

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

WEDNESDAY - OCTOBER 23, 2019
COMMENCING AT 10:02 A.M.

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Computer-aided transcript of the Board of Directors Meeting, taken stenographically in the above-entitled matter before Lynda R. Gamon Snelgrove, License No. 30XI0135300, a New Jersey Certified Court Reporter and U.S. Registered Professional Reporter, held at the Atlantic City Municipal Utilities Authority, Conference Room, 401 N. Virginia Avenue, Atlantic City, New Jersey, on Wednesday, October 23, 2019, commencing at 10:02 a.m., there being present:

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BOARD MEMBERS PRESENT:

MILTON L. SMITH, Chairman
PATRICIA BAILEY
WILLIAM CHEATHAM
JOHN DEVLIN
NYNELL LANGFORD

COUNSEL PRESENT:

FRED BOR, ESQUIRE
Attorney for the Atlantic City
Municipal Utilities Authority

ANDREW WEBER, ESQUIRE
Labor Counsel for the Atlantic City
Municipal Utilities Authority

ALSO PRESENT:

G. BRUCE WARD, Executive Director
Atlantic City Municipal Utilities Authority

KELLY WILLIAMS, Executive Secretary
Atlantic City Municipal Utilities Authority

CLAUDE SMITH, Director of Engineering
Atlantic City Municipal Utilities Authority

ANITA THAPA, Assistant Director of
Accounting & Finance
Atlantic City Municipal Utilities Authority

1 (Time noted: 10:02 a.m.)

2

3 CHAIRMAN SMITH: Meeting come to
4 order. Adequate notice of this meeting has been
5 provided as required by law by mailing to The Press a
6 list of the regular scheduled meeting of
7 October 23rd, 2019, at 401 North Virginia Avenue,
8 Conference Room, Atlantic City, New Jersey. Copy of
9 said notice was sent to the city clerk to be posted.
10 All of the aforesaid complies with Chapter 231 of the
11 Laws of 1975, known as Open Public Meetings Law.

12 Roll call.

13 MR. BOR: Okay. It's to be noted
14 that Commissioner Hill is absent today and Alternate
15 McGettigan is also absent.

16 MS. BAILEY: Oh, okay.

17 MR. BOR: So roll call will be
18 Mr. Cheatham?

19 MR. CHEATHAM: Present.

20 MR. BOR: And Ms. Bailey?

21 MS. BAILEY: Present.

22 MR. BOR: Ms. Langford?

23 MS. LANGFORD: Here.

24 MR. BOR: Mr. Devlin?

25 MR. DEVLIN: Here.

1 MR. BOR: Mr. Smith?

2 CHAIRMAN SMITH: Yeah, here.

3 MR. BOR: Quorum.

4 CHAIRMAN SMITH: Pledge.

5 (The Pledge of Allegiance is
6 recited.)

7 CHAIRMAN SMITH: Okay. Let's take
8 the public first.

9 MR. WARD: Okay. We do have members
10 from the public here.

11 Okay. Sir, your name?

12 MR. MARSHALL: James Marshall.

13 MR. WARD: And you're here for an
14 abatement?

15 MR. MARSHALL: Yes.

16 MR. WARD: Yes. Hold on one second.
17 Let me get your page. There's a number of them, so I
18 have to get --

19 MS. WILLIAMS: 9b(2).

20 MR. WARD: b(2). Okay. It's
21 Resolution Agenda Number 9b(2), and this is an
22 abatement request for property owned by James
23 Marshall on 215 Oriental Avenue.

24 Mr. Marshall, was there a leak at
25 that property, sir?

1 MR. MARSHALL: Yes, there was.

2 MR. WARD: And, Mr. Marshall, was
3 that leak repaired by a plumber?

4 MR. MARSHALL: Yes, a plumber and
5 myself.

6 MR. WARD: Oh, okay. Mr. Marshall,
7 have you ever had any prior abatements with this
8 Authority?

9 MR. MARSHALL: No.

10 MR. WARD: Okay. The abatement
11 request is for \$787.38.

12 CHAIRMAN SMITH: Move it.

13 MR. WARD: Is there a second?

14 MR. DEVLIN: Second it.

15 MR. BOR: Mr. Cheatham?

16 MR. CHEATHAM: Yes.

17 MR. BOR: Ms. Bailey?

18 MS. BAILEY: Yes.

19 MR. BOR: Ms. Langford?

20 MS. LANGFORD: Yes.

21 MR. BOR: Mr. Devlin?

22 MR. DEVLIN: Yes.

23 MR. BOR: Mr. Smith?

24 CHAIRMAN SMITH: Yes.

25 MR. BOR: It carries.

1 MR. WARD: Sir, your abatement is
2 approved. Any questions that you may have how it
3 processes, customer service can help you.

4 MR. MARSHALL: That's it?

5 MR. WARD: Yeah, you're approved.

6 MR. MARSHALL: Okay. Well, thank
7 you very much.

8 MR. WARD: Okay. Yes, next, sir.

9 MR. CHAPKO: Stephen Chapko.

10 MR. WARD: Stephen, you're here for
11 an abatement?

12 MR. CHAPKO: Yes.

13 MS. WILLIAMS: That's 9b(3),
14 Mr. Ward.

15 MR. WARD: Stephen Chapko for an
16 abatement for a property located at 2425 Formica's
17 Way.

18 Mr. Chapko, is this -- was this
19 property subject to a leak, sir?

20 MR. CHAPKO: Yes.

21 MR. WARD: And was that leak
22 repaired by a plumber?

23 MR. CHAPKO: Yes.

24 MR. WARD: And, sir, is this your
25 first abatement request?

1 MR. CHAPKO: Yes.

2 MR. WARD: Board members, it's for
3 \$1,015.77.

4 MS. BAILEY: Move it.

5 MR. DEVLIN: Second.

6 MR. BOR: Mr. Cheatham?

7 MR. CHEATHAM: Yes.

8 MR. BOR: Ms. Bailey?

9 MS. BAILEY: Yes.

10 MR. BOR: Ms. Langford?

11 MS. LANGFORD: Yes.

12 MR. BOR: Mr. Devlin?

13 MR. DEVLIN: Yes.

14 MR. BOR: And Mr. Smith?

15 CHAIRMAN SMITH: Yes.

16 MR. WARD: Okay, Mr. Chapko, your
17 abatement request is approved. Any questions you
18 have how it goes credit-wise, they can answer that at
19 customer service.

20 MR. CHAPKO: Thank you very much.

21 MR. WARD: You're welcome.

22 Okay. Good morning Board members,
23 good morning staff. Last night I had the pleasure of
24 attending the MBCA with Commissioner Cheatham and
25 Commissioner Bailey. Here are programs for anyone

1 that wants to read them. Commissioner Hill did quite
2 a job to fill up the Hard Rock ballroom last evening,
3 so it was quite an evening.

4 Other announcements, the Atlantic
5 City Municipal Utilities staff will be presented the
6 Hometown Heroes Award this year by -- I got a tip on
7 that from one of the members of that program. So I'm
8 sure we'll hear more about it, but this has been a
9 repeating award ceremony program by members of the
10 community wishing to highlight individuals, and in
11 this case it's the staff of the ACMUA.

12 MR. DEVLIN: The whole staff?

13 MR. WARD: Pardon?

14 MR. DEVLIN: The whole staff?

15 MR. WARD: That's what he said,
16 staff, yeah.

17 MR. DEVLIN: That's big.

18 MS. BAILEY: Mh-hmm.

19 MR. WARD: The NAACP will be putting
20 on an environmental justice program. I have been
21 selected as one of the panelists. The program will
22 be held in early December. The Board might note that
23 the local NAACP has placed a bid for the 2022
24 national convention here in Atlantic City.

25 MS. BAILEY: Yes.

1 MR. WARD: So we're hopeful that
2 that happens, and that would be equivalent to a
3 \$7 million impact in our environment.

4 MS. BAILEY: Mh-hmm.

5 MR. WARD: Celebrity Deli is an
6 ongoing issue. I've had conversations with Mr. Hill.
7 Mr. Hill, being a member of the CRDA, is going to be
8 setting up a meeting with myself with the CRDA.
9 There are some continuing issues in terms of how that
10 property was put into service where you have someone
11 installing a water line that has no markings
12 whatsoever in terms of a mark-out. You know, when
13 you see signs that say "call before you dig," that's
14 because there's always some opportunity for utilities
15 to be underground, and their utilities are
16 underground under the boardwalk and they're not
17 marked and they were just, you know, started
18 illegally.

19 MR. BOR: Well, we all know that,
20 but -- or believe that, but I was under the
21 impression talking to Commissioner Hill and reviewing
22 Lance's input --

23 MR. WARD: Lance Landgraf?

24 MR. BOR: Yeah, Lance Landgraf.

25 MR. WARD: Mh-hmm.

1 MR. BOR: And our Nick Mancuso's
2 analysis of the location of valves, that shutting off
3 Celebrity Deli would not affect in any way, shape, or
4 form any business or person who lives in Ocean Club
5 because that was an important goal.

6 MR. WARD: That's correct.

7 MR. BOR: And it was my impression
8 that based upon that we were going to go ahead with
9 the shutoff. And we were going to wait for one more
10 discussion, but --

11 MR. WARD: There's another component
12 of this discussion, which is the Ocean Club itself,
13 because we can shut off at the street.

14 MR. BOR: Right.

15 MR. WARD: However, Celebrity Deli
16 has a valve in -- inside and they can take water from
17 the Ocean Club.

18 MR. BOR: Oh, really?

19 MR. WARD: So the Ocean Club would
20 be supporting --

21 MR. BOR: Oh, I didn't know that.

22 MS. BAILEY: Gary, when he called me
23 yesterday, he didn't say nothing about that. He
24 called me with a little update so I would know, but
25 he didn't say nothing about that.

