



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

WHEREAS, the Atlantic City Municipal Utilities Authority held their regularly scheduled Board Meeting on December 21, 2016 commencing at 10:00am, there being present:

CHAIRMAN	Milton L. Smith
VICE CHAIRMAN/SECRETARY	Gary L. Hill
TREASURER	John McGetigan
BOARD MEMBER	Edmund J. Colanzi
BOARD MEMBER	William Lea
BOARD MEMBER, ALTERNATE #1	Patricia Bailey
BOARD MEMBER, ALTERNATE #2	William Cheatham

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that this Resolution hereby approves the transcript minutes reported by Jacqueline M. Zarrillo, Certified Court Reporter for the December 21, 2016 Board Meeting.

Upon Motion, This Resolution was APPROVED as Read.

  
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GARY L. HILL, VICE CHAIRMAN/SECRETARY



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that the bid of GREER LIME COMPANY, INC., a corporation of the State of West Virginia, for Furnishing and Delivering HIGH CALCIUM HYDRATED LIME to the Pumping Station of the Atlantic City Municipal Utilities Authority located at 1151 N. Main Street, Pleasantville, NJ, which bid was received and publicly opened and read at a meeting of the Purchasing Board of the Atlantic City Municipal Utilities Authority held January 10, 2017, be and the said bid is hereby ACCEPTED, the said GREER LIME COMPANY, INC. being the lowest responsible bidder for the said undertaking; and

BE IT FURTHER RESOLVED, that authority be and it is hereby given to the Chairman to execute and to the Vice Chairman/Secretary to attest a contract to be entered into between the ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY and the said GREER LIME COMPANY, INC., for Furnishing and Delivering HIGH CALCIUM HYDRATED LIME to the Pumping Station of the Authority, Located at 1151 N. Main Street, Pleasantville, NJ, as aforesaid in strict accordance with the specifications approved and adopted by the said Board on December 21, 2016, the said contract to be approved as to form and execution by the Authority Solicitor; and

BE IT FURTHER RESOLVED, that a Certificate from the Comptroller of the Atlantic City Municipal Utilities Authority be attached to this Resolution showing the availability of funds and specifying the line item appropriation from 2017 Budget Acct. No. 7-01-20-202-542-410, Chemicals and Gases, to satisfy the aforesaid award of contract in the amount of FIFTY FOUR THOUSAND SIX HUNDRED SIXTY FIVE DOLLARS (\$54,665.00).

UPON MOTION THIS RESOLUTION WAS APPROVED AS READ

  
GARY L. HILL, VICE CHAIRMAN, SEC'Y



## Atlantic City Municipal Utilities Authority **RESOLUTION**

BY ALL MEMBERS OF THE BOARD:

WHEREAS, on January 13, 1988 by Resolution #6 of 1988, the Board of Directors of the Atlantic City Municipal Utilities Authority adopted the Rules, Rates and Regulations on the Authority; and

WHEREAS, it is necessary to amend the Rules, Rates and Regulations and/or add as attached.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that the above mentioned Sections are hereby amended as attached:

BE IT RESOLVED, that the effective date of these regulations shall be January 1, 2017.

Upon Motion, This Resolution was APPROVED as Read.

  
GARRY L. HILL, VICE CHAIRMAN/SECRETARY



## Atlantic City Municipal Utilities Authority **RESOLUTION**

BY ALL MEMBERS OF THE BOARD:

WHEREAS, on May 8, 1985 by Resolution #77 of 1985, the Board of Directors of the Atlantic City Municipal Utilities Authority adopted the Rules, Rates and Regulations on the Authority; and

WHEREAS, in the aforementioned Resolution, the connection fee formulation was set out in detail for calendar years 1981 through 2016; and

WHEREAS, it is necessary to amend Section 1.f.8. of the aforementioned Resolution #77 of 1985 to add the connection fee formula for the current calendar year, 2017.

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that the aforementioned Resolution #77 of 1985 at Section 1.f.8. is hereby amended to include the following:

2017: \$15.4352/gallons per day

Upon Motion, This Resolution was APPROVED as Read.

  
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GARY L. HILL, VICE CHAIRMAN/SECRETARY



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

WHEREAS, the Atlantic City Municipal Utilities Authority approved a resolution on November 28, 2016 to enter into an agreement with PORZIO BROMBERG & NEWMAN P.C., 100 Southgate Parkway, P.O. Box 1997, Morristown, New Jersey for Special Professional Legal Counsel Services, and

WHEREAS, Said resolution should have clarified the appointment to be limited to the Trump preference matter due to be heard early January 2017 in the US Bankruptcy Court in state of Delaware.

