

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

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DATE: WEDNESDAY - January 16, 2019
COMMENCING AT 9:45 A.M.
ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
401 NORTH VIRGINIA AVENUE
ATLANTIC CITY, NEW JERSEY 08404

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1 Computer-aided transcript of the Board of Directors
2 meeting, taken stenographically in the above-entitled
3 matter before Dominique R. Caputo. License Number:
4 30XT00004900.

5
6 BOARD MEMBERS PRESENT:

7 MILTON L. SMITH, Chairman

8 GARY L. HILL, Vice Chairman/Secretary

9 PATRICIA BAILEY, Board Member

10 NYNELL LANGFORD, Board Member

11 WILLIAM CHEATHAM, Board Member

12
13 ALSO PRESENT:

14 G. Bruce Ward, Executive Director
Atlantic City Municipal Utilities Authority

15
16 Claude Smith, Deputy Executive Director
Atlantic City Municipal Utilities Authority

17
18 Fred Bor, Authority Solicitor
Atlantic City Municipal Utilities Authority

19
20 Kelley Williams, Executive Secretary
Atlantic City Municipal Utilities Authority

21
22 Anita Thapa
Atlantic City Municipal Utilities Authority

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24 Andrew Weber, Labor Attorney

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PROCEEDINGS
- - -

THE CHAIRMAN: Adequate notice of this meeting has been provided as required by law by mailing to the Press a list of the regularly scheduled meeting of the Board of Directors, including the notice of the regular meeting scheduled January 16, 2019 at 401 North Virginia Avenue, Conference Room, Atlantic City, New Jersey.

A copy of said notice was sent to the City Clerk to be posted.

All of the aforesaid complies with Chapter 231 of the Laws of 1975 known as "Open Public Meeting Laws."

MR. BOR: Mr. Cheatham.

MR. CHEATHAM: Right here.

MR. BOR: Ms. Bailey.

MS. BAILEY: Here.

MR. BOR: Ms. Langford.

MS. LANGFORD: Here.

MR. BOR: Mr. Hill.

MR. HILL: Here.

MR. BOR: Mr. Smith.

THE CHAIRMAN: Here.

MR. BOR: Both alternates will be voting

1 board members today.

2 THE CHAIRMAN: Mr. Cheatham, will you lead
3 us in the Flag Salute, please.

4 (Where upon the Pledge of Allegiance
5 was recited.)

6 THE CHAIRMAN: Thank you, Mr. Cheatham.

7 MR. CHEATHAM: You're welcome.

8 THE BOARD MEMBER: Okay. First order of
9 business is to see if we can have a motion to approve both
10 the regular and executive session minutes.

11 MR. HILL: I make a motion to accept.

12 THE CHAIRMAN: If there's no objections
13 or--

14 MR. BOR: Is there a second?

15 MR. CHEATHAM: Second.

16 MR. BOR: Mr. Cheatham.

17 MR. CHEATHAM: Yes.

18 MR. BOR: Ms. Bailey.

19 MS. BAILEY: Yes.

20 MR. BOR: Ms. Langford.

21 MS. LANGFORD: Yes.

22 MR. BOR: Mr. Hill.

23 MR. HILL: Yes.

24 MR. BOR: Mr. Smith.

25 THE CHAIRMAN: Yes.

1 MR. WARD: Good morning, board members and
2 our soon to be distinguished visitor, Mr. Devlin.

3 Today, of course, is the January 16th
4 meeting. And I just have a few things to go over, but
5 very much on the first item would be 5E. I want to read
6 into the record the resolution for our dearly departed, Ed
7 Colanzi and this resolution by all members of the board:

8 Whereas, Edmund "Ed" Colanzi became a Board
9 Member of the Atlantic City Municipal Utilities Authority
10 in 1995 and

11 Whereas, prior to joining the Atlantic City
12 Municipal Utilities Authority, Ed began his career in
13 public service in the Atlantic City Tax Office, and

14 Whereas, in 1976, Ed sought and won a seat
15 as a City Commissioner serving from 1976 through 1982, and

16 Whereas, as City Commissioner, Ed fought
17 for legalized gaming in Atlantic City and served on many
18 committees and boards in support of initiatives and
19 progress for the City of Atlantic City, and

