

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
MAY 10, 2012**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, May 10, 2012; at 6:00 PM. Chairman Edwards called the meeting to order with the following roll call:

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

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
Andrew Doyle, Assistant Executive Director
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 20th, 2012, and April 5, 2012, and the Courier Post on February 20th, 2012, and April 5, 2012. On Tuesday, May 8th, 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

Mr. Luis Lopez, of 370 S. Martin Avenue in Mount Holly, asked for an explanation of Resolution 2012-24C. Solicitor Mushinski stated this is a routine resolution that is typically adopted in response to requirements by JIF for EPL changes. This resolution is standard form.

Mr. Lopez asked for a definition of "indemnification." Special Counsel Kondracki stated it is coverage in a reimbursement plan where an individual incurs an expense and another entity agrees to take on the expense.

APPROVAL OF MINUTES

Commissioner Thiessen moved for the approval of regular minutes of April 12, 2012, Commissioner Silcox seconded the motion. Motion carried.

Chairman Edwards recommended, if it was the pleasure of the board, moving Resolution 2012-29 ahead of the other resolutions.

RESOLUTION 2012-29

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
HONORING JOSEPH K. GASKILL, SR.**

Executive Director Dunn commented Mr. Gaskill has served for 36 years with the Authority, all of which Mr. Dunn worked with him. Executive Director Dunn offered Mr. Gaskill good wishes, on behalf of the Authority, for a job well done.

Commissioner Carty personally thanked Mr. Gaskill for his service to the Authority. Commissioner Carty pointed out Mr. Gaskill started working for the Authority the same year he was born. Commissioner Carty stated Mr. Gaskill was also the Volunteer Fire Chief for many years; Mr. Gaskill has offered a lot of service to this community.

Commissioner Carty moved for the approval of Resolution 2012-29. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

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

NAYS:

OLD BUSINESS

PUBLIC HEARING

RESOLUTION 2012-32

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
APPROVING A SERVICE AGREEMENT WITH INTERSTATE WASTE REMOVAL
CO., INC. FOR THE TREATMENT OF NON DOMESTIC WASTE WATER**

The Commissioners received information in their packets regarding the proposed service agreement renewal with Interstate Waste Removal Co., 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 Silcox moved for the approval of Resolution 2012-32. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

RESOLUTION 2012-24A

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND
THE EXECUTIVE DIRECTOR TO IMPLEMENT SAID PERSONNEL PRACTICES WITH
ALL COMMISSIONERS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES,
AND INDEPENDENT CONTRACTORS OF THE
MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY**

Commissioner Thiessen moved for the approval of Resolution 2012-24A. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

RESOLUTION 2012-24B

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
ADOPTING PERSONNEL POLICIES AND PROCEDURES AND APPROVING
ADOPTION OF EMPLOYMENT PRACTICES LIABILITY
AND PERSONNEL MANUAL**

Commissioner Silcox moved for the approval of Resolution 2012-24B. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

RESOLUTION 2012-24C

**A RESOLUTION AUTHORIZING THE MOUNT HOLLY MUNICIPAL UTILITIES
AUTHORITY TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION
FOR COMMISSIONERS, EMPLOYEES, AND APPOINTEES OF THE AUTHORITY
IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS,
EMPLOYEES, AND APPOINTEES**

Commissioner Silcox moved for the approval of Resolution 2012-24C. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

NEW BUSINESS

PUBLIC NOTICE

Chairman Edwards acknowledged public notification of proposal for the position of Auditor, due May 23, 2012. Action will be taken at the June 2012 Board Meeting.

There was discussion regarding a rate hearing to be held at the June 2012 Board Meeting. Special Counsel Kondracki stated the Deputy Director of Finance and Administration, Giordano, has put together numbers for the rate hearing based on the State formula. Commissioner Silcox recognized the rate hearing is based on State statute, but wondered if it can be put on hold. Commissioners Thiessen and Silcox both expressed concern about the impact of raising connection fees when an attempt is being made to promote new businesses. Commissioner Thiessen asked what the penalty would be if the Board chooses not to adopt increases. Special Counsel Kondracki stated the rate payers would ultimately be affected by their rates going up. Solicitor Mushinski stated, to the best of his recollection, the Authority was previously involved in litigation where connection fees were not adjusted annually. This led to an attorney pursuing a class action suit on behalf of rate payers who felt they were being charged a higher annual service charge due to the Authority not increasing connection fees. Solicitor Mushinski advised the Board, this is the possible exposure. Commissioner Thiessen asked the Deputy Director of Finance and Administration, Giordano, to construct a worksheet of numbers to show the potential loss in revenue to the Authority if connection fees are not raised.

RESOLUTION 2012-33

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY APPROVING THE CONTRACT FOR SUPPLY OF ONE NEW MULTI-STAGE VERTICAL TURBINE PUMP WITH MOTOR (CONTRACT 2012-10)

Commissioner Silcox moved for the approval of Resolution 2012-33. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

RESOLUTION 2012-27

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY ACCEPTING AND ACKNOWLEDGING THE 2011 AUDIT AND CORRECTIVE ACTION PLAN

Chairman Edwards was pleased to see the Authority essentially has no Corrective Action Plan other than the same comments addressing New Jersey American Water the Authority has had for many years; something we have no control over.

