

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

Wednesday, June 15, 2016

G. Bruce Ward, Executive Director
Garth Moyle, Deputy Executive Director
Fredric L. Bor, Esquire, Board Solicitor
Andrew Weber, Esquire
Claude Smith, Engineer
Anita Thapa, Senior Accountant
Stella Johnson, Board Administrator

B E F O R E:

Milton L. Smith, Chairman
Gary L. Hill, Vice Chairman/Secretary
John McGettigan, Treasurer
William Lea, Board Member
Edmund J. Colanzi, Board Member
William K. Cheatham, Alternate
Patricia Bailey, Alternate

TAKEN BEFORE: JACQUELINE M. ZARRILLO,
Certified Court Reporter of the State of New Jersey,
License No. XI01786, at the ATLANTIC CITY MUNICIPAL
UTILITIES AUTHORITY, 401 North Virginia Avenue,
Atlantic City, New Jersey 08404, commencing
at 10 a.m.

JACQUELINE M. ZARRILLO, CCR
CERTIFIED COURT REPORTER
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NORTHFIELD, NEW JERSEY 08225
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(NO PUBLIC PRESENT.)

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1 MR. SMITH: Adequate notice of this
2 meeting has been provided, as required by law, by
3 mailing to the Press a list of the regularly
4 scheduled Board meetings of the Board of Directors,
5 including the notice of the regular meeting scheduled
6 for June 15, 2016, 401 North Virginia Avenue,
7 conference room, Atlantic City, New Jersey. Copy of
8 said notice was sent to city clerk to be posted. All
9 of the aforesaid complies with Chapter 231 of the
10 laws of 1975, known as open public meeting laws.

11 MR. BOR: Mr. Cheatham?

12 MR. CHEATHAM: Here.

13 MR. BOR: Ms. Bailey?

14 MS. BAILEY: Here.

15 MR. BOR: Mr. Lea?

16 MR. LEA: Here.

17 MR. BOR: Colanzi?

18 MR. COLANZI: Here.

19 MR. BOR: McGettigan?

20 MR. MCGETTIGAN: Here.

21 MR. BOR: Hill?

22 MR. HILL: Here.

23 MR. BOR: Smith?

24 MR. SMITH: Here.

25 MR. BOR: Quorum.

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1 The Director had to go get his recorder
2 for Closed Session, so let's deal with the minutes.
3 Board members have received the minutes and if
4 they're satisfactory without comment, is there a
5 motion?

6 MR. HILL: Motion to accept.

7 MR. MCGETTIGAN: Second.

8 MR. BOR: Mr. Lea?

9 MR. LEA: Yes.

10 MR. BOR: Colanzi?

11 MR. COLANZI: Yes.

12 MR. BOR: McGettigan?

13 MR. MCGETTIGAN: Yes.

14 MR. BOR: Hill?

15 MR. HILL: Yes.

16 MR. BOR: Smith?

17 MR. SMITH: Yes.

18 MR. BOR: Director will be down in a
19 few seconds.

20 MR. SMITH: Let's go into Closed
21 Session for a few minutes to try to resolve the
22 problem that some of the employees have, whatever
23 they want to say.

24 MR. HILL: So you want to go into
25 Closed? Make a motion to move.

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1 MR. MCGETTIGAN: Second.

2 MR. BOR: Mr. Lea?

3 MR. LEA: Yes.

4 MR. BOR: Colanzi?

5 MR. COLANZI: Yes.

6 MR. BOR: McGettigan?

7 MR. MCGETTIGAN: Yes.

8 MR. BOR: Hill?

9 MR. HILL: Yes.

10 MR. BOR: Smith?

11 MR. SMITH: Yes.

12 (Closed Session from
13 10:05 a.m. to 11:20 a.m.)

14 MR. WARD: Let's get the votes of the
15 Executive Session on the record now.

16 MR. HILL: Do we need Stella here?

17 MR. WARD: I don't think so. We're
18 voting resolution 10.a(5), assistant distribution
19 manager. That's the appointment of Kevin.

20 MR. MCGETTIGAN: I'll make the motion.

21 MR. SMITH: Second.

22 MR. WARD: 10.a(5).

23 MR. BOR: Mr. Lea?

24 MR. LEA: Yes.

25 MR. BOR: Colanzi?

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1 MR. COLANZI: Yes.

2 MR. BOR: McGettigan?

3 MR. MCGETTIGAN: Yes.

4 MR. BOR: Hill?

5 MR. HILL: Yes.

6 MR. BOR: Smith?

7 MR. SMITH: Yes.

8 MR. WARD: Resolution 10.a(6) with the
9 amendment to adjust the salary at 52,000.

10 MR. SMITH: Move it.

11 MR. WARD: Executive secretary
12 replacing a retiring Debbie Sternberg.

13 MR. MCGETTIGAN: Second.

14 MR. BOR: Mr. Lea?

15 MR. LEA: Yes.

16 MR. BOR: Colanzi?

17 MR. COLANZI: Yes.

18 MR. BOR: McGettigan?

19 MR. MCGETTIGAN: Yes.

20 MR. BOR: Hill?

21 MR. HILL: Yes.

22 MR. BOR: Smith?

23 MR. SMITH: Yes.

24 MR. WARD: And resolution 10.a(9),
25 appointment of accounting clerk II. That would be

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1 the replacement for Sara Martino, who is retiring.

