

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

Wednesday, November 16, 2016

Garth Moyle, Deputy Executive Director
Fredric L. Bor, Esquire, Board Solicitor
Anita Thapa, Senior Accountant
Kelley Williams, Board Administrator

B E F O R E:

Milton L. Smith, Chairman
Gary L. Hill, Vice Chairman/Secretary
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.

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Stella Johnson	12

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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 meetings of the Board of Directors,
5 including the notice of the regular meeting scheduled
6 November 16, 2016, at 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 Roll call?

12 MR. BOR: Mr. Cheatham?

13 MR. CHEATHAM: Here.

14 MR. BOR: Ms. Bailey?

15 MS. BAILEY: Here.

16 MR. BOR: Mr. Lea?

17 MR. LEA: Here.

18 MR. BOR: Colanzi?

19 MR. COLANZI: Here.

20 MR. BOR: Hill?

21 MR. HILL: Here.

22 MR. BOR: Smith?

23 MR. SMITH: Here.

24 MR. BOR: Voting, alternate number one,
25 Ms. Bailey. Mr. McGettigan is not here.

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1 With regard to the minutes, assuming
2 everybody has gotten them, can we have a motion on
3 the minutes?

4 MR. HILL: Motion.

5 MR. SMITH: Move them.

6 MR. BOR: Ms. Bailey?

7 MS. BAILEY: Yes.

8 MR. BOR: Mr. Lea?

9 MR. LEA: Yes.

10 MR. BOR: Colanzi?

11 MR. COLANZI: Yes.

12 MR. BOR: Hill?

13 MR. HILL: Yes.

14 MR. BOR: Smith?

15 MR. SMITH: Yes.

16 MR. BOR: Carries. Mr. Moyle?

17 MR. MOYLE: There is no correspondence
18 here.

19 Personnel committee, any question on
20 the minutes, questions?

21 Financial report, I guess, everybody
22 got that? No problems?

23 MS. BAILEY: No problem.

24 MR. MOYLE: Shut offs. Anybody have a
25 problem with the people that are on the shut off

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1 list?

2 MR. HILL: So we start, really look,
3 looking at that around December?

4 MR. MOYLE: Yeah, before it gets too
5 cold to shut people off.

6 MR. SMITH: We don't shut off in the
7 winter until April, right?

8 MR. MOYLE: When it gets below
9 freezing.

10 MR. HILL: Below freezing.

11 MR. MOYLE: It hasn't hit that yet.
12 Engineer committee meeting?

13 MR. HILL: Is Mr. Smith speaking?

14 MR. MOYLE: He's out.

15 MR. HILL: Did we get this resolved,
16 with this logo issue?

17 MR. MOYLE: You mean the cost?

18 MR. HILL: The cost, right.

19 MR. MOYLE: There is going to be a
20 meeting, an extra for that paving that was done
21 underneath. That has to, I mean, it had to be done.
22 You noticed how poor the paving looked, but they want
23 an extra 12 grand for that. We'll have a meeting,
24 and again, it is a fantastic job.

25 MR. HILL: Yeah, it looks great.

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1 MR. MOYLE: I thought it would be like
2 a cartoon.

3 MR. HILL: So did I.

4 MR. MOYLE: If we're going out, we're
5 going out in style.

6 MR. SMITH: Is that a cost overrun?

7 MR. MOYLE: They're asking for 12
8 grand. We'll sit down and talk to them. Maybe it's
9 worth something. We'll talk, maybe half.

10 MR. HILL: That's what I was thinking.

11 MR. MOYLE: The other thing, I do have
12 another item that didn't really make engineering, but
13 the cover at the treatment plant on Basin B-1 of the
14 in ground basins there, it's totally shot. We
15 originally tried to get it repaired. We could never
16 really get anyone to give us a price, so I went out
17 and asked two engineering groups I can work with,
18 Buchart Horn and the ones that did the tank, Paulus
19 Sokolowski, PS&S, for prices. This time I finally
20 did it as an engineering job, because I think the
21 prices for engineering that were within \$34,400. And
22 the low response was PS&S, so what I would like to do
23 is get a resolution. I had a resolution this month
24 for the other thing we'll talk about, carbon, but
25 just if you just say it's okay that I accept the one,

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1 so we can get this moving so we can get this cover
2 done next year.

3 MR. SMITH: What was the price?

4 MR. MOYLE: \$34,400, plus or minus.

5 And the other one was like 34,800, so that means to
6 me, since engineering is usually ten percent of the
7 cost, around \$350,000 to do that cover next year.
8 But if we get it moving, get the plans done, we'll be
9 ready to bid around February, March, just in time for
10 the work season next year.

11 MR. SMITH: What is this for, Garth?

12 MR. MOYLE: This is for -- there is a
13 floating cover that's made out of Hypalon, the
14 plastic. That's just over -- it was put on 15 --
15 over 15 years ago, and it developed big holes in it,
16 and you can't have that. So this is to replace --
17 this is to engineer the replacement with some
18 improvement. What really caused the holes, when this
19 thing goes up and down, it would scrape the outlet
20 boxes in the center and in the corners.

21 MR. SMITH: We're in compliance for how
22 long?

23 MR. MOYLE: With that, again, it's been
24 out of service for quite a while.

25 MR. SMITH: It's not in service now?

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1 MR. MOYLE: Yeah, because we're not
2 going to keep it in with holes in the cover, we
3 can't. That water gets --

4 MR. SMITH: So it's mandatory, we need
5 it?

6 MR. MOYLE: Yeah, we do need it. And
7 34 grand for the engineering, and go out to bid and
8 see what that price is next year.

