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ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

Wednesday, October 18, 2017

G. Bruce Ward, Executive Director
Garth Moyle, Deputy Executive Director
Fredric L. Bor, Esquire, Board Solicitor
Andrew Weber, Esquire
Claude Smith, Engineer
Anita Thapa, Assistant Director Accounting & Finance
Kelley Williams, 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
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
1724 TILTON ROAD
NORTHFIELD, NEW JERSEY 08225
(609) 287-2593

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I N D E X

<u>PUBLIC</u>	<u>PAGE</u>
Abdul Munim	5
Luqua Turner	7

ATLANTIC CITY MUA

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 for October 18, 2017, 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: Present.

14 MR. BOR: Ms. Bailey?

15 MS. BAILEY: Present.

16 MR. BOR: Mr. Lea?

17 MR. LEA: Here.

18 MR. BOR: McGettigan?

19 MR. MCGETTIGAN: Here.

20 MR. BOR: Hill?

21 MR. HILL: Here.

22 MR. BOR: Smith?

23 MR. SMITH: Here.

24 MR. BOR: Mr. Colanzi is absent today.

25 As a result, alternate one, Ms. Bailey, will be a

ATLANTIC CITY MUA

1 voting member.

2 MR. SMITH: Mr. Cheatham, will you lead
3 us in the flag salute?

4 (Flag salute.)

5 MR. WARD: Do you want to go to the
6 minutes and knock that out and then we have a guest?

7 MR. BOR: Yes. With regard to the
8 minutes, is there a motion?

9 MR. SMITH: No objection, move them.

10 MR. HILL: Second.

11 MR. BOR: Ms. Bailey?

12 MS. BAILEY: Yes.

13 MR. BOR: Mr. Lea?

14 MR. LEA: Yes.

15 MR. BOR: McGettigan?

16 MR. MCGETTIGAN: Yes.

17 MR. BOR: Hill?

18 MR. HILL: Yes.

19 MR. BOR: Smith?

20 MR. SMITH: Yes.

21 MR. BOR: Minutes carry.

22 MR. WARD: Good morning, Board members,
23 members of the public. Mr. Smith, would you
24 entertain an adjustment in the agenda to allow number
25 one, we have Nimer Nammour, who has an abatement at

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1 9.a(1), necessary to appear. Would you like to take
2 care of that?

3 MR. SMITH: Yes.

4 MR. WARD: No, I'm sorry, we have Abdul
5 Munim, 9.a(2).

6 MR. SMITH: No problem. Is he here?

7 MR. WARD: Yes, he is. Mr. Munim's
8 abatement is for \$1,378.45.

9 MR. SMITH: Is this your first
10 abatement?

11 MR. WARD: First abatement, sir?

12 MR. MUNIM: Second abatement.

13 MR. WARD: Can you tell us something
14 about the property, which required you to have
15 further repairs? Can you tell us about the repairs
16 that were necessary?

17 MR. MUNIM: Yeah, repair, letter from
18 the water office. And I called the plumber and I
19 found the leak and I fix it. I have a receipt from
20 the plumber.

21 MR. SMITH: When did you have your
22 first abatement?

23 MR. MUNIM: Like maybe more than a year
24 ago.

25 MR. SMITH: And how much was that one

ATLANTIC CITY MUA

1 for?

2 MR. MUNIM: It was not that much, but
3 this time it was too much. About 300 something,
4 three or 400.

5 MR. HILL: This is a big one.

6 MR. SMITH: I forget the procedure
7 on --

8 MR. HILL: We usually don't have a
9 second.

10 MR. MOYLE: No, you do. Absolutely,
11 this is it. This is the last one. Oh, yeah, that's
12 why there is a line that says first abatement. There
13 is one, but this is it. If there is another leak,
14 better sell it.

15 MR. MCGETTIGAN: Do you surrender the
16 first one?

17 MR. MOYLE: Yeah, you subtract the
18 first one.

19 MR. HILL: That makes sense.

20 MR. WARD: The first abatement was
21 \$123.

22 MR. SMITH: I got no problem. Move it.

23 MR. HILL: No, I understand.

24 MR. SMITH: I wasn't clear on it.

25 MR. MCGETTIGAN: Second.

ATLANTIC CITY MUA

1 MR. BOR: Ms. Bailey?

2 MS. BAILEY: Yes.

3 MR. BOR: Mr. Lea?

4 MR. LEA: 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. BOR: Carries.

12 MR. WARD: So your abatement has been
13 approved and you will be contacted for the reduction.

14 MR. MUNIM: Thank you, very much.

15 Do you want me to stay?

16 MR. WARD: No, no, you're done, let you
17 get back to work.

18 MR. MUNIM: Thank you very much.

19 MR. WARD: Next we have a gentleman
20 from the former cleaning service, and Mr. Turner is
21 here.

22 Mr. Turner, did you want to -- did you
23 want to address the Board, sir?

24 MR. TURNER: Luqua Turner, of G.Q.

25 Maintenance. We have had the contract here, Atlantic

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1 City MUA for going on 20 years. We lost it.

2 My problem is now that contract called
3 for in Pleasantville, from 8:00 to 12:00. The
4 cleaning company in there now is working from 7:00 to
5 7:30, sometime 8:00. I bid it on 8:00 to 12:00. I
6 didn't bid on 7:00 to 7:30 or 7:00 to 8:00.

7 And I approached Mr. Moyle, I
8 approached Mr. Ward at the first Board meeting that
9 you had after the contract was awarded to them. I
10 read everything that you said, Mr. Smith. We know
11 what we have now. Do we know what we're going to
12 get? And this is what you're getting.

13 MR. SMITH: That sounds like me.

14 MR. TURNER: Yes, it was you. It was
15 quite a few, and it wasn't bad things; it was all
16 good things that you said.

17 So I'm here today to say if everybody
18 in this building here today came in at 8 o'clock and
19 walked out at 9:00 and said, Well, I'm going for the
20 rest of the day; now when the person over there in
21 Pleasantville, Tina asked the guy, said, Listen, your
22 contract is from 8:00 to 12:00.

23 He said, I got to go to my main job.

24 Well, this cleaning business is my main
25 job. I have no other job. This is my bread and

ATLANTIC CITY MUA

1 butter right here, okay? So when you hear a person
2 say, Well, I can't stay here for no four hours. I
3 got my main job I got to go to, that bothers me.
4 That bothers me a whole lot.

5 I was going to come to this thing
6 before at the beginning, but being the Christian man
7 that I am, I said, I'll let God handle this. But
8 when we had our men's day breakfast last week and one
9 of the guys from NAACP came to me and said, How are
10 you making out over at the water company?

11 I said, Man, it's up and down, you
12 know?

13 He said, Well, listen, we'll go with
14 you to the meeting. That ain't no problem.

15 I said, No, it's not a problem. I
16 said, But what makes me mad is that when you all
17 asked Mr. Moyle about the two companies, his thing
18 is, Well, they're both the same. Well, we're not
19 both the same, okay?

20 MR. MOYLE: That's my opinion.

21 MR. TURNER: That's your opinion.

22 MR. MOYLE: Right or wrong, that's
23 mine.

24 MR. TURNER: I ask every one of you
25 sitting here at this table, when you're finished here

ATLANTIC CITY MUA

1 today, go up and ask the people upstairs about the
2 company and ask them about the company in
3 Pleasantville. And that's all I ask.

4 I don't want you to give me nothing. I
5 will bid on it. If I get it, I'll get it. But when
6 you bid on it and you don't apply by the job, they've
7 been there since June, you've been paying them from
8 8:00 to 12:00 since June until now. They come in at
9 7:00, leave at 7:30, so you're spending money that
10 you're not getting no work for, so I thought it was
11 time to come to this Board and present myself and let
12 you know. So that's what I came here today for, to
13 let you know.

14 MR. SMITH: Have you put a bid in for
15 the plant over at Pleasantville?

16 MR. TURNER: Yes. I've bid both of
17 them, this and the plant.

18 MR. SMITH: And you lost, lost both?

19 MR. TURNER: Yes. And that's no
20 problem, by the way.

21 MR. SMITH: I understand what you're
22 saying.

23 MR. HILL: I understand what he's
24 saying.

25 MR. SMITH: I'm inclined to agree with

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1 you if what you're saying is true. We're not going
2 to pay somebody for four hours and they only work an
3 hour. I agree totally with you on that, but we're
4 going to have to investigate and find out more about
5 what's going on with that so the rest of the Board
6 members will be aware what's going on.

7 But when do we rebid on that, Garth?

8 MR. MOYLE: We just accepted this year.

9 MS. BAILEY: They have one year with an
10 option to renew, according to Garth, have one year
11 with the option to renew. So at the end of the year
12 doesn't mean we have to renew.

13 MR. HILL: Right, there is an option.

14 MR. SMITH: When did we give them the
15 contract?

16 MS. BAILEY: June.

17 MR. HILL: So it's halfway.

18 MR. MOYLE: I would have to check.

19 MR. TURNER: It's June.

20 MR. HILL: So it's halfway.

21 MR. SMITH: Why did we get rid of you?

22 MR. MOYLE: We didn't get rid of him.

23 He lost the bid.

24 MR. HILL: It was nothing to do with
25 his work, as far as I'm aware.

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1 MR. WARD: I brought this matter to the
2 Board's attention last meeting and I also brought in
3 evidence of the time sheets, which were sent to me
4 from the plant. And what Mr. Luqua is saying -- what
5 Mr. Turner is saying is accurate, that they are not
6 working at the contracted number of hours. They are
7 working less than the contracted number of hours.

8 MR. SMITH: In other words, they're out
9 of compliance?

10 MR. WARD: That's what I brought to the
11 Board last week.

12 MR. HILL: That's what my note is,
13 violation of a contract, question mark, is what
14 you're saying.

15 MR. SMITH: And you've been with us 20
16 years?

17 MR. TURNER: Yes.

18 MR. SMITH: But we didn't renew you
19 because your bid was too high, in other words?

20 MR. TURNER: No, it wasn't too high.
21 It was just -- and if you look at it the right way,
22 it's under \$35,000, so you didn't really have to bid
23 at all.

24 MR. MOYLE: We're seventeen five. Was
25 it over seventeen five?

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1 MR. TURNER: No, no, no, it wasn't.

2 MR. SMITH: Because I've been here over
3 -- close to 20 years and we haven't had any problem
4 with your work. I don't think we had problems with
5 your work. Like I said, I'm not here every day like
6 the Executive Director and the Assistant Director.

7 Let us look into it and we'll get back
8 to you, please, because if they're not doing what
9 they're supposed to do, I think we can break the
10 contract; is this correct?

11 MR. BOR: Yeah, if they have a
12 contract, I would like to review it.

13 MR. HILL: Let's cross our T's.

14 MS. BAILEY: Dot our I's.

15 MR. WARD: Report on the evidence that
16 I have, there are a number of complaints, both this
17 building and for the plant, more than ever have come
18 to my attention as a result of this transfer.

19 MR. BOR: And give me a copy of the
20 contract.

21 MR. HILL: You will review it, Mr. Bor?

22 MR. BOR: Yes.

23 MR. SMITH: We'll get back to you.

24 MR. TURNER: Thank you.

25 MR. WARD: Proceeding, Executive

ATLANTIC CITY MUA

1 Director's report. Oh, did we do the minutes?

2 MR. BOR: Yes.

3 MR. WARD: Executive Director's report,
4 correspondence. There is on Monday, October the
5 23rd, an event at the Tropicana, which is the MBCA.
6 This is the major event; is that correct, Mr. Hill?

7 MR. HILL: Yes.

8 MR. WARD: This is the major event, so
9 I didn't want to get a table because we never fill
10 the table, but let's see, are there any individuals
11 now that want --

12 MR. SMITH: Any Board members want to
13 go, contact Kelley and you contact Gary.

14 MR. HILL: That's the way we do it.

15 MR. WEBER: What's the date?

16 MR. WARD: Monday, this Monday night,
17 the 23rd.

18 You have minutes from personnel
19 committee meeting. You have a number of financial
20 reports. You have shut offs, and we had an
21 engineering committee meeting.

22 MR. SMITH: Well, I want to make an
23 amendment to the personnel meeting. The only problem
24 is Mr. Colanzi is not here, but I wanted to recommend
25 to the Board of making Mr. Smith, Claude Smith Deputy

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1 Director, Executive Deputy Director under Bruce and
2 Garth, because I think he did a great job on the
3 towers, water towers and what have you, and I think
4 we need also some more eyes up there on, this is my
5 personal opinion, on the operations and what happens
6 going on up there and I think we've always had two
7 Deputy Directors prior to --

8 MR. WARD: One administration and one
9 operation, and if this is the direction the Board
10 wants to go in, I would suggest the title could be
11 Deputy Director of Engineering.

12 MR. SMITH: Well, I'm just saying I
13 want the Board to be aware, because I was thinking of
14 it at the last personnel meeting and Ed and I
15 discussed it partially, but not to the degree that we
16 wanted to bring it to the Board. I just want to
17 bring it to the Board's attention. I think we can do
18 that.

19 MR. HILL: What kind of time frame,
20 Mr. Smith, are you looking at?

21 MR. SMITH: I want him to start at
22 least the first of the year.

23 MR. BOR: Maybe coincide with the new
24 contract.

25 MR. SMITH: Right, if the Board is in

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1 agreement with me.

2 MR. WARD: Director's Forum, number
3 six.

4 MR. SMITH: That was all I had. Any
5 other Board members have anything?

6 MR. WARD: No members from the public,
7 so we can proceed to Old Business. We are at 8.a(1)
8 to accept bids for liquid sodium hypochlorite. That
9 is Miracle Chemical, and that would be Miracle
10 Chemical for sodium hypochlorite.

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

12 MR. HILL: Second.

13 MR. BOR: 8.a(1). Ms. Bailey?

14 MS. BAILEY: Yes.

15 MR. BOR: Mr. Lea?

16 MR. LEA: Yes.

17 MR. BOR: McGettigan?

18 MR. MCGETTIGAN: Yes.

19 MR. BOR: Hill?

20 MR. HILL: Yes.

21 MR. BOR: Smith?

22 MR. SMITH: Yes.

23 MR. BOR: Carries.

24 MR. WARD: 8.a(2) miscellaneous
25 plumbing alterations. That's resolution 8.a(2) to

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1 bring on Kisby, it used to be Kisby Shore. They
2 changed their name to Kisby Lees.

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

4 MR. HILL: Second.

5 MR. BOR: Ms. Bailey?

6 MS. BAILEY: Yes.

7 MR. BOR: Mr. Lea?

8 MR. LEA: Yes.

9 MR. BOR: McGettigan?

10 MR. MCGETTIGAN: Yes.

11 MR. BOR: Hill?

12 MR. HILL: Yes.

13 MR. BOR: Smith?

14 MR. SMITH: Yes.

15 MR. BOR: Carries.

16 MR. WARD: 8.b, the 2018 budget. The
17 budget authorization would be at resolution 8.b(1).

18 MS. WILLIAMS: I'm sorry, can I
19 intervene real quick? We have to change this. We're
20 going to use that instead because at the last minute
21 8.b(1), just the second paragraph where it says
22 "Whereas," just the 15,000 change.

23 MS. BAILEY: 15,105 change?

24 MS. WILLIAMS: 15,779.

25 MS. BAILEY: Okay.

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1 MR. BOR: Do we have to set a date --

2 MR. HILL: Wait.

3 MR. BOR: -- for the second, another, a
4 second budget hearing?

5 MR. WARD: Well, the budget hearing is
6 in a separate resolution for the dates. No, the
7 dates are here, I'm sorry. Yeah, November and
8 December, the two budget hearings. We have a
9 separate resolution.

10 MR. SMITH: This is the budget for '18,
11 right?

12 MR. WARD: Yes.

13 MR. HILL: Right.

14 MR. MCGETTIGAN: They're the public
15 meetings, you're talking about?

16 MR. BOR: Yes. So what are the dates
17 for the public meeting? We had one last week.

18 MR. MCGETTIGAN: That wasn't public.

19 MR. WARD: That was a committee.

20 MR. MCGETTIGAN: Do we need a second
21 committee meeting?

22 MR. BOR: I think we need the two
23 publics.

24 MS. THAPA: It's too late to have
25 another meeting because we have to --

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1 MR. MCGETTIGAN: Okay. Typically we
2 do. We don't have to.

3 MS. THAPA: Last year we did one.
4 That's why we went for one. Next year if you would
5 like to do two?

6 MR. BOR: November 28th.

7 MR. WARD: So it's approval of the
8 resolution, budget resolution. And again, we
9 discussed this in one committee meeting going back
10 and forth?

11 MR. HILL: Right.

12 MR. MCGETTIGAN: What's this change?

13 MR. WARD: Now the change, Anita,
14 because the change has come all the way up to the
15 edge for what was submitted so --

16 MS. THAPA: Nothing changed. It's just
17 it was some calculation was changed on this one.
18 It's the same, so I can just go over, if you like?

19 MR. HILL: Please.

20 MR. MCGETTIGAN: Gary wasn't here.

21 MR. HILL: Please do, because it's
22 rather important.

23 MS. THAPA: 2018 budget is fully
24 funded, but is about two percent higher than 2017.
25 As listed, if you look at the C5, that's where the

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1 changes are. So we will be introducing today the
2 2018 budget that reflects total revenues of
3 \$15,105,842. So that's two percent higher from last
4 year. And the total appropriations is about
5 \$15,779,062. That's where the change, small change
6 there in that appropriation, \$673,220, included,
7 which represents the payment towards the city.

8 MR. WARD: Which is a movable number at
9 this time.

10 MS. THAPA: Depending five percent of
11 total operating, that's how we calculate it.

12 On the same page you will see we are
13 also introducing the capital budget of about 7.5
14 million, of which we're going to use about 5.8
15 million from our unrestricted net position available
16 cash. I'm saying only 5.8 just in case if our bond
17 rate will improve, hopefully. We're not sure, still
18 negative, by the way, B minus, so maybe if we can
19 borrow 1.7 million from NJEIT, that's if our bond
20 rating, goes up and we'll discuss on that as we go
21 forward.