Commissioner Silcox moved for the approval of Resolution 2012-27. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

RESOLUTION 2012-28

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER
NEEDED FOR PUBLIC USE THROUGH AN ONLINE AUCTION (AUCTION #3)**

Commissioner Thiessen moved for the approval of Resolution 2012-28. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

RESOLUTION 2012-30

**A RESOLUTION APPROVING THE OPERATING EXPENSES
FOR THE MONTH OF APRIL 2012**

Commissioner Silcox moved for the approval of Resolution 2012-30. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

Chairman Edwards stated he had been advised prior to the meeting it is customary for Governmental Boards, such as the Authorities, to request a reason when a member votes against operating expenses. Chairman Edwards asked Commissioner Carty why he said nay to this resolution. Commissioner Carty stated "because it's \$700,000.00. No."

RESOLUTION 2012-30A

**A RESOLUTION APPROVING SEWER REFUND EXPENDITURES
FOR THE MONTH OF APRIL 2012**

Commissioner Thiessen moved for the approval of Resolution 2012-30A. Chairman Silcox seconded the motion. At the call of the roll, the vote was:

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

NAYS:

RESOLUTION 2012-31

**A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF APRIL 2012
FROM THE IMPROVEMENT AND REPLACEMENT FUND.**

Commissioner Silcox moved for the approval of Resolution 2012-31. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

COMMUNICATIONS

Executive Director Dunn stated he has no communications to report.

MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Luis Lopez, of 370 S. Martin Avenue, Mount Holly New Jersey, asked for an update on the solar power project. Executive Director Dunn reported he will be attending a Lumberton Township Planning Board Meeting on Wednesday, May 16th, to answer any questions they may have in regards to the project. Executive Director Dunn stated he is also hoping to have a report from PSE&G next week in regards to power going into the system. Mr. Lopez asked when the project is expected to be completed. Mr. Dunn advised him it would be approximately 4-5 months depending on variables.

Mr. Lopez asked if a date has been set yet for the 2012 audit. Deputy Director of Finance and Administration, Giordano, explained the 2011 Audit was just completed and is now available on the Authority website. She stated the 2012 Audit would not be started until the end of 2012.

Mr. Lopez asked for the status of public sewer for the new apartments in Mount Holly. Commissioner Thiessen stated according to the local newspaper the project was turned down.

Mr. Lopez asked Commissioner Carty why he had voted nay for the first three resolutions. Commissioner Carty answered "because I wanted to vote no Luis."

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Dunn stated he has 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.

Executive Director Dunn reported the Authority received an award from the NJDEP for plant operation and stewardship.

Deputy Director of Plant Operations, Hervey, reported there had been an emergency on Garden Street in Mount Holly. A contractor was called in and it was discovered there was a leaking pipe. The contractor arrived about 4pm, replaced the pipe, and finished up around midnight. Deputy Director of Plant Operations stated the break was right at the main and it would be difficult to go back on the owner in this situation.

REPORT OF THE DEPUTY DIRECTOR FOR REGULATORY AFFAIRS

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

REPORT OF THE SOLICITOR

Special Counsel Kondracki stated there was a matter to be discussed in Executive Session which might require action to be taken.

REPORT OF THE DEPUTY DIRECTOR OF FINANCE AND ADMINISTRATION

The Report of the Deputy Director of Finance and Administration was received.

OTHER NEW BUSINESS

There was no other new business.

MATTERS TO BE PRESENTED BY THE COMMISSIONERS

There was nothing to be presented by the Commissioners.

EXECUTIVE SESSION

Chairman Edwards moved for the approval of Resolution 2012-34. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS:

Commissioner Carty abstained.

At 6:35 PM the Authority Commissioners retired to Executive Session for a discussion of possible legal action.

RESOLUTION 2012-34

AUTHORIZING AN EXECUTIVE SESSION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY

WHEREAS, N.J.S.A. 10:4-12.b permits a public body to exclude members of the public from that portion of a meeting at which certain specifically enumerated matters are to be discussed; and

WHEREAS, the Mount Holly Municipal Utilities Authority deems it necessary to exclude members of the public from a portion of this meeting in order to discuss certain matters that are exempted from public discussion; and

WHEREAS, this meeting will be reopened to the public after the discussion of the matters that are exempted from public discussion.

NOW, THEREFORE, BE IT RESOLVED by the Mount Holly Municipal Utilities Authority this 10th day of May, 2012 that the public shall be excluded from a portion of this meeting in order that the Authority may discuss the following matters that are exempted from public discussion under N.J.S.A. 10:4-12.b:

N.J.S.A. 10:4-12.b (7), Pending Litigation: Benn v. Hoffman

BE IT FURTHER RESOLVED that the public is hereby excluded from that portion of the meeting during which the above discussion shall take place.

BE IT FURTHER RESOLVED that the discussion conducted in closed session can be disclosed to the public after the Authority Attorney advises the Authority that the disclosure of the discussion will not detrimentally affect any rights, interests or duties of the Authority or any other person or entity with respect to said discussion.

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

NAYS: None

The Authority Commissioners returned to regular session at 7:12pm

Respectfully submitted,

Debra E. Fortner, Secretary

RESOLUTION 2012-35

AUTHORIZING INDEMNIFICATION

Commissioner Thiessen moved for the approval of Resolution 2012-35. Chairman Edwards seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Thiessen, Chairman Edwards

NAYES:

Commissioner Carty and Commissioner Silcox recused themselves. Commissioner Perinchief abstained.

Motion passed with a 2-0-1

ADJOURNMENT

Commissioner Thiessen moved for adjournment. Commissioner Silcox seconded the motion. Chairman Edwards adjourned the meeting at 7:15 pm.

Respectfully submitted,

Debra E. Fortner