2 MR. SMITH: Move it.

3 MR. MCGETTIGAN: Second.

4 MR. BOR: Mr. Lea?

5 MR. LEA: Yes.

6 MR. BOR: Colanzi?

7 MR. COLANZI: Yes.

8 MR. BOR: McGettigan?

9 MR. MCGETTIGAN: Yes.

10 MR. BOR: Hill?

11 MR. HILL: Yes.

12 MR. BOR: Smith?

13 MR. SMITH: Yes.

14 MR. WARD: One that did not require a
15 resolution is the reappointment of Nunzio Marino.

16 And that otherwise we discussed the
17 development of different scenarios within the city,
18 our discussion with the county utilities authority
19 and labor counsel.

20 Members of our legal staff and myself,
21 we will continue our discussions with respect to our
22 RFP development in Trenton and report back to the
23 Board.

24 MR. SMITH: Move it.

25 MS. BAILEY: All our resolutions were

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1 pulled, but they will be revisited?

2 MR. WARD: Yes.

3 MR. BOR: You don't need a resolution.

4 MR. HILL: There is no resolution.

5 MR. WARD: So let's go to Executive
6 Director's report. I was advised by the Atlantic
7 City NAACP that they went to a meeting on Saturday
8 with the state NAACP and that a report was circulated
9 by the state education chair, and that report
10 followed a news broadcast, which we were well aware
11 of and the news broadcast on New Jersey Nightly --
12 excuse me, nj.com, Why 11 New Jersey Cities Have More
13 Lead Effectuated Kids Than Flint, Michigan. The
14 headlines tell us, the reader, Flint, Michigan, which
15 makes the reader believe water. The education chair,
16 without reading the article, was about to present a
17 report that Atlantic City's water had more lead in it
18 than Flint, Michigan.

19 Betty Lewis, the chair for Atlantic
20 City, called me on her way back. She was very upset.
21 And I texted her back and I said, I will be at the
22 city meeting on Monday to explain that the state
23 education chair totally misread the article because
24 the article is about lead paint. And yes, there is a
25 lead paint intrusion in youth in a number of cities,

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1 Atlantic City is one. However, I did also make clear
2 presentation of our water testing for lead and
3 copper, which we provided for the Atlantic City
4 School Board. So Betty is now educating the
5 education chair with respect to the fact that we do
6 not have noticeable traces of any danger of lead and
7 copper in our water.

8 I would also announce we have a notice
9 from the MBCA for the annual summer mixer and silent
10 auction, which would occur Monday, July the 25th, and
11 I did pass out the letter from City of Atlantic City
12 -- excuse me, State of New Jersey with respect to the
13 ongoing legislation effecting the City of Atlantic
14 City. And that's my report.

15 The personnel committee meeting met.
16 The minutes dated on June 1st have been circulated.

17 Financial report is available, if there
18 are any questions there?

19 With respect to shut offs, I would like
20 to take a moment to talk about 300 Atlantic Avenue,
21 which is Lighthouse Plaza. Lighthouse Plaza has
22 approximately eight floors of low to moderate income
23 residents and they now owe us \$28,000. They're on
24 the shut off list. I spoke to Dale Finch, the
25 director for licensing and inspections, City of

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1 Atlantic City. And I said that, you know, we don't
2 want to put the city in a difficult position in terms
3 of relocating those people. But we appreciate his
4 assistance in order to bring this account up to date.
5 In addition, I am advised that they owe the Atlantic
6 City Sewerage Company, which of course is an
7 investor-owned company, about \$100,000 to the
8 sewerage company. I haven't been in touch with the
9 sewerage company yet, but I was just informed by
10 Jackie Siracusa, who has been on top of this account,
11 that she just heard from the bank, New York Bank.
12 Now New York Bank is going to make some terms with us
13 with respect to that property. So some things could
14 be going on in terms of either bankruptcy or
15 receivership or something, but it seems as though
16 we're going to get our money. I also made sure that
17 the city knew that we are a partner. We're doing our
18 things to accommodate. We don't want to disrupt the
19 lives of individuals, but I just want people to
20 understand that's the situation that's ongoing.

21 Engineering committee report.

22 Mr. Smith, do you have anything?

23 MR. CLAUDE SMITH: You want me go to
24 the engineering report itself?

25 MR. WARD: Sure.

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1 MR. CLAUDE SMITH: We actually did meet
2 and we did discuss pretty much a progress of the
3 painting of the one million gallon tank, Maryland
4 Avenue tank. In addition to the fact that we did
5 determine that they're a little bit behind schedule
6 based on the time schedule that they gave us for the
7 progress report -- not progress report but progress
8 of the tank and the rehab that we're doing.