22 Any questions so far?

23 MR. HILL: Just a question, and I'm
24 sorry, I was at the engineering, but I had to leave
25 for a doctor.

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1 Garth, we talked about a plan for the
2 water main replacement, like a five-year plan,
3 remember? Do we have any of that budgeted in?

4 MR. MOYLE: It should be around a
5 million and a half.

6 MR. HILL: I didn't get to see the
7 details.

8 MS. THAPA: It's in the Board package,
9 if you see --

10 MR. HILL: So it's in there?

11 MS. THAPA: It's in here.

12 Next year two major projects, which is
13 about 1.7. Hopefully it won't go up. And then the
14 water main, which you talked about, we spent about a
15 million something this year, so next year we're
16 projecting another million -- up to million to a
17 million and a half.

18 MR. SMITH: How much more money can we
19 borrow?

20 MS. THAPA: We can always borrow it.
21 Depends on whether they will give us the money or not
22 or we can borrow at a higher interest rate, it
23 depends.

24 MR. SMITH: I'm saying in case of
25 emergencies.

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1 MR. MCGETTIGAN: Ours could go up
2 because the city's went up yesterday.

3 MS. THAPA: For some reason ours
4 didn't.

5 MR. MCGETTIGAN: Did we get graded at
6 the same time?

7 MS. THAPA: It didn't go up. I looked
8 and it's still the same.

9 MR. BOR: City went up.

10 MR. SMITH: Yes, but our borrowing
11 power has always been much better than the city.

12 MS. BAILEY: But ours came down when
13 the city came down.

14 MR. SMITH: Well, like I said, I'm --

15 MS. BAILEY: Going back to what
16 Mr. Hill said. Within this 15 million, those two
17 projects are covered?

18 MS. THAPA: 15 million just for our
19 operating sites at that time.

20 MS. BAILEY: 15 million is included?

21 MS. THAPA: Including in 7.5 million,
22 which we probably don't use all the money.

23 MR. HILL: Those are two big projects
24 we have to do.

25 MS. THAPA: Those are our two big

ATLANTIC CITY MUA

1 projects for next year.

2 Other than that, any questions on
3 capital?

4 MR. WARD: Increase to residential
5 rates, one dollar per quarter, which when you average
6 in the excess, average would be \$9 a year, so \$4
7 annual your flat, \$9 a year.

8 MS. THAPA: Two percent increase, from
9 \$50 a quarter. The excess rate we increased to four
10 percent, 3.553, so that's after the residential rates
11 will have to pay, which is 2,500 a cubic feet
12 allowance. After that, then they have to pay the
13 excess rate.

14 And then the explanation for
15 appropriation and revenues that have variances over
16 ten percent are included, which is we have to submit
17 to the state. It's there if you have any question, I
18 will go over on that.

19 MR. MCGETTIGAN: How about regarding
20 the connection fee? Have we had any discussions on
21 that, besides any increase or do we have to increase
22 it?

23 MS. THAPA: That's the way we
24 calculate. If we -- I couldn't find any other way to
25 do it. Garth submitted similar -- I guess the laws,

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1 that the way we do it, we do pretty much the same
2 way, we calculate so --

3 MR. MOYLE: You may charge it. It
4 doesn't say you shall. But again, a \$5 jump.

5 MS. THAPA: It's a lot.

6 MR. MCGETTIGAN: So I want to know
7 where we're headed with that before we accept.

8 MR. MOYLE: It's huge. I always feel
9 bad when it goes up a buck. Then I get to deal with
10 it.

11 MR. MCGETTIGAN: Will one dollar be
12 substantial enough?

13 MR. MOYLE: You look at what other
14 places are charging and I mean, yeah, our flow came
15 way way way down due to New Jersey American not
16 taking a million and a half, it did. But you know,
17 that was, as far as I'm concerned, that was found
18 money for 20 years anyway.

19 MR. MCGETTIGAN: They're special
20 accounts.

21 MR. MOYLE: In the scheme of this
22 place, it's 20 years wasn't that long of a time. But
23 to then penalize everybody else because we're not
24 getting their money anymore --

25 MR. MCGETTIGAN: So we have to make a

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1 decision on how much we really want.

2 MS. THAPA: 15.5352 and it's going to
3 go up 20.960. That's just an estimate. I think it
4 will go up when we finalize because the usage is
5 still down and the cost of the capital projects will
6 go up, so I'm guessing it will go up even like if the
7 way we calculate, the way we calculate it will go up.
8 And in the past it has been going up from estimate to
9 finalized number.

10 MR. MCGETTIGAN: Perhaps it won't be
11 necessary with our high hopes of all the new casinos
12 coming back online.

13 MS. THAPA: Hopefully next year maybe
14 it will go down next year, but we are increasing our
15 capital project as well, so that's another factor
16 that makes it go up.

17 MR. SMITH: On the casino we're talking
18 about is the Hard Rock and have you considered the
19 Stockton College?

20 MS. THAPA: They already paid.

21 MR. SMITH: They already paid, haven't
22 they?

23 MR. MCGETTIGAN: Our only new hope will
24 be Hard Rock for our connection fee.

25 MS. THAPA: No, they didn't pay it.

ATLANTIC CITY MUA

1 MR. MOYLE: They're still paying,
2 the --

3 MS. THAPA: They're still paying
4 regularly.

5 MR. MCGETTIGAN: In the future
6 projecting, do we see any connection fees coming in?

7 MR. MOYLE: I don't.

8 MS. THAPA: It will be a lot for
9 residential, for sure.

10 MR. MCGETTIGAN: But that's becoming
11 our problem, overcharging the residential rates.

12 MR. MOYLE: That's a real problem. The
13 fee was going to go from 3,400 to about 4,500, so the
14 connection fee for the house.

15 MS. BAILEY: The new building Atlantic
16 Avenue and New Jersey --

17 MR. MOYLE: All paid up.

18 MR. HILL: Got you.

19 MR. MCGETTIGAN: Can you give us where
20 you would like to take it possibly, one dollar up?

21 MR. MOYLE: \$16 a gallon. That's a
22 hefty amount of money.

23 MR. MCGETTIGAN: What do you suggest,
24 freezing it?

25 MR. MOYLE: You could do that, I

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1 believe. I think there is some options. I read the
2 connection fee stuff. It's not that explicit.
3 That's the only thing in there, you may charge this.
4 You don't even have to charge a connection fee.

5 MR. MCGETTIGAN: So we have to accept
6 something for the budget?

7 MS. THAPA: Yes.

8 MR. MCGETTIGAN: Freeze it for one year
9 and examine it.

10 MR. MOYLE: Hopefully we start picking
11 up some water to help offset this.

12 MR. MCGETTIGAN: Our problem is we
13 don't want to hit residential connection fees that
14 hard.

15 MR. SMITH: I'm with you on that. So
16 perhaps we could freeze it for one year and do the
17 math calculation again next year.

18 MR. MOYLE: I don't think it's illegal.

19 MR. BOR: It says "may." It's
20 optional.

21 MR. MCGETTIGAN: I would suggest that.
22 I'm willing to suggest that.

23 MR. MOYLE: I don't see us taking in a
24 ton anyway.

25 MR. HILL: No.

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1 MR. WARD: It's going to be a soft
2 year.

3 MR. HILL: I think that would make a
4 good --

5 MR. BOR: Freeze it for the year.

6 MR. HILL: I think it would make a good
7 move.

8 MR. MCGETTIGAN: It shows our empathy
9 for the economy.

10 MR. BOR: Also politically.

11 MR. HILL: Really?

12 MR. BOR: Encourages new buildings, new
13 homes, new residential properties.

14 MR. MCGETTIGAN: Do you want to
15 finalize that now with a vote? Do you need that now?

16 MS. THAPA: We have to submit as
17 estimate.

18 MR. MCGETTIGAN: Before our next
19 meeting?

20 MS. THAPA: We finalize in January
21 after all the usage comes in for the year. Based on
22 the calculation, it will go up.

23 MR. MCGETTIGAN: Final decision now
24 before we continue with the rest of the meeting. We
25 could finalize it. Any more questions?

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1 MS. THAPA: Garth, are you -- do you
2 want to do a dollar increase just in case or freeze
3 it?

4 MR. MOYLE: It's up to them. A dollar
5 isn't outrageous.

6 MR. SMITH: It doesn't have to be a
7 dollar.

8 MR. MOYLE: That's two twenty-five a
9 house extra.

10 MR. SMITH: Does it have to be a
11 dollar? Could it be less?

12 MR. MOYLE: You shall do this and you
13 shall do that.

14 MR. BOR: It doesn't say shall.

15 MR. MOYLE: The only thing you shall do
16 is the way you calculate.

17 MS. THAPA: Other MUAs are less than
18 us.

19 MR. MOYLE: Absolutely. What was the
20 one -- I forget.

21 MS. THAPA: Hamilton Township.

22 MR. MOYLE: How much was it?

23 MS. THAPA: 2,500.

24 MR. MOYLE: No, how much was it?

25 MS. THAPA: I thought it was 2,500 for

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1 residence.

2 MR. MOYLE: Yeah.

3 MS. THAPA: Plus the other installation
4 charges.

5 MR. MOYLE: Like we charge to install
6 the service.

7 MR. WARD: We got an issue with the
8 connection fee in terms of the upfront cost, but the
9 downstream cost of purchasing the water is still the
10 best in the county, so there is some offset there.

11 MR. MCGETTIGAN: Yes, that's fine.

12 MR. SMITH: But that connection fee is
13 awful high. It's going to jump to 3,500.

14 MR. MCGETTIGAN: Roughly.

15 MS. THAPA: Just to 4,600 from 35.

16 MR. SMITH: That's awful high.

17 MR. HILL: Yeah.

18 MR. MOYLE: If we go to 16 bucks, it's
19 how much is it now, 15 and change?

20 MS. THAPA: Uh-huh, 15.4352.

21 MR. MOYLE: Go to 16.435, 3,697 almost
22 3,700 bucks.

23 MR. HILL: From 16, close to 16?

24 MR. MOYLE: Around 3,400 bucks.

25 MR. MCGETTIGAN: An increase?

ATLANTIC CITY MUA

1 MR. MOYLE: 35 almost.

2 MR. MCGETTIGAN: I think it's better
3 for us to give a one-year freeze and reexamine next
4 year.

5 MR. HILL: I agree.

6 MR. MCGETTIGAN: For the sake of that
7 and the low expectancy of connection fees.

8 MR. MOYLE: Yeah, 15 and change is
9 still -- I think Hamilton Township, I did the math,
10 was around \$8 and change.

11 MR. MCGETTIGAN: We can do it for 15
12 and change. We can provide the service for 15 and
13 change?

14 MR. MOYLE: Yeah, the thing about
15 theirs, they charge for 300 gallons a house and we're
16 at 225, so they are around 2,500 bucks or 2,400
17 bucks.

18 MS. THAPA: And the next year, even
19 everything comes back, it probably not as much as the
20 last year because of New Jersey American Water.
21 That's the main reason why this went up.

22 MR. MCGETTIGAN: So it's one time.

23 MR. BOR: One-time freeze.

24 MR. MCGETTIGAN: One-time freeze and
25 one-time experience with American Water.

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1 MR. MOYLE: When Ten comes back online,
2 the champagne corks will be popped. Notice I said
3 that with a straight face.

4 MR. MCGETTIGAN: Or the new name.

5 MS. THAPA: Freeze it?

6 MR. MCGETTIGAN: Do you need a vote on
7 that or just add that in or vote on the budget?

8 MS. THAPA: We can still do that, but
9 also finalize this.

10 MR. WARD: You have 8.b(4) connection
11 fee, so you might want to put -- you're just at that
12 under b(4).

13 MR. HILL: Why don't we do what we need
14 to do now with the new numbers and then when we get
15 to that part and make that amendment?

16 MS. BAILEY: The only amendment vote on
17 now is 15.779?

18 MR. HILL: With the new number she gave
19 us.

20 MR. MCGETTIGAN: The only question,
21 Bruce, rightfully concerned about the legality of us
22 charging the city for water and them charging us for
23 five percent of our budget.

24 MR. WARD: We are in a soup with that
25 issue because as we explained, the law requires us to

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1 give five percent of our unretained reserve revenues
2 to the city. The law also requires the city to pay
3 its water bills. And the city has not paid its water
4 bills in over two years, so when I say this is a
5 soup, we understand that the city is in a strange
6 unique place with its finances and it couldn't pay
7 us, but what we couldn't do is stop sending water to
8 the city because of the health of the functions, so
9 we sent the water.

10 We're under state takeover. We got all
11 these things going on. I'm sure that the city --
12 that the city's going to send their finance person to
13 have me come over to talk about our payment to them,
14 and at that time I've got to go with our solicitor
15 and say the laws are the laws. The laws are on both
16 sides, you know, we've provided the water to the
17 city. The city was supposed to pay us for that.

18 MR. SMITH: Isn't there a possibility
19 we could deduct that?

20 MR. HILL: That's what I thought.

21 MR. WARD: There has to be a
22 negotiation.

23 MR. BOR: The statute says we got to
24 pay the five percent and it says they have to pay us,
25 so we can just credit the -- I'm not sure you can

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1 negotiate out that statute.

2 MR. MCGETTIGAN: Well, the statute says
3 they may charge us five percent. It doesn't enforce
4 it.

5 MR. BOR: You're quite right. The
6 statute doesn't require us to give the five percent.
7 The provision is in the statute if it's to the best
8 business interest, or I forget the exact language,
9 because remember the meeting we had?

10 MR. MCGETTIGAN: Almost leads us to
11 believe we're in a strong position to demand our
12 fees, our water fees.

13 MR. BOR: I'm not sure. Do most towns
14 pay it without any question?

15 MR. WEBER: Quite frankly, I'm not sure
16 your bond holders will require you to collect that
17 money, but no one's ever gone down that road. We've
18 sort of been on this wait and see thing. Because the
19 fact we have what, two or three more months and maybe
20 something else may happen, so we've been sort of
21 treading water on that for that reason.

22 MR. BOR: I think we should continue to
23 tread water.

24 MR. WEBER: Exactly. That's the way it
25 seems. I think we're in a strong position.

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1 MR. SMITH: Our suggestion, wait until
2 after the election, I agree with that.

3 MR. WEBER: Yeah, I think we're in a
4 strong position.

5 MS. THAPA: Just clear on the
6 connection fee. If you look at N-1303, I do have to
7 explain the rate structure change that includes, I
8 explained on there, so if just freezing, then
9 probably don't have to explain it. So our final
10 choice is to freeze it?

11 MR. MCGETTIGAN: Just report the number
12 is the same. I don't think you need an explanation
13 of why we're doing it.

14 MR. HILL: No.

15 MS. THAPA: Currently in this package,
16 I did explain it, the reasons, so I guess since we
17 are freezing, I'm just going to delete the whole
18 thing.

19 MR. MCGETTIGAN: I don't think we need
20 to explain it.

21 MS. THAPA: You do have to explain if
22 there is any --

23 MR. MCGETTIGAN: That's our rate, one-
24 year freeze.

25 MS. THAPA: It's asking us, we have to

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1 attach a schedule of -- it says, Attach a schedule of
2 existing rate structure, including connection fee, so
3 we do have to attach it, so just attach it, and plus
4 we have to explain it as well.

5 MR. WEBER: If the DCA has any
6 questions, they'll come up, and sometimes the DCA
7 will come back and say, Why are you doing this this
8 and this?

9 MR. MOYLE: They don't approve
10 anything.

11 MR. WEBER: That's true too.

12 MR. MOYLE: So we're flying solo here.

13 MS. THAPA: There will be changes on
14 N-1 page from what we have here when we submit to the
15 state.

16 MR. MCGETTIGAN: Projected increase,
17 we'll change it back.

18 MS. THAPA: No increase. We're going
19 to freeze the connection fee.

20 MR. MCGETTIGAN: Right. So you will
21 take that out, that projected increase that you have
22 listed.

23 MS. THAPA: Yes.

24 MR. HILL: Going to have to.

25 MR. MCGETTIGAN: For the record,

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1 regarding what we will pay the city, we will still
2 include this in the budget.

3 MS. THAPA: We have to. That's
4 automatic.

5 MR. MCGETTIGAN: If we succeed, we'll
6 have a bit of a windfall.

7 MS. BAILEY: Surplus.

8 MR. HILL: Uh-huh, still has to be in
9 there.

10 MR. SMITH: What are we voting on here
11 now?

12 MR. BOR: That's what we're just --

13 MS. THAPA: Before we do that, I have
14 another one. One of the customers who -- which we
15 provide the electronic file transfer, which I talked
16 to you about, from 1,000 to -- we charge them \$1,430.
17 He's claiming other authority only charge 520. I'm
18 not sure if that's true or not, but the fee has been
19 1,430 for two years, three years. After that we have
20 not increased it after one time. It's requesting to
21 the Board members whether we can reduce that fee or
22 not.

23 MR. BOR: We've had the same fee for
24 the last two years.

25 MR. HILL: Right. Why are we changing

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1 all those little things?

2 MS. THAPA: That's because he said
3 there is a GRC, somebody already filed the case, and
4 the government, the record council, I guess it's kind
5 of pointing towards that, that they could go for that
6 if they want to. I guess he's kind of saying that.

7 MR. BOR: 1,400 to \$500, you're saying
8 there is a court ruling it can only be 500?

9 MS. THAPA: There is no court ruling.
10 Since this electronic files, usually electronic files
11 are free, but this is not like if it's e-mail or
12 something like that, but we have to use our software
13 to transport, to input the files to them so that's
14 the fee we're charging.