1 MR. BOR: You and I are on the same
2 page --

3 MS. BAILEY: Right, right, right.

4 MR. BOR: -- but I didn't know
5 Celebrity Deli has the ability to steal water, if you
6 will, take water --

7 MS. BAILEY: Take water.

8 MR. BOR: -- confiscate water from
9 the Ocean Club, I didn't know that.

10 MR. WARD: Ocean Club has a new
11 project manager, and he and his staff are just
12 getting on board and I don't even know if they know
13 all of this. But, again, our issue, of course, is
14 that when some type of new construction is occurring,
15 not only us, but all utilities need to be advised
16 upfront before site work is done.

17 MR. DEVLIN: Definitely, absolutely.

18 MR. WARD: The CRDA taking over the
19 Tourism District perhaps has missed some of this over
20 the years, and maybe it's not even today's CRDA's
21 administration. Probably it goes back earlier when
22 you look at some of the expanded facilities on the
23 boardwalk or whatever.

24 So our notion of you got to talk to
25 the utilities even goes to the City of Atlantic City

1 because our staff met with the developers of a new
2 church which is off of North Carolina Avenue -- no,
3 Pennsylvania Avenue near Baltic, and that church went
4 on and they're up about two stories.

5 MS. BAILEY: They're done, they're
6 about done.

7 MR. WARD: Then they come in and
8 meet with us and say we got to get fire suppression.

9 MS. BAILEY: Yeah.

10 MR. WARD: So we're saying, well,
11 we're talking to you for the first time. We look at
12 our maps, and, you know, and, again, we have old
13 infrastructure, so our lead-in pipe to go to that
14 location starts as a six and goes down to a four.
15 And at a four you might not have sufficient power to
16 run a fire suppression system.

17 MS. BAILEY: Yeah.

18 MR. DEVLIN: How can they get away
19 with that? That's crazy.

20 MS. BAILEY: It was a church before,
21 but it was a little tiny building -- you know where
22 we're talking about?

23 MR. DEVLIN: Yeah, I know exactly.

24 MS. BAILEY: You know where we're
25 talking about, right across from Pennsylvania School

1 on that site?

2 MR. DEVLIN: Yeah.

3 MS. BAILEY: It was a church before.

4 MR. DEVLIN: Right, a small...

5 MS. BAILEY: Right.

6 MR. WARD: So in order to correct
7 that in terms of the fire department's regulations,
8 this developer and this church, they're going to have
9 to come up with the upgrade of that service in order
10 to get fire service.

11 So I also wrote to the City of
12 Atlantic City, we have brand new administration, and
13 I said you guys have to put notice in your packets
14 when developers come in, and it has to be in big red
15 letters, talk to your utilities before you go out on
16 the site and start digging things. Because this
17 could have been avoided, and it's going to cost them
18 a considerable amount of money to get a contractor to
19 upgrade that pipe, so.

20 MR. DEVLIN: With that being said,
21 how did we make out on that -- I apologize, I missed
22 a meeting or two -- regarding filling in that pool on
23 the beach this summer? Did we ever get --

24 MR. BOR: That's what we're talking
25 about now.

1 MR. DEVLIN: Huh?

2 MR. BOR: That's still a discussion
3 item because there's multiple jurisdiction over that.
4 The Tourism District has some jurisdiction over it,
5 and, of course, we do. So right now Commissioner
6 Hill, myself, I guess Pat's involved in the loop now,
7 we're just trying to -- and, Bruce, of course --
8 we're trying to understand the relationships between
9 the two, and, of course, we're now just learning that
10 Celebrity Deli has the ability to take water from the
11 residents of Ocean Club, which is not nice. So, of
12 course, that's all going to be rectified.

13 MR. WARD: We've noticed them, we've
14 noticed for shutoff, and we did shut off at the
15 street.

16 MR. BOR: Right.

17 MR. WARD: So we did our due
18 diligence, but, yet, they can still tap into water --

19 MS. BAILEY: They can siphon off
20 water.

21 MR. WARD: So they have not paid us
22 for the fines and the water consumption, they have
23 not paid us.

24 MR. DEVLIN: Have we ever come to a
25 total?

1 MR. WARD: Oh, yeah.

2 MR. DEVLIN: How much is it?

3 MR. WARD: It's a little bit south
4 of \$7,000.

5 MR. DEVLIN: Wow.

6 MR. WARD: There's a \$2,000 penalty
7 for opening a hydrant, and the other penalty was the
8 connection fee for the beach bar because that was a
9 new facility. It was set up, we didn't set it up,
10 but they got away with it and they're taking our
11 water in the new facility. So we billed them for all
12 of that.

13 MR. DEVLIN: So what's the status
14 moving forward?

15 MR. WARD: I'll be able to report
16 more when I talk to the CRDA. I can say that --

17 MR. DEVLIN: That's a lot of money.

18 MR. WARD: -- there is also a law
19 enforcement review on this at the county level.

20 MR. CHEATHAM: You know, I'm sitting
21 here on this Board listening to all this mess that's
22 going on here now. Now, I said it from the
23 beginning, I'm saying it again, this is one city,
24 Atlantic City, east, west, north, and south. And
25 whatever goes on in this city we are responsible for

1 it, whether the governor that said divide this,
2 divide that, whatever he says, I never believed that
3 should have been that way in the first place.

4 MR. WARD: Mh-hmm.

5 MR. CHEATHAM: That's why we're
6 having these problems, stupid problems, because we
7 are one city, and they got it so that it's two
8 cities, and that's not going to work. You can't have
9 two cooks in the kitchen -- only one.

10 Atlantic City, this is our city. We
11 need to get -- we need to start talking about this a
12 little bit more than we're doing and we wouldn't be
13 in these kind of messes that's going on right now
14 because everything should be coming through us,
15 period.

16 And, you know, I never did like it
17 and I still don't like it. And if we don't get it
18 straightened out in these coming years ahead, we're
19 still going to have a lot more mess just like this.

20 MS. BAILEY: Bruce, I just have one
21 question. You mentioned the city. When I or anyone,
22 John, anyone, goes to planning and development
23 because we want to alter a building, build new or
24 change something, there's no, there's no literature,
25 there's nothing that encourages me or tells me that I

1 have to go to the facility -- what would it be, the
2 water company or the electric company, I have to go
3 to these places before I can get approval for my
4 new...

5 MR. WARD: Here's the best way I can
6 answer it. I don't know if the notice was there and
7 the developer bypassed the notice.

8 MS. BAILEY: Okay.

9 MR. WARD: I just don't know that.

10 MS. BAILEY: Okay.

11 MR. WARD: So the best thing we
12 could do was to reinforce that that notice needs to
13 be bold, in red letters, big letters. These people
14 need to know to come into all the utilities, not just
15 us, gas, electric --

16 CHAIRMAN SMITH: Isn't that
17 incumbent on the attorney that's representing you --

18 MR. BOR: No.

19 CHAIRMAN SMITH: -- in person?

20 MS. BAILEY: No?

21 MR. BOR: No.

22 MS. BAILEY: I was wondering why if
23 I was planning and development I would give you a
24 green light to go ahead if I have no pickup sheet or
25 something saying you're done everything that you're

1 required to do.

2 MR. DEVLIN: And on the flip side,
3 if you tear a building down in Atlantic City, you
4 have to have a checkoff list with all the utilities.

5 MS. BAILEY: Yeah.

6 MR. DEVLIN: How is that not --

7 MS. BAILEY: The same if you're
8 building a building?

9 MR. WARD: That's a good point. Is
10 there a checkoff before, you know, they go out --

11 MS. BAILEY: Before approval is
12 given, mh-hmm.

13 MR. WARD: They go out and they get
14 some sort the building approvals to get started on
15 building, but they haven't talked to the utilities.

16 MS. BAILEY: Right.

17 MR. DEVLIN: Like you said, that
18 third -- if you're that third floor, you have to have
19 fire suppression.

20 MR. WARD: Mh-hmm.

21 MR. DEVLIN: That's on them, I mean.

22 MS. BAILEY: It's a shame though
23 that they weren't directed or made to do that
24 beforehand, that's all.

25 MR. WARD: So we'll have more to

1 talk about when, you know, Mr. Hill sets up that
2 meeting with the CRDA and we can see if some of your
3 concerns can be addressed. Because just like they
4 voted it in to separate the city, maybe they can vote
5 out those pieces that need to be singularly at one
6 place, you know, unified.

7 MS. BAILEY: Okay.

8 MR. WARD: I also wanted to share
9 with you because we have a resolution today on our
10 ground base solar. Sayreville, New Jersey, has
11 installed what is America's largest floating solar
12 system -- well, it's the largest in North America.

13 This company that is mentioned,
14 Ciel & Terre -- yes, ma'am?

15 MS. TSCHERNE: My name is Tscherne.
16 I'm here for --

17 MR. WARD: Okay. Can you have a
18 seat and I'll come right to you. I want to finish my
19 work.

20 This company was here in this
21 conference room when we first went out for solar,
22 floating. The condition was that at that time
23 because the reservoir is here and our power needs are
24 over here we could not get commercial rates. They
25 would only give us wholesale rates, so we couldn't

1 get commercial rates so it wasn't feasible at that
2 time.

3 However, now there's new legislation
4 that has been approved, and it's called Community
5 Solar. And Community Solar allows you to have a
6 solar installation which is at least 10 -- can be 10
7 miles away from where you need it.

8 So that will allow us to get
9 commercial rates from the reservoir over to the
10 plant. So we're going to be revisiting our effort to
11 do solar to help our situation out at the plant.

12 But I just wanted to let you know
13 that, you know, we were, we were thinking about this
14 years ago, it's come around full circle, and now it's
15 the time for us to jump on this again to get the
16 benefits of some of that energy.