9 The phase they're doing, the steel
10 work, putting up the handrails and the rails on top
11 of the tank, putting the ladders and manhole, they're
12 at that particular junction right now.

13 They should be blasting at this time.
14 They're also scaffolding and skirting the tank for
15 blasting, but they haven't gotten to that point, so
16 my prediction, they're about two weeks behind.

17 Since we're getting closer to the top
18 of the tank, especially the belly of the tank, let me
19 give you the pictures so you can take a look at it.
20 One of the discoveries that we did make is that the
21 struts that go horizontally between the legs, it's
22 not necessarily a support structure, but it's a part
23 of the structure of the tank. It's somewhat of a
24 brace. The pictures that I'm showing you were
25 pictures that show the deterioration of the steel of

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1 that particular strut item. And more than likely,
2 that will incorporate a change order. What that
3 change order cost will be, I don't necessarily know
4 at this time. The inspector yesterday, he went up,
5 he did -- I asked him to do a full inspection of all
6 those struts just to see what the conditions actually
7 are and to give me a report. Now, the report that he
8 gave me is at least four of those struts, strut
9 structures needs to be replaced. There is 10 total.

10 MR. SMITH: Not to cut you off. What
11 kind of change order? Approximately how much will it
12 be?

13 MR. CLAUDE SMITH: I would like to give
14 you a figure. I don't know what they're going to
15 charge.

16 MR. SMITH: Are we talking about this
17 tank?

18 MR. CLAUDE SMITH: Yes, we have ten
19 struts that incorporate this tank.

20 MR. SMITH: That's not unusual. A lot
21 of times there is a change order.

22 MR. CLAUDE SMITH: Correct. Sometimes
23 you do expect change orders, but that was something
24 that was not detected on the inspection. And it's
25 somewhat under the belly of the tank and in order to

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1 see, you have to be up there and they don't have a
2 lift to get on that portion of the tank.

3 MR. HILL: So they're saying four?

4 MR. CLAUDE SMITH: Four definitely
5 needs to be replaced. Here is what my recommendation
6 will be. If we're at this particular stage in terms
7 of doing the tank and if we know that four of these
8 structures need to be replaced, now the other six are
9 not actually in great condition, they might be
10 salvageable, but you're going to have to pick for
11 them to actually spot repair the struts.

12 MR. SMITH: Is there any way we can get
13 an estimate?

14 MR. CLAUDE SMITH: We will. That's
15 what I'm waiting on, but I wanted to inform the Board
16 prior to get going to that part. Since this project
17 is supposed to end in July, I wanted to approach the
18 Board for now, give you an idea that there will be a
19 change order.

20 MR. SMITH: You've been doing the due
21 diligence and stay on top of it.

22 MR. CLAUDE SMITH: I will. The fact of
23 the matter, if we have the conditions of the struts
24 that are currently there right now looking the way
25 they are, and of course we know that the corrosion

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1 set in and the steel's actually deteriorating, my
2 suggestion and recommendation is that we change all
3 of them. The reason being, if you're going to spot
4 repair those struts, it's time and money as opposed
5 to purchasing the steel and just having them erect
6 it. It is a very strong possibility that that
7 particular cost would be much less than doing spot
8 repairs.

9 So I did speak to the inspector. I
10 told him pretty much what I would like to see in
11 terms of an estimate, so as soon as I get that, I can
12 present to Mr. Ward. And then if we need to call
13 special meeting to present it to the Board or if we
14 can wait to the next Board meeting and present it and
15 move forward, but it's a possibility that I'm going
16 to have to have that particular scenario go ahead
17 before we get back together again.

18 MR. SMITH: I think the Director has a
19 20 or \$40,000 reserve that he doesn't have to bring
20 to the Board.

21 MR. CLAUDE SMITH: Okay.

22 MR. SMITH: If it's less than that, you
23 got the authority to go on.

24 MR. CLAUDE SMITH: Good to know.

25 MS. BAILEY: Two estimates, one to

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1 replace it all and another one to do the spot?

2 MR. CLAUDE SMITH: See the thing is, I
3 don't know how much spot repairs I have to do. But I
4 would more definitely in terms have an estimate if I
5 know to have to replace it. Because they wouldn't
6 necessarily know how much spot repairs they would
7 have to do unless they do a thorough inspection and
8 say yes, we have to repair this in two or three
9 locations. If they're replacing it, at least I know
10 what the cost is going to be. What I'm saying, the
11 cost of replacing it is probably a better cost, more
12 feasible cost and cost efficient cost than actually
13 doing the spot repairs.

14 MR. SMITH: And you don't want to bring
15 it back again. Stay on top of it, Mr. Smith.

16 MR. MCGETTIGAN: Thank you.

17 MR. WARD: I did skip the Director's
18 forum. Any Directors have any input on the
19 community?

20 Resolution 7.a(1) and resolution
21 7.a(2). We had a purchasing committee meeting this
22 month and these were the two successful entries for
23 these two necessary chemicals for us going forward.

