

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REORGANIZATION MEETING
FEBRUARY 16, 2012**

The reorganization meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, February 16, 2012 at 6:00P.M. Special Counsel Kondracki called the meeting to order with the following roll call:

PRESENT: Mr. John R. Edwards, Chairman
Mr. Jules Thiessen, Vice Chairman (Incoming)
Ms. Jacquelyn Perinchief, Commissioner
Mr. Jason Carty, Commissioner

ABSENT: Mr. Robert Silcox, Vice Chairman (Outgoing)

ALSO PRESENT: William G. Dunn, Executive Director
Stephen J. Mushinski, Esq., Solicitor
Edward A. Kondracki, Esq., Special Counsel
Tracey N. Giordano, Deputy Director of Finance and Administration
Andrew Doyle, Assistant Executive Director
Richard A. Alaimo, R. A. Alaimo Associates, Engineer
Keith M. Weisman, R. A. Alaimo Associates, Engineer
Joel Hervey, Deputy Director of Plant Operations
Anthony G. Stagliano, Sr., Deputy Director for Regulatory Affairs
Robert Maybury, Operations Manager

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 April 20, 2011, and December 9, 2011, and the Courier-Post on April 20, 2011, and December 9, 2011. On Tuesday, February 14th, 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."

PLEDGE OF ALLEGIANCE

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.

REORGANIZATION

ELECTION OF CHAIRMAN

Special Counsel Kondracki requested nominations for the position of Chairman. Commissioner Carty stated he would like to address the issue of the additional commissioner before reorganization begins. Commissioner Carty stated there is potentially another member to be sworn in and he believes they should be given the opportunity to participate in the reorganization process. Commissioner Carty stated according to the Mount Holly Township meeting he attended on January 30, 2012, Mr. David Benn was appointed as a member of the Authority. He reported there has been coverage of this situation in the local newspapers and legal opinions have been obtained by the Mount Holly Township Manager. Commissioner Carty stated based on the meeting he attended on January 30th, 2012, and February 13th, where Mr. Benn addressed Mount Holly Town Council and was told they had no additional information for him, where after minutes from the January 30th meeting when Mr. Benn was appointed were approved, Mr. Benn was appointed as far as he was concerned. Commissioner Carty reported through speaking with the Mount Holly Township Manager, OPRA requests, and reviewing the Township's Council Meeting Minutes, he has found "zero" official action from Mount Holly Township contradictory to Mr. Benn being appointed to the Authority

Board. Commissioner Carty stated he specifically asked Ms. Hoffman about past practice and was advised that typically Executive Director Dunn would call the Township the morning after the Council Meeting to ask who had been appointed. In Commissioner Carty's opinion, Mr. Benn has been rightfully appointed and it is not the place of the Authority's board to dictate to the Township.

Chairman Edwards asked the Authority's attorney to respond.

Solicitor Mushinski stated since his firm was involved in the decision made by the Mount Holly Township Council, he felt it appropriate to recuse himself from the table due to a conflict of interest.

Commissioner Carty stated before Special Counsel Kondracki speaks he would suggest an unbiased legal opinion should be sought. His feeling is that anyone with a position on the Authority Board or with the Mount Holly Township shouldn't be weighing in.

