

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
MAY 12, 2011**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, May 12, 2011; at 6:00 PM. Chairman Edwards called the meeting to order with the following roll call:

PRESENT: Mr. Jason R. Carty, Chairman
Ms. Jacquelyn Perinchief, Commissioner
Robert Silcox, Vice Chairman
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 and Administration
Andrew Doyle, Assistant Executive Director
Joel Hervey, Deputy Director of Plant Operations
Anthony Stagliano, Deputy Director of Regulatory Affairs
Keith M. Weismann, R.A. Alaimo Associates, Engineer
Brooke Tidswell, Treasurer
Debra E. Fortner, Secretary

ABSENT: Jules K. Thiessen, Commissioner

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 14th, 2011, and April 20th, 2011, and the Courier Post on February 15th, 2011, and April 20th, 2011. On Tuesday, May 10, 2011, 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 ALLIEGIENCE TO THE FLAG

APPROVAL OF MINUTES

Commissioner Silcox moved for the approval of regular minutes of April 14, 2011. Commissioner Perinchief seconded the motion. Motion carried.

Commissioner Silcox moved for the approval of executive session minutes of April 14, 2011. Commissioner Perinchief seconded the motion. Motion carried.

Commissioner Carty said no to executive session minutes.

Commissioner Carty requested that a statement made during the April 2011 Board Meeting, "Matters to be presented by Commissioners", that the patronage appointments had to stop in reference to the Board's Treasurer position be included in the minutes. Commissioner Silcox advised Mr. Carty that the tape from the April meeting would be reviewed and if that statement was made, it would be added to the April minutes.

Commissioner Carty noted that the Executive Session Minutes as submitted were signed by Secretary Fortner who was not present during the Executive Session. He asked who dictated them. Solicitor Mushinski replied he did. Solicitor Mushinski went on to report that typically he supplies Ms. Fortner with the minutes for the purposes of submission, however if Commissioner Carty would like Solicitor Mushinski's name added to them he has no problem with that. Commissioner Carty suggested, moving forward, either a board member or the secretary take notes during executive session to avoid any possible conflict. Solicitor Mushinski stated he did not view the current procedure as a conflict but his name will be added to the minutes in the future.

OLD BUSINESS

NEW BUSINESS

RESOLUTION 2011-52

A RESOLUTION APPROVING THE SERVICE AGREEMENT FOR LAWN CUTTING AND TRIMMING OF PUMP STATIONS AND LANDSCAPING AND MULCHING OF FLOWER BEDS (CONTRACT NUMBER 2011-8)

Commissioner Silcox moved for the approval of Resolution 2011-52. Commissioner Perinchief seconded the motion.

Commissioner Carty asked if the company being awarded the service agreement is owned by an Authority employee; Craig Maybury. He was advised that yes, Mr. Maybury is an Authority employee. Commissioner Carty stated that this is a conflict under NJSA 40A:9-22. He stated he was not questioning the bidding process itself, just the potential conflict of a full time employee bidding on the contract. Chairman Edwards stated the board can move to table the resolution until the June meeting so that this can be researched and an opinion reached.

Commissioner Perinchief asked who would be cutting the grass in the meantime. Deputy Director of Plant Operations Hervey advised Commissioner Perinchief that currently the Authorities Plant Operators are cutting it.

Commissioner Carty moved to table Resolution 2011-52. Commissioner Perinchief seconded the motion. Motion carried.

RESOLUTION 2011-44

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY HONORING DAVID HASSON

Commissioner Silcox moved for the approval of Resolution 2011-44. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

David Hasson thanked the board members he has worked with over the years as well as supervisors, the office staff, and other professionals, as it was a pleasure working with them.

Mr. Hasson commented that he noticed when the Authority meeting was at 4:30pm there were more "puppets and snakes" present.

RESOLUTION 2011-45

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING CHANGE ORDER NO. 17 TO CONTRACT 2006-1 FOR THE
MAPLE AVENUE AND RANCOCAS ROAD, WWTP PROJECT
(NET INCREASE OF \$61,901.70)**

Commissioner Silcox moved for the approval of Resolution 2011-45. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

Executive Director Dunn explained this change order is for a tie in pipe between the old and the new plant. The change order also covers a gate for the fence at the Maple Avenue site, as well as sidewalk, and a trench drain for areas with trouble draining.

RESOLUTION 2011-46

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
ACCEPTING AND ACKNOWLEDGING THE 2010 AUDIT**

Commissioner Silcox moved for the approval of Resolution 2011-46. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

Chairman Edwards stated there were no findings on the audit other than the water company statement which is part of the audit every year. Chairman Edwards commented there have not been any findings in many years. Deputy Director of Finance and Administration, Giordano, confirmed it has been at least fourteen years; the number of years she has been with the Authority.