17 Okay. Now, ma'am, your name?

18 MS. TSCHERNE: Maryann Tscherne.

19 MR. WARD: Maryann --

20 MR. DEVLIN: I'm sorry, did we ever
21 get approved? I know the EPA was involved with this
22 the last time we spoke.

23 MR. WARD: Oh, that's part of the
24 ramp up. So we have an engineering firm that has
25 been identified to take us through -- and let me

1 explain.

2 This system is on what you would
3 call a pond, and that pond is not what is called a
4 fluid waterway. Our reservoir is a fluid waterway,
5 so the water goes over the dam and it runs out.

6 The DEP regulation, which is way
7 before floating solar, is that you can't construct
8 anything on a fluid waterway. Their fear is that if
9 that becomes damaged, it could block and then cause a
10 flood backup.

11 Now, solar panels can be installed
12 and withstand 130 mile per hour winds. So we're
13 hoping that as we go through, the DEP they can
14 understand this is, this is where the future is and
15 help us out.

16 MR. DEVLIN: Where are we at as far
17 as timeline with that though?

18 MR. WARD: I can't say there's a
19 timeline until we can, you know, get through the DEP.
20 We need to get a favorable review from the DEP to let
21 us go. And then it's like go out to bid, and it'll
22 probably be a company like this --

23 MR. DEVLIN: Right.

24 MR. WARD: -- that has the
25 experience of doing these big projects and bring them

1 in.

2 MR. DEVLIN: Who's the engineering
3 company handling it right now?

4 MR. WARD: Right now it's PS&S, and
5 they're just engineering to advise us to get through
6 the DEP.

7 MR. DEVLIN: Understood. Thank you.

8 MR. WARD: Mh-hmm. Okay. And,
9 ma'am, I'm sorry, I missed your name. It's Maryann.
10 What's --

11 MS. TSCHERNE: Tscherne.

12 MR. WARD: -- what's the number?

13 MS. TSCHERNE: 1044 --

14 MS. WILLIAMS: 9b(1).

15 MR. WARD: 9b(1), okay. Oh, this is
16 for Herbert Tscherne?

17 MS. TSCHERNE: Yes.

18 MR. WARD: Okay. Good morning,
19 ma'am.

20 MS. TSCHERNE: Good morning.

21 MR. WARD: This is an abatement
22 request for the property located at 1044 Drexel
23 Avenue.

24 Ma'am, has this property experienced
25 a leak in its water system?

1 MS. TSCHERNE: Yes.

2 MR. WARD: Pardon me?

3 MS. TSCHERNE: Yes.

4 MR. WARD: There was a leak?

5 MS. TSCHERNE: Yes.

6 MR. WARD: Has the leak been
7 repaired by a plumber?

8 MS. TSCHERNE: Yes, but now I'm
9 installing a new -- yes, there's no more leak.

10 MR. WARD: Pardon me?

11 MS. TSCHERNE: There's no more leak.

12 MR. WARD: There's no more leak.
13 The leak has been repaired?

14 MS. TSCHERNE: Oh, yes.

15 MR. WARD: Okay.

16 MS. TSCHERNE: And, plus, I'm doing
17 more.

18 MR. WARD: Okay. The request is for
19 \$1,924.66. And is this your first abatement request?

20 MS. TSCHERNE: I never had one
21 before.

22 MR. WARD: This is the first.

23 MR. BOR: Is not the first?

24 MR. WARD: Huh?

25 MR. BOR: She said not the first?

1 CHAIRMAN SMITH: She said this is
2 the first.

3 MR. BOR: Oh, this is the first?

4 MR. DEVLIN: Yeah.

5 MR. BOR: Let's move it then.

6 CHAIRMAN SMITH: Move it.

7 MR. BOR: Is there a second?

8 MR. CHEATHAM: Yes.

9 MR. BOR: Okay. Mr. Cheatham?

10 MR. CHEATHAM: Yes.

11 MR. BOR: Ms. Bailey?

12 MS. BAILEY: Yes.

13 MR. BOR: Ms. Langford?

14 MS. LANGFORD: Yes.

15 MR. BOR: Mr. Devlin?

16 MR. DEVLIN: Yes.

17 MR. BOR: Mr. Smith?

18 CHAIRMAN SMITH: Yes.

19 MR. BOR: Okay, approved.

20 MR. WARD: Okay. Your abatement has
21 been approved, and you can check with customer
22 service on how your abatement will be measured
23 against your --

24 MS. TSCHERNE: I wouldn't even be
25 here but they broke in and they damaged it on me and

1 now I fixed everything. And now I have ADT and I
2 have nothing to worry about.

3 MR. WARD: Well, we're your public
4 authority. We try to work with our citizens. Okay?

5 MS. TSCHERNE: So happy because
6 Atlantic City is coming back. I'm doing everything
7 in my power to make my house the best, and when I see
8 everything improving around here, I'm very, very
9 happy.

10 MR. WARD: Okay, thank you.

11 MR. CHEATHAM: Ma'am, I'd like to
12 say one thing to you. I'm glad to hear that you say
13 you believe in our city coming back.

14 MS. TSCHERNE: Oh, I do.

15 MR. CHEATHAM: Well, that's a good
16 thing because I believe that, too.

17 MS. BAILEY: Thank you. Have a good
18 day.

19 MR. WARD: Okay. Down to 5.

20 MS. BAILEY: Hey, Bruce, before we
21 go there, can I just ask a general question? We
22 always ask the question of the residents if this is
23 their first, but we have -- we checked at some point
24 to make sure that it's --

25 MR. WARD: Yeah. And I think it's

1 just been a history to have it on the record.

2 MS. BAILEY: Oh, okay. We're asking
3 them, but we've already checked?

4 MR. WARD: Yes. It wouldn't be a
5 resolution if it hadn't been approved at this point.

6 MS. BAILEY: Okay, all right. Thank
7 you.

8 MR. DEVLIN: That's good to know.

9 MR. WARD: Okay. So down to -- oh,
10 4, approval of the minutes.

11 MR. BOR: Okay. Each member of the
12 Board has received the executive session minutes from
13 last meeting as well as the regular meeting. If
14 you -- you've had an opportunity to review and/or any
15 questions. If none, is there a motion to approve?

16 MS. BAILEY: Motion.

17 CHAIRMAN SMITH: Second.

18 MR. BOR: Mr. Cheatham?

19 MR. CHEATHAM: Yes.

20 MR. BOR: Ms. Bailey?

21 MS. BAILEY: Yes.

22 MR. BOR: Ms. Langford?

23 MS. LANGFORD: Yes.

24 MR. BOR: Mr. Devlin?

25 MR. DEVLIN: I abstain.

1 MR. BOR: Mr. Smith?

2 CHAIRMAN SMITH: Yes.

3 MR. BOR: Approved.

4 MR. WARD: Okay. Down to 5, the
5 Director's Report. We have no minutes of personnel,
6 I was absent last personnel meeting. And the
7 engineering committee did meet, I don't know, I
8 believe we have minutes, but we have the financial
9 reports to the shutoffs.

10 I started a -- that's just a draft.
11 It's a draft drug-free policy. I'm going to
12 circulate it to the Board first. This will be
13 discussed in personnel committee.

14 The policy concept is that once you
15 have a very comprehensive drug-free policy there's an
16 opportunity for discounts off of our insurance.

17 MS. BAILEY: Okay.

18 MR. WARD: So I think it's important
19 to --

20 MS. BAILEY: But we have a standing
21 policy now --

22 MR. WARD: We have a standing
23 handbook which has, you know, a minimum statement
24 that drugs are not permitted on the property, we have
25 that. But to have a separate policy which tries to

1 go in a very comprehensive way.

2 MS. BAILEY: Yeah.

3 MR. WARD: Also, we're going to have
4 to address medical cannabis --

5 MS. BAILEY: Right.

6 MR. WARD: -- which is now, you
7 know, an evolving legal issue. So to get started to
8 put together a big, you know, drug-free policy and
9 have it, you know, certified, we can send that to our
10 insurance carrier and ask for the discounts.

11 MS. BAILEY: Right, right, gotcha.

12 MR. DEVLIN: I know you're going to
13 jump on this question, how is -- new employees are
14 drug tested?

15 MR. WARD: Yeah.

16 MR. CLAUDE SMITH: Prior to being
17 hired.

18 MS. BAILEY: Right.

19 MR. DEVLIN: And what, do we also
20 drug test promotions?

21 MR. CLAUDE SMITH: No, promotions
22 are not drug tested. The only time you have an
23 additional drug test is when you have an employee --
24 an employee has an accident. There's no --

25 MS. BAILEY: There's no random drug

1 testing?

2 MR. CLAUDE SMITH: We don't do
3 random drug testing.

4 CHAIRMAN SMITH: We can, but you
5 have to have --

6 MR. CLAUDE SMITH: You have to have
7 prob -- you definitely have to have probable cause.

8 MS. BAILEY: And that's a part of
9 our policy, too?

10 MR. CLAUDE SMITH: But the existing
11 policy actually covers that -- it covers some of it.
12 But it doesn't have anything to do, of course, with
13 cannabis or medical marijuana.

14 MS. BAILEY: Suspicion of somebody
15 being --

16 MR. CLAUDE SMITH: Well, again --

17 CHAIRMAN SMITH: We've been guilty
18 of -- recently, recently -- of hiring people without
19 getting the results of those type of medical and
20 we're putting ourselves in jeopardy. But I read part
21 of this --

22 MS. BAILEY: Yeah, you do. If a
23 supervisor feels that a person is under the
24 influence --

25 CHAIRMAN SMITH: Yes.

1 MS. BAILEY: -- because there's no
2 policy he doesn't have a right to call them --

3 CHAIRMAN SMITH: Well, there is some
4 sort of --

5 MR. CLAUDE SMITH: No, no, that's,
6 that's different, that's different. If you do
7 suspect that a person --

8 CHAIRMAN SMITH: Excuse me.

9 MR. CLAUDE SMITH: I'm sorry, she
10 was asking a question. I did answer.

11 CHAIRMAN SMITH: The policy we had,
12 you had to be in an accident or you had to be doing
13 something where the supervisor found need to question
14 you.

