

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
MAY 8, 2014**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, May 8, 2014; at 6:00 P.M. Chairman Thiessen called the meeting to order with the following roll call:

PRESENT: Mr. Jason Carty, Commissioner
Ms. Jacquelyn Perinchief, Commissioner
Mr. Jules Thiessen, Chairman

ALSO Joseph V. Rizzuto, Executive Director
PRESENT: Stephen J. Mushinski, Esq., Parker McCay, Solicitor
Albert Marmero, Esq., Long Marmero & Associates, LLP, Special Counsel
Richard A. Alaimo, R.A. Alaimo Associates, Engineer
Keith Weisman, R.A. Alaimo Associates, Engineer
Tracey Giordano, Deputy Director of Finance Administration/Treasurer
Anthony Stagliano, Deputy Director for Regulatory Affairs & Qualified Purchasing Agent
Robert Maybury, Operations Manager
Debra E. Fortner, Secretary

ABSENT: Mr. Robert Silcox, Vice Chairman
Mr. Jason Jones, Commissioner

VERIFICATION OF NOTICE

Executive Director Rizzuto 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 28, 2014 and the Courier Post on February 28, 2014. On Tuesday, May 6, 2014, 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 South Martin Street in Mount Holly asked if the Authority's solar panels were damaged during the winter snowstorms or the recent rain storm. Executive Director Rizzuto reported everything is fine.

Mr. Lopez asked what is the status of the redevelopment of the Mount Holly Gardens. Executive Director Rizzuto reported sewer lines are being bonded in three phases. Parkers Mill Boulevard, from the bypass through Levis Drive, has been installed, and, a portion of Kirby Court, which runs parallel to the Mount Holly Bypass, has been installed and is active. The mains running down Levis Drive are active also.

APPROVAL OF MINUTES

Commissioner Carty moved for the approval of regular minutes of April 10, 2014. Commissioner Perinchief seconded the motion. At the call of the roll the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen.

NAYES: None

ABSTAIN: None

OLD BUSINESS

NEW BUSINESS

Public Notice for request, solicitation, and invitation, for proposal for the position of Mount Holly Municipal Utilities Authority Auditor (Contract #2014-12) to be acted on at the June 12th Board Meeting.

Public Notice for renewal of Industrial Waste Service Agreement for the treatment of non domestic wastewater from Metal Etching technology, Inc. to be acted on at the June 12th Board Meeting.

RESOLUTION 2014-46

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
APPROVING THE OPERATING EXPENSES FOR THE MONTH OF APRIL, 2014**

Commissioner Perinchief moved for the approval of Resolution 2014-46. Commissioner Carty seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-46A

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
APPROVING THE SEWER REFUND EXPENDITURES FOR THE MONTH OF APRIL, 2014**

Commissioner Carty moved for the approval of Resolution 2014-46A. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-47

**A RESOLUTION APPROVING ESCROW EXPENSES
FOR THE MONTH OF APRIL, 2014**

Commissioner Perinchief moved for the approval of Resolution 2014-47. Commissioner Carty seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-48

**A RESOLUTION APPROVING EXPENDITURES FOR THE MONTH OF
APRIL, 2014 FROM THE IMPROVEMENT AND REPLACEMENT FUND**

Commissioner Perinchief moved for the approval of Resolution 2014-48. Commissioner Carty seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-49

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AWARDING A CONTRACT FOR ONE (1) NEW 8" ABS XFP DRY PIT SUBMERSIBLE
PUMP (CONTRACT #2014-11)**

Executive Rizzuto explained this resolution is for a dry pit submersible pump. After public advertisement the Authority received one bid. Executive Director Rizzuto stated the bid is for the pump only; Authority personnel will be doing the installation. He recommended the bidder, "Reiner Pump Systems, Inc." as outlined in the memo presented to the Commissioners.

Commissioner Carty moved for the approval of Resolution 2014-49. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-50

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING A REDUCTION IN A PERFORMANCE GUARANTEE FOR
KIRBY'S COURT SOUTH**

Executive Director Rizzuto reported under the "Land Use Law" a Performance Guarantee can be reduced by 70%; reflective of the progress of the installation of sanitary sewer.