Deputy Director of Finance and Administration, Giordano, reported that on the audit report, Russell Regn was listed as a commissioner rather than Jacquelyn Perinchief. She stated the problem has been rectified, with the corrected copy going to the State.

Commissioner Silcox congratulated the Deputy Director of Finance and Administration, Giordano, and her staff for a clean audit. He remarked that it shows that she and her staff are good at what they do. Commissioner Silcox stated he has spoken with the auditor directly, who has had great things to say about Ms. Giordano and her staff.

Commissioner Carty pointed out the date on the Local Authorities Group Affidavit Form was incorrect and should be fixed prior to it being sent to the State.

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

NAYS: None

Commissioner Carty abstained.

RESOLUTION 2011-47

**A RESOLUTION APPROVING THE OPERATING EXPENSES FOR
THE MONTH OF APRIL 2011**

Commissioner Silcox moved for the approval of Resolution 2011-47. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

Commissioner Carty questioned the approximate \$800.00 bill for Verizon Wireless phones and wondered how many phones the Authority has. Deputy Director of Plant Operations, Hervey, stated there are 16 phones covered by this bill. Deputy Director of Regulatory Affairs, Stagliano, stated the Authority went to Verizon Wireless phones for the Collection System since radios were not making it all the way back to the plant.

Commissioner Carty inquired about a \$400.00 meeting expense he noted on the bill list. Executive Director Dunn explained that money was for a conference he attended. He stated he took the money with him to the conference as a safety factor but it was not needed and has since been returned to the Authority. Deputy Director of Finance and Administration, Giordano confirmed the money had been deposited back in to the Authority's account.

RESOLUTION 2011-47A

**A RESOLUTION APPROVING THE SEWER REFUNDS
FOR THE MONTH OF APRIL 2011**

Commissioner Silcox moved for the approval of Resolution 2011-47A. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

RESOLUTION 2011-48

**A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH
OF APRIL 2011 FROM THE ESCROW FUND**

Commissioner Silcox moved for the approval of Resolution 2011-48. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

RESOLUTION 2011-49

**A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF
APRIL 2011 FROM THE IMPROVEMENT AND REPLACEMENT FUND**

Commissioner Silcox moved for the approval of Resolution 2011-49. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

RESOLUTION 2011-50

A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF APRIL 2011 FROM THE 2007-2010 PROJECT CONSTRUCTION FUND (PLANT EXPANSION)

Commissioner Silcox moved for the approval of Resolution 2011-50. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

RESOLUTION 2011-51

A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF APRIL 2011 FROM THE 2007-2010 CONSTRUCTION FUND (EDWARD STREET PUMP STATION)

Commissioner Silcox moved for the approval of Resolution 2011-51. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

COMMUNICATIONS

Executive Director Dunn reported he has received a letter with the TWA approval for the west end redevelopment project on Levis Drive in Mount Holly.

MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. David Hasson of 216 Broad Street in Mount Holly New Jersey addressed “snake” or is that “Mr. Snake” in regards to a statement made at the April Board Meeting that Mr. Hasson “lied.” There was no response. Mr. Hasson asked “so you can call me mongoose on the street but I cannot call you snake?” Mr. Hasson stated that he had not lied.

Mr. Luis Lopez of 370 S. Martin Street in Mount Holly asked that it be on record that he felt it was very unfair the way he, Mr. Carty, and Mr. Dow, were treated at the April 2011 Board Meeting. Mr. Lopez asked what the status of the new facility is. Executive Director Dunn responded Maple Avenue facility is functioning very well. Mr. Lopez asked if he could have more detail about resolution 2011-47. Deputy Director of Finance explained it is a list of monthly expenses. Mr. Lopez asked where Commissioner Thiessen was. Executive Director Dunn stated that as far as he knew Mr. Thiessen planned to attend the meeting. Commissioner Carty asked to address Mr. Lopez. He told Mr. Lopez that the resolution he questioned is a list of bills for the past month.

REPORT OF THE EXECUTIVE DIRECTOR

Executive Director Dunn stated he had attended a good meeting in Atlantic City. He said the DEP is floundering to some degree with all of the moves and changes they are making but they are looking forward to great things.

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 for Plant Operations was received.