15 MR. SMITH: John, do you understand
16 this?

17 MR. MCGETTIGAN: Well, yeah, it's just
18 someone is claiming --

19 MR. BOR: Someone is claiming we charge
20 too much.

21 MS. THAPA: They're asking for the
22 information. We are public and usually OPRA related
23 to OPRA request, because we do charge 25 cents a
24 page, but on top of that since we do this on a weekly
25 basis, we are charging them a fee of 1,430. So now

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1 that the lady is claiming that the authorization --

2 MR. SMITH: She's overcharged by 500 --
3 somebody just got paid 500?

4 MS. THAPA: Yes.

5 MR. SMITH: What's that got to do with
6 the price of cotton there?

7 MS. THAPA: That's in the rules and
8 regulations, and so I'm presenting to you guys, I did
9 Fred Bor and last in March --

10 MS. BAILEY: For clarity, she's asking
11 us and informing that there's a lawsuit on cases
12 pending regarding that.

13 MS. THAPA: This has been already paid,
14 and they didn't have to pay it, for the electronic
15 services. We don't have to increase it. I have to
16 reply to her. It's up to the Board whether they want
17 to change it or not.

18 MR. BOR: We don't have to increase it.

19 MS. THAPA: We don't have to.

20 MR. HILL: We don't have to decrease it
21 and there has been a -- we've always done it for two,
22 three years.

23 MS. THAPA: Yes, and she was the only
24 one who had that service.

25 MR. HILL: Only one person?

ATLANTIC CITY MUA

1 MS. THAPA: This year we got another
2 one.

3 MR. WARD: What I would suggest, Anita,
4 you let her know that your solicitor is going to
5 review it. Number one, OPRA is a statute and the
6 fees that are available to be charged by a public
7 organization are set forth in the statute, so there
8 is some discretionary number that an organization can
9 charge in terms of your staffing to put it together,
10 so it's per page charge. But there is also some
11 ability to charge for the effort to put it together
12 and send it, because that takes our staff time away
13 from what we're doing.

14 My suggestion, hold her off and tell
15 her that our solicitor is going to review it, and you
16 contact Fred and Fred will look up the statute and
17 give you an opinion.

18 MR. HILL: Leave it in until we find
19 out we're not -- why change it?

20 MS. THAPA: I mean, yeah.

21 MR. WARD: Until we get, you know,
22 until we're on a firm footing, I do agree.

23 MR. HILL: Unless we change it and
24 amend it.

25 MR. WARD: And you give her an opinion

ATLANTIC CITY MUA

1 and you share that opinion with the people.

2 MR. BOR: Basically we're concerned on
3 how much we're charging on OPRA request. Is there an
4 administrative charge we can levy in addition to the
5 per page?

6 MR. WARD: There is an administrative
7 charge and maybe there is a way that we calculate it
8 that comes up to our number, maybe it's little less,
9 but we should go to a formal standard in order to
10 reply to this lady.

11 MR. BOR: How did we get, in the past,
12 to that 1,400 number?

13 MS. THAPA: That's been always like
14 that and it's not a lot to do. That's the -- whoever
15 that case, they won the case, so it's up to her.
16 We're the ones to go file the case with us or not --

17 MR. BOR: Who is the party that's
18 concerned?

19 MS. THAPA: That's the title company.

20 MR. WARD: They provide information to
21 all the title companies.

22 MS. THAPA: They make money from us,
23 too. Signature is the name of the company.

24 We'll leave that as it is then?

25 MR. HILL: Yes.

ATLANTIC CITY MUA

1 MS. THAPA: The other one is the
2 Atlantic City Sewer. We charge them. Currently we
3 are charging 21,000 and I think -- I believe we have
4 another -- we can increase another five percent next
5 year. We had a contract for two years, so that fee
6 will go up to 22,050.

7 MR. MCGETTIGAN: Very good.

8 MS. THAPA: Other than that, everything
9 is -- remains the same except for that flat rate and
10 excess rate. Other charges are the same.

11 MR. SMITH: Good.

12 MR. HILL: Thank you, Anita.

13 MR. SMITH: Our budget --

14 MR. MCGETTIGAN: Thank you, Anita.

15 MR. SMITH: Our budget revised.

16 MR. MCGETTIGAN: We're going to vote.

17 MR. BOR: Bruce, as far as the tradeoff
18 with the city, that doesn't become an issue until the
19 city passes a budget and that's --

20 MR. SMITH: We don't have to pay them
21 until their budget is passed.

22 MR. BOR: And it will be up to the
23 election.

24 MR. SMITH: The way I understood it.

25 MR. WARD: They usually asked us around

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1 the end of the year.

2 MR. SMITH: But we don't usually give
3 them their money until their budget is passed, and
4 make them come here and get it and not transport it
5 to them. Have a representative come and get it.

6 MR. BOR: I think last year we hand
7 delivered it because we were trying to be really
8 nice.

9 MR. SMITH: That's the first time we
10 did that. Always made them come here and get the
11 money after their budget.

12 MR. BOR: Last year we hand delivered
13 it.

14 MR. SMITH: They're not paying the
15 water bill. Let's move on, please.

16 MS. WILLIAMS: Did we approve the
17 public hearings yet?

18 MR. HILL: No, we're not there yet.

19 MR. WARD: 8.b(1).

20 MR. HILL: 8.b(1).

21 MR. WARD: Authorization as amended.

22 MR. MCGETTIGAN: Motion, a motion.

23 MR. HILL: Second.

24 MR. BOR: Ms. Bailey?

25 MS. BAILEY: Yes.

ATLANTIC CITY MUA

1 MR. BOR: Mr. Lea?
2 MR. LEA: Yes.
3 MR. BOR: McGettigan?
4 MR. MCGETTIGAN: Yes.
5 MR. BOR: Hill?
6 MR. HILL: Yes.
7 MR. BOR: Smith?
8 MR. SMITH: Yes.
9 MR. WARD: 8.b(2), the public hearings.
10 MR. BOR: Do we have the dates?
11 MR. WARD: November the 28th and
12 December the 5th, both at 10 a.m. in this room.
13 MR. HILL: Move it.
14 MR. MCGETTIGAN: Second.
15 MR. BOR: Ms. Bailey?
16 MS. BAILEY: Yes.
17 MR. BOR: Mr. Lea?
18 MR. LEA: Yes.
19 MR. BOR: McGettigan?
20 MR. MCGETTIGAN: Yes.
21 MR. BOR: Hill?
22 MR. HILL: Yes.
23 MR. BOR: Smith?
24 MR. SMITH: Yes.
25 MR. WARD: The other two issues just to

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1 note, the rules and regulations simply updated and
2 the connection fee, as we discussed, will be
3 forwarded with no change.

4 MR. BOR: Motion?

5 MR. WARD: That's not even a vote, just
6 putting on the record.

7 MR. BOR: Okay.

8 MR. WARD: Mr. Smith, engineering
9 report, basin B.

10 MR. CLAUDE SMITH: Good morning,
11 everyone. I have some photos again, I'll pass
12 around. The basin B cover replacement is completed.
13 We did have punch list inspection done, actually
14 done. There is a few items that needs to be
15 rectified on the cover itself, but as far as the
16 placement of the cover and the inservice of the cover
17 and the basin, it's completed.

18 On engineering, just a recap on our
19 engineering meeting. Before I do that, let me talk
20 about the one million gallon tank, even though it's
21 not actually on the agenda. The one-year inspection
22 was actually done on the 20th. The contractor came
23 out on the 28th and did some repair work. There is
24 still some repair work that needs to be completed on
25 the one million gallon tank. I spoke with them

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1 yesterday in regards to coming back and completing
2 that work. They have some workers that are in the
3 Margate area working on another tank and upon
4 completing that particular work, they'll come back,
5 do reinspection of the exterior of the tank and
6 complete the work that needs to be done on the
7 exterior in terms of any rough spots or any defects
8 that they actually do see. They'll complete that.

9 In terms of future projects, we spoke
10 about lime house replacement, of course cradle
11 replacement you heard about today, talked about SCADA
12 system upgrade, the Venice Park bridge and of course
13 the water main replacement is something that's
14 definitely going to be done for next year.

15 Mr. Ward did bring up about the
16 reservoir, so that project, that's something I think
17 he has on his plate to at least pursue. One positive
18 thing you can look at, of course, it will be a
19 revenue for the Authority if it was to actually go
20 into effect. And that's it. Thank you.

21 MR. WARD: The roof.

22 MR. CLAUDE SMITH: Well, that's a major
23 one. I say major for the fact this particular
24 building, it is major. Of course, the building is 25
25 years old, at least 25 years old. Several years ago

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1 we tried to do some repairs on the roof, which did
2 not necessarily work.

3 But for this upcoming year, we
4 definitely have to replace the roof on this building.
5 It's going to of course entail some cost and incur
6 costs. What that cost might be, I don't have an
7 estimate, but with repairing that particular roof
8 that's here, I think what it will do, also alleviate
9 some of the problems that we have with the wet
10 ceiling tiles or any mold in the building per se, so
11 I'm just letting you know that's something that we
12 definitely have to do. Thank you.

13 MR. MCGETTIGAN: What is the cost on
14 and the life of the cover, just generally?

15 MR. CLAUDE SMITH: What was it? What
16 was the cost? It was --

17 MR. MOYLE: Three fifty.

18 MR. MCGETTIGAN: Then what --

19 MR. CLAUDE SMITH: We expect that cover
20 to last at least 20 years.

21 MR. MOYLE: Do any maintenance on it,
22 it should be pretty good.

23 MR. MCGETTIGAN: Is that a legal
24 obligation?

25 MR. MOYLE: Yeah, except if you're in

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1 Trenton and New York City, but you're supposed to
2 cover it.

3 MR. MCGETTIGAN: Thank you, very much.

4 MR. WARD: We are at nine and we can
5 say that a(1), Nimer Nammour did not appear so he
6 will be continued, but we do have unnecessary to
7 appear, (4) and (5), Hung Pham and 5K Capital, LLC.
8 We can move them together.

9 MR. MCGETTIGAN: Move it.

10 MR. SMITH: Second.

11 MR. BOR: Ms. Bailey?

12 MS. BAILEY: Yes.

13 MR. BOR: Mr. Lea?

14 MR. LEA: Yes.

15 MR. BOR: McGettigan?

16 MR. MCGETTIGAN: Yes.

17 MR. BOR: Hill?

18 MR. HILL: Yes.

19 MR. BOR: Smith?

20 MR. SMITH: Yes.

21 MR. WARD: I would like to go out for
22 bids for Zeta Lyte anionic polymer, 9.b(1).

23 MR. MCGETTIGAN: Move it.

24 MR. HILL: Second.

25 MR. BOR: Ms. Bailey?

ATLANTIC CITY MUA

1 MS. BAILEY: Yes.

2 MR. BOR: Mr. Lea?

3 MR. LEA: Yes.

4 MR. BOR: McGettigan?

5 MR. MCGETTIGAN: Yes.

6 MR. BOR: Hill?

7 MR. HILL: Yes.

8 MR. BOR: Smith?

9 MR. SMITH: Yes.

10 MR. WARD: Miscellaneous electrical

11 repairs, which is 9.b(2), to go out for bids.

12 MR. MCGETTIGAN: Yes, move it.

13 MS. BAILEY: Second.

14 MR. BOR: Ms. Bailey?

15 MS. BAILEY: Yes.

16 MR. BOR: Mr. Lea?

17 MR. LEA: 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: Go out again for well casing

25 liner for well number 19.

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1 MR. MCGETTIGAN: Move it.

2 MR. HILL: Second.

3 MR. BOR: Ms. Bailey?

4 MS. BAILEY: Yes.

5 MR. BOR: Mr. Lea?

6 MR. LEA: Yes.

7 MR. BOR: McGettigan?

8 MR. MCGETTIGAN: Yes.

9 MR. BOR: Hill?

10 MR. HILL: Yes.

11 MR. BOR: Smith?

12 MR. SMITH: Yes.

13 MR. WARD: 9.c(1), United States

14 Geological Services. They come out and they update
15 maps and then they charge us.

16 MS. BAILEY: They charge us to update?

17 MR. WARD: Yes.

18 MR. MOYLE: I didn't see this one.

19 They're updating what?

20 MS. BAILEY: \$21,000.

21 MR. MOYLE: That's the rip-off. That's
22 the spillway. I thought it was 15 a year, thousand a
23 year.

24 MR. WARD: 21,000 this year.

25 MR. MOYLE: You know what, I wouldn't

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1 pay it. They went up there and they put some more
2 stuff in there and I said, It's not going to work. I
3 still haven't seen any result that it will work. I
4 told them we weren't going to pay for it.

5 MR. WARD: I didn't know you told them
6 you weren't going to pay for it.

7 MR. MOYLE: I told them the normal one,
8 I told them they would have to get the Board's
9 approval and they never gave me anything, so they
10 slipped it in. What are they going to do if we don't
11 pay them? We've been getting no service. We've been
12 paying this thing.

13 MS. THAPA: We last year, last year had
14 a resolution to pay 20,000 this year, which is
15 included in this package. So this is for next year.

16 MR. MOYLE: I don't care if it's for --
17 again, it's criminal we even pay anything for this.
18 Really, we're getting nothing for it.

19 MS. THAPA: We don't get fined?

20 MR. MOYLE: This is what it is. What
21 this does, it measures the flow coming over the
22 spillway, we're supposed to keep a passing flow, into
23 Absecon Creek a.k.a. the bay there a.k.a. the ocean,
24 at all times. They put this thing in years ago. It
25 never worked, so they abandoned it. Now they've come

ATLANTIC CITY MUA

1 up with the new thing. They threw a sensor in where
2 the water spills and goes under the bridge at Mill,
3 so I said, How is that going to work?

4 My point is, as we all know, the oceans
5 are rising. They should not make us have a passing
6 flow at all times. We need more water from the
7 ocean.

8 MR. SMITH: Is this -- who is this?

9 MR. MOYLE: My suggestion, again my
10 opinion, I would table this junk and not pay it and
11 make them dun us.

12 MR. SMITH: Who is this, the
13 government?

14 MR. BOR: Department of Interior.

15 MR. MOYLE: It's the state's geological
16 survey.

17 MR. SMITH: That's the first time --
18 like I said, is this something we've been paying for
19 years and years?

20 MR. MOYLE: Yeah, we've been getting
21 nothing for it. It hasn't worked for years. They
22 should give us a couple years off in shame because we
23 were paying for nothing.

24 MS. THAPA: There is a check on this
25 one. There is a check for 20,000 for this year, the

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1 check here.

2 MR. MOYLE: Okay. I would rip it up.

3 MR. SMITH: Have you got a check?

4 MR. HILL: Yes.

5 MR. SMITH: For us to give them?

6 MS. THAPA: This one was approved last
7 year to pay for this year.

8 MR. HILL: This is for next year.

9 MS. THAPA: This would be for next
10 year.

11 MS. BAILEY: We could table it because
12 it's for 2018.

13 MS. THAPA: Yes.

14 MR. SMITH: Until we hear from them
15 again, I kind of agree.

16 MS. THAPA: So pay this one?

17 MR. SMITH: No, hold it.

18 MR. WARD: Let's hear from the
19 solicitor.

20 MS. THAPA: We approved it last year.

21 MS. BAILEY: We already authorized the
22 check last year.

23 MR. BOR: There is a letter here from
24 the Department of Interior citing federal statutes,
25 requiring to have the signed agreement, and to have

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1 the signed agreement October 1, 2017 and the payment
2 of within X number of days.

3 I hear what Garth is saying, that they
4 don't deserve it or haven't earned it, except there
5 is an agreement with a federal statute saying you
6 have to have it.

7 MR. SMITH: Listen, we're not going to
8 get out of compliance and start fighting with the
9 federal government for \$21,000. But I would like to
10 know what we're paying for, is all I'm saying.

11 MR. MOYLE: I told you, we're paying
12 for nothing, so it really --

13 MR. BOR: We're paying for nothing.

14 MR. SMITH: If we don't pay it, what's
15 going to happen?

16 MS. THAPA: We did sign it and sent it.

17 MR. WARD: Sanctions if we don't pay
18 it.

19 MR. BOR: I have to look it up. It
20 only refers to the federal statute.

21 MS. THAPA: We already signed it last
22 year, so we have to pay it.

23 MR. HILL: We better send that check.

24 MR. BOR: This year supposed to be
25 signed by October 1, 2017.

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1 MS. BAILEY: We didn't sign it yet?

2 MR. HILL: For next year, so if we
3 already signed, we should send the check. We made an
4 agreement, we signed; we got to send it.

5 But this, if you want to table, it
6 doesn't -- it looks like you have to pay it.

7 MR. MOYLE: Signed by, we haven't
8 signed by October 1st yet.

9 MR. SMITH: Hold up until we hear from
10 them the following year. Let them give us a little
11 clearer definition what they're doing, but if we
12 already got the check there, send it.

13 MR. MOYLE: Forget paying the
14 Department of the Interior, the same people that want
15 to get rid of all the state parks. Obama saying we
16 couldn't get rid of --

17 MR. SMITH: He's trying to make like
18 Obama wasn't president. That's another story.

19 MR. BOR: Even so, 7,400 in labor,
20 supplies 1,200, labs --

21 MR. MOYLE: I told them we weren't
22 going to pay them for that and they never sent us
23 anything.

24 MS. BAILEY: Overhead almost \$9,000.

25 MR. MOYLE: I told you, it's a rip-off,

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1 total rip-off scam.

2 MR. SMITH: Remember, pick your
3 battles.

4 MR. MCGETTIGAN: Pursue the sanctions.

5 MR. MOYLE: I asked for the price.
6 Well, it's going to be a little, and I didn't hear
7 from them. They told Anthony verbally there is going
8 to be a charge. They didn't send a charge. We'll
9 negotiate. We'll give them 200 bucks is what it's
10 really worth.

11 MS. THAPA: We were not aware of it.
12 We actually had to e-mail to get this package.

13 MR. MOYLE: I asked for it, Anita.

14 MS. THAPA: No, Kelley had to call
15 them.

16 MS. WILLIAMS: That's why we didn't get
17 it.

18 MS. BAILEY: Is it all ready to table
19 it?

20 MR. HILL: Is it --

21 MR. BOR: Did we sign the agreement
22 from last year covering last year?

23 MR. HILL: Last year is done.

24 MS. WILLIAMS: This is for '18. This
25 one is for '18.

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1 MR. SMITH: I would hold up on the '18.
2 If we already have the check and the check is there,
3 I don't want to hold that off.