24 MR. HILL: I'll move both of those.

25 MR. MCGETTIGAN: Second.

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1 MR. BOR: Mr. Lea?

2 MR. LEA: Yes.

3 MR. BOR: Colanzi?

4 MR. COLANZI: Yes.

5 MR. BOR: McGettigan?

6 MR. MCGETTIGAN: Yes.

7 MR. BOR: Hill?

8 MR. HILL: Yes.

9 MR. BOR: Smith?

10 MR. SMITH: Yes.

11 MR. WARD: On the New Business starting
12 with --

13 MR. HILL: How about the cell tower?

14 MR. WARD: The easement for tower, it's
15 still undergoing, still doing paperwork.

16 MR. BOR: A lot of legal work going on.
17 I'm working on it.

18 MR. WARD: But it will be tight when it
19 comes back.

20 Accounting and auditing services.
21 Anita, did you want to express a summary of our
22 meeting with --

23 MS. THAPA: This is talking about the
24 change order.

25 MR. WARD: But I wanted you to talk

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1 about your memorandum in a summary of your feeling of
2 our relationship with the auditing service before we
3 get to the change order.

4 MS. THAPA: Last Thursday we did have
5 an audit company meeting for the exit interview, and
6 they gave us a clean audit report. Everything went
7 smoothly, except for the fact that we had to wait
8 this long. Usually we will finish by April Board
9 meeting, but we had to wait up to this period, June,
10 because of the GASB 68 thing.

11 MR. SMITH: In other words, everything
12 is going well with the money situation and the way
13 it's being conducted?

14 MS. THAPA: Yes, there is no
15 recommendation from them. Everything is good, no
16 recommendation, no material with its finding. And if
17 you have the audit report; that's the big binding
18 there. The main difference with the GASB 68 as you
19 see, is they had to restate it, the 2014 findings by
20 10,805,000, due to that GASB 68.

21 MR. HILL: That's the only change?

22 MS. THAPA: 10 million. They had to
23 restate the 2014 statement by 10 million.

24 MS. BAILEY: GASB had to be recorded as
25 early as 2014?

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1 MS. THAPA: Yes, it was effective June
2 of 2015, but we had to restate it in order to balance
3 2015 statements, we had auditing the 2014. So the
4 only difference is on the page 21, in 2014 we had
5 surplus of 7 million in unrestricted cash. For 2015
6 we have a negative of 3 million 700. It doesn't mean
7 like we don't have money. It's not a strict
8 liability, but in case of privatization or somebody
9 is buying us, then they have to look into that.

10 So basically, yeah, that in 2015 our
11 pension net liability is 13 million. So it did jump
12 from in '14 they were saying it was 10 million and
13 some change, and now it went up to 13 million in '15,
14 which they were waiting for that report which came
15 out on April 30th. So other than that, we have a
16 clean audit. No recommendation.

17 MR. HILL: That's good.

18 MS. THAPA: They gave us a clean audit.
19 However, they did have a change order of 9,250. I
20 guess we are the first, so they had to really work,
21 government client on the GASB 68. They had to put
22 extra amount of time on that. They knew about it,
23 but they didn't know to the extent.

24 MR. HILL: And we had to have that
25 done?

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1 MS. THAPA: Right.

2 MR. WARD: That's required, pension
3 liability.

4 MR. HILL: Which is what you were
5 speaking about?

6 MR. WARD: Resolution 8.a(1), that's
7 the change order of \$9,250.

8 MR. SMITH: Who did that go to?

9 MR. WARD: Auditing firm. They were
10 required to do additional mandated work for GASB 68.

11 MS. THAPA: Hopefully the 33,000, now
12 the 9,000, it's going to go up to the 42. Hopefully
13 they'll know our business and if we keep them, we're
14 going to do the audit for 33,000 again.

15 MR. HILL: Must you do this ever year,
16 the GASB?

17 MS. THAPA: Yes, but once it's already
18 implemented, it's not going to be that hard.

19 MR. WARD: This was the ramp up.

20 MR. WEBER: Every MUA had that problem.
21 It was statewide. They changed everything so every
22 MUA --

23 MR. HILL: I'm move 8.a(1).

24 MR. MCGETTIGAN: Second.

25 MR. WEBER: Smith?

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1 MR. SMITH: Yes.

2 MR. WEBER: Gary Hill?

3 MR. HILL: Yes.

4 MR. WEBER: John McGettigan?

5 MR. MCGETTIGAN: Yes.

6 MR. WEBER: Ed Colanzi?

7 MR. COLANZI: Yes.

8 MR. WEBER: And William Lea?

9 MR. LEA: Yes.

10 MR. WEBER: Passes.

11 MR. WARD: I would like to bring up
12 8.b, c and d, which comprises the resolutions for
13 payments of our Trenton team. Each of these are our
14 specialized legal and financial and lobbyist team
15 that are working with us on the efforts to finalize a
16 direction for this Authority with respect to the City
17 of Atlantic City's challenges.