20 Whereas, the Atlantic City Municipal
21 Utilities Authority was a key beneficiary of Mr. Colanzi's
22 experience and knowledge, and

23 Whereas, Ed attended every Board and
24 Committee meeting while in his later years, with his
25 health declining, and

1 Whereas, sadly, Ed passed away January 1,
2 2019, leaving a rich legacy of service to the City of
3 Atlantic City, and

4 Whereas, Ed leaves his wife, Kathleen
5 "Kaye" to mourn his loss along with the Board Members and
6 staff of the Atlantic Municipal Utilities Authority,

7 Now therefore be it further resolved, the
8 Board of Directors of the Atlantic City Municipal
9 Utilities Authority hereby extends our sincere condolences
10 to the family of Edmund Colanzi, and express our deepest
11 gratitude for the years of service Ed provided to the
12 Authority, to the citizens, and businesses of Atlantic
13 City.

14 Motion by the entire Board.

15 I have Ed's name plate and Ed's resolution
16 will be framed and provided to his wife.

17 MR. HILL: I make a motion, please.

18 THE CHAIRMAN: Second.

19 MR. BOR: Mr. Cheatham.

20 MR. CHEATHAM: Yes.

21 MR. BOR: Ms. Bailey.

22 MS. BAILEY: Yes.

23 MR. BOR: Ms. Langford.

24 MS. LANGFORD: Yes.

25 MR. BOR: Mr. Hill.

1 MR. HILL: Yes.

2 MR. BOR: Mr. Smith.

3 THE CHAIRMAN: Yes.

4 THE BOARD MEMBER: Unanimous, accepted.

5 MR. WARD: Okay. The MBCA affair is next
6 Wednesday the 23rd. For members of the board who have
7 already indicated to Kelley that you are going, thank you.
8 You've got an opportunity to free yourself if you're going.
9 Please let Kelley know because at some point we are going
10 to fill up that table.

11 Tonight on January the 16th, the City
12 Counsel of Atlantic City has two resolutions that it would
13 be considering. One will be to appoint Mr. John Devlin to
14 the Atlantic City Municipal Utilities Authority. And if I
15 can find the actual one-- yeah, here it is. The
16 appointment of Mr. Devlin will be tonight and he will be
17 replacing Mr. Colanzi for a five year term which would
18 begin February 1 of 2019.

19 MS. BAILEY: Congratulations.

20 MR. DEVLIN: Thank you.

21 MR. WARD: In addition, the counsel will
22 consider the appointment of Patricia Bailey to the MUA
23 Board for a five year term commencing February 1, 2019.

24 In addition, the City Counsel will consider
25 an amendment to the appointment of John McGettigan to the

1 MUA board as alternate term to expire January 31, 2020.
2 So those matters are to be heard tonight.

3 Okay. Notice of the Women's March went out
4 in your packets and that is January 19th. Hopefully the
5 weather will not be too discouraging. I am hearing some--

6 MR. HILL: That's this weekend.

7 MR. WARD: Yeah. Well, the Arctic Freeze
8 is supposed to come in and hit Monday. And I would also
9 like to report that Kentucky and Atlantic Avenue, for those
10 in the City who saw that that project was over three years
11 to get done-- I mean three weeks to get done. That
12 project was completed yesterday.

13 And again, as I had indicated earlier, some
14 difficulty was, of course, in the demolition and the
15 expedition. But also after they found the troubled valve,
16 that valve had to be replaced and it was 1954 vintage. So
17 that matter is completed.

18 Okay. So you have your Personnel Committee
19 Meeting Minutes and you have your Financial Reports. Any
20 questions in any of those matters?

21 Okay, director's forum. Directors, any
22 updates? Any public participation? Not yet.

23 Okay, we move to old business which would
24 be 8 a (1) to accept proposals for Proprietary Aclara
25 License Software Maintenance, that's resolution 8 a (1).

1 MR. HILL: Claude, this is-- will this keep
2 us pretty well up to date now?

3 MR. SMITH: Correct, that's an upgrade of
4 the DCUs that we have that collects data for our billing
5 system and our meters.