WHEREAS, an upset figure was not available upon approval of the said November 28, 2016 resolution; and

WHEREAS, an upset figure was subsequently established upon completion of pre-litigation review; and

WHEREEAS, the cost of the Legal Services shall be established as a set fee of Eight Thousand (\$8,000.00 and

WHEREAS, the settlement figure relied upon by counsel to be paid to the Trustee in the Trump Bankruptcy matter shall not exceed Twenty Thousand Dollars (\$20,000.00) and,

WHEREAS, payment shall be made upon presentation of the appropriate ACMUA invoices; and

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that the original agreement of November 28, 2016 by and between the Atlantic City Municipal Utilities Authority and PORZIO BROMBERG & NEWMAN P.C., 100 Southgate Parkway P.O. Box 1997, Morristown, New Jersey is hereby amended to include a sum not to exceed \$28,000.00 for Special Professional Legal Counsel Services and settlement costs to resolve the matter.

Upon Motion, This Resolution was ADOPTED as Read.

  
GARY L. HILL, VICE CHAIRMAN/SECRETARY



## *Atlantic City Municipal Utilities Authority*

# RESOLUTION

WHEREAS, The Atlantic City Municipal Utilities Authority ("ACMUA") provides drinking water to the citizens and businesses under New Jersey Statutes as set forth, and

WHEREAS, a complaint was filed by the Distribution Trustee against the ACMUA in the Bankruptcy matter of Trump Entertainment Resorts, Inc., (the "Debtors"), and

WHEREAS, said complaint, a preference claim, asserted that payments made to the ACMUA were made preferentially to the ACMUA for services provided during the 90 days prior to the debtor's filing on September 9, 2014, and

WHEREAS, while the ACMUA provided drinking water to the three subject Trump properties during periods leading up to the Bankruptcy filing, the ACMUA received no preferential payment for the essential water services provided to these properties for their operations, and

WHEREAS, notwithstanding the fact that water services to these properties were mandated by occupancy and fire codes of the City and state of New Jersey, and

WHEREAS, notwithstanding the fact that ACMUA billing for these essential water services to the Trump properties were processed routinely and without regard to any special consideration, and

WHEREAS, despite the fact the ACMUA received no preferential payment for the water services it provided, such a Court action requires the defendant (ACMUA) to defend itself against such allegations and requires the services of competent counsel, and



**Atlantic City Municipal Utilities Authority**  
**RESOLUTION**

WHEREAS, the Bankruptcy Trustee sought to recover payment of \$280,045.89 from the ACMUA, the ACMUA circulated an RFQ for Special Counsel and awarded a contract to Porzio Bromberg & Newman, PC, to defend it in said action, and

WHEREAS, after the effort of the ACMUA to provide a volume of billing data, Porzio Bromberg & Newman, PC, was successful in reaching a settlement of Five Thousand Dollars (\$5,000.00) to resolve the court matter with a flat fee of Eight Thousand Dollars (\$8,000.00) for a total of Thirteen Thousand Dollars (\$13,000.00).

NOW THEREFORE, the matter of Trump Entertainment Resorts, Inc., et al. Case No. 14-12103-KG, US Bankruptcy Court of the District of Delaware is hereby resolved.

Upon Motion, This Resolution was APPROVED as Read.

  
GARY L. HILL, VICE CHAIRMAN/SECRETARY



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

WHEREAS, Resolution #395 of 1994 provides for Rules, Rates & Regulations governing the assessment and collection of water rates and charges for the Water Department of the Atlantic City Municipal Utilities Authority; and

WHEREAS, Section 5 (d) of said Resolution provides that the Board of Directors, by Resolution, may approve adjustment of such charges; and

WHEREAS, the property owned by Oasis Inc. Corp. c/o Mark Hamilton Water Account No. 418601-0, located at 38-40 Kentucky Avenue, experienced miscellaneous water leaks causing the additional consumption of 30,820 cubic feet of water; and

NOW THEREFORE BE IT RESOLVED, that the previous water service charges be adjusted; and

BE IT FURTHER RESOLVED, that the charges totaling FOUR HUNDRED NINETY FOUR DOLLARS AND FORTY NINE CENTS (\$494.49) are HEREBY ABATED from the accounts receivable ledgers of the Authority; and

BE IT FURTHER RESOLVED, that this abatement is conditioned upon payment of all outstanding balances on all accounts after the abatement is applied, within thirty (30) days.