4 MR. BOR: I think we're obligated to
5 sign this agreement, but we can always wait to see
6 what their next letter says.

7 MR. MOYLE: It's a one-sided agreement.
8 They dictate what they're going to do. They don't
9 tell us how much it's going to cost and there is no
10 agreement. It can't be just them telling us. That's
11 not an agreement, that's dictating.

12 MS. BAILEY: That's what your president
13 does.

14 MR. MOYLE: No, it's his president. He
15 voted for him.

16 MR. BOR: If we already signed last
17 year's agreement, I think we have to pay this. This
18 agreement refers to various statutes. I'll take it
19 and review it. My initial look, it appears as if
20 we're obligated.

21 MR. WEBER: You may be able to
22 terminate it for the future.

23 MR. BOR: Terminate?

24 MR. MOYLE: No, we're not.

25 MR. WEBER: If you want to look it

ATLANTIC CITY MUA

1 over?

2 MR. BOR: What do you mean terminate?

3 MR. WEBER: Future, that doesn't mean
4 you're obligated for the future.

5 MR. MOYLE: We're on the hook for this
6 forever.

7 MR. BOR: I got a copy there.

8 MR. WEBER: You and I can go over it.

9 MR. BOR: Yeah, we'll go over it. I'll
10 put it over there.

11 MR. HILL: Why don't we table this one?
12 We'll pay this year and table --

13 MS. BAILEY: Table the one that's in
14 front of us.

15 MR. MOYLE: Once I get my e-mail back,
16 I'll e-mail this clown.

17 MR. SMITH: Be nice.

18 MR. MOYLE: I'm always nice. I'm going
19 to say, Hey, we got this bill that we're not going to
20 pay.

21 MR. SMITH: Some of those people aren't
22 clowns. I know what you're saying, just be nice.

23 Okay. Move on.

24 MR. WARD: 9.d, we have two leaves of
25 absence, David Pham and Tiffyne Dewitt-Dixon.

ATLANTIC CITY MUA

1 MR. SMITH: I'm about tired of this
2 David Pham holding us hostage, so to speak, and I
3 think the new guy you got in there doing the job,
4 let's see if we can get some guy in there to replace
5 Pham. Who's the guy you got in there now?

6 MR. MOYLE: Kevin Jordan.

7 MR. SMITH: Does he know what's going
8 on?

9 MR. MOYLE: He's doing the best he can.

10 MR. SMITH: Ask him to train someone.

11 MR. WARD: Training Bill Stanley.

12 MR. SMITH: Is Bill finally able?

13 MR. WARD: We're hoping that Bill can
14 step up.

15 MR. SMITH: He's the next man up. I
16 hope he can.

17 MR. WARD: He's familiar with turning
18 water on and off and, you know, this is all about
19 meters and data.

20 MR. MOYLE: Except he can't, his wrist
21 hurts.

22 MR. WARD: We know that he can't turn
23 the water off.

24 MR. MOYLE: Workers' comp.

25 MS. BAILEY: Mr. Pham, David, how long

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1 has he been out already?

2 MR. WARD: Six months last year and
3 this year it's maybe two and a half months.

4 MR. MOYLE: It's been a little over a
5 month, plus on this one. On this one, I think.

6 MR. SMITH: I think one of the new guys
7 that we hired has knowledge of a computer. If Bill
8 can't handle this, let's put this guy in there.
9 What, you said you needed him in the yard?

10 MR. MOYLE: We can't do that. We can't
11 wave the magic wand. There is still the contract out
12 there. The guy is a Laborer I.

13 MS. THAPA: David, they do need some
14 computer technical, because you have to input all the
15 meter readings in the system.

16 MR. SMITH: That's what I understood,
17 but like I'm saying, if Bill doesn't have any
18 computer skills, we got to get somebody in there that
19 got skills.

20 MR. WARD: I agree with you and we're
21 going to find out what Bill's learning capacity is in
22 the short term, and as Kevin gets back to us and lets
23 us know what his growth is, if it's not satisfactory,
24 we're going to hurry up and get out of here and get
25 somebody.

ATLANTIC CITY MUA

1 MR. MCGETTIGAN: You have to give Mr.
2 Pham the final amount of time to respond to this,
3 rather than exit him.

4 MR. WEBER: He's a member of the union.

5 MR. MOYLE: Here is the problem.

6 MR. MCGETTIGAN: But we do have to
7 supply him with an amount of time.

8 MR. MOYLE: Two years, because
9 remember, we had a five-year man that we kept on the
10 payroll when he was out five, and you lowered it to
11 two.

12 MR. MCGETTIGAN: He's on free leave?

13 MR. MOYLE: Unpaid.

14 MR. MCGETTIGAN: You can't erase him.

15 MR. SMITH: He came back.

16 MR. MOYLE: He came back today.

17 MR. WEBER: If he's under the
18 contract --

19 MR. MCGETTIGAN: So we have to start
20 training somebody, but not really.

21 MR. SMITH: I've been wanting to give
22 Bill a shot. Give him a shot.

23 MR. HILL: Give him a shot.

24 MR. SMITH: And we'll find out.

25 MR. WARD: And Kevin I would think is a

ATLANTIC CITY MUA

1 very good trainer. He communicates well, he
2 understands, and of course Kevin is doing two jobs
3 while he's training.

4 MR. SMITH: He's really multitasking,
5 Kevin.

6 MR. MCGETTIGAN: You can have a
7 personal and medical, six months and one day, and if
8 they're not back, their job is eliminated.

9 MS. BAILEY: Exactly.

10 MR. SMITH: But this is every year with
11 this guy.

12 MR. MCGETTIGAN: We're talking about
13 putting this in negotiations, rewriting these where
14 they -- you don't get two years of graceful
15 extensions of leave.

16 MR. SMITH: Let's put it in the
17 handbook.

18 MR. MCGETTIGAN: We keep giving.

19 MR. SMITH: We've been granting him
20 family leave, unlimited.

21 MR. MOYLE: No, it is limited.

22 MR. MCGETTIGAN: It shows it's not a
23 great policy to have. Something more with
24 limitations.

25 MR. MOYLE: I'm happy with that.

ATLANTIC CITY MUA

1 MR. WARD: We're looking for a vote on
2 9.d.

3 MR. SMITH: Move it.

4 MR. WARD: That's both of the leaves of
5 absence.

6 MR. SMITH: No, you're going to not --

7 MS. WILLIAMS: It's both of them on the
8 same page.

9 MR. SMITH: Ms. Dixon, we can give her
10 a leave of absence. Let's table David Pham's leave
11 of absence so we can do a little more investigating.

12 MR. MOYLE: Not much you can do, not
13 here in Happy Valley.

14 MR. HILL: We have to do that.

15 MR. WEBER: I would have to look at it.

16 MR. WARD: Family leave.

17 MR. MOYLE: It's family leave, special.

18 MS. BAILEY: If it's not personal, we
19 can't just -- family leave, there is nothing you can
20 do.

21 MR. SMITH: We can't deny. There is
22 nothing we can do.

23 MS. BAILEY: Family leave, I don't know
24 what it is.

25 MR. SMITH: What kind of leave is he

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1 asking?

2 MR. WARD: Unpaid.

3 MR. SMITH: All right. If it's unpaid,
4 I can live with it. I thought we were still paying
5 this guy.

6 MS. BAILEY: Paying his health
7 benefits, that's all.

8 MR. SMITH: Move it.

9 MS. BAILEY: Second.

10 MR. BOR: So we're doing d(1) and (2)
11 together?

12 MR. WARD: Yes.

13 MR. BOR: Okay. Ms. Bailey?

14 MS. BAILEY: Yes.

15 MR. BOR: Mr. Lea?

16 MR. LEA: Yes.

17 MR. BOR: McGettigan?

18 MR. MCGETTIGAN: Yes.

19 MR. BOR: Hill?

20 MR. HILL: Yes.

21 MR. BOR: Smith?

22 MR. SMITH: Yes.

23 MR. WARD: 10.a, monthly bills.

24 MR. SMITH: Move them.

25 MR. MCGETTIGAN: Second.

ATLANTIC CITY MUA

1 MR. BOR: Ms. Bailey?

2 MS. BAILEY: Yes.

3 MR. BOR: Mr. Lea?

4 MR. LEA: 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: Break for Executive Session.

12 MR. SMITH: Five minutes and we're
13 going to get you guys out of here.

14 (Closed Session from
15 11:05 a.m. to 11:40 a.m.)

16 MR. WARD: We're back in session and we
17 were in Executive Session, which the Board heard a
18 presentation on an employee matter, made the
19 determination on that.

20 Labor counsel reported that there is
21 very little activity on that front with respect to
22 unions, and Executive Director reported that the
23 state is interested in the reviewing, among other
24 things, some of our employment goals, and that
25 concluded our Executive Session.

ATLANTIC CITY MUA

1 MR. BOR: We don't need any
2 resolutions?

3 MR. WARD: No, no resolutions.

4 MR. SMITH: One other thing,
5 Mr. Solicitor, you stated that the thing that Garth
6 was talking about was --

7 MR. BOR: I'm going to double-check
8 that statute. I think we're obligated, but let me
9 review the statute.

10 MR. WARD: We had tabled that.

11 MR. BOR: Yes.

12 MR. SMITH: All right. That's it,
13 adjournment.

14 MR. WARD: You got to vote for the
15 adjournment.

16 MR. BOR: Any objection to the
17 adjournment? Seeing no objection, hearing no
18 objection.

19 MR. SMITH: We're adjourned.

20 (The meeting adjourned at 11:43 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.

JACQUELINE M. ZARRILLO
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DATED: November 2, 2017

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\$1,378.45 [1] - 5:8 \$1,430 [1] - 37:16 \$123 [1] - 6:21 \$15,105,842 [1] - 20:3 \$15,779,062 [1] - 20:5 \$16 [1] - 26:21 \$21,000 [2] - 50:20, 54:9 \$35,000 [1] - 12:22 \$50 [1] - 23:9 \$500 [1] - 38:7 \$673,220 [1] - 20:6 \$9,000 [1] - 55:24	2 [2] - 64:10, 67:18 2,400 [1] - 31:16 2,500 [4] - 23:11, 29:23, 29:25, 31:16 20 [6] - 8:1, 12:15, 13:3, 24:18, 24:22, 47:20 20,000 [2] - 51:14, 52:25 20,960 [1] - 25:3 200 [1] - 56:9 2017 [6] - 1:3, 3:6, 19:24, 54:1, 54:25, 67:18 2018 [4] - 17:16, 19:23, 20:2, 53:12 20th [1] - 45:22 21,000 [2] - 42:3, 50:24 22,050 [1] - 42:6 225 [1] - 31:16 231 [1] - 3:9 23rd [2] - 14:5, 14:17 25 [3] - 38:23, 46:24, 46:25 287-2593 [1] - 1:25 28th [3] - 19:6, 44:11, 45:23	609 [1] - 1:25		27:5 accepted [1] - 11:8 according [1] - 11:10 Accounting [1] - 1:9 accounts [1] - 24:20 accurate [1] - 12:5 action [2] - 67:8, 67:10 activity [1] - 65:21 add [1] - 32:7 addition [1] - 41:4 address [1] - 7:23 adequate [1] - 3:1 adjourned [2] - 66:19, 66:20 adjournment [3] - 66:13, 66:15, 66:17 adjustment [1] - 4:24 administration [1] - 15:8 administrative [2] - 41:4, 41:6 Administrator [1] - 1:10 aforsaid [1] - 3:9 agenda [2] - 4:24, 45:21 ago [3] - 5:24, 46:25, 51:24 agree [7] - 10:25, 11:3, 31:5, 35:2, 40:22, 53:15, 60:20 agreement [12] - 16:1, 53:25, 54:1, 54:5, 55:4, 56:21, 57:5, 57:7, 57:10, 57:11, 57:17, 57:18 ain't [1] - 9:14 alleviate [1] - 47:8 allow [1] - 4:24 allowance [1] - 23:12 almost [4] - 30:21, 31:1, 34:10, 55:24 alterations [1] - 16:25 Alternate [2] - 1:14, 1:15 alternate [1] - 3:25 amend [1] - 40:24 amended [1] - 43:21 amendment [3] - 14:23, 32:15, 32:16 American [3] - 24:15, 31:20, 31:25 amount [3] - 26:22, 61:2, 61:7 Andrew [1] - 1:8 anionic [1] - 48:22 Anita [6] - 1:9, 19:13, 40:3, 42:12, 42:14,		56:13 annual [1] - 23:7 Anthony [1] - 56:7 anyway [2] - 24:18, 27:24 appear [3] - 5:1, 48:5, 48:7 apply [1] - 10:6 approached [2] - 8:7, 8:8 appropriation [2] - 20:6, 23:15 appropriations [1] - 20:4 approval [2] - 19:7, 51:9 approve [2] - 36:9, 43:16 approved [3] - 7:13, 53:6, 53:20 area [1] - 46:3 Assistant [2] - 1:9, 13:6 Atlantic [5] - 1:19, 3:7, 7:25, 26:15, 42:2 ATLANTIC [2] - 1:1, 1:18 attach [3] - 36:1, 36:3 Attach [1] - 36:1 attention [3] - 12:2, 13:18, 15:17 attorney [2] - 67:7, 67:9 AUTHORITY [2] - 1:1, 1:18 authority [1] - 37:17 Authority [1] - 46:19 authorization [3] - 17:17, 39:1, 43:21 authorized [1] - 53:21 automatic [1] - 37:4 available [2] - 20:15, 40:6 Avenue [3] - 1:18, 3:6, 26:16 average [2] - 23:5, 23:6 awarded [1] - 8:9 aware [4] - 11:6, 11:25, 15:13, 56:11 awful [2] - 30:13, 30:16
•		7				
*18 [4] - 18:10, 56:24, 56:25, 57:1		7 [1] - 2:5 7,400 [1] - 55:19 7.5 [2] - 20:13, 22:21 7:00 [4] - 8:4, 8:6, 10:9 7:30 [3] - 8:5, 8:6, 10:9				
0		8				
08225 [1] - 1:24 08404 [1] - 1:19	22 [1] - 31:16 231 [1] - 3:9 23rd [2] - 14:5, 14:17 25 [3] - 38:23, 46:24, 46:25 287-2593 [1] - 1:25 28th [3] - 19:6, 44:11, 45:23	8 [2] - 8:18, 31:10 8.a(1) [1] - 16:7 8.a(1) [1] - 16:13 8.a(2) [2] - 16:24, 16:25 8.b [1] - 17:16 8.b(1) [1] - 17:21 8.b(1) [3] - 17:17, 43:19, 43:20 8.b(2) [1] - 44:9 8.b(4) [1] - 32:10 8:00 [6] - 8:3, 8:5, 8:6, 8:22, 10:8				
1	3	9				
1 [2] - 54:1, 54:25 1,000 [1] - 37:16 1,200 [1] - 55:20 1,400 [2] - 38:7, 41:12 1,430 [2] - 37:19, 38:25 1.7 [2] - 20:19, 21:13 10 [2] - 1:19, 44:12 10.a [1] - 64:23 11:05 [1] - 65:15 11:40 [1] - 65:15 11:43 [1] - 66:20 12:00 [4] - 8:3, 8:5, 8:22, 10:8 15 [8] - 22:16, 22:18, 22:20, 30:19, 31:8, 31:11, 31:12, 50:22 15,000 [1] - 17:22 15,105 [1] - 17:23 15,779 [1] - 17:24 15.4352 [1] - 30:20 15.5352 [1] - 25:2 15.779 [1] - 32:17 16 [3] - 30:18, 30:23 16.435 [1] - 30:21 1724 [1] - 1:24 18 [2] - 1:3, 3:6 19 [1] - 49:25 1975 [1] - 3:10 1st [1] - 55:8	3,400 [2] - 26:13, 30:24 3,500 [1] - 30:13 3,697 [1] - 30:21 3,700 [1] - 30:22 3,553 [1] - 23:10 300 [2] - 6:3, 31:15 35 [2] - 30:15, 31:1	9 [2] - 23:6, 23:7 9.a(1) [1] - 5:1 9.a(2) [1] - 5:5 9.b(1) [1] - 48:22 9.b(2) [1] - 49:11 9.c(1) [1] - 50:13 9.d [2] - 58:24, 63:2 9:00 [1] - 8:19				
	4	A				
	4 [2] - 23:6, 48:7 4,500 [1] - 26:13 4,600 [1] - 30:15 400 [1] - 6:4 401 [2] - 1:18, 3:6	a(1) [1] - 48:5 a.k.a [2] - 51:23 a.m [5] - 1:19, 44:12, 65:15, 66:20 abandoned [1] - 51:25 abatement [9] - 4:25, 5:8, 5:10, 5:11, 5:12, 5:22, 6:12, 6:20, 7:12 Abdul [2] - 2:4, 5:4 ability [1] - 40:11 able [2] - 57:21, 59:12 Absecon [1] - 51:23 absence [4] - 58:25, 63:5, 63:10, 63:11 absent [1] - 3:24 absolutely [2] - 6:10, 29:19 accept [3] - 16:8, 24:7,				
	5					
	5 [3] - 2:4, 24:4, 48:7 5.8 [2] - 20:14, 20:16 500 [3] - 38:8, 39:2, 39:3 520 [1] - 37:17 5K [1] - 48:7 5th [1] - 44:12					
				B		
				b(4) [1] - 32:12 bad [2] - 8:15, 24:9 BAILEY [4] - 3:15, 4:12, 7:2, 11:9,		

