

**MOUNT HOLLY MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING MINUTES
May 19, 2015**

The regular meeting of the Mount Holly Municipal Utilities Authority was held at 37 Washington Street on Tuesday, May 19, 2015; at 6:00 P.M. Chairman Thiessen called the meeting to order with the following roll call:

PRESENT: Mr. Jules Thiessen, Chairman
Mr. Jason Jones, Commissioner
Mr. Joshua Brown, Commissioner

ALSO Robert Maybury, Interim Executive Director
PRESENT: Stephen J. Mushinski, Esq., Solicitor
Brain Shotts, Long Marmero & Associates, LLP, Special Counsel
David Skibicki, R. A. Alaimo Associates, Engineer
Brandy C. Boyington, Secretary
Richard Alaimo, Alaimo Associates
Mr. Christopher Banks, New board member (to be sworn in)

ABSENT: Mr. Robert Silcox, Vice Chairman
Ms. Jacquelyn Perinchief, Commissioner
Joel Hervey, Deputy Director for Plant Operations
Tracey Giordano, Deputy Director of Finance and Administration/Treasurer
Anthony Stagliano, Deputy Director of Regulatory Affairs & Qualified Purchasing Agent

VERIFICATION OF NOTICE

Interim 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 (Burlington County Times) on May 14, 2015 and the Courier Post on May 12, 2015. On Tuesday, May 12, 2015, advanced written notice of this meeting was posted on the Administrative Bulletin Board at the Township Building, posted on the MHMUA website, 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

SWEAR IN NEW BOARD MEMBER: CHRISTOPHER BANKS

PUBLIC COMMENTS ON ACTION ITEMS
NONE

APPROVAL OF MINUTES

Commissioner Brown moved for the approval of Regular Meeting Minutes of April 9, 2015. Commissioner Jones seconded the motion. At the call of the roll the vote was:

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

Commissioner Brown moved for the approval of Executive Meeting Minutes of April 9, 2015. Commissioner Jones seconded the motion. At the call of the roll the vote was:

AYES: Chairman Thiessen, Commissioner Brown, Commissioner Jones

NAYES:

ABSTAIN: Commissioner Banks

ABSENT: Commissioner Silcox

OLD BUSINESS

NONE

NEW BUSINESS

1. Rate Hearing scheduled for June 11, 2015. (Preliminary packet inserted)

Interim Executive Director Maybury stated that there will be an increase in connection fees established by the calculation from the state, based on the MHMUA debt service, capital base and service revenue. Chairman Thiessen advised to read up on the preliminary packet inserted in preparation for next month's meeting.

2. FOR INFORMATIONAL PURPOSE ONLY-Auditor R.F.P. opening scheduled for May 20, 2015; approval for appointment scheduled for June 11, 2015.

3. Deerwood Country Club LP is requesting MHMUA to approve and adopt a Cost Reimbursement Sewer Extension policy to be a part of the Authority's rules and regulations.

Interim Executive Director Maybury volunteered a preliminary explanation based on information given by Mr. Mushinski. Interim Executive Director Maybury stated that in the late ninety's, a force main was installed in Lumberton by a company named Sancoa. A draft for a cost reimbursement was assembled at that time by Parker McCay, Mr. Mushinski. The reimbursement is for the cost by the developer/ company to put that sewer service in and a fraction of the cost (prorated) is paid by those who connect into that sewer extension. Interim Executive Director Maybury asked Mr. Mushinski if he had any specific comments. Mr. Mushinski stated that Sancoa ran the line along Ark Road coming into Lumberton and a recapture agreement was drafted but it was never adopted by the Authority. At that time, the agreement was considered and negotiated back and forth; then Sancoa just abandoned the contract. Mr. Mushinski continued by saying that he believes the agreement was abandoned particularly because the homeowners along Sterling Chase pushed back against the agreement and the progress just died. The recapture agreement is poised and ready to be adopted at this point. It is about 85% ready to move forward. One of the last things to do, is to put in the calculations in on how much the recapture fee would be. There is a court appointed formula that Evesham MUA and Mt. Laurel MUA have adopted. We simply need to get the cost associated with the line, cost for construction of the line, and then determine what the formula would be. Mr. Alaimo stated he would like to put a force main in at Kings Road for seven lots and connect into Deerwood. Chairman Thiessen asked if because it is a force main, the residents are expected to connect? Mr. Mushinski stated that by the rules and regulations of the MHMUA residents are not forced to connect for Alaimo's specific project because it is a force main and not a gravity main. Mr. Mushinski suggested to Mr. Alaimo to get some construction numbers and we can revisit.

****REMOVED FROM CONSENT AGENDA *RESOLUTION 2015-45**

A RESOLUTION APPROVING SHARED SERVICES AGREEMENT TO SHARE MATERIALS AND SERVICES BETWEEN THE TOWNSHIP OF MT. HOLLY AND THE MHMUA.

