sup>. The Authority currently has 87 items to list which are attached to the Report of the Deputy Director for Plant Operations.

### **REPORT OF THE DEPUTY DIRECTOR FOR REGULATORY AFFAIRS**

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

### **REPORT OF THE SOLICITOR**

There was nothing to report.

### **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, advised the Commissioners the 2011 audit began on Monday, March 5<sup>th</sup>.

### **REPORT OF THE TREASURER**

There was nothing to report.

## **OTHER NEW BUSINESS**

There was no other new business.

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

Commissioner Carty commented on the professional proposals earlier in the meeting. He does not feel it is fair to say Environmental Resolutions wouldn't be qualified, and also appointing them would have saved the Authority a significant amount of money. Commissioner Carty also commented on Mr. Benn's statement during "Matters to be Presented by the Public." Commissioner Carty stated at the February Reorganization Meeting Special Counsel Kondracki gave legal opinions regarding potential litigation so he is disappointed in the lack of clarification to Mr. Benn's public comments tonight.

## **ADJOURNMENT**

Commissioner Silcox moved for adjournment. Commissioner Perinchief seconded the motion. Chairman Edwards adjourned the meeting at 6:35pm.

Respectfully submitted,

Debra E. Fortner