9 What I would like to do is just have an
10 okay to accept the low price, get it moving, and I'll
11 have a resolution for next month.

12 MR. SMITH: Okay. Get the resolution
13 and something with the ED, talk with Bruce also and
14 make him aware of it also. I got no problem with
15 replacing it if it's necessary, so move it. I'm
16 good.

17 MR. MOYLE: You're good?

18 MR. SMITH: Any other --

19 MR. HILL: I just wanted to make a
20 comment. I wanted to thank the MUA, some of the
21 staff and Board members, who attended the event. We
22 had 1,100 people. It was nice to see representation.
23 Just thank you.

24 MR. SMITH: You guys always put on a
25 good show.

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1 MR. BOR: This meeting may set a
2 record.

3 MR. SMITH: I thought Andy was supposed
4 to be here?

5 MR. BOR: He told me he was. Told me
6 he was on his way last night.

7 MR. SMITH: Okay.

8 MR. MOYLE: Go out again for contract
9 services for the guards in the distribution yard. I
10 guess last time we didn't send out request letters
11 out to the Tri-County and the current one,
12 AlliedBarton. Both of them will probably respond.

13 MS. WILLIAMS: I'm going to shoot it
14 out to e-mail, so they'll get it faster and we post
15 it on the web.

16 MR. HILL: I'll move 7.a(1).

17 MR. SMITH: Second.

18 MR. BOR: Ms. Bailey?

19 MS. BAILEY: Yes.

20 MR. BOR: Mr. Lea?

21 MR. LEA: Yes.

22 MR. BOR: Colanzi?

23 MR. COLANZI: Yes.

24 MR. BOR: Hill?

25 MR. HILL: Yes.

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1 MR. BOR: Smith?

2 MR. SMITH: Yes.

3 MR. BOR: Carries.

4 MR. MOYLE: This was a good idea, Mike
5 Megella had to vote in that. I don't know, this is,
6 this is reimbursement.

7 MR. SMITH: Yeah, I saw that.

8 MS. WILLIAMS: That was last month when
9 we discussed with -- Mr. Ward discussed about the
10 Branches. They had to be moved because it was a
11 blockage. It was, MUA was performing the line stop
12 and they had to relocate to the Sheraton.

13 MR. SMITH: I'm familiar with it, but
14 what I was asking, was that 6,000 or \$3,000?

15 MS. WILLIAMS: For the reimbursement,
16 \$697.

17 MR. SMITH: Move it.

18 MR. HILL: Second it.

19 MR. BOR: Ms. Bailey?

20 MS. BAILEY: Yes.

21 MR. BOR: Mr. Lea?

22 MR. LEA: Yes.

23 MR. BOR: Colanzi?

24 MR. COLANZI: Yes.

25 MR. BOR: Hill?

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1 MR. HILL: Yes.

2 MR. BOR: Smith?

3 MR. SMITH: Yes.

4 MR. BOR: 7.b carries.

5 MR. MOYLE: 2017 budget public hearing
6 dates set are Tuesday, November 29, 2016 and Thursday
7 December 1, 2016 wherein changes to the rules, rates
8 and regulations and the new connection fee -- well,
9 best guesstimate of the new connection fee will be
10 discussed.

11 Engineering report, one million gallon
12 tank, it's almost complete. They have in terms of
13 almost like paint thinner, they have to remove.
14 That's supposed to be on Monday. There is some
15 surface rust on the tank itself, they haven't
16 responded to little spots. It looks like almost they
17 had to grind the bottom of that bowl of that tank and
18 when they did that, some small metal may have come
19 down and gotten into paint that hadn't cured
20 completely, but they're going to have to address that
21 and some over-spray problems on the light posts and
22 things. The pressure gauge, that should be hooked up
23 soon so we know how much water is in the tank. The
24 tank is full now. Today we were over there pulling a
25 bacteria sample. They just did that probably five

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1 minutes ago. Tomorrow we'll know if we can open it
2 and put it back in service. We should get another --
3 that was put in service around '53, so 60 some years,
4 keep it painted.

5 The 60 inch water main support, yeah,
6 still waiting. I still haven't looked at the -- they
7 should be about the same anyway. This is like
8 version five of the same project. That I haven't
9 looked at the specs yet and given them the okay for
10 the finals, but we haven't gotten the permit from the
11 DEP yet. Surprisingly, they're known for their
12 swiftness, not really. And again, this was really
13 just a rehash of a job we did four times before, so
14 it should have been a quick rubber stamp, but
15 everybody has to show they're important, I guess.

16 New Business, abatement, Chai Yee of
17 2414-2016 Atlantic --

18 MR. SMITH: Excuse me, for a minute.

19 Did you want to address the Board or
20 talk to me now or --

21 MS. JOHNSON: If I'm able to?

22 MR. SMITH: Yeah, I got no problem. I
23 don't want to hold you up, Stella.

24 MS. STELLA JOHNSON: About the issue
25 that I spoke about this morning? Good morning. How

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1 are you? First of all, I would like to say I miss
2 you all, truly I do, and I think of you every third
3 Wednesday. I don't even think of the subs. I
4 thought of them this morning.

5 The reason why I'm here today is not
6 just for myself, is for all the retirees that have
7 retired from 2014 to this year. I have been -- I'll
8 start off with what I am and what I've done and why
9 I'm putting this request before you.