15 MS. BAILEY: Okay, I gotcha.

16 CHAIRMAN SMITH: Okay. And I read
17 part of what Mr. Bor drawn up and it seems reliable,
18 but we would like to see our -- I would like to see
19 you review it, you know.

20 MR. WEBER: Yes, I was going to talk
21 about that in closed session.

22 MS. BAILEY: Okay.

23 CHAIRMAN SMITH: Because it does
24 sound reasonable.

25 MR. BOR: Andy, you're referring to

1 the medical marijuana issue?

2 MR. WEBER: I'm sorry?

3 MR. BOR: Because I know there was
4 some correspondence --

5 MR. WEBER: Yeah, I was going to
6 address that in closed session.

7 MS. BAILEY: Okay, okay.

8 MR. BOR: Another municipality that
9 I'm involved with, they're also throwing their hands
10 up, what the heck are we going to do. Because some
11 medical marijuana does include THC and we're dealing
12 with pretty sensitive equipment.

13 MR. DEVLIN: It's across the board
14 because if there's a car accident, as a police
15 officer, especially if there's a fatality, there's
16 blood drawn.

17 CHAIRMAN SMITH: Oh, yeah.

18 MR. DEVLIN: So that's the big
19 holdup, too, with marijuana.

20 MS. BAILEY: Yeah.

21 MR. BOR: But here we're dealing
22 with sensitive equipment and if somebody had
23 marijuana --

24 MS. BAILEY: That was my thing with
25 sensitive equipment, but we're going to let Bruce do

1 his job, but I would like to see it from the
2 standpoint of personnel or --

3 CHAIRMAN SMITH: Did you read, did
4 you read that? I read that.

5 MS. BAILEY: Not in detail.

6 MR. WARD: It's a draft. It's a
7 draft. We have to continue to dig through it and,
8 you know, get labor counsel in.

9 MS. BAILEY: Okay.

10 MR. WARD: Also --

11 CHAIRMAN SMITH: I'm sorry,
12 Mr. Smith was speaking. Go ahead.

13 MR. CLAUDE SMITH: I think I
14 answered your question, Ms. Bailey.

15 MS. BAILEY: Yes, you did; yes, you
16 did.

17 MR. CLAUDE SMITH: Okay.

18 MS. BAILEY: Thank you.

19 MR. WARD: Okay. I also included
20 the budget narrative. The budget, of course, the
21 numbers have been calculated by Anita, and the
22 narrative is something that goes along with it to
23 talk about where we are in the city, where we see the
24 city going. Remember, this is a document that is
25 reviewed at the state.

1 MS. BAILEY: Right.

2 MR. WARD: So you try to put in, and
3 I stand close to Mr. Cheatham, the kinds of positive
4 things that the city is undergoing. We do have a
5 number of small businesses, and, hopefully, that
6 trend continues to bring more residents in town, more
7 construction, so forth and so on. But in small ways,
8 you know, we are trying to say that the city is on
9 its way back. It's on a comeback, so.

10 MS. BAILEY: And I read the
11 narrative, I thought it was very good.

12 MR. WARD: Yeah, mh-hmm.

13 Okay, Director's Forum. Issues?

14 MR. DEVLIN: I could tell you this,
15 but that packet you gave me for the -- I spilled
16 bleach on it, so I cannot read it -- that packet for
17 the security that was done. Remember. It rolled.
18 It was in the back of my truck.

19 MR. WARD: Which packet?

20 MR. DEVLIN: You gave me a really
21 good packet about the last survey they did.

22 MR. WARD: Okay.

23 MR. DEVLIN: If you could give me
24 another copy of that --

25 MR. WARD: From the state.

1 MR. DEVLIN: -- please. I
2 apologize.

3 MR. WARD: No, no problem.

4 MR. DEVLIN: You gave it to me and I
5 destroyed that along with my carpet in my truck.

6 MR. WARD: No problem. You got to
7 tightened those caps.

8 MR. DEVLIN: I know, disgusting.

9 MR. WARD: Let me see. Devlin, he
10 wants doc.

11 MR. DEVLIN: If it's easier, E-mail
12 it to me, whatever is easier.

13 MR. WARD: Okay. All right. We are
14 down to 8a(1) which we want to discuss in closed
15 session, that is the selection of the auditor for
16 2020.

17 8b(1), accept bids for water service
18 laterals. Again, this went out for public
19 solicitation.

20 MS. BAILEY: 292,000?

21 MR. WARD: Yeah.

22 MR. BOR: 8b(1)?

23 MR. CLAUDE SMITH: Yeah, the
24 breakdown is not there, but.

25 MS. BAILEY: Yeah, that's what I was

1 looking for.

2 MS. WILLIAMS: Because I attached it
3 on the Friday one.

4 MS. BAILEY: Oh, okay. I have it on
5 here, but it's not on the paper.

6 MR. WARD: Yeah, the bid was a
7 little higher than last time.

8 MR. CLAUDE SMITH: Yes, it was.

9 MR. WARD: But, you know, those are
10 the facts of life and costs are going up all around
11 us.

12 MR. CLAUDE SMITH: Plus there's only
13 one bidder.

14 MS. BAILEY: Oh, okay. So he was
15 the sole bidder?

16 MR. CLAUDE SMITH: Sole bidder.

17 MS. BAILEY: Oh, okay.

18 MR. WARD: So 8a(1), is there a
19 motion?

20 MR. DEVLIN: Motion.

21 MR. WARD: I'm sorry, 8a(b) --

22 MR. BOR: 8b(1).

23 MR. WARD: Yes, 8b(1). I'm sorry.

24 MR. DEVLIN: Yes, motion, sir.

25 CHAIRMAN SMITH: Second.

1 Who's on that committee, Pat?

2 MS. BAILEY: This is engineering,
3 this is engineering.

4 CHAIRMAN SMITH: Oh, that's you and
5 Gary?

6 MS. BAILEY: Yeah, Gary.

7 CHAIRMAN SMITH: Oh, okay.

8 MS. BAILEY: It's Gary, Nynell --

9 CHAIRMAN SMITH: Nynell, oh, okay.
10 Was there a motion?

11 MS. BAILEY: Mh-hmm.

12 MR. DEVLIN: Who was it last year --
13 who was it the last time we put it out for bid?
14 Arthur Henry?

15 MR. CLAUDE SMITH: Sorry, again?

16 MR. DEVLIN: Arthur Henry the last
17 time?

18 MR. CLAUDE SMITH: No, Weco actually
19 had this particular contract before, this particular
20 one --

21 MR. DEVLIN: Right.

22 MR. CLAUDE SMITH: -- for the
23 service laterals.

24 CHAIRMAN SMITH: Who was the bidder?

25 MR. WARD: Arthur Henry this time;

1 Weco last time.

2 CHAIRMAN SMITH: And what was the
3 difference in it?

4 MR. CLAUDE SMITH: Weco and Arthur
5 Henry is the same company pretty much.

6 MS. BAILEY: Get out of here.
7 Really?

8 MR. WARD: Need a different label
9 or --

10 MR. CLAUDE SMITH: Probably for tax
11 purposes or whatever, but they are the same company.

12 CHAIRMAN SMITH: What was the
13 difference in the bid?

14 MR. CLAUDE SMITH: From last year to
15 this year?

16 MS. BAILEY: Mh-hmm.

17 MR. CLAUDE SMITH: It was \$54,150.

18 CHAIRMAN SMITH: More?

19 MR. CLAUDE SMITH: It's more
20 expensive this year, yes. This, this was actually
21 two years ago.

22 MS. BAILEY: So the last time this
23 went out to bid was two years ago?

24 MR. CLAUDE SMITH: 2017, correct.

25 MS. BAILEY: 2017. So in 2019 they

1 increased the cost for the same thing back in 2017?

2 MR. CLAUDE SMITH: Correct.

3 MR. BOR: It's the only bidder
4 though.

5 MS. BAILEY: I was going to say,
6 only one company.

7 MR. BOR: Well, we have a motion.
8 We need a second if there is one.

9 MS. BAILEY: He did. I thought you
10 did.

11 MR. DEVLIN: I did a motion.

12 MS. BAILEY: I thought you seconded
13 it.

14 MR. DEVLIN: Yeah, said it was
15 seconded.

16 MS. BAILEY: Yeah, it was seconded.

17 CHAIRMAN SMITH: Yeah, it was.

18 MR. DEVLIN: Mr. Smith seconded it.

19 CHAIRMAN SMITH: It was, but I
20 didn't realize who was on the committee, and I was
21 thinking it was you, Pat, but I would rather have a
22 committee member --

23 MS. BAILEY: Second it, I gotcha.

24 CHAIRMAN SMITH: -- you know.

25 MS. LANGFORD: I'll second.

1 MR. BOR: Mr. Cheatham --

2 CHAIRMAN SMITH: The only reason --
3 excuse me -- the only reason I'm not aware of what's
4 going on at these meetings, I have no business
5 opening my mouth, that's part of getting old.

6 MR. BOR: Mr. Cheatham?

7 MR. CHEATHAM: I got to say this, I
8 see some kind of confusion every time we vote on
9 things. Are we sure that we're voting on the right
10 thing?

11 MR. WARD: Now, yes.

12 CHAIRMAN SMITH: Now we're sure.

13 MR. CHEATHAM: All right, yes.

14 CHAIRMAN SMITH: I tried to clean it
15 up, Mr. Cheatham.

16 MR. BOR: Ms. Bailey?

17 MS. BAILEY: Yes.

18 MR. BOR: Ms. Langford?

19 MS. LANGFORD: Yes.

20 MR. BOR: Mr. Devlin?

21 MR. DEVLIN: Yes.

22 MR. BOR: Mr. Smith?

23 CHAIRMAN SMITH: Yes.

24 MR. WARD: Okay. We have a member
25 of a public.

1 And, sir, your name?

2 MR. BHOWMIK: Santos Bhowmik, 128
3 Dewey Place.

4 MS. WILLIAMS: 9b(5).

5 MR. WARD: Okay. Resolution 9b(5),
6 this is Santos Bhowmik, and this is an application
7 for an abatement for the address of 128 Dewey Place.