Special Counsel Kondracki stated for the record that according to the rules of ethics for attorneys, he represents the Authority not the Authority's Board. His job is to protect the Authority as a whole. The issue at hand is not about persons or personalities but involves a procedure of law. The Authority and the Township must comply with the law for the good of the Authority. Special Counsel Kondracki reviewed what transpired at the Mount Holly Township Council Meeting and said that the record showed that the Mayor expressed his concern with proceeding with nominations to the Authority based on the fact that he was unable to interview candidates for the position due to out-of-town business. Specifically, the Mayor stated at the beginning of the meeting his preference for the matter not to go forward and that he would have to abstain on any vote for the reasons stated. Despite his objection, a motion was made to appoint Mr. Benn, which resulted in a 2-2-1 with the Mayor abstaining. Special Counsel Kondracki stated the Authority has a vested interest in this decision as he will discuss. Special Counsel Kondracki stated the issue is whether, under the factual circumstances of this particular vote, the abstention should count as affirmative vote for the appointment. In Special Counsel Kondracki's opinion, it should not. He cited and read portions of three reported decisions in support of his opinion. Special Counsel Kondracki said the Authority has a vested interest because in the event of an appointment being questioned, there would be a cloud hanging over the Authority for the entire term of that member. Special Counsel Kondracki cited examples such as employee discipline, or vendors being refused contracts, as to how the Authority would be subject to suits going forward whenever there is a close vote, on the basis that one of its members was improperly seated. Special Counsel Kondracki went on to say the biggest issue would be in the area of public finance when the Authority would like to take advantage of refinancing bonds for a lower interest rate. At that time the attorneys for the Authority would have to opine they had reviewed all transcript proceedings and were satisfied that all board members were properly seated; something that would be very difficult to do in this case given the circumstances. This could preclude the Authority from the benefits of those types of opportunities. Special Counsel Kondracki reported the Township had questions about the validity of the appointment and sought the opinion of their solicitors who basically came to the same conclusion as he did. It is the understanding of Special Counsel Kondracki the Mount Holly Township Council has a special meeting scheduled in the next week to ten days to consider the appointment to the Authority. In the meantime, the current member, Vice Chairman Silcox, remains the Authority's holdover member for as long as it takes for the Township to replace him.

Commissioner Carty asked Special Counsel Kondracki and the Authority Board and Staff if anything has been received from the Township in black and white stating there will, indeed, be a special meeting. Deputy Director of Finance and Administration, Giordano, stated there has been no communication on paper; however she did receive a verbal confirmation from the Township Manager, Ms. Hoffman that morning. Commissioner Carty stated in his opinion a member is a member until they are removed from the board so their vote would count until then. Special Counsel Kondracki responded the answer to that is legally the appointment would be void from the beginning, meaning if a member was not duly appointed and later the courts decide that the member is removed, it would be as if the member had never been seated, this would affect every vote from the beginning of his or her appointment.

Commissioner Carty asked who had authorized Mr. Kondracki to look into this situation as it is obvious he is prepared with research. Special Counsel Kondracki informed Commissioner Carty on Tuesday, February 14th, he had called Deputy Director of Finance and Administration Giordano to discuss agenda items as he routinely does in order to insure everything goes smoothly at the board meetings. At that time he asked Ms. Giordano if the Township had made their appointment at their previous night's meeting, fully expecting they had. When he was advised it was not, Mr. Kondracki determined he should research this area of law. Special Counsel Kondracki stated that also, a short time later, Executive Director Dunn contacted him to request that he conduct some research with which to advise the Authority's Board if it came to that. As a result, Mr. Kondracki did his research, and found the three reported cases which he quoted to the Board. Commissioner Carty asked if Mr. Kondracki had prepared an opinion paper based on his research to which Mr. Kondracki replied, although he had not, he would be happy to.

Commissioner Carty made a motion for Mr. Benn to be sworn in as commissioner tonight. Commissioner Thiessen stated he wished the Authority was not faced with the situation being discussed; however, he felt it would be in the best interest of the Authority to wait for the appointment until the situation is resolved.

Chairman Edwards asked for a second to the motion. The motion did not receive a second.

Commissioner Carty made a motion to adjourn the meeting until the matter is resolved with Town Counsel and the new or returning member has the opportunity to participate insuring a proper reorganization of this Authority since there is no pressing issue on the agenda. Chairman Edwards asked for a second to the motion. The motion did not receive a second.

NOMINATION OF CHAIRMAN

Special Counsel Kondracki requested nominations for the position of Chairman. Commissioner Carty moved for the nomination of Mr. Thiessen. Commissioner Perinchief moved for the nomination of Mr. Edwards. Commissioner Carty moved to close the nominations. Commissioner Edwards seconded the motion. Roll call on the motion to close nominations:

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

NAYS: None

Motion carried. Special Counsel Kondracki called for the roll with each member of the board casting their vote for the election of a chairman. At the call of the roll, the vote was:

Commissioner Carty:	Mr. Thiessen
Commissioner Thiessen:	Mr. Edwards
Commissioner Perinchief:	Mr. Edwards
Commissioner Edwards:	Mr. Edwards

Mr. Edwards was elected to the position of Chairman by a 3 to 1 vote. He will assume his chair at the conclusion of the nominations.