10 Like all the other employees that have
11 retired, we served the MUA hard, loyal, confident and
12 we were very good at what we do. I was an employee,
13 an executive secretary for Neil Goldfine for 29 years
14 and for Bruce Ward from 2014 to 2016, and during all
15 that time I watched the MUA authorizing retirement
16 watches and retirement dinners for those people who
17 retired, as well as recognizing our fallen employees
18 during that retirement dinner.

19 Then when 2014 came, a lot of changes
20 happened and a lot of things were removed, which the
21 employees understood because we were under stringent
22 times. With still being under those same times, and
23 not knowing the history of the MUA, it makes the
24 employee watches even more valuable to us because as
25 a reminder of who we were all those years and who we

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1 worked for. Just like the employees of the Board of
2 Directors, I know with the tenure after you leave,
3 you like to be recognized for your hard work.

4 Because we became the MUA. We weren't
5 just a building. We are the MUA and that's the way
6 the employees feel, the retirees. They're not here
7 today. It's not that they don't want to and they had
8 planned different things at the last minute.

9 MR. SMITH: I wanted you to get the
10 information how many of them has retired during that
11 time and how many did not get their watch. I think
12 we gave you \$500 in lieu of a watch.

13 MS. JOHNSON: So I was just upstairs
14 checking with Ms. Dansby, because I don't think I
15 could do that without the authorization, who the
16 retirees are, whether they want to get the cash or
17 the watch in lieu of it. I'll get that information
18 for you by the end of the Board -- we'll have it
19 ready for December's Board meeting.

20 MR. SMITH: And give me a call.

21 MS. JOHNSON: I appreciate it and I
22 hope you're in favor of recognizing us, because the
23 MUA has been us all these years. You know, and you
24 do want to see -- I know those years that I ordered
25 the watches, we always looked forward to the time

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1 that when we retire, to look at our watch and see our
2 name, the MUA's name and the years of service, so I
3 hope that the Board does approve this for the
4 retirees. Thank you.

5 MR. HILL: Thank you.

6 MR. SMITH: Thank you.

7 MS. BAILEY: Thank you.

8 MR. SMITH: My opinion is, and I'm just
9 going to throw this out there, is that I would rather
10 see the city, if we're going to lose the MUA, address
11 our employees and do what we can for them, to the
12 ex-employees or the retired employees, as opposed to
13 giving the money to the state. That's my personnel
14 opinion.

15 MR. HILL: I would agree, under the
16 very stressful times in the last two or three years,
17 we had so many employees and our current staff that
18 does wonderful work, whatever we can do, we can do,
19 even though we want -- they might not be wanted for
20 the other people, we should do what we can.

21 MR. BOR: We're going to put that on
22 the agenda for December.

23 MS. WILLIAMS: We're going to put that
24 on the agenda for next month, just my opinion.

25 MR. SMITH: Move on, Garth.

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1 MR. BOR: It appears Mr. Yee is not
2 here, Mr. Director, so we might as well carry that.

3 MR. MOYLE: Send another letter.

4 MR. HILL: It says unnecessary.

5 MR. BOR: He's number one, necessary.

6 MR. HILL: I'm sorry, I reversed it.

7 MS. WILLIAMS: This gentleman, I have
8 sent out numerous letters to this gentleman to come
9 in. This is going to be the fourth time that we put
10 him on the agenda. Do we still continue to put him
11 on?

12 MR. MOYLE: Continue sending it.

13 MR. HILL: Keep sending.

14 MR. MOYLE: What is it, 47 cents?

15 Abatements unnecessary to appear,
16 Henrietta Davis, 1645 West Riverside, looks like
17 that's \$547.77. Next one is Saint Kreolos, LLC, 3622
18 Adriatic, looks like they're -- wait a minute, that's
19 a necessary. \$1,155.

20 MS. WILLIAMS: That's necessary.

21 MR. MOYLE: We'll put that aside.

22 MR. BOR: Next meeting reschedule.

23 MR. MOYLE: The number is 600, as I
24 remember.

25 MS. WILLIAMS: Yes, I apologize to

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1 that.

2 MR. MOYLE: Greg Hauke, 112 Oriental
3 \$259.23, and I guess is that it? Sunset 4131, LLC,
4 4131 Sunset. Their amount is \$160.60. I guess if I
5 can take them as a group, except for 8.a(3).

6 MR. BOR: Is there a motion to take
7 them as a group?

8 MR. SMITH: Motion.

9 MS. BAILEY: Second.

10 MR. BOR: Ms. Bailey?

11 MS. BAILEY: Yes.

12 MR. BOR: Mr. Lea?

13 MR. LEA: Yes.

14 MR. BOR: Colanzi?

15 MR. COLANZI: Yes.

16 MR. BOR: Hill?

17 MR. HILL: Yes.

18 MR. BOR: Smith?

19 MR. SMITH: Yes.

20 MR. BOR: Carries.

21 MR. MOYLE: I see the next item is
22 easement for Atlantic City Electric. They're putting
23 along California Avenue, near the back of the
24 treatment plant, it's -- they're putting in a pole
25 that's actually mostly in the right of way, which is

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1 at least the first 10 feet from the road from the
2 MUA's fence, but they also have to put in a guide
3 wire that will be on MUA property. This allows for
4 that.

