

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
JULY 10, 2014**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Thursday, July 10th, 2014; at 6:00 P.M. Chairman Thiessen called the meeting to order with the following roll call:

PRESENT: Mr. Jason Jones, Commissioner
Mr. Jason Carty, Commissioner
Mr. Robert Silcox, Vice Chairman
Mr. Jules Thiessen, Chairman

ALSO Joseph V. Rizzuto, Executive Director
PRESENT: Stephen J. Mushinski, Esq., Parker McCay, Solicitor
Albert Marmero, Esq., Long Marmero & Associates, LLP, Special Counsel
Richard A. Alaimo, R.A. Alaimo Associates, Engineer
Keith Weisman, R.A. Alaimo Associates, Engineer
Joel Hervey, Deputy Director of Plant Operations
Anthony Stagliano, Deputy Director for Regulatory Affairs & Qualified Purchasing Agent
Robert Maybury, Operations Manager
Debra E. Fortner, Secretary

ABSENT: Ms. Jacquelyn Perinchief, Commissioner

VERIFICATION OF NOTICE

Executive Director Rizzuto 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 28, 2014 and the Courier Post on February 28, 2014. On Monday, July 7th 2014, 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 Carty moved for the approval of regular minutes of June 12, 2014. Commissioner Silcox seconded the motion. At the call of the roll the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox,
Chairman Thiessen.

NAYES: None

ABSTAIN: None

APPROVAL OF EXECUTIVE SESSION MINUTES

Commissioner Carty moved for the approval of regular minutes of June 12, 2014. Commissioner Silcox seconded the motion. At the call of the roll the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYES: None

ABSTAIN: None

OLD BUSINESS

NEW BUSINESS

RESOLUTION 2014-66

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING CHANGE ORDER NUMBER 1 TO CONTRACT 2014-10 FOR THE
REPLACEMENT OF GENERATOR AT PLANT NUMBER 3-RANCOCAS ROAD WWTP**

Executive Director Rizzuto explained this change order is for a \$2,000 reduction in the original contract.

Commissioner Carty moved for the approval of Resolution 2014-66. Commissioner Silcox seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-67

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
APPROVING THE OPERATING EXPENSES FOR THE MONTH OF JUNE, 2014**

Commissioner Silcox moved for the approval of Resolution 2014-67. Commissioner Jones seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-67A

**A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
APPROVING THE SEWER REFUND EXPENDITURES FOR THE MONTH OF JUNE, 2014**

Commissioner Silcox moved for the approval of Resolution 2014-67A. Commissioner Carty seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-68

**A RESOLUTION APPROVING ESCROW EXPENSES
FOR THE MONTH OF JUNE, 2014**

Commissioner Carty moved for the approval of Resolution 2014-68. Commissioner Jones seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-69

A RESOLUTION APPROVING EXPENDITURES FOR THE MONTH OF JUNE, 2014 FROM THE IMPROVEMENT AND REPLACEMENT FUND

Commissioner Silcox moved for the approval of Resolution 2014-69. Commissioner Jones seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-70

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY RELEASING THE PERFORMANCE GUARANTEE FOR KIRBY COURT SOUTH

Executive Director Rizzuto reported Performance Guarantees had been provided for this section and other sections of the project. Executive Director Rizzuto stated sanitary sewer installation has been inspected and approved by the Authority Engineer. Executive Director Rizzuto explained the Authority has received Maintenance Guarantees in place of the Performance Guarantees which are for two years at 10% of the original Performance Bond amount. Executive Director Rizzuto recommended a full release of the Performance bonds.

Commissioner Carty moved for the approval of Resolution 2014-70. Commissioner Jones seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

RESOLUTION 2014-71

A RESOLUTION OF THE MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY RELEASING THE PERFORMANCE GUARANTEE FOR PARKER'S MILLS WEST

Commissioner Silcox moved for the approval of Resolution 2014-71. Commissioner Jones seconded the motion. At the call of the roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

COMMUNICATIONS

There were no communications.

MATTERS TO BE PRESENTED BY THE PUBLIC

There were no matters to be presented by the public.

REPORT OF THE EXECUTIVE DIRECTOR

The Report of the Executive Director was received.

Executive Director Rizzuto stated he had one matter for closed session.

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.

**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

There was nothing further for Solicitor to report.

**REPORT OF THE DEPUTY DIRECTOR OF
FINANCE AND 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 THE COMMISSIONERS

Commissioner Carty thanked Special Counsel for their letter to Mr. Costa.

EXECUTIVE SESSION

Commissioner Carty moved for approval of Resolution 2014-72. Commissioner Silcox seconded the Motion. At the call of roll, the vote was:

AYES: Commissioner Jones, Commissioner Carty, Commissioner Silcox, Chairman Thiessen

NAYS: None

ABSTAIN: None

At 6:09 P.M. the Authority Commissioners retired to Executive Session for a discussion involving the Sewer Service Agreement with Hainesport Township and matters involving attorney-client privilege.

**RESOLUTION 2014-72
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:

_____);

_____ 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;

___√___ 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:

_____)

(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);

_____ 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, Debra Fortner, 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 July 10, 2014.

Debra Fortner, Secretary

ADJOURNMENT

Commissioner Carty moved for adjournment. Commissioner Jones seconded the motion. Chairman Thiessen adjourned the meeting at 6:32 P.M.

Respectfully submitted,