BE IT FURTHER RESOLVED, the customer may elect to pay off the account balances via installment payment plan. If this option is chosen, the abatement is contingent upon the following:

1. That the installment plans be signed and the initial payment made within thirty (30) days of the date of the Board Meeting;
2. That the installment payments are made as scheduled;
3. That all current charges on the account are paid promptly (within thirty (30) days) of the billing, until such a time that all balances due have been paid relative to this account.

Upon Motion, This Resolution was APPROVED as Read.

  
GARY L. HILL, VICE CHAIRMAN/SECRETARY





**Atlantic City Municipal Utilities Authority  
RESOLUTION**

BY ALL MEMBERS OF THE BOARD:

BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that the Advertisement, Proposal Form and the Specifications and Instructions to Bidders this day submitted by the Deputy Executive Director of Operations for the FURNISHING AND DELIVERING FIRE HYDRANTS, STAINLESS STEEL REPAIR CLAMPS AND CAST IRON FITTINGS, be and the said documents are hereby APPROVED and ADOPTED; and

BE IT FURTHER RESOLVED, that authority be and it is hereby given to the Authority Executive Director to advertise for bids in the form of advertisement for the undertaking hereinabove set forth, the said bids to be received and publicly opened and read at a meeting of the Purchasing Board of the Atlantic City Municipal Utilities Authority to be held on Tuesday, February 7, 2017 at 11:00 a.m. prevailing time.

UPON MOTION THIS RESOLUTION WAS APPROVED AS READ

  
GARRY L. HILL, VICE CHAIRMAN/SECY



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

WHEREAS, the Atlantic City Municipal Utilities Authority (the ACMUA) owns and operates the Water Department in the City of Atlantic City, NJ; and

WHEREAS, the ACMUA discovered in September 2013 that the diesel fuel system for the ACMUA's Well 19 located at the Federal Aviation Administration (FAA) Technical Center in Egg Harbor Township, NJ had leaked, causing a diesel fuel spill of several hundred gallons; and

WHEREAS, the ACMUA hired the engineering company, Buchart-Horn, Inc. of Marlton, NJ, in 2013 to help plan and execute the remediation of said diesel spill; and

WHEREAS, it was decided that after two years of remediation that the best course of action for the ACMUA is to let the negligible amount of diesel product remaining in the ground around Well 19 to naturally dissipate to the required no detection level of the chemicals making up the diesel fuel; and

WHEREAS, it is expected that it will take up to four years to reach no detection levels on all the constituent chemicals; and

WHEREAS, public health and safety demand that this remediation work be completed; and

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the ACMUA that Garth Moyle, Deputy Executive Director of Operations, be AUTHORIZED AND DIRECTED in the ordinary course of Authority business to continue the Well 19 Remediation Contract with Buchart-Horn, Inc. in calendar year 2017 at a total cost not to exceed FORTY THREE THOUSAND TWO HUNDRED DOLLARS (\$43,200.00) for submitting required reports and documents to the New Jersey Department of Environmental Protection; and

BE IT FURTHER RESOLVED that a Certificate from the Deputy Executive Director of Finance of the ACMUA has been attached to this Resolution showing the availability of funds and specifying the line item appropriation from the 2017 Capital Budget Account# C-04-20-330-815-306, Repairs to Various Wells, to satisfy the aforesaid cost of this well remediation work.

UPON MOTION THIS RESOLUTION WAS APPROVED AS READ



GARY L. HILL, VICE CHAIRMAN/SECY



*Atlantic City Municipal Utilities Authority*  
**RESOLUTION**

BY ALL MEMBERS OF THE BOARD:

WHEREAS, the Atlantic City Municipal Utilities Authority has indebtedness to the following companies for services rendered;

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that the following bills are ACKNOWLEDGED and AUTHORIZED TO BE PAID in the amount of EIGHT HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED TWENTY EIGHT DOLLARS AND FOUR CENTS. (\$817,428.04); and

BE IT FURTHER RESOLVED, that the Comptroller of the Atlantic City Municipal Utilities Authority hereby certifies as to the availability of funds.

Upon Motion, This Resolution was APPROVED as Read.