5 MR. SMITH: Move it.

6 MR. HILL: Second.

7 MR. BOR: Ms. Bailey?

8 MS. BAILEY: Yes.

9 MR. BOR: Mr. Lea?

10 MR. LEA: Yes.

11 MR. BOR: Colanzi?

12 MR. COLANZI: Yes.

13 MR. BOR: Hill?

14 MR. HILL: Yes.

15 MR. BOR: Smith?

16 MR. SMITH: Yes.

17 MR. BOR: Carries.

18 MR. MOYLE: I heard rumors that the
19 next one coming up, Ta'Ja Real Estate was going to be
20 here today.

21 MS. WILLIAMS: No, that's just
22 discussion, talk about they're not paying due to, I
23 guess the circumstances. I'm quite sure everybody
24 knows.

25 MR. SMITH: They're incarcerated.

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1 MR. HILL: They've been here a number
2 of times.

3 MS. WILLIAMS: They haven't -- they
4 kind of fallen behind their payments.

5 MR. MOYLE: Are they paying their water
6 bills too or not?

7 MS. WILLIAMS: Looks like they are not
8 paying.

9 MR. MOYLE: Anything?

10 MS. WILLIAMS: I don't think they're
11 paying anything on it.

12 MS. BAILEY: Something is operating on
13 it.

14 MR. SMITH: How much in arrears are
15 they?

16 MS. WILLIAMS: Let's see.

17 MR. SMITH: Approximately.

18 MS. WILLIAMS: Looks like 9/29 they
19 made a payment on one of these. This is all their
20 accounts.

21 MR. SMITH: Make sure we send them
22 notification. Find out who is running that place.

23 MR. MOYLE: Three cycles behind on this
24 one, up to about 1,500 bucks on this bill. Two
25 cycles behind, they're 2,800 behind on this one.

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1 Gees, they haven't paid this one in a long long time.
2 The meter is shut off on that one, so --

3 MS. WILLIAMS: I basically printed this
4 for you guys. They did have agreements that they
5 agreed to.

6 MR. HILL: I remember.

7 MR. SMITH: I remember well.

8 MR. MOYLE: They still have a
9 connection fee out there somewhere.

10 MR. SMITH: Yeah, because we granted
11 them to pay part.

12 MR. HILL: Absolutely.

13 MR. MOYLE: This might be the
14 connection fee.

15 MR. HILL: How much is that?

16 MR. MOYLE: This must be the
17 connection. 1,486 is the current balance that was
18 supposed to be paid off a year or two ago. That was
19 supposed to be paid off a year or two ago.

20 MS. WILLIAMS: Last was November 24,
21 2015. I guess you all had granted them installment
22 plans, like additional time.

23 MR. SMITH: What I want to find out,
24 who is operating the place now? Who do those notices
25 go to?

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1 MS. WILLIAMS: I have to find that out
2 from downstairs, who they're sending the bills to.

3 MR. HILL: They're probably sending
4 them to this address, because the business is still
5 running.

6 MR. SMITH: It is.

7 MR. HILL: Maybe just call, say, Who is
8 in charge?

9 MR. SMITH: Who is the responsible
10 person?

11 MR. BOR: Give them a heads up, saying
12 we're going to shut off.

13 MR. MOYLE: Usually the threat of a
14 shut off wakes them up.

15 MS. BAILEY: You may have to do that.

16 MR. SMITH: I think both of them are
17 incarcerated too, both the wife.

18 MS. BAILEY: Somebody is leaving the
19 lights on.

20 MR. MOYLE: Give them at least the shut
21 off notices.

22 MR. SMITH: Yes.

23 MR. HILL: I think so, yeah.

24 MR. MOYLE: Continuing disclosure
25 reporting services.

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1 MS. THAPA: Just to be clear, I think
2 they're out, as far as the they already send to them.

3 MR. MOYLE: And it hasn't sparked them
4 on?

5 MS. THAPA: Probably not, so I guess
6 maybe Jackie wanted to do, if they can shut off the
7 water, maybe that's the reason why it was discussed,
8 if they could shut off.

9 MR. SMITH: Is he on the shut off
10 notice?

11 MS. THAPA: Yes.

12 MR. SMITH: They are on the shut off
13 notice?

14 MS. THAPA: I think the shut off, we
15 have to stop in November 17th. After that, we can't
16 really turn off the water.

17 MR. SMITH: I understand.

18 MR. MOYLE: It depends on the weather
19 too, although it's supposed to be getting cooler.

20 MS. BAILEY: That's not a home; that's
21 a business.

22 MR. MOYLE: I think there is an
23 apartment.

24 MS. BAILEY: Feeding off the same water
25 meter?

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1 MR. MOYLE: It's the Laundromat,
2 Presbyterian and Arctic.

3 MS. THAPA: Jackie is looking to see if
4 she can send the people to shut off. That's the only
5 way we can.

6 MS. BAILEY: It's close.

7 MR. HILL: I don't know, we've given
8 them plenty of opportunity and negotiation and
9 courtesy for two and a half years. I mean, it's a
10 business. If it was a residence -- well, there is
11 residents there.

12 MR. SMITH: The business is there and
13 we've given them all the courtesy.

14 MR. HILL: They're making money off us.
15 They put us on the low end of the list, that's my
16 opinion. I'm going to say we do it. Gentlemen, what
17 do you think? I know the deal.

18 MR. SMITH: Let's investigate first and
19 find out what's going on.

20 MR. HILL: Maybe we can reach out to
21 them, find out what's going on.

22 MS. THAPA: As soon as the water is
23 turned off, they will call us.

24 MR. SMITH: That's not a lot of money
25 for that business. They're making money over there,

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1 they were.