6 MR. HILL: I'll move 8 a (1).

7 MS. BAILEY: Second.

8 MR. BOR: Mr. Cheatham.

9 MR. CHEATHAM: Yes.

10 MR. BOR: Ms. Bailey.

11 MS. BAILEY: Yes.

12 MR. BOR: Ms. Langford.

13 MS. LANGFORD: Yes.

14 MR. BOR: Mr. Hill.

15 MR. HILL: Yes.

16 MR. BOR: Mr. Smith.

17 THE CHAIRMAN: Yes.

18 MR. BOR: 8 a accepted.

19 MR. WARD: 8 b (1) is to accept bids for
20 fire hydrants, stainless steel repair clamps, and cast
21 iron fittings and that would be 8 b (1).

22 MR. HILL: I'll move 8 b (1).

23 THE CHAIRMAN: Second.

24 MR. BOR: Mr. Cheatham.

25 MR. CHEATHAM: Yes.

1 MR. BOR: Ms. Bailey.

2 MS. BAILEY: Yes.

3 MR. BOR: Ms. Langford.

4 MS. LANGFORD: Yes.

5 MR. BOR: Mr. Hill.

6 MR. HILL: Yes.

7 MR. BOR: Mr. Smith.

8 THE CHAIRMAN: Yes.

9 MR. WARD: While we are talking about fire
10 hydrants, I would like to inject that we are pursuing an
11 active effort to locate and find vehicles that are
12 responsible for damaging the fire hydrants.

13 So we have an accident that occurred in
14 November of last year. We have the accident report. We
15 have the fire hydrant that was damaged. And so, I am
16 awaiting our internal development of an invoice in terms
17 of our labor and other costs. We are going to be going
18 after the insurance companies of each one of these that we
19 can capture.

20 So we have to let our night maintenance
21 know, when there is an accident that effects some of our
22 assets, to try their best to locate the time and the
23 location so that we can chase down the accident report and
24 catch the offending driver.

25 MS. BAILEY: Okay.

1 MR. WARD: Okay. Did we vote on the--

2 MR. HILL: Yes.

3 MR. WARD: We voted on the hydrants, right?

4 MR. HILL: Yes, we did.

5 MR. BOR: We voted on the hydrants. We
6 are up to the 2019 budget.

7 MR. WARD: Okay and this would be to
8 formally resolve the budget. The budget, of course, has
9 been approved by the State of New Jersey and that would
10 include the rules and regulation as of and 8 c (1) and
11 also 8 c (2), the connection fee.

12 MR. HILL: Excuse me. So we're--

13 MS. THAPA: Actually, the fee, when I did
14 the calculation now, it is going down to 19.9722 from
15 29025. That's mainly because of the opening of the two
16 casinos. And then we expected like about two million in
17 our capital expenditure, but it's-- right now it's about
18 1.8.

19 It's is not finalized yet, but we have to
20 go with that because we haven't received lots of 2018
21 capital files invoice yet. So due to because of that
22 connection fee, we will be going down to 19.9722.
23 However, in Sept 18 it was 15.1452. So it's still like
24 4,000.

25 So that's roughly the total connection fee

1 for the new residential will be like 7,400. Now it is
2 going to be like 8,500.

3 MS. BAILEY: So how does it effect building
4 connection fees for the larger casinos?

5 MS. THAPA: They use the same grade to
6 which we discussed about it, but it just went almost a
7 dollar down from October.

8 MS. BAILEY: I make a motion.

9 MR. WARD: Is there a motion to accept
10 that?

11 MR. HILL: Second.

12 MR. BOR: Mr. Cheatham.

13 MR. CHEATHAM: Yes.

14 MR. BOR: Ms. Bailey.

15 MS. BAILEY: Yes.

16 MR. BOR: Ms. Langford.

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Hill.

