

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES
October 08, 2015**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday October 08, 2015; at 6:00 P.M. Chairman Thiessen called the meeting to order with the following roll call:

PRESENT: Mr. Jules Thiessen, Chairman
Mr. Robert Silcox, Vice Chairman
Mr. Christopher Banks, Commissioner
Mr. Joshua Brown, Commissioner

ALSO Robert Maybury, Executive Director
PRESENT: George Morris, Esq., Solicitor -Parker McCay
Katelyn McElmoyl., Solicitor –Parker McCay
Albert Marmero, Esq., Long Marmero & Associates, LLP, Special Counsel
David Skibicki, R. A. Alaimo Associates, Engineer
Cheryl Wurst, Finance Administrator/Treasurer
Anthony Stagliano, Deputy Director of Regulatory Affairs & Qualified Purchasing Agent
Joel Hervey, Deputy Director for Plant Operations
Brandy C. Boyington, Board Secretary

ABSENT: Mr. Jason Jones, Commissioner

VERIFICATION OF NOTICE

Executive Director Maybury 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 19, 2015 and the Courier Post on February 19, 2015. On Monday, October 05, 2015, 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

APPROVAL OF MINUTES

Commissioner Brown moved for the approval of Regular Meeting Minutes and Executive Meeting Minutes of September 10, 2015. Commissioner Banks seconded the motion. At the call of the roll the vote was:

AYES: Commissioner Silcox, Chairman Thiessen, Commissioner Brown
NAYES:
ABSTAIN: Commissioner Banks
ABSENT: Commissioner Jones

Commissioner Brown moved for the approval of Special Meeting Minutes and Special Meeting Minutes of August 26, 2015. Commissioner Banks seconded the motion. At the call of the roll the vote was:

AYES: Chairman Thiessen, Commissioner Brown, Commissioner Banks
NAYES:
ABSTAIN: Commissioner Silcox

ABSENT: Commissioner Jones

OLD BUSINESS

RESOLUTION 2015-72 A RESOLUTION APPROVING S-3 APPLICATION FOR SEWERAGE SERVICE BETWEEN THE MHMUA AND MOUT HOLLY TOWNSHIP FOR WEST RANOCAS REDEVELOPMENT OF MOUNT HOLLY Block 12.03 Lot 3-14, Block 12.04 Lots 40-45, Block 12.05, Lots 27

Executive Director Maybury explained that the S-3 application is approving the sewer plans. This application is for 40 homes with in this development; approximately 18 are existing residents.

Commissioner Silcox moved for the approval of the consent agenda. Commissioner Brown seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Silcox, Commissioner Brown, Commissioner Banks

NAYES:

ABSTAIN:

ABSENT: Commissioner Jones

NEW BUSINESS:

RESOLUTION 2015-90 A RESOLUTION APPROVING THE INDUSTRIAL WASTE SERVICE AGREEMENT WITH PSE&G.

Executive Director Maybury explained that this agreement is an update from an existing agreement that currently allows PSE&G to discharge up to 25,000 gallons of ground water per day to the sanitary sewer. This resolution, if approved would allow discharge of up to 100,000 gallons of per day.

Commissioner Silcox moved for the approval of the consent agenda. Commissioner Brown seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Silcox, Commissioner Brown, Commissioner Banks

NAYES:

ABSTAIN:

ABSENT: Commissioner Jones

RESOLUTUION 2015-91 A RESOLUTION APPROVING S-1 APPLICATION FOR SEWERAGE SERVICE BETWEEN THE MHMUA AND HAINESPORT TOWNSHIP SCHOOL.

Executive Director Maybury clarified this Resolution is for Hainesport Township School, who has been connected to the sanitary sewer system by use of a pumping station operated by the MHMUA since 1994. A gravity main was installed in front of the school in 2003 and now they would like to connect a lateral to the gravity main and decommission the pump station.

Commissioner Brown moved for the approval of the consent agenda. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Silcox, Commissioner Brown, Commissioner Banks

NAYES:

ABSTAIN:

ABSENT: Commissioner Jones

RESOLUTION 2015-92- A RESOLUTION RELEASING PERFORMANCE BOND FOR WEST RANOCAS REDEVELOPMENT PARKER'S MILL EAST IN THE AMOUNT OF \$77,819.73.

Commissioner Silcox moved for the approval of the consent agenda. Commissioner Brown seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Silcox, Commissioner Brown, Commissioner Banks

NAYES:

ABSTAIN:

ABSENT: Commissioner Jones

RESOLUTION 2015-93- A RESOLUTION RELEASING THE PREFORMANCE BOND FOR WOODS AT CREEKVIEW, HAINESPORT NJ- (MAINTENACE BOND WAIVED.)

Executive Director Maybury stated that this bond is for a developer's project that was completed about 8 years ago. There were some outstanding issues relating to easements and as built drawings that have been resolved. The maintenance bond has been waived because of the length of time this project has been complete.

Commissioner Silcox moved for the approval of the consent agenda. Commissioner Brown seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Silcox, Commissioner Brown, Commissioner Banks
NAYES:
ABSTAIN:
ABSENT: Commissioner Jones

RESOLUTION 2015-94 A RESOLUTION OF THE MT. HOLLY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING ENGINEERING SERVICES WITH PENNONI ASSOCAITES FOR NJPDES PERMIT RENEWAL.

