

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
MARCH 08, 2012**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, March 08, 2012; at 6:00 PM. Chairman Edwards called the meeting to order with the following roll call:

PRESENT: Mr. John R. Edwards, Chairman
Mr. Jules Thiessen, Vice Chairman
Mr. Robert Silcox, Commissioner
Mr. Jason Carty, Commissioner
Ms. Jacquelyn Perinchief, Commissioner

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
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 3, 2012, and February 20th, 2012, and the Courier Post on February 4, 2012, and February 20th, 2012. On Tuesday, March 6th, 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

There were no public comments on action items.

APPROVAL OF MINUTES

Commissioner Thiessen moved for the approval of regular minutes of February 16, 2012. Commissioner Perinchief seconded the motion. Motion carried.

OLD BUSINESS

RESOLUTION 2012-21

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES
AUTHORITY APPROVING THE SERVICE AGREEMENT RENEWAL WITH
FREEHOLD CARTAGE, INC. FOR THE TREATMENT OF NON DOMESTIC
WASTE WATER FROM THE MONMOUTH COUNTY RECLAMATION CENTER**

Executive Director Dunn stated he negotiated a 5% increase in cost with Freehold Cartage, Inc.

The Commissioners received information in their packets regarding the proposed service agreement renewal with Freehold Cartage, 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 Thiessen moved for the approval of Resolution 2012-21. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Carty

RESOLUTION 2012-8

**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, due to experience, knowledge, and past working relationship with the Authority, as Environmental Consulting Engineer. Mr. Dunn reported he talked to Environmental Resolutions and they have not had the extent of experience Omni Environmental has and understand Omni Environmental is more qualified.

Commissioner Thiessen respectfully disagreed. Commissioner Thiessen feels other firms can do what Omni Environmental does for ½ the cost. This contract is not acceptable to Commissioner Thiessen who stated even if the Board does vote for Omni Environmental, the contract needs to be reopened. In his opinion the pricing is out of whack for today.

Commissioner Thiessen made a motion to appoint Environmental Resolutions. Commissioner Carty seconded the motion.

AYES: Commissioner Carty, Commissioner Thiessen

NAYS: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

Commissioner Perinchief stated she agrees with Mr. Thiessen in regards to Omni Environmental's current billing; their rates appear to be outdated and exorbitant. Chairman Edwards suggested a sub committee to examine the contract if Omni Environmental is appointed. Commissioner Carty asked if it is the past practice of the Authority to appoint a sub committee to evaluate RFPs once they have been awarded.

Commissioner Perinchief made a motion to appoint Omni Environmental with the stipulation there would be a change in the rate structure. Commissioner Silcox seconded the motion.

Solicitor Mushinski asked for clarification on what changes in the rate structure are being asked for. Commissioner Perinchief stated it is her understanding that currently the rate structure is set up with carte blanche billing. Solicitor Mushinski responded if the board is going to appoint Omni Environmental there needs to be some analysis of what the changes will be. Chairman Edwards stated the board should appoint a committee to evaluate the rates and come back to the board with recommendations. Commissioner Carty stated his understanding is the board appoints based on what was submitted, including the fee schedule. Special Counsel Kondracki explained Omni Environmental bills on the basis of an hourly rate. A resolution appointing them as Environmental Consulting Engineer does not give them the authorization to engage in any projects on behalf of the Authority unless authorization is expressly given by the Authority. Before a project is authorized, a scope of work, and a "not to exceed" number is reached on the specifications for each project. Solicitor Mushinski asked, then, if the commissioners are approving the rates listed. Special Counsel Kondracki responded yes, with the idea of adding the "not to exceed" language in on a project by project basis.

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

NAYS: Commissioner Carty, Commissioner Thiessen

NEW BUSINESS

RESOLUTION 2012-19

A RESOLUTION APPROVING THE OPERATING EXPENSES FOR THE MONTH OF FEBRUARY 2012

Deputy Director of Finance and Administration, Giordano, asked the commissioners to note that expenses are higher than normal this month as a result of the pension payment of \$371,000.00, due the first of April.

Commissioner Silcox moved for the approval of Resolution 2012-19. Commissioner Perinchief seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Perinchief, Commissioner Silcox, Chairman Edwards

NAYS: Commissioner Carty, Commissioner Thiessen

RESOLUTION 2012-20

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

Commissioner Carty moved for the approval of Resolution 2012-20. Chairman Edwards seconded the motion. At the call of the roll, the vote was:

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

NAYS: Commissioner Thiessen

COMMUNICATIONS

Executive Director Dunn reported he received a letter today from South Construction notifying the Authority they are beginning construction on March 16th. This construction, which will be at the intersection of Rancocas Road and the Mount Holly Bypass, is to add a new Left turn. Executive Director Dunn stated the construction appears to be in order and it is not a detriment to the Authority.

MATTERS TO BE PRESENTED BY THE PUBLIC

Mr. David Benn of Warwick Place in Mount Holly stated he had attended the February, 2012 Reorganization meeting, ready, willing, and able, to serve. Mr. Benn stated he was told by the Authority's Counsel he could not sit on the board because any actions taken might not count if later he was unappointed. Mr. Benn stated in his opinion the board is in the same position at this meeting, by allowing Mr. Silcox to sit on the board, since official action was taken.

Special Counsel Kondracki stated the Authority has not been served with any action and therefore, cannot comment on something that has not been seen. Mr. Benn reported the Mount Holly Township Manager was given a copy of the paperwork. Special Counsel Kondracki stated again the Authority has not been served so he has no comment and, also, since Mr. Benn is being represented by Counsel, it would be unethical for him to address Mr. Benn's questions.

REPORT OF THE EXECUTIVE DIRECTOR

The Executive Director had 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.

Deputy Director of Plant Operations, Hervey, reported there is a meeting scheduled with a representative of Gov Deals on March 13th. The Authority currently has 87 items to list which are attached to the Report of the Deputy Director for Plant Operations.

REPORT OF THE DEPUTY DIRECTOR FOR REGULATORY AFFAIRS

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

REPORT OF THE SOLICITOR

There was nothing to report.

REPORT OF THE DEPUTY DIRECTOR OF FINANCE AND ADMINISTRATION

The Report of the Deputy Director of Finance and Administration was received. Deputy Director for Finance and Administration, Giordano, advised the Commissioners the 2011 audit began on Monday, March 5th.

REPORT OF THE TREASURER

There was nothing to report.

OTHER NEW BUSINESS

There was no other new business.

MATTERS TO BE PRESENTED BY THE COMMISSIONERS

Commissioner Carty commented on the professional proposals earlier in the meeting. He does not feel it is fair to say Environmental Resolutions wouldn't be qualified, and also appointing them would have saved the Authority a significant amount of money. Commissioner Carty also commented on Mr. Benn's statement during "Matters to be Presented by the Public." Commissioner Carty stated at the February Reorganization Meeting Special Counsel Kondracki gave legal opinions regarding potential litigation so he is disappointed in the lack of clarification to Mr. Benn's public comments tonight.

ADJOURNMENT

Commissioner Silcox moved for adjournment. Commissioner Perinchief seconded the motion. Chairman Edwards adjourned the meeting at 6:35pm.

Respectfully submitted,

Debra E. Fortner