19 MR. HILL: Yes.

20 MR. BOR: Mr. Smith.

21 THE CHAIRMAN: Yes.

22 MR. WARD: 8 d (1) is to adjust the
23 February Board Meeting and the revised date will be
24 February 27th.

25 THE CHAIRMAN: Move it.

1 MR. BOR: So it is was 20th to the 27th.

2 MR. WARD: Yes.

3 MR. HILL: I'll second. I think Mr. Smith
4 moved it.

5 MR. BOR: Oh, you moved it.

6 MR. HILL: Yes.

7 MR. BOR: Okay. Mr. Cheatham.

8 MR. CHEATHAM: Yes.

9 MR. BOR: Ms. Bailey.

10 MS. BAILEY: Yes.

11 MR. BOR: Ms. Langford.

12 MS. LANGFORD: Yes.

13 MR. BOR: Mr. Hill.

14 MR. HILL: Yes.

15 MR. BOR: Mr. Smith.

16 THE CHAIRMAN: Hm-hmm.

17 MR. WARD: 9 a (1) and (2), new business
18 which would be necessary to appear, Marcel Arsenis and
19 Dekbon Community. They are not here. Okay, then we may
20 consider 9 a (3), (4), (5), (6), (7) and (8) which are
21 unnecessary to appear abatements.

22 THE CHAIRMAN: Move it.

23 MR. BOR: Okay, the motion is for 9 a (3)
24 through and including number eight. Is there a second?

25 MR. CHEATHAM: Yes.

1 MR. BOR: And Mr. Cheatham.

2 MR. CHEATHAM: Yes.

3 MR. BOR: Ms. Bailey.

4 MS. BAILEY: Yes.

5 MR. BOR: Ms. Langford.

6 MS. LANGFORD: Yes.

7 MR. BOR: Mr. Hill.

8 MR. HILL: Yes.

9 MR. BOR: Mr. Smith.

10 THE CHAIRMAN: Yes. Necessary to appear--

11 MR. WARD: They have to be re-noticed.

12 THE CHAIRMAN: Re-noticed, okay.

13 MR. WARD: 9 b would be request for
14 qualifications for transcript stenographer services. 9 b
15 (1) transcripts stenographer services, this was a request
16 to go out. Anybody moving?

17 MS. BAILEY: Yes.

18 THE CHAIRMAN: Second.

19 MR. BOR: Mr. Cheatham.

20 MR. CHEATHAM: Yes.

21 MR. BOR: Ms. Bailey.

22 MS. BAILEY: Yes.

23 MR. BOR: Ms. Langford.

24 MS. LANGFORD: Yes.

25 MR. BOR: Mr. Hill.

1 MR. HILL: Yes.

2 MR. BOR: Mr. Smith.

3 THE CHAIRMAN: Yes.

4 MR. WARD: 9 b (2) Roof Replacement
5 Rehabilitation Project and that's for this building.

6 Mr. Smith may be able to give you an update on what this
7 part is and where we are with that, Mr. Smith.

8 MR. SMITH: This is actually for continuing
9 of the work in regards to the management of the
10 construction for the replacement of the roof and also
11 the-- well, rehabilitation of the walls within the
12 building or exterior of the building, it's professional
13 services.

14 MR. WARD: And again, the goal is to wrap
15 this building from outside moisture completely this
16 spring. We want to get this done this spring.

17 MR. BOR: This is just for that management
18 consultant?

19 MR. HILL: No, we already did that. That's
20 already done.

21 MR. WARD: This will be sort of contract
22 management, project management.

23 MR. BOR: Okay.

24 THE CHAIRMAN: Moved.

25 MR. HILL: Second.

1 MR. BOR: Mr. Cheatham.
2 MR. CHEATHAM: Yes.
3 MR. BOR: Ms. Bailey.
4 MS. BAILEY: Yes.
5 MR. BOR: Ms. Langford.
6 MS. LANGFORD: Yes.
7 MR. BOR: Mr. Hill.
8 MR. HILL: Yes.
9 MR. BOR: Mr. Smith.
10 THE CHAIRMAN: Yes.
11 MR. WARD: Okay. C would be to solicit
12 bids for high calcium hydrate lime.
13 MS. BAILEY: Move it.
14 THE CHAIRMAN: Second.
15 MR. BOR: Mr. Cheatham.
16 MR. CHEATHAM: Yes.
17 MR. BOR: Ms. Bailey.
18 MS. BAILEY: Yes.
19 MR. BOR: Ms. Langford.
20 MS. LANGFORD: Yes.
21 MR. BOR: Mr. Hill.
22 MR. HILL: Yes.
23 MR. BOR: Mr. Smith.
24 THE CHAIRMAN: Yes.
25 MR. WARD: D, construction administration

1 for the roof replacement. This is to go out.