8 Mr. Bhowmik, was there a water leak
9 at that property?

10 MR. BHOWMIK: Yes, sir.

11 MR. WARD: And was that water leak
12 repaired by a plumber?

13 MR. BHOWMIK: I found out later on
14 and I called the plumber and they fixed it.

15 MR. WARD: And it's all fixed, okay.
16 Is this your first abatement request?

17 THE WITNESS: Yeah, first.

18 MR. WARD: The abatement request is
19 for 2,146.82.

20 MR. BOR: That's a lot of water.

21 MR. DEVLIN: That is a lot of water.

22 MR. WARD: This is half of it.

23 MR. DEVLIN: Give the motion.

24 MR. BOR: Need a second.

25 MS. BAILEY: Second.

1 MR. BOR: Mr. Cheatham?

2 MR. CHEATHAM: Yes.

3 MR. BOR: Ms. Bailey?

4 MS. BAILEY: Yes.

5 MR. BOR: Ms. Langford?

6 MS. LANGFORD: Yes.

7 MR. BOR: Mr. Devlin?

8 MR. DEVLIN: Yes.

9 MR. BOR: And Mr. Smith?

10 CHAIRMAN SMITH: Yes.

11 MR. WARD: Okay, sir, your abatement
12 request has been approved.

13 MR. BHOWMIK: Thank you, sir.

14 MR. WARD: Just check with customer
15 service and they can advise you how you're billed.

16 MR. BHOWMIK: Okay, thank you.

17 CHAIRMAN SMITH: Thank you, sir.

18 MR. BHOWMIK: I appreciate it.

19 MR. WARD: My pleasure.

20 I think we're at 8c(1), Budget
21 Authorization. 8c(1), Budget Authorization.

22 We had a number of meetings to
23 address what appears to be a good capital plan for
24 2020 talking into consideration priorities that, you
25 know, must be addressed, so.

1 MS. BAILEY: I'm going to say I had
2 an opportunity to sit in on the budget meetings. You
3 know, Ms. Anita does a wonderful job. The fact that
4 we're being able to give it flat again this year, I'm
5 impressed that we can keep it under the circumstances
6 which we are under, so I wholeheartedly approve this
7 budget that she's put together. So I could use that
8 as a motion.

9 CHAIRMAN SMITH: Second, move it.

10 MR. BOR: C(1) through 4 together,
11 Bruce?

12 MR. WARD: I guess we can do that.

13 CHAIRMAN SMITH: Yeah, you can.

14 MR. WARD: Yes, the whole package.

15 MR. BOR: That's c(1), (2), (3), and
16 (4). Ms. Bailey, was yours a motion?

17 MS. BAILEY: Yes, I motioned to move
18 it.

19 CHAIRMAN SMITH: I seconded it.

20 MR. BOR: Mr. Cheatham?

21 MR. CHEATHAM: Yes.

22 MR. BOR: Ms. Bailey?

23 MS. BAILEY: Yes.

24 MR. BOR: Ms. Langford?

25 MS. LANGFORD: Yes.

1 MR. BOR: Mr. Devlin?

2 MR. DEVLIN: Yes.

3 MR. BOR: Mr. Smith?

4 CHAIRMAN SMITH: Yes.

5 MS. THAPA: I would just like to
6 comment on the connection fee which, you know, we
7 discussed that. Because of that service lateral
8 increasing by 40 percent, our installation charge
9 would be from, up from 4,000 to 5400. So the
10 connection fee -- this is just an estimate. We're
11 going to finalize in January of next year. It will
12 go from 19.9722 to 20.8628, but that's just estimate
13 right now.

14 MS. BAILEY: Right.

15 MS. THAPA: It's not so much
16 increase in the connection fee side, but there will
17 be increase on the installation side. But that's
18 going to be increase for the customer for any new
19 connection.

20 MS. BAILEY: For any new connection
21 fees, right. So the church falls under what she's
22 saying, or it falls under what the previous -- what
23 we're dealing with now?

24 MR. WARD: Well, his connection fee
25 is separate from his fire service.

1 MS. BAILEY: Right, okay.

2 MR. WARD: So now he's stuck with
3 the fire service.

4 MS. BAILEY: Right, okay, I got it.
5 Thank you, Anita.

6 MR. WARD: Okay. We did vote on
7 that?

8 MR. BOR: Yeah, that's already been
9 approved, c(1), (2), (3), and (4).

10 MR. WARD: Okay. 8d(1), Revision of
11 the Board meeting, moving the board meeting to today.

12 MS. BAILEY: Move it.

13 MR. BOR: I supposed we got to do
14 that nunc pro tunc.

15 MS. BAILEY: What was the
16 terminology?

17 MR. BOR: Nunc pro tunc, as if it
18 was then. So I guess since we did change it, we'd
19 like to have a formal --

20 MR. WEBER: Hey, Pat, it's similar
21 to quid pro quo.

22 MS. BAILEY: That's bad, that's bad.

23 MR. BOR: Nunc pro tunc is not bad.
24 As if it were last week. It's just approving what
25 is.

1 MS. BAILEY: It is, okay.

2 CHAIRMAN SMITH: Second.

3 MR. BOR: Mr. Cheatham?

4 MR. CHEATHAM: Yes.

5 MR. BOR: Ms. Bailey?

6 MS. BAILEY: Yes.

7 MR. BOR: Ms. Langford?

8 MS. LANGFORD: Yes.

9 MR. BOR: Mr. Devlin?

10 MR. DEVLIN: Yes.

11 MR. BOR: And Mr. Smith?

12 CHAIRMAN SMITH: Yes.

13 MR. WARD: And 9a, New Business, the
14 appointment of Patricia Bailey to serve as acting
15 vice chairman and secretary put together.

16 CHAIRMAN SMITH: Move it.

17 MS. BAILEY: I told him that
18 yesterday, just for the day.

19 MR. BOR: Just for the day.

20 Congratulations.

21 MS. BAILEY: Get some rest. Come on
22 back.

23 MR. BOR: Is there a second?

24 MR. DEVLIN: I'll second it.

25 MR. BOR: Mr. Cheatham?

1 MR. CHEATHAM: Yes.

2 MR. BOR: Ms. Bailey, you're
3 abstaining, I guess. Right?

4 MS. BAILEY: Yeah.

5 MR. BOR: Ms. Langford?

6 MS. LANGFORD: Yes.

7 MR. BOR: Mr. Devlin?

8 MR. DEVLIN: Yes.

9 MR. BOR: Mr. Smith?

10 CHAIRMAN SMITH: Yes.

11 MR. BOR: Congratulations.

12 MR. WARD: Yes.

13 MS. BAILEY: The party is going to
14 be over after today.

15 MR. WARD: Okay. Moving along,
16 9b(6) and (7) are abatements unnecessary to appear.
17 Do you want to take them both together?

18 MS. BAILEY: Altogether.

19 MR. WARD: Motion?

20 MS. BAILEY: Which was that, (1),
21 (2) --

22 MR. WARD: Oh, no, just (6) and (7).

23 MR. BOR: No, (6) and (7).

24 MR. WARD: The others were
25 necessary.

1 MR. BOR: The four I guess we're
2 going to have to carry. They didn't show.

3 MS. BAILEY: Oh, okay, gotcha.
4 Okay, motion then.

5 MR. DEVLIN: I'll second it.

6 MR. BOR: Mr. Cheatham?

7 MR. CHEATHAM: Yes.

8 MR. BOR: Ms. Bailey?

9 MS. BAILEY: Yes.

10 MR. BOR: Ms. Langford?

11 MS. LANGFORD: Yes.

12 MR. BOR: Mr. Devlin?

13 MR. DEVLIN: Yes.

14 MR. BOR: And Mr. Smith?

15 CHAIRMAN SMITH: Yes.

16 MR. WARD: Okay. C(1) is to go out
17 for sodium hypochlorite.

18 MR. DEVLIN: Motion.

19 MS. BAILEY: Second.

20 MR. DEVLIN: Putting out to bid;
21 right?

22 MR. WARD: Putting out to bid.

23 MR. BOR: Mr. Cheatham?

24 MR. CHEATHAM: Yes.

25 MR. BOR: Ms. Bailey?

1 MS. BAILEY: Yes.

2 MR. BOR: Ms. Langford?

3 MS. LANGFORD: Yes.

4 MR. BOR: Mr. Devlin?

5 MR. DEVLIN: Yes, sir.

6 MR. BOR: And Mr. Smith?

7 CHAIRMAN SMITH: Yes.

8 MR. WARD: D(1), power purchase
9 agreement. This is the ground-based solar system to
10 be installed at the plant. We had already gone out.
11 Spano Partners Holdings was the successful bidder.

12 Spano Partners is a financial
13 investment firm and what they do is they bid on these
14 and then they subcontract with different solar
15 providers for the installation.

16 The delay on this occurred when the
17 initial subcontractor had questions as to whether or
18 not there was a CAFRA issue, Coastal Area Facilities
19 Review Act, which can be very time confusing and
20 lengthy. And that went on and on and on and on to
21 the point that Spano had to let them out and bring in
22 a new company, Solar Landscape, which -- no, Solar
23 Landscape was the one that was terminated. But they
24 brought in a new partner, and that partner has
25 already gone to the site and has walked the property,

1 they're ready to install.