2 MR. MOYLE: All right.

3 MS. BAILEY: What's the final decision?
4 Do we shut it off?

5 MR. SMITH: Notification, then shut
6 off, 15 days.

7 MS. BAILEY: Notification and then shut
8 off?

9 MR. SMITH: What is it, allotted time
10 we usually give them? I can't remember.

11 MR. MOYLE: Give them a shut off
12 notice; how long do they have until the shut off?

13 MS. THAPA: Depends on the work orders.
14 If they want to do it, they can do it the same day.

15 MR. SMITH: I'm suggesting we give them
16 two weeks, and if we don't have any results, we shut
17 them down.

18 MS. THAPA: As far as, because we are
19 going to after November 17th, can we still do it?

20 MR. MOYLE: If the weather is still
21 above freezing.

22 MS. THAPA: We can do it.

23 MR. MOYLE: Especially with that,
24 cutting them another break. We've given them two
25 more weeks. Might be they'll get lucky and go below

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1 freezing.

2 MS. WILLIAMS: They have more than one
3 property.

4 MR. MOYLE: They've got several
5 properties. Any ones that meet the shut off
6 conditions should be shut off.

7 MS. BAILEY: Ta'Ja has more than one
8 property. They own quite a bit there.

9 MR. MOYLE: Anyone that meets the shut
10 off criteria.

11 MR. SMITH: They own that restaurant on
12 the corner there, too.

13 MS. BAILEY: They do.

14 MR. HILL: We'll go with the Chairman's
15 recommendation, two weeks and then they're done.

16 MR. MOYLE: Unless of course it goes
17 below freezing and they caught another break.

18 Continuing disclosure --

19 MR. SMITH: Stay on top of it, Garth.

20 MR. MOYLE: Continuing disclosure
21 reporting services, Phoenix Advisors. I believe this
22 is the SEC requirement.

23 MS. THAPA: Yes. The last year was,
24 the fee was 650, this year it went up 300. Now it's
25 \$950. This is just the requirement that we have to

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1 send the report to them and they will --

2 MR. SMITH: Slow down, Anita. What did
3 you say initially, what is this?

4 MS. THAPA: This is the Phoenix
5 Advisor. We do this annually. We have to. This is
6 like a public disclosure. So this is annual basis.
7 Last year we paid 650 and this year this fee went up
8 to 950, and Phoenix Advisors is one of our advisors.

9 MR. SMITH: Advisors for what?

10 MS. THAPA: For bonding and for
11 bonding.

12 MR. SMITH: Okay. They've been with us
13 for how long?

14 MS. THAPA: Quite a few years.

15 MR. HILL: Uh-huh.

16 MR. SMITH: And you need them?

17 MS. THAPA: Yes, and this is one of the
18 requirements.

19 MR. SMITH: You're talking about 300
20 additional on top more?

21 MS. THAPA: Yes.

22 MR. SMITH: Move it.

23 MR. BOR: Total is \$950 and it's a
24 requirement. Is there a second?

25 MS. BAILEY: Second.

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1 MR. BOR: Ms. Bailey?

2 MS. BAILEY: Yes.

3 MR. BOR: Mr. Lea?

4 MR. LEA: Yes.

5 MR. BOR: Colanzi?

6 MR. COLANZI: Yes.

7 MR. BOR: Hill?

8 MR. HILL: Yes.

9 MR. BOR: Smith?

10 MR. SMITH: Yes.

11 MR. MOYLE: Next request for
12 qualification for proposals Authority solicitor
13 resolution 8.e(1).

14 MR. HILL: This is the request for
15 proposal. We changed this for every year.

16 MR. MOYLE: Yeah, we've been putting
17 out.

18 MR. BOR: In other years it was
19 December and we void out in January. Last year, we
20 moved it up one month, and then the anniversary was
21 one month earlier.

22 MR. HILL: These are just requests.

23 MR. SMITH: My recommendation is keep
24 our solicitor that we have.

25 MR. HILL: But we have to publicize.

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1 That's by law.

2 MR. MOYLE: No, we don't. Professional
3 service, if you need a license, you can pick whoever
4 you want.

5 MS. BAILEY: I thought you had to
6 advertise.

7 MR. MOYLE: You don't have to, you can.

8 MR. SMITH: We can do whatever is
9 legal.

10 MR. BOR: Traditionally we do and it
11 looks like the return date on these is December 13th,
12 which is prior to the next meeting.

13 MR. HILL: Let's do it and make sure.

14 MR. BOR: This is prior to next
15 meeting.

16 MR. HILL: We've had a past history
17 doing this for --

18 MR. COLANZI: How long is this for?

19 MR. HILL: For the year. We had to
20 change that for auditing reasons.

21 MR. SMITH: No problem. Let's do what
22 we have to do.

23 MR. BOR: It's just the RFQ returnable
24 by the 13th.

25 MR. HILL: I'll move e(1) and (2)

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1 together.

2 MR. SMITH: Second.

3 MR. BOR: Ms. Bailey?

4 MS. BAILEY: Yes.

5 MR. BOR: Mr. Lea?

6 MR. LEA: Yes.

7 MR. BOR: Colanzi?

8 MR. COLANZI: Yes.

9 MR. BOR: Hill?

10 MR. HILL: Yes.

11 MR. BOR: Smith?

12 MR. SMITH: Yes.

13 MR. MOYLE: All right. Next one is for
14 the labor counsel, advertise for that. Statement for
15 qualifications, proposals and I would think this
16 would --

17 MS. BAILEY: The same thing.

18 MS. WILLIAMS: That's the same.

19 MR. HILL: I've move it.

20 MS. BAILEY: Second.

21 MR. BOR: Ms. Bailey?

22 MS. BAILEY: Yes.

23 MR. BOR: Mr. Lea?

24 MR. LEA: Yes.

25 MR. BOR: Colanzi?

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1 MR. COLANZI: Yes.