18 MR. WEBER: Move all three?

19 MR. WARD: I would like to move all
20 three together. They're all a team.

21 MR. MCGETTIGAN: I'll move it.

22 MR. WEBER: We have a first. We need a
23 second.

24 MR. SMITH: What is this? How much are
25 we talking about?

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1 MS. BAILEY: 22 and ten, Mr. Ward?

2 MR. WARD: Not to exceed 42 on Capehart
3 Scatchard, not to exceed 22 on Cammarano and Layton,
4 not to exceed 10,000 on McManimon and Scott and let
5 my stop a second here.

6 People need to understand we are in
7 uncharted territory. There is no blueprint here for
8 what will be necessary to protect the Authority in
9 the best way we can, given the circumstances that
10 we're facing. And this is the team that we have
11 aligned ourselves with, who has done enough to get us
12 out the gate in terms of a structure that will
13 hopefully sustain us and is hopefully -- because we
14 don't know what's getting ready to happen; we don't
15 know the end of the end game. There is clearly
16 sufficient challenges coming at us. All we have done
17 is put together the best team.

18 Now, if we get to the point where we
19 have the green light to go in a direction either with
20 a private partner for the County of Atlantic once we
21 have the buildup of those funds, that would be part
22 of the distribution to the City of Atlantic City in
23 terms of if monetization happens. A lot of legal
24 fees are paid there. You can't ask for a
25 straightforward of accounting projects for this kind

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1 of work under these circumstances. We're going month
2 by month to try to continue to put us in a position
3 to stay.

4 A lot of the legal fees have been
5 received by us because of the amount of work that was
6 used to put together the RFP draft. That draft is
7 completed. That draft is in the State of New Jersey
8 at this time being reviewed under the 30-day
9 comptroller's review. Once that comes out, we still
10 have further work to do in terms of setting up
11 scheduling information in terms of does the county
12 have the green light? If not, then are we back on
13 the table with our RFP process and any other threats,
14 i.e. you know, unknowns, city, whatever, so forth and
15 so on. This is our team.

16 MS. BAILEY: I just want to know, there
17 is no ceiling.

18 MR. SMITH: I just wanted to know, if
19 we exceeded our --

20 MS. BAILEY: Initial.

21 MR. WARD: Yeah, we did.

22 MR. SMITH: I want to try to keep it in
23 line where we know what we're doing and not letting
24 them take all the money from the MUA.

25 MS. THAPA: Can I say something? Those

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1 amounts already billed, so we have to pay. So I'm
2 not sure if we going to even get more bills.

3 MR. SMITH: We may have to. It's going
4 to be more bills, possibly.

5 MS. THAPA: So we might have to do
6 another change order.

7 MR. HILL: We might have to.

8 MS. BAILEY: For the record, I'm not
9 comfortable having no ceiling at all, so -- and we
10 got to go forward and I understand what you're
11 saying, but every month if we have a change order of
12 20 and \$40,000, at what point, Mr. Smith, do you cut
13 it? I just want the record to reflect that no
14 ceiling thing.

15 MR. SMITH: I kind of agree with you,
16 Pat. Like he said, we're fighting for our life and
17 if we have the assets, we have to pay, we might as
18 well use it and try to save ourselves and let the
19 state come to it.

20 MS. BAILEY: You're saying spend the
21 money, as opposed to letting the state take it over?

22 MR. SMITH: I want to keep it under
23 control. We're going to have to have a limit and
24 sometimes -- so no, but as long as they're fighting
25 for us and trying to keep our head above water, we

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1 got to give them the opportunity to do that. That's
2 for the benefit of all us.

3 MR. MCGETTIGAN: Of all the people, all
4 the users.

5 MR. WEBER: We had a -- we have a
6 first. We didn't have a second on the motion.

7 MR. SMITH: Second.

8 MR. WEBER: And that will be, just for
9 the record, that is change order for b, special legal
10 counsel, specialized consultant services and bond
11 agents.

12 MS. BAILEY: Okay.

13 MR. WEBER: Milt Smith?

14 MR. SMITH: Yes.

15 MR. WEBER: Gary Hill?

16 MR. HILL: Yes.

17 MR. WEBER: John McGettigan?

18 MR. MCGETTIGAN: Yes.

19 MR. WEBER: Ed Colanzi?

20 MR. COLANZI: Yes.

21 MR. WEBER: And William Lea?

22 MR. LEA: Yes.

23 MR. WARD: 8.e, utility road openings.

24 Mr. Moyle, any comment on this change order?

25 MR. MOYLE: Yes, through a series of

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1 unfortunate errors or whatever, overruns, this
2 contract has been typically used also for water main
3 breaks. If we have the crews, the crew, we have one
4 crew now, but if they can't handle it, but this one
5 went over. They did the work. We checked the work.
6 The problem was around March, I believe, I wrote an
7 e-mail to Ralph Henry, Jr. and said, Ralph, we're out
8 of money. We're going to have to rebid this one when
9 we get the final bill, which was like 20 grand extra.
10 Okay, pay that. Then we get another one for another
11 20.