NOMINATION OF VICE CHAIRMAN

Special Counsel Kondracki requested nominations for the position of Vice Chairman. Commissioner Carty moved for the nomination of Commissioner Thiessen. Commissioner Carty moved for a motion to close the nominations. Commissioner Edwards seconded the motion. Roll call on the motion to close nominations:

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

NAYS: None

NOMINATION OF TREASURER

Special Counsel Kondracki requested nominations for the position of Treasurer. Commissioner Carty nominated Tracey Giordano for Treasurer. Commissioner Carty moved to close the nominations. Commissioner Thiessen seconded the motion. Roll call on the motion to close nominations:

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

NAYS: None

NOMINATION OF SECRETARY

Special Counsel Kondracki requested nominations for the position of Secretary. Commissioner Carty nominated Debra Fortner for the position of Secretary. Commissioner Thiessen moved to close the nominations. Commissioner Edwards seconded the motion. Roll call on the motion to close nominations:

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

NAYS: None

Special Counsel Kondracki asked for a motion to elect the slate of candidates for office, as nominated. Commissioner Edwards moved to elect the slate of candidates for office, as nominated.. Commissioner Perinchief seconded the motion. Roll call on the motion to elect the slate of candidates for office, as nominated..

AYES: Commissioner Thiessen, Commissioner Perinchief,
Commissioner Edwards

NAYS: None

ABSTAIN: Commissioner Carty

Chairman Edwards assumed the Chair.

RESOLUTION 2012-04

A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR SOLICITOR FOR MHMUA FOR A 1-YEAR TERM (CONTRACT 2012-1)

Executive Director Dunn recommended Stephen J. Mushinski of Parker McCay

Commissioner Carty stated he would like to premise all professional appointments with the fact that he will be abstaining in protest that there should be a full board. Special Counsel Kondracki stated that his abstention would not count as an affirmative vote.

Commissioner Thiessen moved for the approval of Resolution 2012-04 authorizing professional services contract of Stephen J. Mushinski of Parker McCay as Solicitor for the Mount Holly Municipal Utilities Authority for a one-year term. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was,

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: None

Commissioner Carty abstained

RESOLUTION 2012-05

A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR ENGINEERING FIRM FOR MHMUA FOR A 1-YEAR TERM (CONTRACT 2012-02)

Executive Director Dunn recommended Richard A. Alaimo Associates

Commissioner Thiessen moved for the approval of Resolution 2012-05 authorizing professional services contract of Richard A. Alaimo Associates as Engineering Firm for the Mount Holly Municipal Utilities Authority for a one-year term. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: None

Commissioner Carty abstained

RESOLUTION 2012-06

A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR SPECIAL COUNSEL FOR THE MHMUA FOR A 1-YEAR TERM (CONTRACT 2012-03)

Executive Director Dunn recommended the Law Offices of Edward A. Kondracki, L.L.C.

Commissioner Thiessen moved for the approval of Resolution 2012-06 authorizing professional services contract of the Law Offices of Edward A. Kondracki, L.L.C. as Special Counsel for the Mount Holly Municipal Utilities Authority for a one-year term. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: None

Commissioner Carty abstained

RESOLUTION 2012-07

A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR BOND COUNSEL FOR MHMUA FOR A 1-YEAR TERM (CONTRACT 2012-04)

Executive Director Dunn recommended Parker McCay

Commissioner Perinchief moved for the approval of Resolution 2012-07 authorizing professional services contract of Parker McCay as Bond Counsel for Mount Holly Municipal Utilities Authority for a one-year term. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: None

Commissioner Carty abstained

RESOLUTION 2012-08

A RESOLUTION AUTHORIZING AN EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACT FOR ENVIRONMENTAL CONSULTING ENGINEER FOR THE MHMUA FOR A 1-YEAR TERM (CONTRACT 2012-05)

Executive Director Dunn recommended Omni Environmental, LLC

Commissioner Thiessen motioned for the approval of Environmental Resolutions as Environmental Consulting Engineer for the Mount Holly Municipal Utilities Authority for a one-year term. Commissioner Carty seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Carty, Commissioner Thiessen

NAYS: Commissioner Perinchief, Chairman Edwards

Motion does not carry. Chairman Edwards stated the resolution and approval will be tabled until a 5th board member is present to break the tie.