2 MR. BOR: Hill?

3 MR. HILL: Yes.

4 MR. BOR: Smith?

5 MR. SMITH: Yes.

6 MR. MOYLE: Here is the next one here,
7 granular activated carbon, replacing five of the six
8 filters. If you remember --

9 MS. BAILEY: Calgon, that's my favorite
10 commercial.

11 MR. MOYLE: -- this is for replacing.

12 MR. COLANZI: Where is it here?

13 MR. MOYLE: 8.f.

14 MS. WILLIAMS: 8.f(1), Mr. Colanzi.

15 MR. SMITH: Are these the things he
16 were talking about, Garth?

17 MR. MOYLE: Yes. If you remember, a
18 month or two ago I came in and explained there is a
19 new chemical on the horizon, fluorinated product.
20 It's in Teflon for firefighting for fighting airplane
21 fire, and since 1963 it was probably the Navy at that
22 time, they opened up a firefighting training center
23 up there and they were spraying this stuff around at
24 a pretty good clip, putting out burned out fuselages
25 and things. It got into the ground, into the water

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1 and the reservoirs and into the wells that were
2 drilled circa 1983. And we're talking about in the
3 ranges of 400, I think the worst well is 400 parts
4 per trillion, and some of that is removed in the
5 filters itself as I explained before the meeting.

6 The current carbon we use removes about
7 51 percent of this stuff. We tested a newer carbon.
8 It's Calgon Filtrasorb 400, and it removed virtually
9 everything, 99 percent. So we're being pushed by our
10 friends at the New Jersey Department of Environmental
11 Protection, that this, let's call them the DEP, to
12 move forward with this project.

13 And again, the people responsible for
14 cleanup at the tech center are the FAA, the Federal
15 Aviation Administration. They've got the whole thing
16 from when the Navy had it. I think they got this
17 property in World War II, right, from the city?

18 MR. COLANZI: Yes, Uncle Sam walked in
19 and took it over.

20 MR. MOYLE: They've been doing things
21 up there that probably they shouldn't have been
22 doing, but it was free and easy and this chemical,
23 again, the FAA started to remove large amounts of
24 dirt and hopefully that will help, but in the
25 interim, because the EPA was also involved and they

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1 were going to be at a meeting on November 4th, but
2 when we found out it was going to be the EPA and the
3 DEP versus the MUA on November 4th, and I told them
4 I'm going to invite some people from the tech center;
5 they're stakeholders in the cleanup. I sent them
6 that e-mail on -- the meeting was Friday. I sent it
7 on Monday. Didn't get a response. Finally on
8 Thursday I write a confirmation. Instead of sending
9 me an e-mail Monday, they did send an e-mail, Thanks,
10 Mr. Moyle. We'll confirm this meeting on Tuesday,
11 which they never did. They called Bruce and told him
12 they don't want the FAA there and they said they're
13 going to do this and they said they weren't inviting
14 the EPA. At this late hour, I'm not telling them not
15 to come, forget it. They showed up.

16 We had a meeting and we discussed this
17 thing. The specter of a public notification was
18 thrown about. I said, No, we're not doing that. We
19 meet those standards. They have a standard of 70
20 parts per trillion for two of them, PFOA and PFOS.
21 We had to do four quarterly tests and the average of
22 those four quarterly tests was exactly 70 for those
23 two.

24 MR. SMITH: Was that in compliance?

25 MR. MOYLE: I say it is because they

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1 can't say it isn't. These things aren't really
2 enforceable, although they are enforceable.

3 MR. SMITH: I'm concerned about us
4 having to pay \$400,000. I don't know why the federal
5 government don't pay it.

6 MR. MOYLE: First of all, you know, now
7 with the new climate, again, there is always the, you
8 know, it's going to be a free and easy time that
9 maybe DDT and Agent Orange will come back, but we're
10 still going to have to deal with the DEP probably.

11 MR. SMITH: As long as the DEP passes
12 us and we're in compliance, I don't see us spending
13 \$400,000.

14 MR. COLANZI: The land that this is on,
15 who uses it?

16 MR. MOYLE: It was -- it's been the,
17 you know, the Navy had it and now the FAA is up there
18 and the, of course the Air National Guard is up
19 there.

20 MR. COLANZI: What do we have to do
21 with that area?

22 MR. MOYLE: Our -- when Price's Pit
23 came along, they had the genius idea to move the
24 wells around, around the treatment plant and along
25 Mill Road in that area, they decided to move them up

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1 there and, you know, they were moving them into what
2 was really a toxic waste dump, and this was in '83.

3 MR. COLANZI: But the land in question,
4 do we use it?

5 MR. MOYLE: We use -- we got wells up
6 there, right around the upper reservoir.

7 MR. COLANZI: You might want to have --
8 Uncle Sam can go to hell if the MUA is using it.

9 MR. MOYLE: On what count?

10 MR. COLANZI: If they're not using it,
11 they have to give it back to us, that's the law.
12 That's how the sale took place. They only have to
13 read the first three paragraphs.

14 MR. MOYLE: We really don't want to own
15 this property that much because then we're
16 responsible for the cleanup. We want to own as
17 little of this stuff as we can.

18 MR. COLANZI: All I'm saying, if we're
19 using it, then they already gave it back to us. If
20 we're not using it, and they want to sell it, they
21 can't. They have to give it back to you, so you can
22 sell it. That's what the lease is.