12 I think it was March 18th I sent them
13 the e-mail, so I can go back and find them. What's
14 going on? Three of these jobs were done after this,
15 what's going on? I thought you meant continue with
16 what was already. No, in fact, I wrote back. It was
17 a simple declarative statement. I didn't write,
18 Finish up the rest of the work. But anyway, they did
19 do the work.

20 I mean, do we -- I would hate to short
21 them because I still need them at times and I will
22 need them again. They did the work. It was
23 satisfactory work. I didn't enjoy it. Again, if I
24 run into this again, their billing system wasn't the
25 greatest either. Months later we're getting bills,

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1 so it was hard to track.

2 MR. SMITH: How much are we talking
3 about?

4 MR. MOYLE: 40 some thousand dollars.

5 MS. THAPA: 48.

6 MR. MOYLE: Ten percent of that
7 \$350,000 contract is usually an allowable benchmark
8 is 35,000, so it's slightly higher than that. Was I
9 happy? Is it right? No.

10 MR. SMITH: But what you're saying, we
11 need them and you don't want to alienate them?

12 MR. MOYLE: We could say stick it, but
13 that's probably not a good answer.

14 MR. SMITH: Thank you for you realizing
15 now, knowing how you are, so let's hang on.

16 MR. MCGETTIGAN: Move.

17 MR. HILL: Second.

18 MR. WEBER: Utility road opening, 8.e,
19 8.e(1). Milt Smith?

20 MR. SMITH: Yes.

21 MR. WEBER: Gary Hill?

22 MR. HILL: Yes.

23 MR. WEBER: John McGettigan?

24 MR. MCGETTIGAN: Yes.

25 MR. WEBER: Ed Colanzi?

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1 MR. COLANZI: Yes.

2 MR. WEBER: And William Lea?

3 MR. LEA: Yes.

4 MR. WARD: 8.f(1) and (2). We own the
5 playground, which is behind the one million gallon
6 tank. We have a combination security and maintenance
7 agreement with a gentleman, who has provided monthly
8 reports. It maintains for us a certain level of
9 protection in terms of lawsuits, where we can always
10 show that we have real supervision, an outside
11 contractor that supervises, so I'm asking for
12 resolution 8.f(1) and (2).

13 MR. SMITH: Who is the attendant on it
14 there now?

15 MR. WARD: Rashad El-Amin.

16 MR. LEA: He lives on North Virginia
17 Avenue, 600 block of North Virginia Avenue.

18 MR. MCGETTIGAN: That's the year
19 contract for the year?

20 MR. WARD: Yes.

21 MR. HILL: And you got your concerns
22 handled?

23 MR. WARD: Yes, we're getting regular
24 records. He told us when the fence fell apart, he
25 tells us things that are happening with the equipment

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1 and he's always giving us reports, so I think that it
2 protects us from liability to have an individual,
3 rather than just have a playground and nobody is
4 watching.

5 MR. MCGETTIGAN: Good investment.

6 MS. THAPA: I have to say on that. I
7 think he did a good job. However, we had the
8 workers' comp audit. They need to, each vendor or
9 each who does a service with us, they need a
10 requirement for workers' comp. They need a
11 certificate of inservice, which last year we weren't
12 ever provided it because I -- we didn't ask for it.
13 We forgot. We never asked. Even in the past we
14 never asked. The auditor, they did bring it to our
15 attention that we will be required to ask him for a
16 certificate of insurance, which he will be able to
17 get it. I think, Jackie, you did get it yourself.
18 If he doesn't --

19 MR. SMITH: What does he need?

20 MS. THAPA: Certificate of insurance.

21 MS. BAILEY: Liability insurance?

22 MR. CLAUDE SMITH: Yes.

23 MS. THAPA: Every vendor, they would
24 provide us a certificate of insurance.

25 MR. CLAUDE SMITH: That's also added

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1 protection for the Authority.

2 MS. THAPA: Last year we did have to
3 pay extra on the workers' comp.

4 MS. BAILEY: He has it? He said he has
5 it?

6 MS. THAPA: He doesn't. I'm pretty
7 sure he's not aware of it. In the past we hadn't
8 asked for it.

9 MS. BAILEY: When you asked him, you're
10 going to give him time to get it?

11 MS. THAPA: Yes, I'm pretty sure he can
12 get it.

13 MR. MCGETTIGAN: When does this
14 contract start?

15 MS. JOHNSON: July.

16 MR. MCGETTIGAN: Immediately.

17 MR. SMITH: I don't know the guy
18 myself, personally. I don't know him, but you know
19 him?

20 MR. LEA: I know him.

21 MS. THAPA: He does, gives a report
22 every month.

23 MR. WARD: I'm not sure when his
24 contact starts.

25 MS. JOHNSON: June 30th is the ending.

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1 MR. SMITH: So his contract starts July
2 1st.