RESOLUTION 2012-9

A RESOLUTION AUTHORIZING AN EXTRAORDINARY UNSPECIFIABLE SERVICE CONTRACT FOR COMPUTER SYSTEMS CONSULTANT FOR THE MHMUA FOR A 1 YEAR TERM (CONTRACT 2012-6)

Executive Director Dunn recommended Hawkins Technologies, LLC

Commissioner Thiessen moved for the approval of Resolution 2012-9 authorizing an extraordinary unspecifiable service contract with Hawkins Technologies, LLC as Computer Systems Consultant for the Mount Holly Municipal Utilities Authority for a one-year term. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYES: None

Commissioner Carty abstained

Commissioner Carty asked for an explanation of an EUS. Special Counsel Kondracki explained it is an exception to the requirement for bidding on a public contract because the services are unique and not susceptible to the preparation of specifications. An EUS is typically used for areas such as equipment or computer repair.

RESOLUTION 2012-10

A RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS OF THE MHMUA

Commissioner Thiessen moved for the approval of Resolution 2012-10 designating the Burlington County Times and The Camden Courier-Post as official newspapers of the Mount Holly Municipal Authorities. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: Commissioner Carty

RESOLUTION 2012-11

A RESOLUTION DESIGNATING BANKING INSTITUTIONS FOR THE MHMUA

Commissioner Thiessen moved for the approval of Resolution 2012-11 designating Beneficial Bank as the lead bank with the Mount Holly Municipal Authorities utilizing other banks in Burlington County from time to time. Commissioner Perinchief seconded the motion. At the call of the roll the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: None

Commissioner Carty abstained

RESOLUTION 2012-12

A RESOLUTION DESIGNATING THE PUBLIC AGENCY COMPLIANCE OFFICER (PACO) FOR THE AUTHORITY FOR THE CURRENT CALENDAR YEAR

Commissioner Thiessen moved for the approval of Resolution 2012-12 designating William G. Dunn as the Public Agency Compliance Officer for the Mount Holly Municipal Authority for the current calendar year. Commissioner Perinchief seconded the motion. At the call of the roll the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: None

Commissioner Carty abstained

RESOLUTION 2012-13

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING MEETINGS FOR THE YEAR 2012 THROUGH THE 2013 REORGANIZATION MEETING

Commissioner Perinchief moved for the approval of Resolution 2012-13. Commissioner Thiessen seconded the motion. At the call of the roll the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: None

Commissioner Carty abstained

APPROVAL OF MINUTES

Commissioner Thiessen moved for the approval of the minutes of the Regular Meeting of January 12, 2012. Commissioner Perinchief seconded the motion. Motion carried.

Commissioner Carty abstained.

OLD BUSINESS

RESOLUTION 2012-17

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING BID REJECTION FOR CONSTRUCTION CONTRACT #2012-17, ROOF REPLACEMENT, PLANT #2, RANCOCAS ROAD WATER POLLUTION CONTROL FACILITY

Commissioner Thiessen asked why the bids are being rejected since the Authority previously stated it was needed; has that changed? Executive Director Dunn stated the bids had come in higher than anticipated. In the long term, the roof will still be needed, however, it does not have to be done immediately.

Commissioner Thiessen moved for the approval of Resolution 2012-17. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

NEW BUSINESS

PUBLIC HEARING

Notice of approval for Service Agreement with Monmouth County Reclamation Center for disposal of wastewater. Hearing will be held at the March 8th, 2012 Board Meeting.

Commissioner Thiessen asked how many trucks this agreement is for. Executive Director Dunn responded it would be a maximum of 9-10 trucks per day.

RESOLUTION 2012-18

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

Commissioner Carty asked if this is using Gov Deals and if this is something new for the Authority. Special Counsel Kondracki stated that yes, this is for the use of Gov Deals; the Authority previously adopted a resolution and established an account. A resolution must be adopted every time items are to be offered for sale.

Commissioner Thiessen moved for the approval of Resolution 2012-18. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

RESOLUTION 2012-14

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

Commissioner Thiessen moved for the approval of Resolution 2012-14. Chairman Edwards seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Thiessen, Chairman Edwards

NAYS: Commissioner Carty

RESOLUTION 2012-14A

**A RESOLUTION APPROVING THE SEWER REFUNDS
FOR THE MONTH OF JANUARY 2012**

Chairman Edwards moved for the approval of Resolution 2012-14A. Commissioner Thiessen seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

RESOLUTION 2012-15

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

Commissioner Thiessen moved for the approval of Resolution 2012-15. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

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

NAYS: None

Commissioner Carty asked what the expense for Huber Technologies was. Executive Director Dunn stated what they provide is not stocked in the United States so there is a major time element involved when ordering. Therefore, the Authority has elected as a precaution to stock an extra one as a back up.