2 This is a system that will save over
3 15 years about \$300,000. It doesn't cost us
4 anything.

5 MR. DEVLIN: Is that prevailing
6 wage?

7 MR. WARD: For the installers of
8 solar?

9 MR. DEVLIN: Correct.

10 MR. WARD: I don't know. I do not
11 know the answer.

12 MR. DEVLIN: I mean, that's
13 something that's -- that's a big question.

14 MR. WARD: Now, I shared the
15 novation agreement with the solicitor; the solicitor
16 had an opportunity to review it. So I don't know, I
17 don't see it.

18 MR. DEVLIN: Did you see if it was
19 prevailing wage, Fred?

20 MR. BOR: Yeah, but all -- since I
21 wasn't the lawyer who negotiated it, it was, I guess,
22 Mr. Morris; right?

23 MR. WARD: Mh-hmm.

24 MR. BOR: All I was able to comment
25 is the content and the form is all proper, but the

1 underlying substance, I wasn't the negotiator. So if
2 there's any open question on it, you'd have to
3 address Mr. Morris. I was just asked to review it as
4 to form.

5 MR. DEVLIN: All right. Can we pull
6 this then until we can get that answered, please.

7 CHAIRMAN SMITH: Is this for the
8 solar system to be voted on as a --

9 MR. DEVLIN: We're accepting their
10 bid; correct?

11 CHAIRMAN SMITH: It's a bid
12 acceptance -- is it for a bid? Is it for a bid?

13 MR. WARD: This is to accept the bid
14 as it is for the solar system to be installed for our
15 benefit, yes.

16 Now, the question that Mr. Devlin is
17 asking is whether the installers themselves will be
18 at prevailing wage. And I just can't answer that
19 question. That's not something that I saw in the
20 document one way or another.

21 Now, when a subcontracting solar
22 company is brought on, there is the assumption that
23 these individuals know how to do this.

24 MR. DEVLIN: And that's a wonderful
25 thing. I want everybody to know their job. But what

1 we don't need is a big blowup rat at the pump
2 facility out in Pleasantville because we're not
3 paying prevailing wage. We don't need that kind of
4 publicity.

5 And it's great. You know, I just
6 don't think we need it. I think we should just take
7 a moment, look into that contract, please, and see if
8 it's prevailing wage, and we'll bring it back again
9 and vote on it.

10 MR. BOR: You're talking about the
11 contractors or subcontractors?

12 MR. DEVLIN: Whoever.

13 MR. BOR: Whoever is working on it.

14 MR. DEVLIN: Whoever is going to be
15 working on the job is at prevailing wage or it's not.
16 It's pretty simply.

17 MS. BAILEY: I just need clarity.
18 If you go back and read this resolution, this
19 resolution is about terminating the third party. It
20 says nothing about the contract itself. You said
21 they're approving the contract, but the resolution as
22 it stands here, is that we are -- I'm looking at the
23 actual resolution where it says Spano has requested,
24 they're requesting to terminate the other company.

25 I'm just looking for --

1 MR. DEVLIN: Okay.

2 MS. BAILEY: I know what it says
3 there, but I'm just looking at the actual resolution.
4 The resolution says nothing about the contract. It
5 says about that termination.

6 MR. BOR: The contract was actually
7 a novation. That's a fancy word just meaning we're
8 replacing the old with the new.

9 MS. BAILEY: Right.

10 CHAIRMAN SMITH: Well, we do need
11 the solar system because of the money we'll save.

12 MR. DEVLIN: I'm in favor of that.

13 CHAIRMAN SMITH: Yeah.

14 MR. DEVLIN: What I'm not in favor
15 is, we don't need somebody in there that's from out
16 of town --

17 CHAIRMAN SMITH: Right.

18 MR. DEVLIN: -- not going through the
19 ropes right. You know, trust me.

20 CHAIRMAN SMITH: I agree with you.
21 Well, how long will that take you to get the
22 answer --

23 MR. DEVLIN: You tell me.

24 CHAIRMAN SMITH: Approximately how
25 long would it take us to find out how much they're

1 paying?

2 MR. DEVLIN: Do we need a formal
3 meeting to vote on it, Fred? I mean, if I can get
4 that information, I would -- you know, if it was
5 prevailing wage, I would support that.

6 MR. WARD: You know, let me, let me
7 ask a question. Obviously the installer would have
8 to get permits from the City of Pleasantville. And
9 it does -- and I'm asking you, does the permitting
10 process where electricity is installed require that
11 the electricians are certified in their craft, and,
12 therefore, does that mean prevailing wage? And I
13 don't know.

14 MR. DEVLIN: That doesn't mean
15 prevailing wage.

16 MR. WARD: It doesn't mean it?

17 MR. DEVLIN: No, sir.

18 MR. WARD: Okay, all right. I
19 didn't know that.

20 MR. BOR: Well, what I can do is
21 copies of the contract were forwarded to me from
22 George Morris through Bruce.

23 MR. WARD: Mh-hmm.

24 MR. BOR: I can look it over this
25 afternoon and report back. So we can either hold it

1 until next month or have a vote contingent upon
2 language in there satisfactory to the Board today.

3 MR. DEVLIN: Fair enough.

4 MR. BOR: But I agree with you. The
5 last thing we need is to have, you're right, rats out
6 there saying we're not paying prevailing wage.

7 MR. DEVLIN: Mh-hmm. And they're
8 hungry and they'll do it, trust me.

9 MR. BOR: Is there any downside till
10 holding that off and check that out, Bruce?

11 MR. WARD: Well, let me again --

12 MR. BOR: Well, it's an important
13 item.

14 MR. DEVLIN: I agree with you and I
15 love saving money. I love the whole concept. I
16 supported it from the very beginning, but here's the
17 deal: Can we vote on it -- and we do it on the
18 school board -- if there's an issue like this, we
19 can -- do we have to have a formal meeting to vote on
20 it --

21 MR. BOR: Yeah.

22 MR. DEVLIN: -- or we can do it --

23 MR. BOR: You can vote on it today,
24 but if you have a problem with that one issue, either
25 we have to pass on it until next month or it be

1 contingent upon --

2 MR. DEVLIN: But I'm saying --

3 MS. BAILEY: Vote by phone.

4 MR. DEVLIN: Yeah.

5 MS. BAILEY: I know what you're
6 talking about.

7 MR. DEVLIN: Can we vote by phone?
8 I mean, we've done it, we've done it before, like not
9 necessarily --

10 MR. BOR: We've never voted by
11 conference call here.

12 CHAIRMAN SMITH: Well, is it
13 imperative that we have the decision today or...

14 MR. DEVLIN: We've done it.

15 MR. WARD: We can wait another
16 month.

17 MR. DEVLIN: Okay. Can we do that?

18 MR. WARD: Yeah. I was just asking
19 whether or not there were provisions already in place
20 that satisfied this. I didn't know.

21 MR. DEVLIN: No, and then it'll fall
22 on us.

23 MR. BOR: George Morris is a
24 qualified lawyer. I would be surprised --

25 MR. DEVLIN: It might be.

1 MR. BOR: -- that he would not have
2 included that.

3 MR. DEVLIN: If it is, great, it's
4 got my support.

5 MR. WARD: Okay. So --

6 MR. BOR: I will review and, if
7 necessary, reach out to Mr. Morris and tell him that
8 we need that in there.

9 MR. DEVLIN: Can I have a phone call
10 back?

11 MR. BOR: Yeah, sure.

12 MR. DEVLIN: Thank you, sir.

13 MR. BOR: Will you send me that
14 E-mail with the contracts?

15 MR. WARD: Yeah, I will. I can
16 resend it.

17 MR. BOR: Yeah, resend it.

18 MR. WARD: F is for HVAC repairs at
19 the water treatment plant.

20 MS. WILLIAMS: You skipped E.

21 MR. WARD: I skipped E, I'm sorry.
22 E, EMEX Reverse Auction. This is a procedure we've
23 gone through before where EMEX is a company that
24 sources energy nationally from various companies that
25 have excess. For example, if the water -- you know,

1 in the spring there's a lot of flooding going on in
2 the midwest, and they have dams and those dams are
3 producing more energy than they need, they can sell
4 those blocks of energy off into the grid. And so
5 we're in a position of benefiting from that national
6 exchange of energy where there are surpluses.

7 The reverse auction is scheduled for
8 tomorrow. We've done it before where they come in
9 and different companies bid on it. And, again, it's
10 just, it's just a win for us.

11 MR. DEVLIN: Absolutely.

12 MR. WARD: It doesn't cost us any
13 more.

14 MR. BOR: We've done it before.

15 MR. WARD: Yeah. It doesn't cost us
16 anything.

17 MR. CLAUDE SMITH: And in the closed
18 session I'd like to talk about the term after we
19 actually go through this process.

20 MR. WARD: Mh-hmm. Then we'll hold
21 it until the closed session. We can't vote on it if
22 you have a -- do you have an issue with the term?

23 MR. CLAUDE SMITH: I just need to
24 verify what kind of term we're going to be going out
25 for. Of course, it's also dependent upon whether or

1 not the solar installation will be occurring sometime
2 soon or sometime later on and pretty much you're,
3 you're actually getting -- you're entering into a
4 contract for this particular purpose.

5 MR. WARD: Mh-hmm.

6 MR. CLAUDE SMITH: So...

7 CHAIRMAN SMITH: Well, can't you
8 combine them both to hold them to the next month?

9 MR. CLAUDE SMITH: No, no, this
10 one -- sorry, sorry, Mr. Smith. We don't necessarily
11 have to hold this till next month. All I need to do
12 is to verify with the Authority what kind of term
13 we'd like to go out for, whether or not it's 12
14 months or whether or not it's 18 months or 24 months.