<p>11:16, 13:14, 16:14, 17:6, 17:23, 17:25, 22:12, 22:15, 22:20, 26:15, 32:16, 37:7, 39:10, 43:25, 44:16, 48:12, 49:1, 49:13, 49:15, 50:4, 50:16, 50:20, 53:11, 53:21, 55:1, 55:24, 56:18, 57:12, 58:13, 59:25, 62:9, 63:18, 63:23, 64:6, 64:9, 64:14, 65:2</p> <p>Bailey [15] - 1:15, 3:14, 3:25, 4:11, 7:1, 16:13, 17:5, 43:24, 44:15, 48:11, 48:25, 49:14, 50:3, 64:13, 65:1</p> <p>based [1] - 28:21</p> <p>basin [3] - 45:9, 45:12, 45:17</p> <p>basis [1] - 38:25</p> <p>battles [1] - 56:3</p> <p>bay [1] - 51:23</p> <p>become [1] - 42:18</p> <p>becoming [1] - 26:10</p> <p>BEFORE [1] - 1:17</p> <p>beginning [1] - 9:6</p> <p>benefits [1] - 64:7</p> <p>best [3] - 30:10, 34:7, 59:9</p> <p>better [4] - 6:14, 22:11, 31:2, 54:23</p> <p>bid [9] - 8:5, 8:6, 10:5, 10:6, 10:14, 10:16, 11:23, 12:19, 12:22</p> <p>bids [3] - 16:8, 48:22, 49:11</p> <p>big [3] - 6:5, 22:23, 22:25</p> <p>Bill [6] - 59:11, 59:12, 59:13, 60:7, 60:17, 61:22</p> <p>bill [2] - 43:15, 58:19</p> <p>Bill's [1] - 60:21</p> <p>bills [3] - 33:3, 33:4, 64:23</p> <p>bit [1] - 37:6</p> <p>BOARD [1] - 1:1</p> <p>Board [21] - 1:8, 1:10, 1:14, 3:4, 4:22, 7:23, 8:8, 10:11, 11:5, 12:11, 14:12, 14:25, 15:9, 15:13, 15:16, 15:25, 16:5, 21:8, 37:21, 39:16, 65:17</p> <p>Board's [3] - 12:2, 15:17, 51:8</p>	<p>bond [3] - 20:16, 20:19, 34:16</p> <p>BOR [126] - 3:12, 3:14, 3:16, 3:18, 3:20, 3:22, 3:24, 4:7, 4:11, 4:13, 4:15, 4:17, 4:19, 4:21, 7:1, 7:3, 7:5, 7:7, 7:9, 7:11, 13:11, 13:19, 13:22, 14:2, 15:23, 16:13, 16:15, 16:17, 16:19, 16:21, 16:23, 17:5, 17:7, 17:9, 17:11, 17:13, 17:15, 18:1, 18:3, 18:16, 18:22, 19:6, 22:9, 27:19, 28:5, 28:10, 28:12, 29:14, 31:23, 33:23, 34:5, 34:13, 34:22, 37:12, 37:23, 38:7, 38:19, 39:18, 41:2, 41:11, 41:17, 42:17, 42:22, 43:6, 43:12, 43:24, 44:1, 44:3, 44:5, 44:7, 44:10, 44:15, 44:17, 44:19, 44:21, 44:23, 45:4, 45:7, 48:11, 48:13, 48:15, 48:17, 48:19, 48:25, 49:2, 49:4, 49:6, 49:8, 49:14, 49:16, 49:18, 49:20, 49:22, 50:3, 50:5, 50:7, 50:9, 50:11, 52:14, 53:23, 54:13, 54:19, 54:24, 55:19, 56:21, 57:4, 57:16, 57:23, 58:2, 58:7, 58:9, 64:10, 64:13, 64:15, 64:17, 64:19, 64:21, 65:1, 65:3, 65:5, 65:7, 65:9, 66:1, 66:7, 66:11, 66:16</p> <p>Bor [3] - 1:8, 13:21, 39:9</p> <p>borrow [4] - 20:19, 21:19, 21:20, 21:22</p> <p>borrowing [1] - 22:10</p> <p>bothers [2] - 9:3, 9:4</p> <p>bread [1] - 8:25</p> <p>break [2] - 13:9, 65:11</p> <p>breakfast [1] - 9:8</p> <p>bridge [2] - 46:12, 52:2</p> <p>bring [4] - 15:16, 15:17, 17:1, 46:15</p> <p>brought [3] - 12:1, 12:2, 12:10</p> <p>Bruce [4] - 1:7, 15:1,</p>	<p>32:21, 42:17</p> <p>buck [1] - 24:9</p> <p>bucks [6] - 30:18, 30:22, 30:24, 31:16, 31:17, 56:9</p> <p>budget [20] - 17:16, 17:17, 18:4, 18:5, 18:8, 18:10, 19:8, 19:23, 20:2, 20:13, 27:6, 32:7, 32:23, 37:2, 42:13, 42:15, 42:19, 42:21, 43:3, 43:11</p> <p>budgeted [1] - 21:3</p> <p>building [7] - 8:18, 13:17, 26:15, 46:24, 47:4, 47:10</p> <p>buildings [1] - 28:12</p> <p>business [2] - 8:24, 34:8</p> <p>Business [1] - 16:7</p> <p>butter [1] - 9:1</p>	<p>17:22, 17:23, 19:12, 19:13, 19:14, 20:5, 30:19, 31:8, 31:10, 31:12, 31:13, 35:7, 36:17, 39:17, 40:19, 40:23, 45:3</p> <p>changed [3] - 17:2, 19:16, 19:17</p> <p>changes [2] - 20:1, 36:13</p> <p>changing [1] - 37:25</p> <p>Chapter [1] - 3:9</p> <p>charge [20] - 24:3, 27:3, 27:4, 30:5, 31:15, 34:3, 37:16, 37:17, 38:19, 38:23, 40:9, 40:10, 40:11, 41:4, 41:7, 42:2, 50:15, 50:16, 56:8</p> <p>charged [1] - 40:6</p> <p>charges [2] - 30:4, 42:10</p> <p>charging [7] - 24:14, 32:22, 38:14, 38:25, 41:3, 42:3</p> <p>CHEATHAM [1] - 3:13</p> <p>Cheatham [3] - 1:14, 3:12, 4:2</p> <p>check [12] - 11:18, 52:24, 52:25, 53:1, 53:3, 53:22, 54:23, 55:3, 55:12, 57:2, 66:7</p> <p>Chemical [2] - 16:9, 16:10</p> <p>choice [1] - 35:10</p> <p>Christian [1] - 9:6</p> <p>citing [1] - 53:24</p> <p>City [5] - 1:19, 3:7, 8:1, 42:2, 48:1</p> <p>CITY [2] - 1:1, 1:18</p> <p>city [17] - 3:8, 20:7, 22:9, 22:11, 22:13, 32:22, 33:2, 33:3, 33:5, 33:8, 33:11, 33:17, 37:1, 42:18, 42:19</p> <p>city's [2] - 22:2, 33:12</p> <p>claiming [4] - 37:17, 38:18, 38:19, 39:1</p> <p>clarity [1] - 39:10</p> <p>Claude [2] - 1:9, 14:25</p> <p>CLAUDE [4] - 45:10, 46:22, 47:15, 47:19</p> <p>cleaning [3] - 7:20, 8:4, 8:24</p> <p>clear [2] - 6:24, 35:5</p> <p>clearer [1] - 55:11</p> <p>clerk [1] - 3:8</p>	<p>close [2] - 13:3, 30:23</p> <p>Closed [1] - 65:14</p> <p>clown [1] - 58:16</p> <p>clowns [1] - 58:22</p> <p>coincide [1] - 15:23</p> <p>Colanzi [2] - 3:24, 14:24</p> <p>collect [1] - 34:16</p> <p>College [1] - 25:19</p> <p>coming [4] - 25:12, 26:6, 46:1, 51:21</p> <p>commencing [1] - 1:19</p> <p>committee [5] - 14:19, 14:21, 18:19, 18:21, 19:9</p> <p>communicates [1] - 62:1</p> <p>comp [1] - 59:24</p> <p>companies [2] - 9:17, 41:21</p> <p>company [6] - 8:4, 9:10, 10:2, 41:19, 41:23</p> <p>complaints [1] - 13:16</p> <p>complete [2] - 46:6, 46:8</p> <p>completed [3] - 45:12, 45:17, 45:24</p> <p>completing [2] - 46:1, 46:4</p> <p>compliance [2] - 12:9, 54:8</p> <p>complies [1] - 3:9</p> <p>computer [3] - 60:7, 60:14, 60:18</p> <p>concerned [4] - 24:17, 32:21, 41:2, 41:18</p> <p>concluded [1] - 65:25</p> <p>conference [1] - 3:7</p> <p>connection [15] - 23:20, 25:24, 26:6, 26:14, 27:2, 27:4, 27:13, 30:8, 30:12, 31:7, 32:10, 35:6, 36:2, 36:19, 45:2</p> <p>considered [1] - 25:18</p> <p>contact [3] - 14:13, 40:16</p> <p>contacted [1] - 7:13</p> <p>continue [2] - 28:24, 34:22</p> <p>continued [1] - 48:6</p> <p>contract [13] - 7:25, 8:2, 8:9, 8:22, 11:15, 12:13, 13:10, 13:12, 13:20, 15:24, 42:5, 60:11, 61:18</p> <p>contracted [2] - 12:6,</p>
C				
<p>C5 [1] - 19:25</p> <p>calculate [7] - 20:11, 23:24, 24:2, 25:7, 29:16, 41:7</p> <p>calculation [3] - 19:17, 27:17, 28:22</p> <p>capacity [1] - 60:21</p> <p>Capital [1] - 48:7</p> <p>capital [4] - 20:13, 23:3, 25:5, 25:15</p> <p>care [2] - 5:2, 51:16</p> <p>carries [3] - 7:11, 16:23, 17:15</p> <p>carry [1] - 4:21</p> <p>case [7] - 20:16, 21:24, 29:2, 38:3, 41:15, 41:16</p> <p>cases [1] - 39:11</p> <p>cash [1] - 20:16</p> <p>casing [1] - 49:24</p> <p>casino [1] - 25:17</p> <p>casinos [1] - 25:11</p> <p>CCR [1] - 1:23</p> <p>ceiling [1] - 47:10</p> <p>cents [1] - 38:23</p> <p>Certified [3] - 1:17, 67:4, 67:16</p> <p>CERTIFIED [1] - 1:23</p> <p>certify [1] - 67:6</p> <p>Chairman [1] - 1:12</p> <p>Chairman/Secretary [1] - 1:13</p> <p>champagne [1] - 32:2</p> <p>change [19] - 17:19,</p>				

<p>12:7 contractor [1] - 45:22 copy [3] - 3:7, 13:19, 58:7 corks [1] - 32:2 correct [2] - 13:10, 14:6 correspondence [1] - 14:4 cost [8] - 25:5, 30:8, 30:9, 47:5, 47:6, 47:13, 47:16, 57:9 costs [1] - 47:6 cotton [1] - 39:6 council [1] - 38:4 counsel [3] - 65:20, 67:7, 67:9 county [1] - 30:10 couple [1] - 52:22 course [6] - 46:10, 46:12, 46:18, 46:24, 47:5, 62:2 COURT [1] - 1:23 court [2] - 38:8, 38:9 Court [3] - 1:17, 67:5, 67:16 cover [7] - 45:12, 45:15, 45:16, 47:14, 47:19, 48:2 covered [1] - 22:17 covering [1] - 56:22 cradle [1] - 46:10 credit [1] - 33:25 Creek [1] - 51:23 criminal [1] - 51:17 cross [1] - 13:13 cubic [1] - 23:11 customers [1] - 37:14</p>	<p>defects [1] - 46:7 definitely [3] - 46:14, 47:4, 47:12 definition [1] - 55:11 degree [1] - 15:15 delete [1] - 35:17 delivered [2] - 43:7, 43:12 demand [1] - 34:11 deny [1] - 63:21 department [1] - 52:14 Department [2] - 53:24, 55:14 Deputy [5] - 1:7, 14:25, 15:1, 15:7, 15:11 deserve [1] - 54:4 details [1] - 21:7 determination [1] - 65:19 Dewitt [1] - 58:25 Dewitt-Dixon [1] - 58:25 dictate [1] - 57:8 dictating [1] - 57:11 direction [1] - 15:9 Director [9] - 1:7, 1:7, 1:9, 13:6, 15:1, 15:11, 65:22 Director's [3] - 14:1, 14:3, 16:2 Directors [2] - 3:4, 15:7 DIRECTORS [1] - 1:1 discretionary [1] - 40:8 discuss [1] - 20:20 discussed [3] - 15:15, 19:9, 45:2 discussions [1] - 23:20 Dixon [2] - 58:25, 63:9 doctor [1] - 20:25 dollar [7] - 23:5, 24:11, 26:20, 29:2, 29:4, 29:7, 29:11 done [8] - 7:16, 39:21, 45:13, 45:14, 45:22, 46:6, 46:14, 56:23 dot [1] - 13:14 double [1] - 66:7 double-check [1] - 66:7 down [7] - 9:11, 22:12, 22:13, 24:15, 25:5, 25:14, 34:17 downstream [1] - 30:9 due [1] - 24:15 dun [1] - 52:11</p>	<p style="text-align: center;">E</p> <p>e-mail [4] - 38:11, 56:12, 58:15, 58:16 earned [1] - 54:4 economy [1] - 28:9 Ed [1] - 15:14 edge [1] - 19:15 effect [1] - 46:20 effort [1] - 40:11 election [2] - 35:2, 42:23 electrical [1] - 49:10 electronic [4] - 37:15, 38:10, 39:14 eliminated [1] - 62:8 emergencies [1] - 21:25 empathy [1] - 28:8 employee [3] - 65:18, 67:6, 67:8 employment [1] - 65:24 encourages [1] - 28:12 end [2] - 11:11, 43:1 enforce [1] - 34:3 Engineer [1] - 1:9 Engineering [1] - 15:11 engineering [5] - 14:21, 20:24, 45:8, 45:18, 45:19 entail [1] - 47:5 entertain [1] - 4:24 erase [1] - 61:14 Esquire [2] - 1:8, 1:8 estimate [4] - 25:3, 25:8, 28:17, 47:7 event [3] - 14:5, 14:6, 14:8 evidence [2] - 12:3, 13:15 exact [1] - 34:8 exactly [2] - 34:24, 62:9 examine [1] - 27:9 except [4] - 42:9, 47:25, 54:4, 59:20 excess [4] - 23:6, 23:9, 23:13, 42:10 executive [1] - 14:3 Executive [9] - 1:7, 1:7, 13:6, 13:25, 15:1, 65:11, 65:17, 65:22, 65:25 existing [1] - 36:2 exit [1] - 61:3 expect [1] - 47:19</p>	<p>expectancy [1] - 31:7 experience [1] - 31:25 explain [6] - 35:7, 35:9, 35:16, 35:20, 35:21, 36:4 explained [2] - 32:25, 35:8 explanation [2] - 23:14, 35:12 explicit [1] - 27:2 extensions [1] - 62:15 exterior [2] - 46:5, 46:7 extra [1] - 29:9 eyes [1] - 15:4</p>	<p>fined [1] - 51:19 finished [1] - 9:25 firm [1] - 40:22 first [11] - 5:9, 5:11, 5:22, 6:12, 6:16, 6:18, 6:20, 8:8, 15:22, 43:9, 52:17 five [14] - 12:24, 12:25, 20:10, 21:2, 29:8, 32:23, 33:1, 33:24, 34:3, 34:6, 42:4, 61:9, 61:10, 65:12 five-year [2] - 21:2, 61:9 fix [1] - 5:19 flag [2] - 4:3, 4:4 flat [2] - 23:7, 42:9 flow [4] - 24:14, 51:21, 51:22, 52:6 flying [1] - 36:12 following [1] - 55:10 footing [1] - 40:22 forever [1] - 58:6 forget [4] - 6:6, 29:20, 34:8, 55:13 formal [1] - 41:9 former [1] - 7:20 forth [2] - 19:10, 40:7 Forum [1] - 16:2 forward [1] - 20:21 forwarded [1] - 45:3 four [3] - 9:2, 11:2, 23:9 frame [1] - 15:19 frankly [1] - 34:15 Fred [3] - 39:9, 40:16 Fredric [1] - 1:8 free [2] - 38:11, 61:12 freeze [11] - 27:8, 27:16, 28:5, 29:2, 31:3, 31:23, 31:24, 32:5, 35:10, 35:24, 36:19 freezing [3] - 26:24, 35:8, 35:17 front [2] - 58:14, 65:21 fully [1] - 19:23 functions [1] - 33:8 funded [1] - 19:24 future [5] - 26:5, 46:9, 57:22, 58:3, 58:4</p>
<p style="text-align: center;">D</p> <p>d [1] - 64:10 data [1] - 59:19 date [2] - 14:15, 18:1 DATED [1] - 67:18 dates [4] - 18:6, 18:7, 18:16, 44:10 David [5] - 58:25, 59:2, 59:25, 60:13, 63:10 days [1] - 54:2 DCA [2] - 36:5, 36:6 deal [1] - 24:9 December [2] - 18:8, 44:12 decision [2] - 25:1, 28:23 decrease [1] - 39:20 deduct [1] - 33:19</p>			<p style="text-align: center;">F</p> <p>face [1] - 32:3 fact [2] - 34:19, 46:23 factor [1] - 25:15 familiar [1] - 59:17 family [5] - 62:20, 63:16, 63:17, 63:19, 63:23 far [5] - 11:25, 20:22, 24:17, 42:17, 45:15 federal [4] - 53:24, 54:5, 54:9, 54:20 fee [19] - 23:20, 25:24, 26:13, 26:14, 27:2, 27:4, 30:8, 30:12, 32:11, 35:6, 36:2, 36:19, 37:18, 37:21, 37:23, 38:14, 38:25, 42:5, 45:2 fees [6] - 26:6, 27:13, 31:7, 34:12, 40:6 feet [1] - 23:11 few [2] - 8:15, 45:14 fifty [1] - 47:17 fighting [1] - 54:8 file [2] - 37:15, 41:16 filed [1] - 38:3 files [3] - 38:10, 38:13 fill [1] - 14:9 final [3] - 28:23, 35:9, 61:2 finalize [5] - 25:4, 28:15, 28:20, 28:25, 32:9 finalized [1] - 25:9 finally [1] - 59:12 finance [1] - 33:12 Finance [1] - 1:9 finances [1] - 33:6 financial [1] - 14:19 financially [1] - 67:10 fine [1] - 30:11</p>	<p style="text-align: center;">G</p> <p>G.Q [1] - 7:24 gallon [3] - 26:21, 45:20, 45:25 gallons [1] - 31:15</p>