Executive Director Maybury stated that this Resolution is for the New Jersey Pollution Discharge Elimination System (NJPDES) Permit Renewal is for the Rancocas Road Treatment Facility effluent. This permit is 5 years and the MHMUA requires technical assistance from the Engineer to perform the local limit studies, sampling plans and pollution plan management. This permit has a special compliance requirement for a pollutant of concern (Bromodichloromethane) that has never been targeted within the discharge permit before. Once the new permit takes effect, the MHMUA has 3 years to comply and this is a big project. Omni Environmental has previously performed the renewal requirements. If approved, Pennoni will work with the MHMUA staff for the permit renewal and the total cost would be \$78,500.

Commissioner Brown moved for the approval of the consent agenda. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Silcox, Commissioner Brown, Commissioner Banks
NAYES:
ABSTAIN: Chairman Thiessen
ABSENT: Commissioner Jones

RESOLUTION 2015-95 A RESOLUTION APPOINTING SHERRILL COX AS QUALIFIED PURCHASING AGENT.

Commissioner Silcox moved for the approval of the consent agenda. Commissioner Brown seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Silcox, Commissioner Brown, Commissioner Banks
NAYES:
ABSTAIN:
ABSENT: Commissioner Jones

CONSENT AGENDA:

“All items listed with an asterisk (*) are considered routine by the Authority and will be enacted by one motion. Should a Commissioner wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence.”

***RESOLUTION 2015-96**
A RESOLUTION APPROVING THE OPERATING EXPENSES FOR
THE MONTH OF SEPTEMBER 2015

***RESOLUTION 2015-96A**
A RESOLUTION APPROVING THE SEWER REFUNDS FOR
THE MONTH OF SEPTEMBER 2015

***RESOLUTION 2015-97**
A RESOLUTION THE ESCROW EXPENSES FOR THE MONTH OF SEPTEMBER 2015

***RESOLUTION 2015-98**
A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF SEPTEMBER
2015 FROM THE IMPROVEMENT AND REPLACEMENT FUND

Commissioner Silcox moved for the approval of the consent agenda. Commissioner Brown seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Brown, Commissioner Banks, Commissioner Silcox

NAYS:

ABSTAIN:

ABSENT: Commissioner Jones

COMMUNICATIONS None

MATTERS TO BE PRESENTED BY THE PUBLIC None

REPORT OF THE EXECUTIVE DIRECTOR Executive Director Maybury stated there was nothing further, but would like to note that Timothy Kiel from Bowman is with us tonight to discuss some of the MHMUA's 2016 budget issues. Chairman Thiessen suggested setting up a meeting with two commissioners, Timothy Kiel and the Interim Finance Administrator. Commissioner Banks and Commissioner Silcox agreed to meet with Mr. Kiel. Date to be determined.

REPORT OF THE ENGINEER

The Report of the Engineer was received. Mr. Skibicki added that we are waiting on Lumberton Force Main Insertion Valve shipment. We should have installed this month. Mr. Skibicki also stated that there was a design review meeting with Alaimo and the MHMUA for the Belt Filter Press on September 30th, 2015 and should expect to have new drawings by end of this month.

Commissioner Silcox asked what, if any, the status of Wellington Farms was. Executive Director Maybury explained that the 211 acres behind Walmart in Lumberton is still in the planning process. There was a meeting with Nicholson Associates and Mr. Fooks from Alaimo to discuss the route of the proposed flow. The original plan was presented to the MHMUA being routed through the Country Estates Pump Station and then into the Hollybrook Pumps Station. The MHMUA would like to see it routed to existing 18" gravity main in the Bobby's Run Development, then into the recently upgraded Edward Street Pump Station. Chairman Thiessen asked what our position is on the decision of flow route. Executive Director Maybury explained the MHMUA is in the driver's seat and ~~we~~ will decide ~~how to~~ the most appropriate route based on hydraulic calculations and studies from Alaimo.

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

The Report of the Solicitor was received.

REPORT OF THE FINANCE ADMINISTRATOR/BOARD TREASURER

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

OTHER NEW BUSINESS

MATTERS TO BE PRESENTED BY COMMISONERS None

Executive Session

Commissioner Silcox moved for approval of Resolution 2015-99. Commissioner Silcox seconded the Motion. At the call of roll, the vote was:

AYES: Commissioner Silcox, Commissioner Brown, Commissioner Banks, Chairman Thiessen

NAYS: ----

ABSTAIN: ----

ABSENT: Commissioner Jones

At 6:20 P.M. the Authority Commissioners retired to Executive Session for a discussion of the matter listed in the below resolution.

**RESOLUTION 2015-99
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: negotiations with bargaining units);

_____ Any matter involving the purchase, 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;

X 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: Hainesport Township connection fee matter, legal issues related with the development of the 2016 budget

(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);

 X 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 hiring of Finance Administrator; change of job descriptions for various employment positions, organizational chart and a harassment complaint investigation.

_____ 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, Brandy C. Boyington, 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 October 08, 2015.

Brandy C. Boyington

ADJOURNMENT

Commissioner Silcox moved for adjournment. Commissioner Banks seconded the motion. Chairman Thiessen adjourned the meeting at 6:20 P.M.

Respectfully submitted,

Brandy C. Boyington, Board Secretary