3 MR. MCGETTIGAN: He has two weeks to
4 acquire insurance, which he may ask for a raise.

5 MR. SMITH: Do we have to pay for that
6 or he has to pay for that?

7 MR. MCGETTIGAN: He's going to require
8 an increase in our contract, probably to assume that
9 cost.

10 We paid it because he did not have it,
11 so we insured him?

12 MS. THAPA: Yes, if something happened,
13 then we are on liability too.

14 MR. SMITH: How much was it
15 approximately?

16 MS. THAPA: 400.

17 MR. MCGETTIGAN: Can we pay that
18 ourselves or assume that ourselves? Otherwise he's
19 going to request the 400.

20 MS. THAPA: We ask for all the vendors
21 so --

22 MS. BAILEY: He's a vendor.

23 MR. SMITH: He's not a businessman. I
24 think he's a man that lives in the neighborhood, if
25 I'm not mistaken.

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1 MS. BAILEY: We're paying him. We're
2 paying him from a vendor's list. How can we say
3 we're going to pay his and not other vendors'
4 insurance?

5 MR. SMITH: I don't want to set a
6 precedent. He's going to ask for more money to get
7 the insurance.

8 MS. BAILEY: I'd rather give him more
9 money than for us to come pay for his insurance.

10 MR. MCGETTIGAN: Is he allowed to
11 submit a bill?

12 MS. THAPA: We also have to realize, if
13 something happen to him at that location, we will be
14 liable.

15 MR. HILL: Why don't we add 400?

16 MS. THAPA: We have to deduct, but then
17 you can get it cheaper.

18 MS. BAILEY: But we pay him as a vendor
19 contractor. Would it be legal, safer to increase his
20 contract by a certain dollar figure as he said, as
21 opposed for us to pay?

22 MR. HILL: Let's decrease the contract.
23 He has to get a certificate of insurance.

24 MS. THAPA: We could ask him and get it
25 for cheaper.

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1 MR. HILL: I don't think he's going to
2 do all that research.

3 MR. WARD: Tell you what, why don't we
4 approve his contract contingent upon receipt of
5 proper insurances? He's got two weeks to do that.
6 If there is a lapse of a month, I think, you know, we
7 can always reinsert the contract to start in August
8 if we had to. But I think we, you know, sometimes
9 the laws trip you up.

10 MR. SMITH: You're going to have to
11 notify him, because --

12 MR. WARD: He's just a normal guy who
13 comes out, you know, the regulations and the law
14 apply to him, too, and really trips him up because
15 he's just a neighborhood guy that does a good job.
16 Probably kept some of the negative things that could
17 go on out there, sweeping them away because he's out
18 there watching.

19 MS. BAILEY: I agree with you, Bruce,
20 but like the young lady said, God forbid something
21 happened to him. If there is no insurance covering
22 him, that man is out there, we're not covering him
23 and he's not covered.

24 MR. WEBER: Independent contractor.
25 He's an independent contractor, so he can't --

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1 MS. BAILEY: Yes, he can sue you. He
2 can, yes, he can.

3 MR. WEBER: I assume there is
4 indemnifications. I haven't looked at the agreement.

5 MR. SMITH: Do we know the man?

6 MR. LEA: Yes.

7 MR. SMITH: Have him come up here.

8 MR. WARD: And talk to us.

9 MR. LEA: I'm going to talk to Bruce
10 today.

11 MR. SMITH: Try to get this resolved.

12 MR. MCGETTIGAN: You can connect him
13 with our workmen's compensation company.

14 MR. MOYLE: You could, but then you
15 will make him an employee, and then he'll get a
16 pension.

17 MR. WARD: He's not an employee.

18 MR. SMITH: We all can't talk at the
19 same time.

20 MR. MOYLE: We can barely get it.

21 MR. HILL: Bruce is saying we're
22 creating more of a situation. Should we just pay the
23 insurance for him?

24 MR. SMITH: No.

25 MR. MCGETTIGAN: That's a bad

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1 suggestion.

2 MR. SMITH: We can't do that.

3 MR. HILL: He has to bring his own
4 insurance to get the contract.

5 MR. SMITH: That's if he wants to keep
6 his job.

7 MR. MCGETTIGAN: He has to be self
8 insured.

9 MS. BAILEY: I like Bruce's idea, we
10 pass the contract as is, contingent on getting
11 insurance by a certain date, and then we can maybe
12 increase his contract so he can afford to buy it.

13 MR. HILL: I'll move it.

14 MR. MCGETTIGAN: Second.

15 MR. WARD: 8.f(1) and (2).

16 MR. WEBER: Milt Smith?

17 MR. SMITH: Yes.

18 MR. WEBER: Gary Hill?

19 MR. HILL: Yes.

20 MR. WEBER: John McGettigan?

21 MR. MCGETTIGAN: Yes.

22 MR. WEBER: Ed Colanzi?

23 MR. COLANZI: Yes.

24 MR. WEBER: And William Lea?

25 MR. LEA: Yes.

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1 MR. WARD: That's contingent upon the
2 contractor acquiring appropriate workers'
3 compensation insurance.