<p>Garth [9] - 1:7, 11:7, 11:10, 15:2, 21:1, 23:25, 29:1, 54:3, 66:5</p> <p>Gary [3] - 1:13, 14:13, 19:20</p> <p>generally [1] - 47:14</p> <p>gentleman [1] - 7:19</p> <p>geological [1] - 52:15</p> <p>Geological [1] - 50:14</p> <p>goals [1] - 65:24</p> <p>God [1] - 9:7</p> <p>government [3] - 38:4, 52:13, 54:9</p> <p>graceful [1] - 62:14</p> <p>graded [1] - 22:5</p> <p>granting [1] - 62:19</p> <p>GRC [1] - 38:3</p> <p>great [2] - 15:2, 62:23</p> <p>growth [1] - 60:23</p> <p>guess [4] - 23:25, 35:16, 38:4, 38:6</p> <p>guessing [1] - 25:6</p> <p>guest [1] - 4:6</p> <p>guy [8] - 8:21, 59:3, 59:4, 59:5, 60:8, 60:12, 62:11, 64:5</p> <p>guys [4] - 9:9, 39:8, 60:6, 65:13</p>	<p>high [5] - 12:19, 12:20, 25:11, 30:13, 30:16</p> <p>higher [3] - 19:24, 20:3, 21:22</p> <p>Hill [14] - 1:13, 3:20, 4:17, 7:7, 16:19, 17:11, 44:5, 44:21, 48:17, 49:6, 49:20, 50:9, 64:19, 65:7</p> <p>HILL [76] - 3:21, 4:10, 4:18, 6:5, 6:8, 6:19, 6:23, 7:8, 10:23, 11:13, 11:17, 11:20, 11:24, 12:12, 13:13, 13:21, 14:7, 14:14, 15:19, 16:12, 16:20, 17:4, 17:12, 18:2, 18:13, 19:11, 19:19, 19:21, 20:23, 21:6, 21:10, 22:23, 26:18, 27:25, 28:3, 28:6, 28:11, 30:17, 30:23, 31:5, 32:13, 32:18, 33:20, 35:14, 36:24, 37:8, 37:25, 39:20, 39:25, 40:18, 40:23, 41:25, 42:12, 43:18, 43:20, 43:23, 44:6, 44:13, 44:22, 48:18, 48:24, 49:7, 49:21, 50:2, 50:10, 53:4, 53:8, 54:23, 55:2, 56:20, 56:23, 58:11, 61:23, 63:14, 64:20, 65:8</p> <p>hill [2] - 14:6, 22:16</p> <p>hired [1] - 60:7</p> <p>hit [1] - 27:13</p> <p>hold [5] - 40:14, 53:17, 55:9, 57:1, 57:3</p> <p>holders [1] - 34:16</p> <p>holding [1] - 59:2</p> <p>homes [1] - 28:13</p> <p>hook [1] - 58:5</p> <p>hope [2] - 25:23, 59:16</p> <p>hopefully [4] - 20:17, 21:13, 25:13, 27:10</p> <p>hopes [1] - 25:11</p> <p>hoping [1] - 59:13</p> <p>hostage [1] - 59:2</p> <p>hour [1] - 11:3</p> <p>hours [4] - 9:2, 11:2, 12:6, 12:7</p> <p>house [4] - 26:14, 29:9, 31:15, 46:10</p> <p>huge [1] - 24:8</p>	<p>Hung [1] - 48:7</p> <p>hurry [1] - 60:24</p> <p>hurts [1] - 59:21</p> <p>hypochlorite [2] - 16:8, 16:10</p>	<p>J</p>	<p>lawsuit [1] - 39:11</p> <p>Lea [14] - 1:14, 3:16, 4:13, 7:3, 16:15, 17:7, 44:1, 44:17, 48:13, 49:2, 49:16, 50:5, 64:15, 65:3</p> <p>LEA [13] - 3:17, 4:14, 7:4, 16:16, 17:8, 44:2, 44:18, 48:14, 49:3, 49:17, 50:6, 64:16, 65:4</p> <p>lead [1] - 4:2</p> <p>leads [1] - 34:10</p> <p>leak [2] - 5:19, 6:13</p> <p>learning [1] - 60:21</p> <p>least [4] - 15:22, 46:17, 46:25, 47:20</p> <p>leave [14] - 10:9, 20:24, 40:18, 41:24, 61:12, 62:15, 62:20, 63:10, 63:16, 63:17, 63:19, 63:23, 63:25</p> <p>leaves [2] - 58:24, 63:4</p> <p>Lees [1] - 17:2</p> <p>legal [1] - 47:23</p> <p>legality [1] - 32:21</p> <p>less [4] - 12:7, 29:11, 29:17, 41:8</p> <p>letter [3] - 5:17, 53:23, 57:6</p> <p>letting [1] - 47:11</p> <p>levy [1] - 41:4</p> <p>License [2] - 1:18, 67:16</p> <p>life [1] - 47:14</p> <p>lime [1] - 46:10</p> <p>limitations [1] - 62:24</p> <p>limited [1] - 62:21</p> <p>line [1] - 6:12</p> <p>liner [1] - 49:25</p> <p>liquid [1] - 16:8</p> <p>list [2] - 3:3, 45:13</p> <p>listed [2] - 19:25, 36:22</p> <p>listen [2] - 9:13, 54:7</p> <p>Listen [1] - 8:21</p> <p>live [1] - 64:4</p> <p>LLC [1] - 48:7</p> <p>look [11] - 12:21, 13:7, 19:25, 24:13, 35:6, 40:16, 46:18, 54:19, 57:19, 57:25, 63:15</p> <p>looked [1] - 22:7</p> <p>looking [2] - 15:20, 63:1</p> <p>looks [1] - 55:6</p> <p>lost [4] - 8:1, 10:18, 11:23</p>
<p>H</p>		<p>I</p>	<p>JACQUELINE [4] - 1:17, 1:23, 67:4, 67:15</p> <p>January [1] - 28:20</p> <p>Jersey [7] - 1:17, 1:19, 3:7, 24:15, 26:16, 31:20, 67:5</p> <p>JERSEY [1] - 1:24</p> <p>job [8] - 8:23, 8:25, 9:3, 10:6, 15:2, 59:3, 62:8</p> <p>jobs [1] - 62:2</p> <p>John [2] - 1:13, 38:15</p> <p>Jordan [1] - 59:6</p> <p>jump [2] - 24:4, 30:13</p> <p>June [4] - 10:7, 10:8, 11:16, 11:19</p> <p>junk [1] - 52:10</p>	<p>K</p>
<p>half [4] - 21:5, 21:17, 24:16, 60:3</p> <p>halfway [2] - 11:17, 11:20</p> <p>Hamilton [2] - 29:21, 31:9</p> <p>hand [2] - 43:6, 43:12</p> <p>handbook [1] - 62:17</p> <p>handle [2] - 9:7, 60:8</p> <p>happy [1] - 62:25</p> <p>Happy [1] - 63:13</p> <p>Hard [2] - 25:18, 25:24</p> <p>hard [1] - 27:14</p> <p>headed [1] - 24:7</p> <p>health [2] - 33:8, 64:6</p> <p>hear [6] - 9:1, 53:14, 53:18, 54:3, 55:9, 56:6</p> <p>heard [2] - 46:11, 65:17</p> <p>hearing [3] - 18:4, 18:5, 66:17</p> <p>hearings [3] - 18:8, 43:17, 44:9</p> <p>hefty [1] - 26:22</p> <p>help [1] - 27:11</p> <p>hereby [1] - 67:5</p>		<p>I's [1] - 13:14</p> <p>illegal [1] - 27:18</p> <p>important [1] - 19:22</p> <p>improve [1] - 20:17</p> <p>inclined [1] - 10:25</p> <p>include [1] - 37:2</p> <p>included [4] - 20:6, 22:20, 23:16, 51:15</p> <p>includes [1] - 35:7</p> <p>including [3] - 3:5, 22:21, 36:2</p> <p>increase [12] - 23:4, 23:8, 23:21, 29:2, 30:25, 36:16, 36:18, 36:21, 39:15, 39:18, 42:4</p> <p>increased [2] - 23:9, 37:20</p> <p>increasing [1] - 25:14</p> <p>incur [1] - 47:5</p> <p>individuals [1] - 14:10</p> <p>information [2] - 38:22, 41:20</p> <p>informing [1] - 39:11</p> <p>initial [1] - 57:19</p> <p>input [2] - 38:13, 60:14</p> <p>inservice [1] - 45:16</p> <p>inspection [2] - 45:13, 45:21</p> <p>install [1] - 30:5</p> <p>installation [1] - 30:3</p> <p>instead [1] - 17:20</p> <p>interest [2] - 21:22, 34:8</p> <p>interested [2] - 65:23, 67:10</p> <p>Interior [3] - 52:14, 53:24, 55:14</p> <p>intervene [1] - 17:19</p> <p>introducing [2] - 20:1, 20:13</p> <p>investigate [1] - 11:4</p> <p>investigating [1] - 63:11</p> <p>issue [3] - 30:7, 32:25, 42:18</p> <p>issues [1] - 44:25</p> <p>items [1] - 45:14</p> <p>itself [1] - 45:15</p>	<p>keep [2] - 51:22, 62:18</p> <p>Kelley [3] - 1:10, 14:13, 56:14</p> <p>kept [1] - 61:9</p> <p>Kevin [5] - 59:6, 60:22, 61:25, 62:2, 62:5</p> <p>kind [5] - 15:19, 38:4, 38:6, 53:15, 63:25</p> <p>Kisby [3] - 17:1, 17:2</p> <p>knock [1] - 4:6</p> <p>knowledge [1] - 60:7</p> <p>known [1] - 3:10</p>	<p>L</p>
			<p>labor [2] - 55:19, 65:20</p> <p>Laborer [1] - 60:12</p> <p>labs [1] - 55:20</p> <p>lady [2] - 39:1, 41:10</p> <p>language [1] - 34:8</p> <p>last [26] - 6:11, 9:8, 12:2, 12:11, 15:14, 17:20, 18:17, 19:3, 20:3, 31:20, 37:24, 39:9, 43:6, 43:12, 47:20, 51:13, 53:6, 53:20, 53:22, 54:21, 56:22, 56:23, 57:16, 60:2</p> <p>late [1] - 18:24</p> <p>law [3] - 3:2, 32:25, 33:2</p> <p>laws [6] - 3:10, 23:25, 33:15</p>	

<p>low ^[1] - 31:7 lowered ^[1] - 61:10 Luqua ^[3] - 2:5, 7:24, 12:4 Lyte ^[1] - 48:22</p>	<p>42:7, 42:14, 42:16, 43:22, 44:4, 44:14, 44:20, 47:13, 47:18, 47:23, 48:3, 48:9, 48:16, 48:23, 49:5, 49:12, 49:19, 50:1, 50:8, 56:4, 61:1, 61:6, 61:12, 61:14, 61:19, 62:6, 62:12, 62:18, 62:22, 64:18, 64:25, 65:6 mean ^[5] - 11:12, 24:14, 40:20, 58:2, 58:3 measures ^[1] - 51:21 medical ^[1] - 62:7 meeting ^[19] - 3:2, 3:5, 3:10, 8:8, 9:14, 12:2, 14:19, 14:21, 14:23, 15:14, 18:17, 18:21, 18:25, 19:9, 28:19, 28:24, 34:9, 45:19, 66:20 MEETING ^[1] - 1:1 meetings ^[2] - 3:4, 18:15 member ^[2] - 4:1, 61:4 Member ^[1] - 1:14 members ^[7] - 4:22, 4:23, 11:6, 14:12, 16:5, 16:6, 37:21 men's ^[1] - 9:8 meter ^[1] - 60:15 meters ^[1] - 59:19 might ^[2] - 32:11, 47:6 Mill ^[1] - 52:2 million ^[15] - 20:14, 20:15, 20:19, 21:5, 21:15, 21:16, 21:17, 22:16, 22:18, 22:20, 22:21, 24:16, 45:20, 45:25 Milton ^[1] - 1:12 mine ^[1] - 9:23 minus ^[1] - 20:18 minute ^[1] - 17:20 minutes ^[6] - 4:6, 4:8, 4:21, 14:1, 14:18, 65:12 Miracle ^[2] - 16:9 miscellaneous ^[2] - 16:24, 49:10 mold ^[1] - 47:10 Monday ^[3] - 14:4, 14:16 money ^[11] - 10:9, 21:18, 21:21, 22:22, 24:18, 24:24, 26:22, 34:17, 41:22, 43:3,</p>	<p>43:11 month ^[1] - 60:5 monthly ^[1] - 64:23 months ^[4] - 34:19, 60:2, 60:3, 62:7 morning ^[2] - 4:22, 45:10 most ^[1] - 34:13 motion ^[6] - 4:8, 16:11, 17:3, 43:22, 45:4 movable ^[1] - 20:8 move ^[14] - 4:9, 6:22, 28:7, 43:15, 44:13, 48:8, 48:9, 48:23, 49:12, 50:1, 58:23, 63:3, 64:8, 64:24 Moyle ^[3] - 1:7, 8:7, 9:17 MOYLE ^[80] - 6:10, 6:17, 9:20, 9:22, 11:8, 11:18, 11:22, 12:24, 21:4, 24:3, 24:8, 24:13, 24:21, 26:1, 26:7, 26:12, 26:17, 26:21, 26:25, 27:10, 27:18, 27:23, 29:4, 29:8, 29:12, 29:15, 29:19, 29:22, 29:24, 30:2, 30:5, 30:18, 30:21, 30:24, 31:1, 31:8, 31:14, 32:1, 36:9, 36:12, 47:17, 47:21, 47:25, 50:18, 50:21, 50:25, 51:7, 51:16, 51:20, 52:9, 52:15, 52:20, 53:2, 54:11, 55:7, 55:13, 55:21, 55:25, 56:5, 56:13, 57:7, 57:14, 57:24, 58:5, 58:15, 58:18, 59:6, 59:9, 59:20, 59:24, 60:4, 60:10, 61:5, 61:8, 61:13, 61:16, 62:21, 62:25, 63:12, 63:17 MR ^[606] - 3:1, 3:12, 3:13, 3:14, 3:16, 3:17, 3:18, 3:19, 3:20, 3:21, 3:22, 3:23, 3:24, 4:2, 4:5, 4:7, 4:9, 4:10, 4:11, 4:13, 4:14, 4:15, 4:16, 4:17, 4:18, 4:19, 4:20, 4:21, 4:22, 5:3, 5:4, 5:6, 5:7, 5:9, 5:11, 5:12, 5:13, 5:17, 5:21, 5:23, 5:25, 6:2, 6:5,</p>	<p>6:6, 6:8, 6:10, 6:15, 6:17, 6:19, 6:20, 6:22, 6:23, 6:24, 6:25, 7:1, 7:3, 7:4, 7:5, 7:6, 7:7, 7:8, 7:9, 7:10, 7:11, 7:12, 7:14, 7:16, 7:18, 7:19, 7:24, 8:13, 8:14, 9:20, 9:21, 9:22, 9:24, 10:14, 10:16, 10:18, 10:19, 10:21, 10:23, 10:25, 11:8, 11:13, 11:14, 11:17, 11:18, 11:19, 11:20, 11:21, 11:22, 11:24, 12:1, 12:8, 12:10, 12:12, 12:15, 12:17, 12:18, 12:20, 12:24, 13:1, 13:2, 13:11, 13:13, 13:15, 13:19, 13:21, 13:22, 13:23, 13:24, 13:25, 14:2, 14:3, 14:7, 14:8, 14:12, 14:14, 14:15, 14:16, 14:22, 15:8, 15:12, 15:19, 15:21, 15:23, 15:25, 16:2, 16:4, 16:6, 16:11, 16:12, 16:13, 16:15, 16:16, 16:17, 16:18, 16:19, 16:20, 16:21, 16:22, 16:23, 16:24, 17:3, 17:4, 17:5, 17:7, 17:8, 17:9, 17:10, 17:11, 17:12, 17:13, 17:14, 17:15, 17:16, 18:1, 18:2, 18:3, 18:5, 18:10, 18:12, 18:13, 18:14, 18:16, 18:18, 18:19, 18:20, 18:22, 19:1, 19:6, 19:7, 19:11, 19:12, 19:13, 19:19, 19:20, 19:21, 20:8, 20:23, 21:4, 21:6, 21:10, 21:18, 21:24, 22:1, 22:5, 22:9, 22:10, 22:14, 22:23, 23:4, 23:19, 24:3, 24:6, 24:8, 24:11, 24:13, 24:19, 24:21, 24:25, 25:10, 25:17, 25:21, 25:23, 26:1, 26:5, 26:7, 26:10, 26:12, 26:17, 26:18, 26:19, 26:21, 26:23, 26:25, 27:5, 27:8, 27:10, 27:12, 27:15, 27:18, 27:19, 27:21, 27:23, 27:25, 28:1, 28:3, 28:5,</p>	<p>28:6, 28:8, 28:10, 28:11, 28:12, 28:14, 28:18, 28:23, 29:4, 29:6, 29:8, 29:10, 29:12, 29:14, 29:15, 29:19, 29:22, 29:24, 30:2, 30:5, 30:7, 30:11, 30:12, 30:14, 30:16, 30:17, 30:18, 30:21, 30:23, 30:24, 30:25, 31:1, 31:2, 31:5, 31:6, 31:8, 31:11, 31:14, 31:22, 31:23, 31:24, 32:1, 32:4, 32:6, 32:10, 32:13, 32:18, 32:20, 32:24, 33:18, 33:20, 33:21, 33:23, 34:2, 34:5, 34:10, 34:13, 34:15, 34:22, 34:24, 35:1, 35:3, 35:11, 35:14, 35:19, 35:23, 36:5, 36:9, 36:11, 36:12, 36:16, 36:20, 36:24, 36:25, 37:5, 37:8, 37:10, 37:12, 37:23, 37:25, 38:7, 38:15, 38:17, 38:19, 39:2, 39:5, 39:18, 39:20, 39:25, 40:3, 40:18, 40:21, 40:23, 40:25, 41:2, 41:6, 41:11, 41:17, 41:20, 41:25, 42:7, 42:11, 42:12, 42:13, 42:14, 42:15, 42:16, 42:17, 42:20, 42:22, 42:24, 42:25, 43:2, 43:6, 43:9, 43:12, 43:14, 43:18, 43:19, 43:20, 43:21, 43:22, 43:23, 43:24, 44:1, 44:2, 44:3, 44:4, 44:5, 44:6, 44:7, 44:8, 44:9, 44:10, 44:11, 44:13, 44:14, 44:15, 44:17, 44:18, 44:19, 44:20, 44:21, 44:22, 44:23, 44:24, 44:25, 45:4, 45:5, 45:7, 45:8, 45:10, 46:21, 46:22, 47:13, 47:15, 47:17, 47:18, 47:19, 47:21, 47:23, 47:25, 48:3, 48:4, 48:9, 48:10, 48:11, 48:13, 48:14, 48:15, 48:16, 48:17, 48:18, 48:19, 48:20, 48:21, 48:23, 48:24, 48:25, 49:2, 49:3, 49:4, 49:5,</p>
---	--	--	--	---