15 CHAIRMAN SMITH: Okay.

16 MR. CLAUDE SMITH: That's all I need
17 to verify.

18 CHAIRMAN SMITH: Understood.

19 MS. BAILEY: Okay. We'll do it in
20 closed session, verify the term. We'll come back to
21 it.

22 MR. WARD: We'll come back to it.

23 MS. BAILEY: Mh-hmm.

24 MR. WARD: G, this is an
25 emergency --

1 MR. BOR: F.

2 MR. WARD: F? I'm sorry, F, I'm
3 sorry, HVAC again, HVAC for the water treatment
4 plant. We have no operable system in the water
5 treatment plant, and Marlee Contractors is a
6 state-approved vendor, so we need to get this done.
7 We have staff that are working in there and they
8 won't have heat or air conditioning till we get this
9 done.

10 MR. DEVLIN: Is there a price on
11 that?

12 MR. CLAUDE SMITH: It's says
13 46,266.34 in the resolution.

14 MS. BAILY: Yeah, I see it,
15 46,266.34.

16 MR. DEVLIN: Okay.

17 MS. BAILEY: Motion.

18 MR. DEVLIN: Second.

19 MR. BOR: Mr. Cheatham?

20 MR. CHEATHAM: Yes.

21 MR. BOR: Ms. Bailey?

22 MS. BAILEY: Yes.

23 MR. BOR: Ms. Langford?

24 MS. LANGFORD: Yes.

25 MR. BOR: Mr. Devlin?

1 MR. DEVLIN: Yes.

2 MR. BOR: Mr. Smith?

3 CHAIRMAN SMITH: Yes.

4 MR. WARD: That passes. Emergency
5 wells which is Resolution 9g(1). The emergent -- the
6 backup system for our wells has deteriorated to the
7 extent that we cannot guarantee in the case of a
8 power outage that the wells would continue running.
9 We need to have this done. This is an emergency.

10 MR. DEVLIN: Make a motion for that.

11 CHAIRMAN SMITH: Second.

12 MR. BOR: Mr. Cheatham?

13 MR. CHEATHAM: Yes.

14 MR. BOR: Ms. Bailey?

15 MS. BAILEY: Yes.

16 MR. BOR: Ms. Langford?

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Devlin?

19 MR. DEVLIN: Yes.

20 MR. BOR: Mr. Smith?

21 CHAIRMAN SMITH: Yes.

22 MR. WARD: Okay. And this is a
23 request for proposals. I'd like to talk with
24 engineering firms to assist us with the completion
25 and submission of an Energy Savings Improvement

1 Program, ESIP. The program is a program of the Board
2 of Public Utilities which provides, first, an audit
3 of your energy and then you put in an application to
4 get state support to enter into certain energy-saving
5 components that you can purchase and so forth.

6 So we just need an engineer to take
7 a look at it for us and help us and get this document
8 done.

9 CHAIRMAN SMITH: Well, Claude's done
10 that.

11 MR. WARD: Claude has a broader
12 scope than is necessary to focus on just this and
13 give this the amount of focus and get this done.
14 And, again, most of the other Authorities that have
15 been successful in doing this have gone with a
16 company that focuses on and getting it done.

17 So we haven't looked at price, we
18 haven't approved anything. I simply want to go out
19 and see what the market says to figure this out.
20 We're just talking about going out to look.

21 MR. DEVLIN: Yeah, I mean...

22 MS. BAILEY: Yeah, let's
23 investigate.

24 MR. WARD: Just going to look. I
25 mean, it's a program that's worth it if we can get

1 successful, a successful return because if we get
2 into the program and are successful, the payback
3 coming back is bigger than what an engineering firm
4 could be on the front end if we use one.

5 MS. BAILEY: And I remember the last
6 meeting we had with personnel, and Claude wasn't
7 saying he was overworked, he was just giving us a
8 broader spectrum of what your responsibilities are
9 now. So because we don't know what kind of timeline
10 and eyes and ears to put on this specifically, I
11 agree with you to go out and look --

12 CHAIRMAN SMITH: Just look.

13 MS. BAILEY: -- because we don't
14 want to take up Claude's time if this is going to
15 take, you know, more specifics and the cost.

16 MR. WARD: I think the other thing
17 is the reception at the Board of Public Utilities is
18 another thing. So if your package comes in --

19 MS. BAILEY: From a private as
20 opposed to --

21 MR. WARD: -- and it's put together
22 by an engineering firm, it has some -- a better
23 statement.

24 MS. BAILEY: Let's just go out.

25 CHAIRMAN SMITH: I can live with

1 that.

2 MR. DEVLIN: I'll make a motion for
3 that.

4 CHAIRMAN SMITH: Second.

5 MR. BOR: Mr. Cheatham?

6 MR. CHEATHAM: Yes.

7 MR. BOR: Ms. Bailey?

8 MS. BAILEY: Yes.

9 MR. BOR: Ms. Langford?

10 MS. LANGFORD: Yes.

11 MR. BOR: Mr. Devlin?

12 MR. DEVLIN: Yes.

13 MR. BOR: And Mr. Smith?

14 CHAIRMAN SMITH: Yes.

15 MR. WARD: Okay. Executive Session.

16 MR. BOR: Well, monthly bills do you
17 want to do?

18 MR. WARD: Oh, monthly bills, I'm
19 sorry.

20 CHAIRMAN SMITH: I'll move them.

21 MR. DEVLIN: Real quick --

22 CHAIRMAN SMITH: Oh, I'm sorry,
23 sorry.

24 MR. DEVLIN: Anita, I need to ask
25 you, me and Ms. Bailey were in a couple of meetings

1 regarding -- to this day what's our approximate bills
2 paid to outside lawyers, including Mr. Reilly? I saw
3 that we were at one meeting --

4 MS. BAILEY: I got it. Did you get
5 the E-mail they sent out?

6 MR. DEVLIN: No.

7 MS. BAILEY: I did get it.

8 MR. DEVLIN: All right. Well, can
9 you just entertain me? I know we are paying, still
10 paying Frino. What, what is the exact -- what's the
11 approximate money being paid out to outside lawyers
12 outside of Fred and Andy? I know I just signed a
13 check for 11,000 for Reilly & Reilly. Where are we
14 at with Frino, George Frino? We spoke about him,
15 Fitzpatrick...

16 MS. THAPA: We haven't --

17 MR. DEVLIN: We just discussed it in
18 your meeting, in your budget meeting.

19 MS. THAPA: Not, not them.

20 MR. BOR: You're thinking
21 Fitzpatrick, he's part of...

22 MR. WARD: Yeah, I can --

23 MS. THAPA: You mean DeCotiis --

24 MR. WARD: If you want me to answer
25 it, I can answer it.

1 MR. DEVLIN: Somebody answer me.

2 MR. WARD: The DeCotiis firm was
3 engaged to assist on the front end of the PFAS issue
4 with regard to the FAA Technical Center.

5 MR. DEVLIN: I got that. They
6 messed that all up.

7 MR. WARD: And they're done. And
8 they did not spend all of their allocation, so they
9 came in short under their allocation and they're not
10 coming back.

11 The other pieces that we have with
12 DeCotiis include bond counsel, which is nothing going
13 on, and the solar installation which is paid for by
14 the developer. So I understand --

15 MR. DEVLIN: That's the question
16 you're answering.

17 MR. WARD: Yeah.

18 MR. DEVLIN: Can you give me a
19 number what we've paid to date to DeCotiis
20 Fitzpatrick, that's what I'm asking for. Do we have
21 a number for that?

22 MS. THAPA: Yes.

23 MR. DEVLIN: Okay. What --

24 MS. THAPA: I don't have it right
25 now.

1 MR. DEVLIN: Can you get it to me?

2 MS. THAPA: Yeah.

3 MR. DEVLIN: And outside lawyers,
4 we're paying Reilly & Reilly. I just signed a check
5 for 11,000. Where --

6 MS. THAPA: His contract was 60,000,
7 so.

8 MR. DEVLIN: So not to exceed 60,000
9 this year?

10 MS. THAPA: Right.

11 MR. DEVLIN: Okay.

12 CHAIRMAN SMITH: Who?

13 MS. THAPA: Reilly & Reilly.

14 MR. DEVLIN: I know they're taking a
15 big giant and we might talk about that later, but I
16 was just curious.

17 And that's the only outside counsel
18 we're paying, outside of --

19 MS. THAPA: DeCotiis -- yeah,
20 DeCotiis and Reilly & Reilly so far I have seen that.
21 And then anything about the solar, we did receive a
22 24,000 refund.

23 MR. DEVLIN: Okay. Now, bond
24 counsel going out, does that go out this year or it
25 already went out?

1 MR. WARD: We, we don't have a
2 contract with bond counsel at this time.

3 MR. DEVLIN: So DeCotiis,
4 Fitzpatrick --

5 MR. WARD: They may have a small
6 amount of balance left over, a small amount.

7 MR. DEVLIN: Moving forward are we
8 going to --

9 MR. WARD: Moving forward we got to
10 have some more discussions because at this time the
11 Infrastructure Bank, that is the State of New Jersey
12 where we would go out, the categories are not
13 favorable to this Authority. The categories are just
14 simply not in our best interest at this time.

15 If we could shake that loose and if
16 we could see some modification, maybe so. But
17 there's an awful lot of discussion at the state level
18 with regard to the Water Quality Act and PFAS,
19 there's an awful lot of discussion. PFAS has just
20 completely taken over --

21 MR. DEVLIN: No, I get that.

22 MR. WARD: -- all of it, I mean, and
23 the more recent explosion is -- the base at, the
24 Joint Base -- what's it called -- Joint Base McGuire,
25 that's the most recent explosion of PFAS that's going

1 on all over the place.

2 So basically the DEP has got to step
3 back and review whether or not its proposed standards
4 and the date to reach those proposed standards are
5 reasonable. I mean, we certainly can't come up with
6 the money out of pocket. Fortunately we have the law
7 firm that is assisting us to go after the
8 manufacturers. But there's so many other areas in
9 the state that are not going to be able to come up
10 and --

11 MR. DEVLIN: They've taken over.

12 MR. WARD: -- the State -- yeah, and
13 the State is taking a look at whether or not this is
14 feasible, you know. So no bond counsel right now.

