

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY  
REGULAR MEETING MINUTES  
JUNE 09, 2016**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday June 09, 2016; 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. Jason Jones, Commissioner  
Mr. Christopher Banks, Commissioner arrived at 6:04 P.M.  
Mr. Joshua Brown, Commissioner

ALSO Robert Maybury, Executive Director  
PRESENT: Katelyn McElmoyl, Solicitor Parker McCay  
David Skibicki, R. A. Alaimo Associates, Engineer  
Michelle Nocito, Finance Administer / Treasurer  
Joel Hervey, Operations Superintendent  
Brandy C. Boyington, Board Secretary  
Tom Coleman, Special Counsel- Raymond, Coleman, Heinold, Norman LLP

ABSENT: Anthony Stagliano, Safety Director & Special Projects

**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 16, 2016 and the Courier Post on February 16<sup>th</sup>, 2016. On Monday June 06, 2016, 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 Silcox moved for the approval of Regular Meeting Minutes of May 09, 2016. Commissioner Brown seconded the motion. At the call of the roll the vote was:

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

NAYES:

ABSTAIN:

## **OLD BUSINESS**

### **RESOLUTION 2016-67**      A RESOLUTION OF MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING THE APPROVAL OF THE 2015 AUDIT & CORRECTIVE ACTION PLAN.

Executive Director Maybury gave a summary stating the MHMUA had two comments on the audit. One is the ongoing NJAW comment, stating because we use NJAW's meter readings, the MHMUA is dependent on the accuracy of the readings. The second is the amount of journal entries that were required to finalize the year end because of the changes the MHMUA experienced with the financial administrator position and the temporary accounting with Bowman and Associates. Moving forward through 2016 the MHMUA will address this item. Commissioner Silcox moved for the approval of Resolution 2016-67. Commissioner Jones seconded the motion. At the call of the roll the vote was:

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

NAYES:

ABSTAIN:

### **RESOLUTION 2016-55**      A RESOLUTION APPROVING JPM (Jersey Professional Mngt.) TO RECRUIT A NEW CFO FOR THE MHMUA.

Commissioner Silcox moved **to table** Resolution 2016-60. Commissioner Browns seconded the motion. At the call of the roll the vote was:

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

NAYES:

ABSTAIN:

## **NEW BUSINESS**

**RATE HEARING:** Chairman Thiessen turned the meeting over to Special Counsel Tom Coleman, Esq., who conducted the Public Hearing. A court stenographer was present to record the hearing. A copy of the transcript is attached and made part of the minutes.

### **RESOLUTION 2016-60**      A RESOLUTION APPROVING ADJUSTMENTS TO SCHEDULE OF RATES.

Commissioner Silcox moved for the approval of Resolution 2016-60. Commissioner Brown seconded the motion. At the call of the roll the vote was:

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

NAYES:

ABSTAIN:

**\*\*RESOLUTION 2016-58**      A RESOLUTION APPROVING S-2 SERVICE AGREEMENT BETWEEN THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY AND A BETTER LUMBERTON FOR SANITARY SEWERAGE SERVICE AT WAVERLY POINTE SUBDIVISION, TOWNSHIP OF LUMBERTON, BLOCK 19.58 LOT 1 & 2

**\*\*RESOLUTION 2016-59**      A RESOLUTION APPROVING S-3 APPLICATION FOR APPROVAL OF SEWER CONSTRUCTION PLANS BETWEEN THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY AND A BETTER LUMBERTON FOR WAVERLY POINTE SUBDIVISION, TOWNSHIP OF LUMBERTON, BLOCK 19.58 LOT 1 & 2

Chairman Thiessen stated we will vote on resolution 2016-58 and 2016-59 together as they are applications for the same development. Commissioner Silcox moved for the approval of Resolutions 2016-58 & 2016-59. Commissioner Brown seconded the motion. At the call of the roll the vote was:

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

NAYES:

ABSTAIN:

**RESOLUTION 2016-65** A RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT FOR AUDITOR CONTRACT # 10-16

Executive Director Maybury explained there are three submissions, the RFP's were all within \$1000 to \$2000 of each other. Holman, Frenia, Allison, P.C bid \$27,000., Bowman & Company, LLP bid \$26,000., Brent W. Lee & Co, LLC bid approximately \$25,000. Chairman Thiessen asked if Brent W. Lee was our auditor the past year. Executive Director Maybury confirmed. Chairman Thiessen asked if Brent W Lee & Co was the lowest responsible bidder. Executive Director Maybury Confirmed. Commissioner Silcox stated on the bid tabulation sheet Holemna, Frenia, Allison, P.C, stated not to exceed \$27,000 and Bowman and Company also stated not to exceed \$26,000; I'd like to see Brent Lee's proposal have that language instead of the approximately. Chairman Thiessen stated we will pass resolution 2016-65 awarding Brent W. Lee & Co with the condition that the contract states not to exceed \$25,000. Commissioner Jones moved for the approval of Resolution 2016-65. Commissioner Brown seconded the motion. At the call of the roll the vote was:

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

NAYES:

ABSTAIN:

**RESOLUTUION 2016-66** A RESOLUTION OF THE MHMUA AUTHORIZING THE EXECUTION OF ENDORSEMENT BY THE EXECUTIVE DIRECTOR.

Executive Director Maybury explained this is resolution authorizes the Executive Director of the MHMUA to sign off on the Treatment Works Approvals required by the NJDEP for sanitary sewer development. Commissioner Brown moved for the approval of Resolution 2016-66. Commissioner Silcox seconded the motion. At the call of the roll the vote was:

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

NAYES:

ABSTAIN:

**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 2016- 61** A RESOLUTION APPROVING THE OPERATING EXPENSES FOR THE MONTH OF MAY 2016

**\*RESOLUTION 2016-62** A RESOLUTION APPROVING THE SEWER REFUNDS FOR THE MONTH OF MAY 2016

**\*RESOLUTION 2016-64** A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF MAY 2016 FROM THE IMPROVEMENT AND REPLACEMENT FUND

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

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

NAYS:

ABSTAIN:

**COMMUNICATIONS**

Executive Director Maybury stated that Randi Rothmel of the Mount Holly Environmental Committee sent a thank you to the MHMUA for its contribution towards a town cleanup project that occurred on May 21, 2016. Photos of the cleanup project can be found on the MHMUA Website by clicking the news tab.

**MATTERS TO BE PRESENTED BY THE PUBLIC**

Leo Selb, Hainesport Township Administrator stated he has come before the board because Hainesport Township wants to move forward with the Hainesport Sewer Project and resolve the 45 homes required to connect. Leo continued stating Hainesport sent out additional letters informing the residents of the potential rate increase effective July 1, 2016 as a result of tonight’s meeting. Leo explained his confusion on who will bill these residents. After speaking with the MHMUA’s special counsel this evening, I will take the information back to my committee that Hainesport will bill the residents the required connection and application fees. Hainesport Township has submitted a time table of events to happen. Hainesport Township will continue to move in the direction of having the tax sale in May 2017 and then turning the funds over to the MHMUA. Hainesport Township wanted to wait until after July 1<sup>st</sup>, 2016 to send a letter so the township could get the full impact of fees because of the rate increase. This is an ongoing project. Thank you for your time tonight.

**REPORT OF THE EXECUTIVE DIRECTOR**

Executive Director Maybury stated he would like to recognize Michelle Nocito as tonight is her last evening with the MHMUA. I have enjoyed working with Michelle, she is intelligent and had many good ideas that will help the MHMUA as we continue to move forward. I personally thank you for the time you spent with us at the MHMUA and wish you luck on all of your future endeavors.

**REPORT OF THE ENGINEER**

The Report of the Engineer was received. Mr. Skibicki stated that yesterday Alafmo Engineering received the revised packet on Waverly Pointe, a subdivision of A Better Lumberton and we will forward a letter to move forward with it.

**REPORT OF THE OPERATIONS SUPERINTENDENT**

The Report of the Operations Superintendent was received.

**REPORT OF THE SAFETY DIRECTOR AND SPECIAL PROJECTS**

The Report of the Safety Director and Special Projects was received.

**REPORT OF THE SOLICITOR**

The Report of the Solicitor was received.

**REPORT OF FINANCE ADMINISTRATION/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**

Commissioner Silcox stated that a township official had contacted him about the MHMUA paying for the port-a-potties for Mount Holly’s July 3<sup>rd</sup> event. Can we have a formal consensus on the MHMUA paying for these.

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

**Executive Session**

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY  
RESOLUTION # 2016-63 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;
- \_\_\_X\_\_\_ 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: CFO);
- \_\_\_\_\_ Any matter involving the purpose, 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 contract negotiation, the nature of the contract and interested party is anticipated CFO position terms\_)
- 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);*
- \_\_\_\_\_ 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 \_\_\_\_\_);
- \_\_\_\_\_ 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 June 09, 2016.

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Brandy C. Boyington, Secretary

### **ADJOURNMENT**

Commissioner Jones moved for adjournment. Commissioner Silcox seconded the motion. Chairman Thiessen adjourned the meeting at 6:50 P.M.

Respectfully submitted,

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Brandy C. Boyington, Secretary