<p>49:6, 49:7, 49:8, 49:9, 49:10, 49:12, 49:14, 49:16, 49:17, 49:18, 49:19, 49:20, 49:21, 49:22, 49:23, 49:24, 50:1, 50:2, 50:3, 50:5, 50:6, 50:7, 50:8, 50:9, 50:10, 50:11, 50:12, 50:13, 50:17, 50:18, 50:21, 50:24, 50:25, 51:5, 51:7, 51:16, 51:20, 52:8, 52:9, 52:12, 52:14, 52:15, 52:17, 52:20, 53:2, 53:3, 53:4, 53:5, 53:8, 53:14, 53:17, 53:18, 53:23, 54:7, 54:11, 54:13, 54:14, 54:17, 54:19, 54:23, 54:24, 55:2, 55:7, 55:9, 55:13, 55:17, 55:19, 55:21, 55:25, 56:2, 56:4, 56:5, 56:13, 56:20, 56:21, 56:23, 57:1, 57:4, 57:7, 57:14, 57:16, 57:21, 57:23, 57:24, 57:25, 58:2, 58:3, 58:5, 58:7, 58:8, 58:9, 58:11, 58:15, 58:17, 58:18, 58:21, 58:24, 59:1, 59:6, 59:7, 59:9, 59:10, 59:11, 59:12, 59:13, 59:15, 59:17, 59:20, 59:22, 59:24, 60:2, 60:4, 60:6, 60:10, 60:16, 60:20, 61:1, 61:4, 61:5, 61:6, 61:8, 61:12, 61:13, 61:14, 61:15, 61:16, 61:17, 61:19, 61:21, 61:23, 61:24, 61:25, 62:4, 62:6, 62:10, 62:12, 62:16, 62:18, 62:19, 62:21, 62:22, 62:25, 63:1, 63:3, 63:4, 63:6, 63:9, 63:12, 63:14, 63:15, 63:16, 63:17, 63:21, 63:25, 64:2, 64:3, 64:8, 64:10, 64:12, 64:13, 64:15, 64:16, 64:17, 64:18, 64:19, 64:20, 64:21, 64:22, 64:23, 64:24, 64:25, 65:1, 65:3, 65:4, 65:5, 65:6, 65:7, 65:8, 65:9, 65:10, 65:11, 65:12, 65:16,</p>	<p>66:1, 66:3, 66:4, 66:7, 66:10, 66:11, 66:12, 66:14, 66:16, 66:19 MS [120] - 3:15, 4:12, 7:2, 11:9, 11:16, 13:14, 16:14, 17:6, 17:18, 17:23, 17:24, 17:25, 18:24, 19:3, 19:16, 19:23, 20:10, 21:8, 21:11, 21:20, 22:3, 22:7, 22:12, 22:15, 22:18, 22:20, 22:21, 22:25, 23:8, 23:23, 24:5, 25:2, 25:13, 25:20, 25:25, 26:3, 26:8, 26:15, 27:7, 28:16, 28:20, 29:1, 29:17, 29:21, 29:23, 29:25, 30:3, 30:15, 30:20, 31:18, 32:5, 32:8, 32:16, 35:5, 35:15, 35:21, 35:25, 36:13, 36:18, 36:23, 37:3, 37:7, 37:13, 38:2, 38:9, 38:21, 39:4, 39:7, 39:10, 39:13, 39:19, 39:23, 40:1, 40:20, 41:13, 41:19, 41:22, 42:1, 42:8, 43:16, 43:25, 44:16, 48:12, 49:1, 49:13, 49:15, 50:4, 50:16, 50:20, 51:13, 51:19, 52:24, 53:6, 53:9, 53:11, 53:13, 53:16, 53:20, 53:21, 54:16, 54:21, 55:1, 55:24, 56:11, 56:14, 56:16, 56:18, 56:24, 57:12, 58:13, 59:25, 60:13, 62:9, 63:7, 63:18, 63:23, 64:6, 64:9, 64:14, 65:2 MUA [1] - 8:1 MUAs [1] - 29:17 multitasking [1] - 62:4 MUNICIPAL [2] - 1:1, 1:18 MUNIM [6] - 5:12, 5:17, 5:23, 6:2, 7:14, 7:18 Munim [2] - 2:4, 5:5 Munim's [1] - 5:7</p>	<p>NAACP [1] - 9:9 name [3] - 17:2, 32:4, 41:23 Nammour [2] - 4:25, 48:5 necessarily [1] - 47:2 necessary [3] - 5:1, 5:16, 25:11 need [11] - 15:4, 18:20, 18:22, 28:15, 32:6, 32:13, 35:12, 35:19, 52:6, 60:13, 66:1 needed [1] - 60:9 needs [3] - 45:14, 45:24, 46:6 negative [1] - 20:18 negotiate [2] - 34:1, 56:9 negotiation [1] - 33:22 negotiations [1] - 62:13 net [1] - 20:15 never [4] - 14:9, 51:9, 51:25, 55:22 New [8] - 1:17, 1:19, 3:7, 24:15, 26:16, 31:20, 48:1, 67:5 NEW [1] - 1:24 new [13] - 15:23, 25:11, 25:23, 26:15, 28:12, 28:13, 32:4, 32:14, 32:18, 52:1, 59:3, 60:6 next [19] - 7:19, 19:4, 21:12, 21:15, 23:1, 25:13, 25:14, 27:17, 28:18, 31:3, 31:18, 42:4, 46:14, 51:15, 53:8, 53:9, 55:2, 57:6, 59:15 nice [4] - 43:8, 58:17, 58:18, 58:22 night [1] - 14:16 Nimer [2] - 4:25, 48:5 nine [1] - 48:4 NJEIT [1] - 20:19 normal [1] - 51:7 North [2] - 1:18, 3:6 NORTHFIELD [1] - 1:24 note [2] - 12:12, 45:1 nothing [10] - 10:4, 11:24, 19:16, 51:18, 52:21, 52:23, 54:12, 54:13, 63:19, 63:22 notice [4] - 3:1, 3:5, 3:8, 32:2 November [4] - 18:7,</p>	<p>19:6, 44:11, 67:18 number [16] - 4:24, 12:6, 12:7, 13:16, 14:19, 16:2, 20:8, 25:9, 32:18, 35:11, 40:5, 40:8, 41:8, 41:12, 49:25, 54:2 numbers [1] - 32:14</p>	<p>open [1] - 3:10 operating [2] - 20:11, 22:19 operation [1] - 15:9 operations [1] - 15:5 opinion [7] - 9:20, 9:21, 15:5, 40:17, 40:25, 41:1, 52:10 OPRA [4] - 38:22, 38:23, 40:5, 41:3 option [3] - 11:10, 11:11, 11:13 optional [1] - 27:20 options [1] - 27:1 order [1] - 41:9 organization [2] - 40:7, 40:8 outrageous [1] - 29:5 overcharged [1] - 39:2 overcharging [1] - 26:11 overhead [1] - 55:24</p>
		O		
		<p>o'clock [1] - 8:18 Obama [2] - 55:15, 55:18 objection [4] - 4:9, 66:16, 66:17, 66:18 obligated [4] - 57:4, 57:20, 58:4, 66:8 obligation [1] - 47:24 ocean [2] - 51:23, 52:7 oceans [1] - 52:4 October [6] - 1:3, 3:6, 14:4, 54:1, 54:25, 55:8 OF [1] - 1:1 office [1] - 5:18 offs [1] - 14:20 offset [2] - 27:11, 30:10 old [2] - 46:25 Old [1] - 16:7 once [1] - 58:15 one [58] - 3:25, 4:25, 5:25, 6:5, 6:11, 6:13, 6:16, 6:18, 9:8, 9:24, 11:9, 11:10, 15:8, 18:17, 19:3, 19:4, 19:9, 19:17, 23:5, 24:11, 26:20, 27:8, 27:16, 29:20, 31:3, 31:22, 31:23, 31:24, 31:25, 35:23, 37:14, 37:20, 39:24, 39:25, 40:2, 40:5, 42:1, 45:20, 45:21, 45:25, 46:17, 46:23, 50:18, 51:7, 52:25, 53:6, 53:16, 56:25, 57:7, 58:11, 58:13, 60:5, 60:6, 62:7, 66:4 one's [1] - 34:17 one-sided [1] - 57:7 one-time [3] - 31:23, 31:24, 31:25 one-year [2] - 31:3, 45:21 ones [1] - 41:16 online [2] - 25:12, 32:1</p>		
		P		
		<p>package [4] - 21:8, 35:15, 51:15, 56:12 page [6] - 20:12, 36:14, 38:24, 40:10, 41:5, 63:8 PAGE [1] - 2:3 paid [6] - 25:20, 25:21, 26:17, 33:3, 39:3, 39:13 paragraph [1] - 17:21 Park [1] - 46:12 parks [1] - 55:15 part [1] - 32:15 partially [1] - 15:15 particular [3] - 46:4, 46:23, 47:7 parties [1] - 67:7 party [1] - 41:17 pass [1] - 45:11 passed [2] - 42:21, 43:3 passes [1] - 42:19 passing [2] - 51:22, 52:5 past [2] - 25:8, 41:11 Patricia [1] - 1:15 pay [30] - 11:2, 23:11, 23:12, 25:25, 33:2, 33:6, 33:17, 33:24, 34:14, 37:1, 39:14, 42:20, 51:1, 51:4, 51:6, 51:11, 51:14, 51:17, 52:10, 53:7, 53:16, 54:14, 54:17,</p>		
N				
<p>N-1 [1] - 36:14 N-1303 [1] - 35:6</p>				

<p>54:22, 55:6, 55:22, 57:17, 58:12, 58:20</p> <p>paying [13] - 10:7, 26:1, 26:3, 43:14, 51:12, 52:18, 52:23, 54:10, 54:11, 54:13, 55:13, 64:4, 64:6</p> <p>payment [3] - 20:7, 33:13, 54:1</p> <p>payroll [1] - 61:10</p> <p>penalize [1] - 24:23</p> <p>pending [1] - 39:12</p> <p>people [4] - 10:1, 41:1, 55:14, 58:21</p> <p>per [4] - 23:5, 40:10, 41:5, 47:10</p> <p>percent [12] - 19:24, 20:3, 20:10, 23:8, 23:10, 23:16, 32:23, 33:1, 33:24, 34:3, 34:6, 42:4</p> <p>perhaps [2] - 25:10, 27:16</p> <p>person [4] - 8:20, 9:1, 33:12, 39:25</p> <p>personal [3] - 15:5, 62:7, 63:18</p> <p>personnel [3] - 14:18, 14:23, 15:14</p> <p>Pham [6] - 48:7, 58:25, 59:2, 59:5, 59:25, 61:2</p> <p>Pham's [1] - 63:10</p> <p>photos [1] - 45:11</p> <p>pick [1] - 56:2</p> <p>picking [1] - 27:10</p> <p>place [2] - 24:22, 33:6</p> <p>placement [1] - 45:16</p> <p>places [1] - 24:14</p> <p>plan [2] - 21:1, 21:2</p> <p>plant [4] - 10:15, 10:17, 12:4, 13:17</p> <p>plate [1] - 46:17</p> <p>Pleasantville [4] - 8:3, 8:21, 10:3, 10:15</p> <p>plumber [2] - 5:18, 5:20</p> <p>plumbing [1] - 16:25</p> <p>plus [3] - 30:3, 36:3, 60:5</p> <p>point [1] - 52:4</p> <p>pointing [1] - 38:5</p> <p>policy [1] - 62:23</p> <p>politically [1] - 28:10</p> <p>polymer [1] - 48:22</p> <p>popped [1] - 32:2</p> <p>position [4] - 20:15, 34:11, 34:25, 35:4</p> <p>positive [1] - 46:17</p>	<p>possibility [1] - 33:18</p> <p>possibly [1] - 26:20</p> <p>posted [1] - 3:8</p> <p>power [1] - 22:11</p> <p>present [3] - 3:13, 3:15, 10:11</p> <p>presentation [1] - 65:18</p> <p>presenting [1] - 39:8</p> <p>president [3] - 55:18, 57:12, 57:14</p> <p>Press [1] - 3:3</p> <p>pretty [2] - 24:1, 47:22</p> <p>price [2] - 39:6, 56:5</p> <p>problem [12] - 5:6, 6:22, 8:2, 9:14, 9:15, 10:20, 13:3, 14:23, 26:11, 26:12, 27:12, 61:5</p> <p>problems [2] - 13:4, 47:9</p> <p>procedure [1] - 6:6</p> <p>proceed [1] - 16:7</p> <p>proceeding [1] - 13:25</p> <p>project [2] - 25:15, 46:16</p> <p>projected [2] - 36:16, 36:21</p> <p>projecting [2] - 21:16, 26:6</p> <p>projects [6] - 21:12, 22:17, 22:23, 23:1, 25:5, 46:9</p> <p>properties [1] - 28:13</p> <p>property [1] - 5:14</p> <p>provide [3] - 31:12, 37:15, 41:20</p> <p>provided [2] - 3:2, 33:16</p> <p>provision [1] - 34:7</p> <p>PUBLIC [1] - 2:3</p> <p>public [10] - 3:10, 4:23, 16:6, 18:14, 18:17, 18:18, 38:22, 40:6, 43:17, 44:9</p> <p>publics [1] - 18:23</p> <p>punch [1] - 45:13</p> <p>purchasing [1] - 30:9</p> <p>pursue [2] - 46:17, 56:4</p> <p>put [9] - 10:14, 32:11, 40:9, 40:11, 51:1, 51:24, 58:10, 60:8, 62:16</p> <p>putting [2] - 45:6, 62:13</p>	<p style="text-align: center;">Q</p> <p>quarter [2] - 23:5, 23:9</p> <p>questions [4] - 20:22, 23:2, 28:25, 36:6</p> <p>quick [1] - 17:19</p> <p>quite [3] - 8:15, 34:5, 34:15</p> <p style="text-align: center;">R</p> <p>rate [9] - 20:17, 21:22, 23:9, 23:13, 35:7, 35:23, 36:2, 42:9, 42:10</p> <p>rates [3] - 23:5, 23:10, 26:11</p> <p>rather [2] - 19:22, 61:3</p> <p>rating [1] - 20:20</p> <p>read [2] - 8:10, 27:1</p> <p>readings [1] - 60:15</p> <p>ready [1] - 56:18</p> <p>real [2] - 17:19, 26:12</p> <p>really [9] - 12:22, 25:1, 28:11, 43:7, 51:18, 54:12, 56:10, 61:20, 62:4</p> <p>reason [3] - 22:3, 31:21, 34:21</p> <p>reasons [1] - 35:16</p> <p>rebid [1] - 11:7</p> <p>recap [1] - 45:18</p> <p>receipt [1] - 5:19</p> <p>recommend [1] - 14:24</p> <p>record [3] - 36:25, 38:4, 45:6</p> <p>rectified [1] - 45:15</p> <p>reduce [1] - 37:21</p> <p>reduction [1] - 7:13</p> <p>reexamine [1] - 31:3</p> <p>refers [2] - 54:20, 57:18</p> <p>reflects [1] - 20:2</p> <p>regard [1] - 4:7</p> <p>regarding [3] - 23:19, 37:1, 39:12</p> <p>regards [1] - 46:1</p> <p>regular [1] - 3:5</p> <p>regularly [2] - 3:3, 26:4</p> <p>regulations [2] - 39:8, 45:1</p> <p>reinspection [1] - 46:5</p> <p>related [1] - 38:22</p> <p>relative [2] - 67:6, 67:8</p> <p>remains [1] - 42:9</p> <p>remember [4] - 21:3, 34:9, 56:2, 61:9</p>	<p>renew [4] - 11:10, 11:11, 11:12, 12:18</p> <p>repair [3] - 5:17, 45:23, 45:24</p> <p>repairing [1] - 47:7</p> <p>repairs [4] - 5:15, 47:1, 49:11</p> <p>replace [2] - 47:4, 59:4</p> <p>replacement [5] - 21:2, 45:12, 46:10, 46:11, 46:13</p> <p>reply [2] - 39:16, 41:10</p> <p>report [5] - 13:15, 14:1, 14:3, 35:11, 45:9</p> <p>reported [2] - 65:20, 65:22</p> <p>Reporter [3] - 1:17, 67:5, 67:16</p> <p>REPORTER [1] - 1:23</p> <p>reports [1] - 14:20</p> <p>representative [1] - 43:5</p> <p>represents [1] - 20:7</p> <p>request [2] - 38:23, 41:3</p> <p>requesting [1] - 37:20</p> <p>require [2] - 34:6, 34:16</p> <p>required [2] - 3:2, 5:14</p> <p>requires [2] - 32:25, 33:2</p> <p>requiring [1] - 53:25</p> <p>reserve [1] - 33:1</p> <p>reservoir [1] - 46:16</p> <p>residence [1] - 30:1</p> <p>residential [6] - 23:4, 23:10, 26:9, 26:11, 27:13, 28:13</p> <p>resolution [7] - 16:25, 17:17, 18:6, 18:9, 19:8, 51:14</p> <p>resolutions [2] - 66:2, 66:3</p> <p>respect [1] - 65:21</p> <p>respond [1] - 61:2</p> <p>rest [3] - 8:20, 11:5, 28:24</p> <p>result [3] - 3:25, 13:18, 51:3</p> <p>revenue [1] - 46:19</p> <p>revenues [3] - 20:2, 23:15, 33:1</p> <p>review [6] - 13:12, 13:21, 40:5, 40:15, 57:19, 66:9</p> <p>reviewing [1] - 65:23</p> <p>revised [1] - 42:15</p>	<p>rewriting [1] - 62:13</p> <p>rid [4] - 11:21, 11:22, 55:15, 55:16</p> <p>rightfully [1] - 32:21</p> <p>rip [4] - 50:21, 53:2, 55:25, 56:1</p> <p>rip-off [3] - 50:21, 55:25, 56:1</p> <p>rising [1] - 52:5</p> <p>ROAD [1] - 1:24</p> <p>road [1] - 34:17</p> <p>Rock [2] - 25:18, 25:24</p> <p>roll [1] - 3:11</p> <p>roof [4] - 46:21, 47:1, 47:4, 47:7</p> <p>room [2] - 3:7, 44:12</p> <p>rough [1] - 46:7</p> <p>roughly [1] - 30:14</p> <p>rules [2] - 39:7, 45:1</p> <p>ruling [2] - 38:8, 38:9</p> <p style="text-align: center;">S</p> <p>sake [1] - 31:6</p> <p>salute [2] - 4:3, 4:4</p> <p>sanctions [2] - 54:17, 56:4</p> <p>satisfactory [1] - 60:23</p> <p>SCADA [1] - 46:11</p> <p>scam [1] - 56:1</p> <p>schedule [2] - 36:1</p> <p>scheduled [2] - 3:4, 3:5</p> <p>scheme [1] - 24:21</p> <p>se [1] - 47:10</p> <p>second [18] - 4:10, 5:12, 6:9, 6:25, 16:12, 17:4, 17:21, 18:3, 18:4, 18:20, 43:23, 44:14, 48:10, 48:24, 49:13, 50:2, 64:9, 64:25</p> <p>see [11] - 14:10, 20:12, 21:6, 21:9, 26:6, 27:23, 34:18, 46:8, 50:18, 57:5, 59:4</p> <p>seeing [1] - 66:17</p> <p>sell [1] - 6:14</p> <p>send [7] - 33:12, 40:12, 54:23, 55:3, 55:4, 55:12, 56:8</p> <p>sending [1] - 33:7</p> <p>sense [1] - 6:19</p> <p>sensor [1] - 52:1</p> <p>sent [5] - 3:8, 12:3, 33:9, 54:16, 55:22</p> <p>separate [2] - 18:6,</p>
--	--	---	---	--