23 MR. MOYLE: That's fine. That I think
24 I'm really strongly urging, I don't know what the
25 vibe in this room is, that we actually do this.

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1 Yeah, it's a pain in the butt. I don't want to do
2 it, but I don't want to go to public notification
3 either.

4 MR. SMITH: What are you suggesting?

5 MR. MOYLE: I suggest you say yes to
6 this resolution and start moving forward with
7 replacing the carbon.

8 MR. SMITH: Spend \$400,000?

9 MR. MOYLE: Yeah, I don't want to.

10 MR. HILL: It says "anticipated
11 regulations."

12 MR. MOYLE: Right. Again, I had to
13 work the crowd hard just to get them -- again, they
14 kept saying, you know, it's hanging over our heads.
15 Unless you want -- if you want to do it, I'm not
16 doing it. I'm not going to go and put this -- I'm
17 not signing it. Because again, do you want to go to
18 public notification?

19 MR. SMITH: What would be wrong going
20 to public notification?

21 MR. MOYLE: Stirring people up
22 needlessly.

23 MR. SMITH: We might have to raise
24 rates --

25 MR. MOYLE: We're raising them anyway.

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1 MR. SMITH: -- in order to make that
2 payment.

3 MR. MOYLE: We've got that million
4 dollars, which is probably down a few \$100,000,
5 emergency money. Part of this money is going to be
6 spent next year and if we have to slice off a part
7 of, and I hate to do that, but if we have to slice
8 off part of the water main jobs for next year, and by
9 the way, we should be, I haven't done the final
10 number, but the water main job this year should be --
11 we didn't do one of the jobs, will be the first one
12 done next year. So again, we probably got about
13 100,000 there laying around, that we could then --

14 MR. BOR: Is the 400,000 payment all
15 due at one time?

16 MR. MOYLE: No, no, it's 80,000 a
17 filter. I'm sorry.

18 MR. SMITH: And we got four of them,
19 right?

20 MR. MOYLE: It's five of them and
21 that's 400,000.

22 MR. BOR: When is the second payment
23 due?

24 MR. MOYLE: They do one, put them in a
25 bill and we pay it.

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1 MS. BAILEY: That's a little better.

2 MR. BOR: Assuming the Board's sense is
3 we feel we have to do that. And in the event there
4 is some dissolution of this Authority, the law
5 provides that the dissolution has to include the city
6 assuming the obligations and debts of the Authority
7 it's dissolving. So the city would be faced
8 ironically, on top of everything else, assuming a
9 debt of over 400,000 bucks, which is interestingly
10 ironic.

11 MR. SMITH: If we don't do it, are we
12 still in compliance with the DEP?

13 MR. MOYLE: Not according -- see, the
14 thing is so open ended. There is a town up in New
15 York called Hoosick. They had a problem like this,
16 maybe even worse. They brought in this carbon and
17 removed it. They were proactive.

18 And again, I look at this too, there
19 can be Bruce, if he's back and others can gather
20 around and say, What a proactive great job was done
21 here to protect everyone.

22 The other point I made, this has been
23 going on for 40 or 50 years. I mean, and again, I
24 don't know of any real problems in this town with the
25 type of cancers. They might be caused by this, but

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1 again, you can only push them so far. I mean, I've
2 held them off for now. By saying we're going to be
3 proactive, we're going to do above and beyond, which
4 is what in the history of the 25 years I've been
5 here, this place has always gone above and beyond
6 what's mandated. We test our wells. We don't even
7 have to test our wells. We test everywhere for
8 volatile organic chemical.

9 MR. SMITH: And we're going to continue
10 to do that, and I don't want to see any kind of
11 chemicals or if you say that these things will get us
12 90 percent compliant, I'm for it, if we have to do
13 it.

14 MR. MOYLE: Again, and that's the rub,
15 if we don't do that, if I tell them the Board decided
16 not to do that, you got to go to the public and tell
17 them about this problem. Even though I personally
18 don't think it's a problem, really, I don't, but
19 again, I've been wrong before. I thought Trump was
20 going to lose this election; I was totally wrong.

21 MR. SMITH: It's more important than
22 Trump and the election. If it's going to affect our
23 health, if we have to spend it, I'm in.

24 MS. BAILEY: This is a \$400,000 bill
25 that we agreed to. It's more of a draw down, for

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1 every one they do.

2 MR. MOYLE: It's going to be a pretty
3 quick pace. We could get one done in December,
4 January, February, March and April.

5 MS. BAILEY: Going back to what our
6 solicitor said, while we're doing this, if there was
7 a transition of power, put it like that, whoever took
8 us over would be responsible for completing this job?

9 MR. MOYLE: I would think so, they
10 would want to complete it because they don't want to
11 open up -- that would be really bad. They come in
12 and do this and well, we're not going to do that.

13 MR. SMITH: It's not guaranteed they
14 will do it unless it's mandated by the state and the
15 DEP.

16 MR. MOYLE: I mean, I've never seen one
17 like this.

18 MR. HILL: Then it's on them, whoever
19 them is.

20 MS. BAILEY: We look good publicly,
21 that we're trying to prevent something.

22 MR. HILL: Our part.

23 MR. MOYLE: Right.

24 MR. SMITH: What do we need on this,
25 Garth?

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1 MR. BOR: We need a resolution.