Commissioner Carty moved for the approval of Resolution 2014-50. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-51

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING A REDUCTION IN A PERFORMANCE GUARANTEE FOR WEST
RANCOCAS REDEVELOPMENT-PARKER'S MILL BLVD. EAST**

Commissioner Carty moved for the approval of Resolution 2014-51. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-52

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING A REDUCTION IN A PERFORMANCE GUARANTEE FOR WEST
RANCOCAS REDEVELOPMENT-PARKER'S MILL BLVD. WEST**

Commissioner Carty moved for the approval of Resolution 2014-52. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-53

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING CHANGE ORDER NO. 1 TO CONTRACT 2013-39 WITH THE ALAIMO GROUP FOR ENGINEERING SERVICES ASSOCIATED WITH THE PROCUREMENT OF AND CONSTRUCTION OF GENERATOR C AT RANCOCAS ROAD

Commissioner Carty moved for the approval of Resolution 2014-53. Chairman Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

COMMUNICATIONS

There were no communications.

MATTERS TO BE PRESENTED BY THE PUBLIC

There were no matters to be presented by the public.

REPORT OF THE EXECUTIVE DIRECTOR

The Report of the Executive Director was received.

Executive Director Rizzuto discussed the rain event which occurred April 30-May 1. The local area received between 4 and 5 inches of rain. He reported the Authority experienced significant flooding and roof leaks. At Plant 3, where the roof dates back to approximately the mid 1970s, leaks were dripping onto variable frequency drives and into various electric panels. The equipment in the affected areas are of significance to the treatment of wastewater and, also, to the safety of employees. Deputy Director of Regulatory Affairs and Qualified Purchasing Agent, Stagliano, is currently working with roofing contractors to ascertain pricing. Executive Director Rizzuto reported there has been some structural damage in cement blocks as a result of repeated freezing and thawing which may also need to be addressed. Executive Director Rizzuto stated if the Authority uses the significantly smaller plant 2 roof replacement as a barometer at a cost of \$48,000.00, the plant 3 roof would require a budgeted amount of approximately \$200,000.00 plus.

Executive Director Rizzuto pointed out the new process of posting the meeting agenda on the Authority's website. He stated this change is a result of a legal case in a publication the Authority receives which he and Solicitor Mushinski reviewed. Executive Director Rizzuto stated going forward agenda items, along with supplemental information, will appear on the website. He asked Commissioners if they would consider going completely paperless at future meetings other than the agenda. He explained everyone would get an agenda to follow along with resolutions and supplemental information which would be shown on the flat screen monitor. It was the consensus of the Commissioners to think about it and discuss again at the June meeting.

Executive Director Rizzuto reported he has an item for a brief Executive Session.

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.

REPORT OF THE DEPUTY DIRECTOR FOR REGULATORY AFFAIRS AND QUALIFIED PURCHASING AGENT

The Report of the Deputy Director for Regulatory Affairs and Qualified Purchasing Agent was received.

REPORT OF THE SOLICITOR

There was nothing further for Solicitor to report.

**REPORT OF THE DEPUTY DIRECTOR OF
FINANCE AND ADMINISTRATION/BOARD TREASURER**

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

OTHER NEW BUSINESS

MATTERS TO BE PRESENTED BY THE COMMISSIONERS

There were no further matters to be presented by the Commissioners.

EXECUTIVE SESSION

Commissioner Carty moved for the approval of Resolution 2014-54. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Perinchief, Chairman Thiessen

NAYS: None

ABSTAIN: None

At 6:20 P.M. the Authority Commissioners retired to Executive Session for a discussion involving property contract matters.

**RESOLUTION 2014-54
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 Mount Holly Municipal Utilities Authority (“MHMUA”) 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 the MHMUA will reconvene following the end of the closed session.

NOW, THEREFORE, BE IT RESOLVED that the MHMUA 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: _____);

 x 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 pending or anticipated litigation, the matter is entitled: _____)

(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 MHMUA'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 MHMUA hereby declares that its discussion of the aforementioned subject(s) may be made public at a time when the MHMUA Attorney advises the MHMUA 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 MHMUA, 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 Executive Director to take the appropriate action to effectuate the terms of this resolution.

I, Debra E. Fortner 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 8, 2014.

Debra E. Fortner, Secretary

ADJOURNMENT

Commissioner Carty moved for adjournment. Commissioner Perinchief seconded the motion. Chairman Thiessen adjourned the meeting at 6:36 P.M.

Respectfully submitted,

Debra E. Fortner