2 BOARD SECRETARY: No, it's not.

3 MR. HILL: Wait a minute, this is
4 different.

5 MR. WARD: No, this is not going out. This
6 is a sole source. This is Remus to do the inspections of
7 the contractors. He's the architect, he's to inspect.

8 MR. BOR: So the motion really is to
9 approve Remus Architects.

10 MS. BAILEY: Yes, right.

11 MR. BOR: Okay.

12 MR. WARD: Approve.

13 THE CHAIRMAN: Run that by me again. Give
14 me that again, Bruce.

15 MR. WARD: He's the architect that has
16 designed the specifications to give us a roof that will
17 last for 20 something years. And what we now need is we
18 need an individual who will monitor the roofing companies
19 that are selected. So we could select local roofing
20 companies whatever, but he will be up on the roof with his
21 team watching and providing an inspection that everything
22 is done to it's best.

23 MR. BOR: Yeah, we ordinarily always have
24 the oversight. Remember the tank? We had somebody watch
25 him do the tank. And it's just oversight to make sure

1 it's done right I guess.

2 MR. SMITH: It's very specific that is
3 beyond our particular expertise. Therefore, it's best to
4 have someone that really knows what they are doing.

5 THE CHAIRMAN: Move it.

6 MR. HILL: Second.

7 MR. BOR: Mr. Cheatham.

8 MR. CHEATHAM: Yes.

9 MR. BOR: Ms. Langford.

10 MS. LANGFORD: Yes.

11 MR. BOR: Mr. Hill.

12 MR. HILL: Yes.

13 MR. BOR: Mr. Smith.

14 THE CHAIRMAN: Yes.

15 MR. WARD: E we are going to move to
16 executive session. No need to dismiss that.

17 And F, the leave of absences is one, two,
18 three, four, Craig Seymour, Mariano Rivera, Osvaldo Varela
19 and William Stanley. These are leave of absences.

20 MS. LANGFORD: They are all unpaid leave of
21 absences.

22 MS. THAPA: He's on workers' comp.

23 THE CHAIRMAN: Then move them. They are
24 all out sick now; is that correct?

25 MR. WARD: Sick or injured.

1 THE CHAIRMAN: Injured, okay. Yeah, move
2 it.

3 MR. HILL: Second.

4 MR. BOR: Mr. Cheatham.

5 MR. CHEATHAM: Yes.

6 MR. BOR: Ms. Bailey.

7 MS. BAILEY: Yes.

8 MR. BOR: Ms. Langford.

9 MS. LANGFORD: Yes.

10 MR. BOR: Mr. Hill.

11 MR. HILL: Yes.

12 MR. BOR: Mr. Smith.

13 THE CHAIRMAN: Yes.

14 Going back to legal services, are we going
15 to go in close session and discuss that?

16 MR. HILL: Yes.

17 MS. BAILEY: I just had one question. I
18 saw a question that was in-- I think it was personnel
19 regarding our part time working with twenty hours.
20 Mr. Weber, are you working on that?

21 MR. WEBER: Hm-hmm.

22 MS. BAILEY: Okay, so we'll get to the
23 answer.

24 MR. WEBER: The question has to do with
25 benefits.

1 MS. BAILEY: Okay, we'll get to that then.

2 MS. THAPA: It's intern, right?

3 MR. WEBER: Well, right. Right, it was
4 the intern actually, not the part time. Part time we
5 already know what that is.

6 MS. BAILEY: Right.

7 MR. WEBER: It's the intern. Anita
8 brought up in the personnel about our intern and whether
9 the intern is-- are required to get the same benefits to
10 interns. My initial reaction was no, but there has been
11 some changes in regulations.

