

**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 20<sup>th</sup>, 2012, and April 5, 2012, and the Courier Post on February 20<sup>th</sup>, 2012, and April 5, 2012. On Tuesday, May 8<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**

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 16<sup>th</sup>, 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 pending litigation.

**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 10<sup>th</sup> 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,

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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