<p>18:9 service [5] - 7:20, 30:6, 31:12, 39:24, 51:11 services [1] - 39:15 Services [1] - 50:14 Session [4] - 65:11, 65:14, 65:17, 65:25 session [1] - 65:16 set [2] - 18:1, 40:7 seventeen [2] - 12:24, 12:25 several [1] - 46:25 Sewer [1] - 42:2 shall [5] - 24:4, 29:12, 29:13, 29:14, 29:15 shame [1] - 52:22 share [1] - 41:1 sheets [1] - 12:3 Shore [1] - 17:1 short [1] - 60:22 shot [3] - 61:22, 61:23 shows [2] - 28:8, 62:22 shut [1] - 14:20 sided [1] - 57:7 sides [1] - 33:16 sign [4] - 54:16, 55:1, 56:21, 57:5 Signature [1] - 41:23 signed [9] - 53:25, 54:1, 54:21, 54:25, 55:3, 55:4, 55:7, 55:8, 57:16 similar [1] - 23:25 simply [1] - 45:1 sites [1] - 22:19 sitting [1] - 9:25 six [3] - 16:3, 60:2, 62:7 skills [2] - 60:18, 60:19 slipped [1] - 51:10 small [1] - 20:5 SMITH [114] - 3:1, 3:23, 4:2, 4:9, 4:20, 5:3, 5:6, 5:9, 5:21, 5:25, 6:6, 6:22, 6:24, 7:10, 8:13, 10:14, 10:18, 10:21, 10:25, 11:14, 11:21, 12:8, 12:15, 12:18, 13:2, 13:23, 14:12, 14:22, 15:12, 15:21, 15:25, 16:4, 16:22, 17:14, 18:10, 21:18, 21:24, 22:10, 22:14, 25:17, 25:21, 27:15, 29:6, 29:10, 30:12, 30:16,</p>	<p>33:18, 35:1, 37:10, 38:15, 39:2, 39:5, 42:11, 42:13, 42:15, 42:20, 42:24, 43:2, 43:9, 43:14, 44:8, 44:24, 45:10, 46:22, 47:15, 47:19, 48:10, 48:20, 49:9, 49:23, 50:12, 52:8, 52:12, 52:17, 53:3, 53:5, 53:14, 53:17, 54:7, 54:14, 55:9, 55:17, 56:2, 57:1, 58:17, 58:21, 59:1, 59:7, 59:10, 59:12, 59:15, 60:6, 60:16, 61:15, 61:21, 61:24, 62:4, 62:10, 62:16, 62:19, 63:3, 63:6, 63:9, 63:21, 63:25, 64:3, 64:8, 64:22, 64:24, 65:10, 65:12, 66:4, 66:12, 66:19 Smith [21] - 1:9, 1:12, 3:22, 4:19, 4:23, 7:9, 8:10, 14:25, 15:20, 16:21, 17:13, 44:7, 44:23, 45:8, 48:19, 49:8, 49:22, 50:11, 64:21, 65:9 sodium [2] - 16:8, 16:10 soft [1] - 28:1 software [1] - 38:12 Solicitor [1] - 1:8 solicitor [5] - 33:14, 40:4, 40:15, 53:19, 66:5 solo [1] - 36:12 someone [3] - 38:18, 38:19, 59:10 sometime [1] - 8:5 sometimes [1] - 36:6 sorry [4] - 5:4, 17:18, 18:7, 20:24 sort [2] - 34:18, 34:20 sounds [1] - 8:13 soup [2] - 32:24, 33:5 special [2] - 24:19, 63:17 spending [1] - 10:9 spent [1] - 21:14 spills [1] - 52:2 spillway [2] - 50:22, 51:22 spots [1] - 46:7 staff [1] - 40:12 staffing [1] - 40:9 standard [1] - 41:9</p>	<p>Stanley [1] - 59:11 start [4] - 15:21, 27:10, 54:8, 61:19 state [5] - 23:17, 33:10, 36:15, 55:15, 65:23 State [2] - 1:17, 67:5 state's [1] - 52:15 States [1] - 50:13 statute [12] - 33:23, 34:1, 34:2, 34:6, 34:7, 40:5, 40:7, 40:16, 54:5, 54:20, 66:8, 66:9 statutes [2] - 53:24, 57:18 stay [2] - 7:15, 9:2 step [1] - 59:14 still [14] - 20:17, 22:8, 25:5, 26:1, 26:3, 30:9, 31:9, 32:8, 37:1, 37:8, 45:24, 51:3, 60:11, 64:4 Stockton [1] - 25:19 stop [1] - 33:7 story [1] - 55:18 straight [1] - 32:3 strange [1] - 33:5 strong [3] - 34:11, 34:25, 35:4 structure [2] - 35:7, 36:2 stuff [2] - 27:2, 51:2 submit [3] - 23:16, 28:16, 36:14 submitted [2] - 19:15, 23:25 substantial [1] - 24:12 subtract [1] - 6:17 succeed [1] - 37:5 suggest [5] - 15:10, 26:23, 27:21, 27:22, 40:3 suggestion [3] - 35:1, 40:14, 52:9 supplies [1] - 55:20 supply [1] - 61:7 supposed [5] - 13:9, 33:17, 48:1, 51:22, 54:24 surplus [1] - 37:7 surrender [1] - 6:15 survey [1] - 52:16 system [2] - 46:12, 60:15</p>	<p>table [11] - 9:25, 14:9, 14:10, 52:10, 53:11, 55:5, 56:18, 58:11, 58:12, 58:13, 63:10 tabled [1] - 66:10 TAKEN [1] - 1:17 takeover [1] - 33:10 tank [4] - 45:20, 45:25, 46:3, 46:5 technical [1] - 60:14 ten [1] - 23:16 Ten [1] - 32:1 term [1] - 60:22 terminate [3] - 57:22, 57:23, 58:2 terms [4] - 30:8, 40:9, 46:7, 46:9 Thapa [1] - 1:9 THAPA [73] - 18:24, 19:3, 19:16, 19:23, 20:10, 21:8, 21:11, 21:20, 22:3, 22:7, 22:18, 22:21, 22:25, 23:8, 23:23, 24:5, 25:2, 25:13, 25:20, 25:25, 26:3, 26:8, 27:7, 28:16, 28:20, 29:1, 29:17, 29:21, 29:23, 29:25, 30:3, 30:15, 30:20, 31:18, 32:5, 32:8, 35:5, 35:15, 35:21, 35:25, 36:13, 36:18, 36:23, 37:3, 37:13, 38:2, 38:9, 38:21, 39:4, 39:7, 39:13, 39:19, 39:23, 40:1, 40:20, 41:13, 41:19, 41:22, 42:1, 42:8, 51:13, 51:19, 52:24, 53:6, 53:9, 53:13, 53:16, 53:20, 54:16, 54:21, 56:11, 56:14, 60:13 theirs [1] - 31:15 they've [2] - 10:6, 51:25 thinking [1] - 15:13 thousand [1] - 50:22 three [5] - 6:4, 34:19, 37:19, 39:22, 47:17 threw [1] - 52:1 Tiffyne [1] - 58:25 tiles [1] - 47:10 TILTON [1] - 1:24 Tina [1] - 8:21 tired [1] - 59:1 title [3] - 15:10, 41:19, 41:21 today [8] - 3:24, 8:17,</p>	<p>8:18, 10:1, 10:12, 20:1, 46:11, 61:16 together [4] - 40:9, 40:11, 48:8, 64:11 ton [1] - 27:24 top [1] - 38:24 total [4] - 20:2, 20:4, 20:11, 56:1 totally [1] - 11:3 towards [2] - 20:7, 38:5 towers [2] - 15:3 towns [1] - 34:13 Township [2] - 29:21, 31:9 tradeoff [1] - 42:17 train [1] - 59:10 trainer [1] - 62:1 training [3] - 59:11, 61:20, 62:3 transfer [2] - 13:18, 37:15 transport [2] - 38:13, 43:4 tread [1] - 34:23 treading [1] - 34:21 Treasurer [1] - 1:13 Trenton [1] - 48:1 tried [1] - 47:1 Tropicana [1] - 14:5 true [3] - 11:1, 36:11, 37:18 trying [2] - 43:7, 55:17 turn [1] - 59:22 Turner [5] - 2:5, 7:20, 7:22, 7:24, 12:5 TURNER [11] - 7:24, 8:14, 9:21, 9:24, 10:16, 10:19, 11:19, 12:17, 12:20, 13:1, 13:24 turning [1] - 59:17 twenty [1] - 29:8 twenty-five [1] - 29:8 two [26] - 9:17, 15:6, 18:8, 18:22, 19:5, 19:24, 20:3, 21:12, 22:16, 22:23, 22:25, 23:8, 29:8, 33:4, 34:19, 37:19, 37:24, 39:21, 42:5, 44:25, 58:24, 60:3, 61:8, 61:11, 62:2, 62:14 typically [1] - 19:1</p>
U				
<p>under [6] - 12:22, 15:1, 32:12, 33:10,</p>				

<p>52:2, 61:17 understood [2] - 42:24, 60:16 union [1] - 61:4 unions [1] - 65:22 unique [1] - 33:6 United [1] - 50:13 unless [1] - 40:23 unlimited [1] - 62:20 unnecessary [1] - 48:6 unpaid [3] - 61:13, 64:2, 64:3 unrestricted [1] - 20:15 unretained [1] - 33:1 up [43] - 9:11, 10:1, 15:4, 15:6, 19:14, 20:20, 21:13, 21:16, 22:1, 22:2, 22:7, 22:9, 24:9, 25:3, 25:4, 25:6, 25:7, 25:8, 25:16, 26:17, 26:20, 27:11, 28:22, 29:4, 31:21, 36:6, 39:16, 40:16, 41:8, 41:15, 42:6, 42:22, 46:15, 51:1, 52:1, 53:2, 54:19, 55:9, 57:1, 59:14, 59:15, 60:24 upcoming [1] - 47:3 update [2] - 50:14, 50:16 updated [1] - 45:1 updating [1] - 50:19 upfront [1] - 30:8 upgrade [1] - 46:12 upstairs [1] - 10:1 usage [2] - 25:4, 28:21 UTILITIES [2] - 1:1, 1:18</p>	<p>W</p>	<p>1:14 WILLIAMS [6] - 17:18, 17:24, 43:16, 56:16, 56:24, 63:7 Williams [1] - 1:10 willing [1] - 27:22 windfall [1] - 37:6 won [1] - 41:15 words [2] - 12:8, 12:19 workers [1] - 46:2 workers' [1] - 59:24 worth [1] - 56:10 wrist [1] - 59:20</p>
<p>V</p>		<p>X</p>
<p>Valley [1] - 63:13 variances [1] - 23:15 various [1] - 57:18 Venice [1] - 46:12 verbally [1] - 56:7 Vice [1] - 1:13 violation [1] - 12:13 Virginia [2] - 1:18, 3:6 vote [8] - 28:15, 32:6, 32:7, 32:16, 42:16, 45:5, 63:1, 66:14 voted [1] - 57:15 voting [2] - 4:1, 37:10</p>	<p>wait [4] - 18:2, 34:18, 35:1, 57:5 walked [1] - 8:19 wand [1] - 60:11 wants [1] - 15:10 Ward [1] - 1:7 ward [2] - 8:8, 46:15 WARD [77] - 4:5, 4:22, 5:4, 5:7, 5:11, 5:13, 6:20, 7:12, 7:16, 7:19, 12:1, 12:10, 13:15, 13:25, 14:3, 14:8, 14:16, 15:8, 16:2, 16:6, 16:24, 17:16, 18:5, 18:12, 18:19, 19:7, 19:13, 20:8, 23:4, 28:1, 30:7, 32:10, 32:24, 33:21, 40:3, 40:21, 40:25, 41:6, 41:20, 42:25, 43:19, 43:21, 44:9, 44:11, 44:25, 45:5, 45:8, 46:21, 48:4, 48:21, 49:10, 49:24, 50:13, 50:17, 50:24, 51:5, 53:18, 54:17, 58:24, 59:11, 59:13, 59:17, 59:22, 60:2, 60:20, 61:25, 63:1, 63:4, 63:16, 64:2, 64:12, 64:23, 65:11, 65:16, 66:3, 66:10, 66:14 Water [2] - 31:20, 31:25 water [22] - 5:18, 9:10, 15:3, 21:2, 21:14, 27:11, 30:9, 32:22, 33:3, 33:7, 33:9, 33:16, 34:12, 34:21, 34:23, 43:15, 46:13, 52:2, 52:6, 59:18, 59:23 wave [1] - 60:11 Weber [1] - 1:8 WEBER [13] - 14:15, 34:15, 34:24, 35:3, 36:5, 36:11, 57:21, 57:25, 58:3, 58:8, 61:4, 61:17, 63:15 Wednesday [1] - 1:3 week [3] - 9:8, 12:11, 18:17 weekly [1] - 38:24 wet [1] - 47:9 Whereas [1] - 17:22 whole [2] - 9:4, 35:17 William [2] - 1:14,</p>	<p>XIO1786 [1] - 1:18 XIO1786 [1] - 67:16</p>
<p>V</p>		<p>Y</p>
		<p>yard [1] - 60:9 year [63] - 5:23, 11:8, 11:9, 11:10, 11:11, 15:22, 19:3, 19:4, 20:4, 21:2, 21:12, 21:15, 23:1, 23:6, 23:7, 25:13, 25:14, 27:8, 27:16, 27:17, 28:2, 28:5, 28:21, 31:3, 31:4, 31:18, 31:20, 35:24, 40:1, 42:5, 43:1, 43:6, 43:12, 45:21, 46:14, 47:3, 50:22, 50:23, 50:24, 51:13, 51:14, 51:15, 52:25, 53:7, 53:8, 53:10, 53:20, 53:22, 54:22, 54:24, 55:2, 55:10, 56:22, 56:23, 58:12, 60:2, 60:3, 61:9, 62:10 year's [1] - 57:17 years [22] - 8:1, 12:16, 13:3, 24:18, 24:22, 33:4, 37:19, 37:24, 39:22, 42:5, 46:25, 47:20, 51:24, 52:19, 52:21, 52:22, 61:8, 62:14 yesterday [2] - 22:2, 46:1 York [1] - 48:1</p>
<p>Z</p>		<p>Z</p>
		<p>ZARRILLO [4] - 1:17, 1:23, 67:4, 67:15 Zeta [1] - 48:22</p>