2 MR. SMITH: The resolution is in.

3 MR. MOYLE: By the way, in talking to
4 the DEP this week, I guess it was Monday, the one guy
5 said over the phone that our new friend, Timothy
6 Cunningham, he had already discussed this with him.
7 He's the guy you send these emergencies to and he's
8 all set for it. He's ready and onboard for it.

9 Once I get this resolution signed, I'm
10 going to send them a copy and what we talked about on
11 Monday. I'll tell them I always like to document
12 that stuff and that will be one of the main points,
13 this guy is ready for this, so that -- because I was
14 a little nervous about sending it to him. He's
15 supposedly onboard and understands.

16 MR. SMITH: Move it.

17 MR. BOR: Is there a second?

18 MR. COLANZI: Second.

19 MR. BOR: Ms. Bailey?

20 MS. BAILEY: Yes.

21 MR. BOR: Mr. Lea?

22 MR. LEA: Yes.

23 MR. BOR: Colanzi?

24 MR. COLANZI: Yes.

25 MR. BOR: Hill?

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1 MR. HILL: Yes.

2 MR. BOR: Smith?

3 MR. SMITH: Reluctantly, yes.

4 MR. MOYLE: Thank you. You know I
5 don't want to spend the money. I learned at the knee
6 of the master, so --

7 MR. HILL: We get it.

8 MR. MOYLE: Leave of absence for David
9 Pham. Allegedly he's coming back December 1st, at
10 least to intermittent leave. Scott Haynes, I guess
11 you could take these together.

12 MS. WILLIAMS: Dave Pham is coming back
13 December 1st.

14 MR. MOYLE: It's 8.g(1) and (2) you can
15 take together.

16 MR. BOR: Is there a motion for 8.g(1)
17 and (2)?

18 MR. HILL: Yes, move it.

19 MR. SMITH: Second.

20 MR. BOR: Ms. Bailey?

21 MS. BAILEY: Yes.

22 MR. BOR: Mr. Lea?

23 MR. LEA: Yes.

24 MR. BOR: Colanzi?

25 MR. COLANZI: Yes.

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1 MR. BOR: Hill?
2 MR. HILL: Yes.
3 MR. BOR: Smith?
4 MR. SMITH: Yes.
5 MR. BOR: Carries.
6 MR. MOYLE: We have the monthly bills.
7 Any problems, questions?
8 MR. SMITH: Move them.
9 MS. BAILEY: Second.
10 MR. BOR: Ms. Bailey?
11 MS. BAILEY: Yes.
12 MR. BOR: Mr. Lea?
13 MR. LEA: Yes.
14 MR. BOR: Colanzi?
15 MR. COLANZI: Yes.
16 MR. BOR: Hill?
17 MR. HILL: Yes.
18 MR. BOR: Smith?
19 MR. SMITH: Yes.
20 MR. MOYLE: All right.
21 MR. SMITH: Let's take a five,
22 ten-minute break.
23 (Closed Session from
24 10:45 a.m. to 11:25 a.m.)
25 MR. MOYLE: MUA Board of Director

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1 meeting is back in session and Executive Session
2 lasted from about 10:57 to 11:23.

3 Items discussed were some possible
4 litigation, bankruptcy, getting a bankruptcy lawyer
5 for an issue down in Delaware, talked about personnel
6 issues. Was labor counsel brought up? I don't
7 believe it was.

8 MR. HILL: No.

9 MR. MOYLE: Union contract
10 negotiations, no talk on that. I don't believe there
11 are any developments on that, really. There was talk
12 of the city and state problems facing the MUA.

13 MR. SMITH: Make mention that our labor
14 attorney was absent today.

15 MR. MOYLE: Yes, labor attorney Andy
16 Weber was not here today.

17 MR. SMITH: Reason, probably health
18 reason.

19 MR. MOYLE: Possibly.

20 There was talk of account clerk
21 appointment that was being tabled until next time.
22 There was talk of the assistant director finance and
23 accounting. I believe that appointment will go
24 through and the Board will vote on that now, and I
25 believe I already spoke of the special legal counsel

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1 for the bankruptcy in Delaware. Anything I forgot?

2 MR. SMITH: Yeah, the retirees.

3 MR. MOYLE: Yes, there was brief
4 discussion on retirees or watch or cash as a good-bye
5 gift, and that would be discussed at next meeting.

6 MS. WILLIAMS: That's going to be a
7 discussion for December?

8 MR. SMITH: Yes.

9 MR. HILL: So I'll move 10.a, the
10 assistant director of finance resolution.

11 MR. SMITH: Second.

12 MR. BOR: Ms. Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Mr. Lea?

15 MR. LEA: Yes.

16 MR. BOR: Colanzi?

17 MR. COLANZI: Yes.

18 MR. BOR: Hill?

19 MR. HILL: Yes.

20 MR. BOR: Smith?

21 MR. SMITH: Yes.

22 MR. BOR: And also resolutions 7.b(1).

23 MS. BAILEY: I'll move 7.b(1), the RFQ
24 for special counsel.

25 MR. SMITH: Second.

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1 MR. BOR: Ms. Bailey?

2 MS. BAILEY: Yes.

3 MR. BOR: Mr. Lea?

4 MR. LEA: Yes.

5 MR. BOR: Colanzi?

6 MR. COLANZI: Yes.

7 MR. BOR: Hill?

8 MR. HILL: Yes.

9 MR. BOR: Smith?

10 MR. SMITH: Yes.

11 MR. MOYLE: No further business, close
12 her up.

13 MR. BOR: Hearing no objection?

14 (The meeting adjourned at 11:30 a.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.

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DATED: November 30, 2016

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