COMMUNICATIONS

Executive Director Dunn reported he has again been in discussion with Lockheed Martin regarding the naval site in Moorestown trying to resolve technical issues. Executive Director Dunn explained Lockheed Martin would build and maintain the structure; it would just flow to Mount Holly. Executive Director Dunn said he has also been discussing a 400 unit project in Westampton with Hovnavian Builders.

MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. Rich Difulco of 18 Winding Way in Mount Holly asked why public comments are not offered prior to resolutions being passed. Chairman Edwards stated that practice had been suggested previously and it was determined there are advantages and disadvantages to having the public comments at that point in the meeting. Commissioner Thiessen commented it had actually gone to vote and was rejected.

After discussion, it was agreed going forward there will be two public comment areas on the agenda. Public comments will be heard prior to resolutions for action items only. Public comments will also be heard later in the meeting, as they have been historically, on issues of a general nature.

Mr. Difulco discussed the Authority's Special Counsel Kondracki's opinion of Mr. Benn's appointment to the MUA Board. Mr. Difulco said his understanding of Mr. Kondracki's opinion is that if Mr. Benn was appointed tonight, and then later it was found to not be a valid appointment, a cloud would hang over the Authority. Mr. Difulco asked if this would be the same situation if Mr. Benn was not appointed and down the road it was discovered by the courts Mr. Benn should have rightfully been appointed and he wasn't. In that case wouldn't all resolutions and decisions that had been made in his absence be null and void? Special Counsel Kondracki pointed out that this evening's votes were all 3 to 1 so it would not have mattered. Discussion followed.

Mr. Richard Dow of 232 Rutland Ave, Mount Holly, stated he had questions as a resident, not as a Mount Holly Township Council member. Mr. Dow, addressing Special Counsel Kondracki, asked if Mr. Benn were to win a case that he was not rightfully appointed would everything the Authority had done between this evening and the ruling be subject to the same legal ramifications as if he were appointed then the decision was later overturned. Special Counsel Kondracki responded that would depend on the nature of the complaint. Mr. Dow commented that earlier in the meeting Special Counsel Kondracki had mentioned the third, outside, legal opinion did not really state anything matter of factly. Mr. Dow questioned the phrase about "the action of the governmental body is binding." Mr. Dow stated wouldn't that be affirmative? Special Counsel Kondracki stated that the letter also said the "accordingly given the unsettled law and abstentions, the governmental body would be subject to challenges and it would be difficult to predict the outcome." The person who wrote that third opinion letter is saying they don't know how the court would react. That letter does not really answer any questions or take any position. Mr. Dow then discussed how there is confusion on this topic up to the State level. Special Counsel Kondracki explained he did not rely on either Parker McCays opinion or the outside opinion. Mr. Kondracki conducted his own research, reaching his own opinion, hours before he read the other opinions. His opinion was not influenced by the others in any way. Special Counsel Kondracki did not write an opinion letter. Instead, he provided cases to the Authority Staff so they would have an understanding of his findings, then, discussed the findings with them. Mr. Dow asked if the independent research included viewing the video of the Mount Holly Township Council's appointment. Mr. Kondracki confirmed he had watched the video. Mr. Dow stated if Mr. Kondracki had viewed the video, and earlier it had been stated that Mayor Donnelly had some kind of protest regarding his vote that night, he would challenge Mr. Kondracki to find anywhere in that video any protest by Mayor Donnelly, the Township Attorney, etc. Mr. Dow stated Council was given the rules of the game and that is what they followed. Special Counsel Kondracki responded to Mr. Dow that Government is not a game, it is serious business.

Mr. Dow said he wanted to move on to his next issue in regards to sewer flow. He noticed there's a resident rate that is the same within and outside Mount Holly and wondered why they are the same. Special Counsel Kondracki replied it is a law. Authority Engineer, Mr. Alaimo, stated that rate has to do with the OM&R rate which was established in the 1970s dictating the rate has to be the same for everyone. Other rates can be up to 1.5 times higher. Deputy Director of Finance and Administration reported Mount Holly residents do not pay postage, in addition to their usage and connection rates being lower then outside towns. Mr. Dow asked what other things are the same for inside or outside of Mt. Holly Township. Deputy Director of Finance and Administration Giordano confirmed that is the only item.