Commissioner Jones moved for the removal of RESOLUTION 2015-45 from the consent agenda. Commissioner Brown seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Brown, Commissioner Jones

NAYS:

ABSTAIN: Commissioner Banks

ABSENT: Commissioner Silcox

**** RESOLUTION 2015-46**

The resignation of Tracey Giordano, Deputy of Finance and Administration/Treasurer. Interim Executive Director Maybury stated that Tracey will be missed and hard to replace. We wish her the best in the future.

Commissioner Brown moved for the approval of RESOLUTION 2015-46. Commissioner Jones seconded the motion. At the call of the roll, the vote was:

AYES: Chairman Thiessen, Commissioner Brown, Commissioner Jones

NAYES:

ABSTAIN: Commissioner Banks

ABSENT: Commissioner Silcox

**** RESOLUTION 2015-47**

Commission Brown moved for the appointment of Mr. Robert G. Maybury as Executive Director. Details to be worked out among the board members. Commissioner Jones seconded the motion. At roll call the vote was;

AYES: Chairman Thiessen, Commissioner Brown, Commissioner Jones

NAYES:

ABSTAIN: Commissioner Banks

ABSENT: Commissioner Silcox

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 2015-40**

A RESOLUTION APPROVING THE OPERATING EXPENSES FOR THE MONTH OF MAY 2015

***RESOLUTION 2015-40A**

A RESOLUTION APPROVING THE SEWER REFUNDS FOR
THE MONTH OF MAY 2015

***RESOLUTION 2015-41**

A RESOLUTION APPROVING THE ESCROW EXPENSES FOR THE MONTH OF MAY 2015

***RESOLUTION 2015-42**

A RESOLUTION APPROVING THE EXPENDITURES FOR THE MONTH OF MAY 2015 FROM
THE IMPROVEMENT AND REPLACEMENT FUND

***RESOLUTION 2015-43**

A RESOLUTION APPROVING THE AGREEMENT FOR CONTINUING DISCLOSURE AGENT
SERVICES AND INDEPENDENT REGISTERED MUNICIPAL ADVISOR OF RECORD (PHOENIX
ADVISORS)

***RESOLUTION 2015-44**

A RESOLUTION REJECTING CONTRACT #2014-17 FOR ELECTRONIC PAYMENT
PROCESSING.

Mr. Mushinski stated that the MHMUA awarded the bid to FIS. During negotiation they inserted their own document into the contract which was different from the bid specs. We tried to negotiate it, but because we could not come to an agreement, so the MHMUA is rejecting the contract. Now the MHMUA will start over from scratch.

Commissioner Jones 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 Jones

NAYS:

ABSTAIN: Commissioner Banks

ABSENT: Commissioner Silcox

COMMUNICATIONS

NONE

MATTERS TO BE PRESENTED BY THE PUBLIC

NONE

REPORT OF THE INTERIM EXECUTIVE DIRECTOR

The Report of the Interim Executive Director was received. Interim Executive Director Maybury stated one of the line items on his report was the MHMUA Air Permits. The MHMUA is revising the Rancocas Road Facility Air Permit to include maintenance time, as the current permit has no provisions for down time, for any reason. The MHMUA has received notices of violation and warning letters from NJDEP AIR Division. E.R.M has been working with the MHMUA and the DEP Air Division to finalize the air permit. The original cost estimate has been increased by about \$2000 because of the extra permit work by the DEP. Interim Executive Director Maybury also thanked the Board members for the appointment. He is looking forward to serving the MHMUA for a long time and to do his part to make the MHMUA a productive, positive Authority for the employees.

REPORT OF THE ENGINEER

The Report of the Engineer was received. Mr. Skibicki stated that he will have the Lumberton Force Main Valve insertion project bid documents ready for review by the Authority by next month, Mr. Skibicki continued stating a draft proposal was issued for filter press installation and looks forward to getting that finalized over the next few weeks.

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 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

NONE

MATTERS TO BE PRESENTED BY COMMISONERS

NONE

Executive Session

Commissioner Jones moved for approval of Resolution 2015-48. Commissioner Brown seconded the Motion. At the call of roll, the vote was:

AYES: Chairman Thiessen, Commissioner Jones, and Commission Brown

NAYS:

ABSTAIN: Commissioner Banks

ABSENT: Commissioner Silcox

At 6:24 P.M. the Authority Commissioners retired to Executive Session for a discussion of the matter listed in the below resolution.

RESOLUTION 2015-48
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;

 X 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);

 X 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 Sewer Service Agreement and mandatory connection issue; professional contract matters.

(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 Deputy Director of Finance and Administration);

 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 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 May 19, 2015.

Brandy C. Boyington

ADJOURNMENT

Commissioner Jones moved for adjournment. Commissioner Brown seconded the motion. Chairman Thiessen adjourned the meeting at 7:11 P.M.

Respectfully submitted,

Brandy C. Boyington, Secretary