12 MS. BAILEY: Right, I did go on the
13 website. There is an address specifically to interns.

14 MR. WEBER: Correct, exactly.

15 MS. BAILEY: But you'll over that.

16 MR. WEBER: Correct.

17 MS. BAILEY: Okay. Thank you, Mr. Weber.

18 MR. WARD: 10 a, monthly bills.

19 THE CHAIRMAN: Move them.

20 MS. BAILEY: Second.

21 MR. BOR: Mr. Cheatham.

22 MR. CHEATHAM: Yes.

23 MR. BOR: Ms. Bailey.

24 MS. BAILEY: Yes.

25 MR. BOR: Ms. Langford.

1 MS. LANGFORD: Yes.

2 MR. BOR: Mr. Hill.

3 MR. HILL: Yes.

4 MR. BOR: Mr. Smith.

5 THE CHAIRMAN: Yes.

6 MR. WARD: Okay. Is there a motion to go
7 into executive session?

8 MS. BAILEY: Motion.

9 THE CHAIRMAN: Second.

10 MR. BOR: Mr. Cheatham.

11 MR. CHEATHAM: Yes.

12 MR. BOR: Ms. Bailey.

13 MS. BAILEY: Yes.

14 MR. BOR: Ms. Langford.

15 MS. LANGFORD: Yes.

16 MR. BOR: Mr. Hill.

17 MR. HILL: Yes.

18 MR. BOR: Mr. Smith.

19 THE CHAIRMAN: Yes.

20 (Executive Session started at 10:22 a.m.
21 and concluded at 11:18 a.m.)

22 MR. WARD: We are voting on the Authority
23 Solicitor which is 10 c (1) and that would be-- Mr. Smith,
24 we are voting on the Solicitor.

25 THE CHAIRMAN: Yes.

1 MR. WARD: Do you have your vote for the
2 solicitor?

3 THE CHAIRMAN: I voted for Mr. Bor.

4 MR. WARD: Mr. Bor. Mr. Hill.

5 MR. HILL: My vote is going to be for Riley
6 and Riley this time.

7 MR. WARD: Riley. Ms. Langford.

8 MS. LANGFORD: Riley and Riley.

9 MR. WARD: Ms. Bailey.

10 MS. BAILEY: Riley and Riley.

11 MR. WARD: Mr. Cheatham.

12 MR. CHEATHAM: Riley and Riley.

13 MR. WARD: For Labor Counsel. Mr. Smith.

14 THE CHAIRMAN: Mr. Weber.

15 MR. WARD: Mr. Hill.

16 MR. HILL: Mr. Weber.

17 MR. WARD: Ms. Langford.

18 MS. LANGFORD: Andy Weber.

19 MR. WARD: Ms. Bailey.

20 MS. BAILEY: Andy Weber.

21 MR. WARD: Mr. Cheatham.

22 MR. CHEATHAM: Mr. Weber.

23 MR. WARD: Okay. Is there anything else
24 for this meeting?

25 MR. HILL: Yes, we have to approve the

1 legal services of Sher Edling.

2 MR. WARD: For Sher Edling, yes. Again,
3 this is a legal services agreement for P 5 litigation
4 under a contingency fee agreement.

5 MS. BAILEY: Move it.

6 MR. HILL: Second.

7 MR. WARD: Mr. Smith.

8 THE CHAIRMAN: Yes.

9 MR. WARD: Mr. Hill.

10 MR. HILL: Yes.

11 MR. WARD: Ms. Langford.

12 MS. LANGFORD: Yes.

13 MR. WARD: Ms. Bailey.

14 MS. BAILEY: Yes.

15 MR. WARD: Mr. Cheatham.

16 MR. CHEATHAM: Yes.

17 MR. WARD: Okay, that motion carries.

18 Thank you.

19 MS. BAILEY: All right. So the February
20 meeting is the 27th, right?

21 MR. WARD: Yes.

22 MR. HILL: Motion to adjourn.

23 MS. BAILEY: Second.

24 THE CHAIRMAN: So moved, thank you.

25 MR. HILL: Thank you, guys.

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(Proceedings concluded at 11:20 a.m.)

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C E R T I F I C A T I O N

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I, Dominique R. Caputo, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn at the time, place and on the date herein set fourth.

I further certify that I am neither attorney nor counsel for, not related to, nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or any counsel employed in this case, nor am I financially interested in this action.

Dominique R. Caputo
Court Reporter and
Notary Public

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