Mr. Difulco added one more comment. He stated if this appointment was something that could have been contested, Mayor Donnelly could have simply removed it from the agenda rather than listening to the Township attorney and proceeding.

REPORT OF THE EXECUTIVE DIRECTOR

There was nothing additional to be reported by the Executive Director.

REPORT OF THE ENGINEER

The Report of the Engineer was received.

REPORT OF THE DEPUTY DIRECTOR FOR PLANT OPERATIONS

The Deputy Director for Plant Operations' report was received.

Commissioner Thiessen asked for an update on the Solar Project and the issue with the sludge quality discussed at the January meeting. Executive Director Dunn reported there had been negotiations with Ocean County; however, we are going to give notification to them we are not going to purchase their equipment. Through discussions with the manufacturer, they have extended the Authority the opportunity to extend the bid on presses and try to get a better idea of how the thickness of the sludge would benefit. Currently it appears the price will be in the ball park of \$70,000-\$80,000 installed. Executive Director Dunn reported the Solar Power Project is going well. There have been questions from Lumberton regarding bringing two lots together which would not have an affect on the Solar Project. It is still up in the air pending further discussions.

REPORT OF THE DEPUTY DIRECTOR FOR REGULATORY AFFAIRS

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

Deputy Director for Regulatory Affairs, Stagliano, reported a submission to FEMA was made on Thursday for funds due from last summer's hurricane. Currently he is waiting to hear what is covered by FEMA and what is covered by JIF as well as how much, if any, money will be received.

Deputy Director for Regulatory Affairs, Stagliano, reported Truck 11, which was involved in an accident on 11/13/2011, is experiencing electrical problems so an adjustor should be contacting the Authority shortly to discuss the issue.

REPORT OF THE DEPUTY DIRECTOR OF FINANCE AND ADMINISTRATION

The Deputy Director of Finance and Administration's reports were received.

Deputy Director of Finance and Administration reported the Shared Services Agreement for payroll with Mount Holly Township expires on February 29, 2012. She has been in discussion with the Township Manager, Kathy Hoffman who will put it on the Township agenda for the end of the month.

OTHER NEW BUSINESS

There was no other new business to be presented.

MATTERS TO BE PRESENTED BY THE COMMISSIONERS

Commissioner Carty had questions about the RFP's for "extraordinary unspecifiable services." He wanted to know why they are RFP's. Special Counsel Kondracki answered you should request proposals for EUS's.

Commissioner Carty asked to go on record for his abstentions to the RFP's. He took a stand on this because he felt with the lack of a fifth member the board should have waited an extra week to vote. With that said, he stated he has no problem with any of the services provided by any of the professionals such as Alaimo Associates, or the Counselors.

Commissioner Carty raised one last issue as a result of what recently has been published about the Cinnaminson Sewer Authority with charges of corruption from top to the bottom of the company. Commissioner Carty asked what safeguards the Authority has in place to prevent these types of things happening here. Deputy Director for Regulatory Affairs, Stagliano, explained the Authority has a 4 tier process for purchasing procedures. He said it might be overkill but it streamlines the process so nothing falls through the cracks. Commissioner Carty asked about personnel accountability. Deputy Director for Regulatory Affairs, Stagliano, explained the time clocks at the plant work by employees scanning hands. In the case of overtime, an employee must both scan hand and have a form signed off by their supervisor.

Commissioner Carty asked if the Authority vehicles have GPS systems in them to track the vehicles. Deputy Director for Regulatory Affairs, Stagliano, stated there are no GPS systems in the trucks, however, there are GPS systems on the phones carried by the road crews which are not activated at this time. Due to both the cost and the fact that the integrity of the employees has not been in question, the Authority has opted to not use that capability at this time. Commissioner Carty said he is not questioning anyone's integrity; he just wanted to be sure the Authority is doing its due diligence.

ADJOURNMENT

Commissioner Thiessen moved for adjournment. Commissioner Carty seconded the motion. Chairman Edwards adjourned the meeting at 7:40P.M.

Respectfully submitted,

Debra E. Fortner