Chairman Edwards asked if the odor complaint noted on the report had been resolved. Deputy Director of Plant Operations, Hervey, stated the person who made the complaint has called several times and thus far, no one has found anything to substantiate the claim. Mr. Hervey spoke to the complainant personally on the phone and explained the biological system. He stated that he expects her to call again. Mr. Hervey said she lives on South Hunterdon in Hainesport. Commissioner Carty asked where the majority of the complaints are from. Deputy Director of Plant Operations, Hervey, responded that presently she is the only complaint the Authority has. Commissioner Carty asked if any problems are anticipated with the change in weather to which Mr. Hervey replied things should be better now.

REPORT OF THE DEPUTY DIRECTOR FOR REGULATORY AFFAIRS

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

REPORT OF THE SOLICITOR

Solicitor Mushinski raised the matter of the proposed travel policy. He asked if the Board would like to act on the policy during this meeting or review it further. Solicitor Mushinski stated there was previous discussion of the policy and board members were advised to look at the proposed policy then contact him with any questions. He stated Mr. Carty had contacted him with a question via e-mail, Solicitor Mushinski responded to Mr. Carty, and a copy of the e-mail correspondence was placed in the board members packet. Executive Director Dunn reported that currently the policy has a 70 mile limit for people staying overnight in hotels. Executive Director Dunn stated that when a person has to attend a conference several days in a row in Atlantic City, even though it is slightly under the mile limit, it makes sense for them to get a hotel. However, if travel is for a one day conference a hotel stay is not justified. Commissioner Carty suggested the easiest thing to do would be to add a line stating "unless otherwise approved by the board." Chairman Edwards raised a question about the wording under overnight travel in the proposal that states a board member has to ask the Executive Director for approval which he feels is inappropriate since the board supervises the Executive Director. Solicitor Mushinski stated that employees travel time to time, the focus is on Atlantic City and related reimbursements. Chairman Edwards stated he would like the 70 miles changed to 60 miles in the proposal so that no approval would be required for Atlantic City. Commissioner Carty stated he would just like to see oversight in the policy and stay over's not being permitted in Atlantic City every single time. Chairman Edwards asked that a clean copy of the proposal be drawn up, incorporating the new language, then brought back to the board next month for review and approval.

REPORT OF THE DEPUTY DIRECTOR OF FINANCE AND ADMINISTRATION

The Report of the Deputy Director of Finance and Administration was received. Deputy Director of Finance and Administration reported there will be a Connection Fee Rate Hearing next month. She has met with Special Counsel Kondracki to review the numbers and appropriate notification will be sent to the newspapers and townships.

AUTHORITY STATUS REPORT OF NEW TREATMENT FACILITY

There was nothing further to report in regards to the status of the new treatment facility.

OTHER NEW BUSINESS

There was no other new business.

MATTERS TO BE PRESENTED BY THE COMMISSIONERS

Chairman Edwards stated there would be a relatively brief closed session regarding payroll services.

Commissioner Carty thanked Deputy Director of Finance and Administration for continuing to make requested information available to him in a timely manner. He stated there is new legislation coming down the pike that the Authority should be aware of. Deputy Director of Finance and Administration, Giordano, reported that when reviewing the proposed legislation she found the only thing that the Authority is not currently doing is posting the agenda for the public 5 days prior to the Board Meetings, but we will begin doing that moving forward.

Commissioner Carty asked when the Treasurer has the opportunity to speak. Is their a section on the agenda? Chairman Edwards said that would be added beginning with the next agenda.

EXECUTIVE SESSION

Commissioner Silcox moved for the approval of Resolution 2011-53. Commissioner Carty seconded the motion.

At 6:47 PM the Authority Commissioners retired to Executive Session for a discussion involving litigation and contract matters.

RESOLUTION 2011-53

AUTHORIZING EXECUTIVE SESSION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF DISCUSSION OF LITIGATION AND CONTRACT MATTERS

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 has deemed it necessary to go into closed session to discuss certain matters which are exempted from public discussion; and

WHEREAS, the regular meeting of this Authority will reconvene following closed session;

NOW, THEREFORE, BE IT RESOLVED that the Mount Holly Township Municipal Utilities Authority will go into closed session for the following reasons as outlined in N.J.S.A. 10:4-12:

Discussions pertaining to a shared services agreement with the Township of Mount Holly.

BE IT FURTHER RESOLVED that the Authority hereby declares that its discussion of the aforementioned subject may be made public at a time when the Authority Attorney advises the Authority 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 Authority, 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 Secretary to take the appropriate action to effectuate the terms of this resolution.

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

NAYS:

The Authority Commissioners returned to regular session at 7:30 P.M.

Respectfully submitted,

Debra E. Fortner, Secretary

ADJOURNMENT

Commissioner Silcox moved for adjournment. Commissioner Carty seconded the motion. Chairman Edwards adjourned the meeting at 7:35pm.

Respectfully submitted,

Debra E. Fortner