  
GARY L. HILL, VICE CHAIRMAN/SECRETARY



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

WHEREAS, by N.J.S.A. 10:4-6 et. seq. allows a Municipal Utilities Authority to enter into Executive Session for the purposes of discussing Personnel matters, Litigation and Contract Negotiations; and

WHEREAS, the Atlantic City Municipal Utilities Authority (MUA) has a need to discuss the following:

- a. Litigation, Personnel, Contract Negotiations and Security
  - (1) Labor Counsel, Employee Discipline, EEOC Case
  - (2) Union Contract Negotiations
  - (3) City Development
  - (4) Contractual Requirements:
    - (a) Authority Solicitor & Labor Counsel
  - (5) Labor II
  - (6) Senior Water Treatment Plant Operator
  - (7) Water Treatment Plant Operations Manager

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority (MUA) will go into Closed Session at: 10:30A.M. for approximately Thirty (30) Minutes ; and

BE IT FURTHER RESOLVED, that immediately after the Closed Session, the Atlantic City Municipal Utilities Authority (MUA) will present the findings of the Closed Session on a date and time when the findings will be available.

Upon Motion, This Resolution was APPROVED as Read.

  
GARY L. HILL, VICE CHAIRMAN/SECRETARY



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority that the Request for Qualifications/Proposals and Experience this day submitted by the Executive Director for providing Professional Legal Services in connection with the item listed herein below be and the said document is hereby APPROVED and ADOPTED:

1. AUTHORITY SOLICITOR

and

BE IT FURTHER RESOLVED, that authority be and it is hereby given to the Authority Executive Director to advertise for such Statements of Qualifications/Proposals and Experience in the form of Advertisement for the undertaking herein set forth; and

BE IT FURTHER RESOLVED, that said State of Qualifications/Proposals and Experience will be received and publicly opened and read at a meeting of the Purchasing Board of the Atlantic City Municipal Utilities Authority to be held TUESDAY, JANUARY 17, 2017 at 11:00AM.

Upon Motion, This Resolution was APPROVED and Read.

GARY L. HILL VICE CHAIRMAN/SECRETARY



## Atlantic City Municipal Utilities Authority RESOLUTION

BY ALL MEMBERS OF THE BOARD:

WHEREAS, there exists a need for a Plant Manager in connection with the Atlantic City Municipal Utilities Authority, including the responsibility for the management and administration of the Atlantic City Municipal Utilities Authority's Water Treatment Works and Transmission Facilities, subject only to such direction and limitations as may be imposed by the Statutes of the State of New Jersey and the resolutions of THE AUTHORITY; and

WHEREAS, it has been determined that such services can be provided by ANTHONY PALOMBI; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, N.J.S.A. 40A:11-1 et seq. as amended, requires that contracts calling for specialized services of both professional and quasi-professional nature be awarded by resolution after findings of fact as to the qualifications of the individual, group of individuals or entity so appointed to perform said services;

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the Atlantic City Municipal Utilities Authority as follows:

1. The contract of ANTHONY PALOMBI dated January 22, 2017 is hereby approved for Plant Manager to be responsible for the management and administration of the Atlantic City Municipal Utilities Authority's Water Treatment Works and Transmission Facilities subject only to such direction and limitations as may be imposed by the Statutes of the State of New Jersey and the resolution of the Authority.

2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq. as amended, requires that all contracts calling for specialized services of both a professional and quasi-professional nature be awarded by resolution after findings of fact as to the qualifications of the individual, group of individuals, or entity so appointed to perform said services.

3. A copy of this resolution as well as the Contract shall be placed on file in the office of the Atlantic City Municipal Utilities Authority, Atlantic City, New Jersey.

BE IT FURTHER RESOLVED by the Board of Directors of the Atlantic City Municipal Utilities Authority as follows:

1. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A.40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED, that the Chairman is hereby authorized to execute a CONTRACT between the Atlantic City Municipal Utilities Authority and ANTHONY PALOMBI, and which Contract shall set forth more specifically the services to be performed; and

BE IT FURTHER RESOLVED, that a Notice of this Resolution shall be PUBLISHED at least once in THE PRESS, pursuant to the requirements of N.J.S.A. 40A:11-1, etc., as amended.

Upon Motion, This Resolution was ADOPTED AS READ.

  
GARY L. HILL, VICE-CHAIRPERSON/SECRETARY