4 MR. LEA: As soon as I leave here, I'll
5 get in touch with him and I'm sure he'll stay.

6 MR. WARD: Resolution 8.g to solicit
7 bids.

8 MR. MOYLE: That's tabled.

9 MR. WARD: H, shared service agreement
10 with the Atlantic County Utilities Authority. We are
11 pursuing a shared service agreement. Our lab
12 coordinator resigned -- not resigned, retired and
13 we're now going to send out our samples to Atlantic
14 County, which does a number of other municipal
15 systems water testing. This will be not to exceed
16 \$18,720. Again, considerable savings on this
17 approach and to place our testing in the hands of the
18 county.

19 MR. CHEATHAM: I have a question. How
20 long of a wait are we going to have to wait for the
21 report on these testings? The company has customers
22 within the Atlantic County, and that means we are on
23 the bottom of their list right now.

24 MR. WARD: They have a requirement.
25 Those requirements are spelled out by the Department

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1 of Environmental Protection in terms of the time
2 lapse for turning in the reports, so we're not going
3 to be on the bottom of the list. We will be on the
4 list of distribution of all of their results. There
5 is no putting us in the back of the line in terms of
6 our acquiring our reports. That's a statewide
7 principle, because you can't have a long time lapse
8 between a test because the test could be very
9 negative for something and all of a sudden you can't
10 get that report five months from now and find out
11 that I have infected a large part of the population.

12 MR. SMITH: It's a mandate it be done
13 because it --

14 MR. MCGETTIGAN: Doesn't it have to go
15 online every --

16 MR. MOYLE: They have to input it. The
17 MUA doesn't get to touch it. If you have a positive
18 for coliform and doesn't indicate sewage, they have
19 to go out within 24 hours of the sample, so they have
20 to do that.

21 MR. MCGETTIGAN: It's an immediate
22 reaction.

23 MR. WARD: That's a good question. You
24 bring up an important point.

25 MR. WEBER: Is there a motion?

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1 MR. SMITH: Move it.

2 MR. MCGETTIGAN: Second.

3 MR. WEBER: 8.h(1).

4 MR. SMITH: Before we go any further,
5 isn't this company used by the other water companies
6 in the county?

7 MR. WARD: Yes.

8 MR. WEBER: Actually, this is the
9 trend.

10 MR. SMITH: Because we don't have --
11 our lab is shut down.

12 MR. WEBER: This is the trend. A lot
13 of MUAs are consolidating their services when it
14 comes from labs.

15 Milt Smith?

16 MR. SMITH: Yes.

17 MR. WEBER: Gary Hill?

18 MR. HILL: Yes.

19 MR. WEBER: John McGettigan?

20 MR. MCGETTIGAN: Yes.

21 MR. WEBER: Ed Colanzi?

22 MR. COLANZI: Yes.

23 MR. WEBER: And William Lea?

24 MR. LEA: Yes.

25 MR. WARD: Resolution 8.i,

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1 certification of the audit. We heard from Anita
2 Thapa, who indicated that our audit came through with
3 an effective response, so this is 8.i to accept the
4 resolution and it requires signatures from Board
5 members.

6 MR. HILL: I'll move it.

7 MR. MCGETTIGAN: Second.

8 MR. WEBER: Milt Smith?

9 MR. SMITH: Yes.

10 MR. WEBER: Gary Hill?

11 MR. HILL: Yes.

12 MR. WEBER: John McGettigan?

13 MR. MCGETTIGAN: Yes.

14 MR. WEBER: Ed Colanzi?

15 MR. COLANZI: Yes.

16 MR. WEBER: And William Lea?

17 MR. LEA: Yes.

18 MR. WARD: Finally resolution 9.a. is
19 the payment of bills.

20 MR. SMITH: Move it.

21 MR. MCGETTIGAN: Second.

22 MR. WEBER: Milt Smith?

23 MR. SMITH: Yes.

24 MR. WEBER: Gary Hill?

25 MR. HILL: Yes.

ATLANTIC CITY MUA

1 MR. WEBER: John McGettigan?

2 MR. MCGETTIGAN: Yes.

3 MR. WEBER: Ed Colanzi?

4 MR. COLANZI: Yes.

5 MR. WEBER: And William Lea?

6 MR. LEA: Yes.

7 MR. WEBER: Motion to adjourn?

8 MR. SMITH: Motion.

9 (The meeting adjourned at 12 p.m.)

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C E R T I F I C A T E

I, JACQUELINE M. ZARRILLO, a Certified Court Reporter of the State of New Jersey, do hereby certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

JACQUELINE M. ZARRILLO
Certified Court Reporter
License No. XI01786

DATED: June 28, 2016

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