15 MR. DEVLIN: Okay.

16 MR. WARD: And if we get an
17 indication that bond --

18 MR. CLAUDE SMITH: Can I say
19 something?

20 MR. WARD: Yeah.

21 MR. CLAUDE SMITH: In regards to the
22 Infrastructure Bank which is an application that
23 we're currently doing for receiving funding through
24 the I-Bank for water meters and our MTUs, prior to
25 now, anyway, because this has been an ongoing

1 process, you asked about DeCotiis, and they're the
2 ones that are actually listed as our bond counsel for
3 that particular process.

4 MS. BAILEY: They are.

5 MR. DEVLIN: Right, I understand
6 that.

7 MR. CLAUDE SMITH: So when we say,
8 you know, we're not necessarily -- you know, we're
9 not -- you haven't paid them in a while, you probably
10 have not paid them in a while, but you probably will
11 be receiving some billing based on interaction that
12 we've actually had with DeCotiis with regards to the
13 Infrastructure Bank and proceeding with that
14 application for funding through the I-Bank.

15 CHAIRMAN SMITH: I thought we were
16 through with them.

17 MR. WARD: We're out of contract
18 with them.

19 CHAIRMAN SMITH: That's what I mean.
20 So why would they be charging us any more money?

21 MR. WARD: No, this would be left
22 over for things that they were in contract with,
23 yeah.

24 MR. DEVLIN: And Reilly & Reilly is
25 not going to exceed \$60,000, is that what you said,

1 Pat?

2 MS. BAILEY: Correct, mh-hmm.

3 Correct.

4 MR. DEVLIN: And they're going to be
5 okay with that?

6 MR. WARD: Well, again, he's telling
7 me -- go ahead.

8 MR. BOR: I may be wrong about this.
9 First of all, as far as Mike, he's doing a fabulous
10 job. I'm a litigation lawyer myself, so he's doing a
11 great job, and it'll help us in the long run. But I
12 think not to exceed 60 was when he was originally
13 legal solicitor binds him.

14 MS. THAPA: But because they changed
15 it and they had a separate contract for him --

16 MR. BOR: Oh.

17 MS. THAPA: -- for 60,000.

18 MR. BOR: Oh, I thought you were
19 referring to when --

20 CHAIRMAN SMITH: Well, as long as
21 he's not over 60,000 because I have seen where he was
22 getting 8 or \$10,000 every month.

23 MR. DEVLIN: Right. That's what I
24 was thinking, just adding up.

25 CHAIRMAN SMITH: I understood where

1 you were going.

2 MS. THAPA: It's not too much left
3 though.

4 MR. DEVLIN: That's what I'm saying,
5 so --

6 CHAIRMAN SMITH: Well, as long as we
7 got a contract where he's limited to 60,000.

8 MR. DEVLIN: I understand that. And
9 when is that contract up? February?

10 MS. THAPA: It's usually one year.

11 MR. DEVLIN: I know it's one year.
12 What month in the year?

13 MR. WARD: February.

14 MR. DEVLIN: February, March?
15 Because I know he came on board a little late.

16 MS. BAILEY: He did.

17 CHAIRMAN SMITH: I'm inclined to
18 agree with Mr. Bor, the guy is doing a great job. I
19 don't think he's trying to take us.

20 MR. DEVLIN: No, just curious.

21 MR. WARD: I think while we're
22 talking about Mr. Reilly, I got in touch with him
23 yesterday. This was in The Press of Atlantic City,
24 "Announcement of Availability of Five-Year Review for
25 the Technical Center, the FAA" --

1 MS. BAILEY: Mh-hmm.

2 MR. WARD: And it's all about the
3 environmental stuff. So Mike is pursuing this
4 document. It's a five-year review which obviously
5 will become part of discovery in terms of what the
6 FAA is doing to clean up.

7 MR. BOR: Yeah.

8 MS. BAILEY: That's a good thing.

9 MR. WARD: So he's on top of that.

10 CHAIRMAN SMITH: Okay. Getting back
11 to bill paying, move it.

12 MR. WARD: That's 10a.

13 MR. BOR: We're moving monthly
14 bills; right?

15 MR. WARD: Yes, sir.

16 MR. BOR: Mr. Cheatham?

17 MR. CHEATHAM: Yes.

18 CHAIRMAN SMITH: Did we get a
19 second?

20 MR. BOR: Was there a second?

21 MR. DEVLIN: I'll second it.

22 MR. BOR: Okay, Mr. Devlin seconds.
23 Mr. Cheatham?

24 MR. CHEATHAM: Yes.

25 MR. BOR: Ms. Bailey?

1 MS. BAILEY: Yes.

2 MR. BOR: Ms. Langford?

3 MS. LANGFORD: Yes.

4 MR. BOR: Mr. Devlin?

5 MR. DEVLIN: Yes.

6 MR. BOR: Mr. Smith.

7 CHAIRMAN SMITH: Yes.

8 MR. DEVLIN: Real quick, I just want
9 to, when it comes to emergency things, I'm always
10 going to support it, but do we have anything in place
11 to keep like maintenance as far as maintenance plan
12 for HVAC, maintenance plan for these pumps?
13 Especially if they're reserve pumps, they're sitting
14 around awhile. Do we have a guy or a service that
15 goes in so we don't have to have, you know -- I mean,
16 I've never heard you say emergency too many times
17 since I've been here for the last year or so. When
18 you say "emergency," you know, you got my support,
19 but.

20 MR. WARD: I'd like to give you a
21 candid response in the executive session.

22 MR. DEVLIN: Please, thank you.
23 This is going to be a good one then.

24 MR. WARD: A candid response.

25 CHAIRMAN SMITH: A lot of their

1 pumps are not working properly out at the plant.

2 MR. WARD: I'm going to tell him,
3 yeah.

4 CHAIRMAN SMITH: Let's go into
5 closed session, please.

6 MR. BOR: Motion, is there a motion
7 to go into executive?

8 MS. BAILEY: Yes.

9 MR. BOR: And, Mr. Devlin, do you
10 second it?

11 MR. DEVLIN: I second it.

12 MR. BOR: Thank you. Mr. Cheatham?

13 MR. CHEATHAM: Yes.

14 MR. BOR: Ms. Bailey?

15 MS. BAILEY: Yes.

16 MR. BOR: Ms. Langford?

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Devlin?

19 MR. DEVLIN: Yes.

20 MR. BOR: Mr. Smith?

21 CHAIRMAN SMITH: Yes.

22 MR. BOR: Closed session.

23 (The Board goes into Executive
24 Session from 11:07 a.m. until 12:28 p.m.)

25 MR. WARD: Okay, Resolution 9e(1),

1 this is the auction for EMEX, and we have determined
2 in closed session that this will be a one-year
3 contract.

4 MR. BOR: Is there a motion?

5 MS. BAILEY: Motion.

6 CHAIRMAN SMITH: Second.

7 MR. BOR: Mr. Cheatham?

8 MR. CHEATHAM: Yes.

9 MR. BOR: Ms. Bailey?

10 MS. BAILEY: Yes.

11 MR. BOR: Ms. Langford?

12 MS. LANGFORD: Yes.

13 MR. BOR: Mr. Devlin?

14 MR. DEVLIN: Yes.

15 MR. BOR: Mr. Smith?

16 CHAIRMAN SMITH: Yes.

17 MR. WARD: Resolution 8a(1), a
18 resolution appointing Mercadien, P.C. for auditing
19 services 2020 year.

20 MS. BAILEY: Motion.

21 MR. DEVLIN: Second.

22 MR. BOR: Mr. Cheatham?

23 MR. CHEATHAM: Yes.

24 MR. BOR: Ms. Bailey?

25 MS. BAILEY: Yes.

1 MR. BOR: Ms. Langford?

2 MS. LANGFORD: Yes.

3 MR. BOR: Mr. Devlin?

4 MR. DEVLIN: Yes.

5 MR. BOR: Mr. Smith?

6 CHAIRMAN SMITH: Yes.

7 MR. WARD: Anything further?

8 MR. BOR: Yeah. I have a motion
9 that the Board has asked me to bring to the attention
10 in open session. That is pertaining to the contracts
11 of Mr. Smith and Mr. Ward. Both contracts employ the
12 same language under "term"; more specifically, that
13 each has a one-year term, although that term is
14 automatically extended from year to year subsequent
15 to the contract unless either party shall notify the
16 other in writing no less than 60 days prior to the
17 expiration date of an intention to terminate or
18 modify this agreement.

19 The motion that -- this has been
20 discussed in closed session and both Mr. Weber and I
21 concur in its legality and put before the Board a
22 motion to provide notice to both Mr. Ward and
23 Mr. Smith that in accordance with their contract
24 they're, as of today, given their 60-day notice prior
25 of intention to terminate or modify their contract.

1 Any discussion or a vote?

2 CHAIRMAN SMITH: Make sure they're
3 copied --

4 MR. BOR: Yeah.

5 CHAIRMAN SMITH: -- those things
6 that are pertaining to the contract.

7 MR. BOR: And if the Board so
8 approves, at the direction of the Chairman we had
9 just typed out specifically what I just said.

10 Is there a motion on it?

11 CHAIRMAN SMITH: Motion.

12 MR. WARD: Can you repeat what --
13 you said 60-day notice to?

14 MR. BOR: Yeah, let me provide a
15 copy of what the Board reviewed in closed session.
16 It parallels the language of each contract.

17 MR. WARD: Mh-hmm.

18 MS. BAILEY: So, Mr. Ward,
19 Mr. Smith, as I understand that, you guys give us a
20 60-day notice if you decide to retire or leave us and
21 we give you a 60-day notice if anything jumps up.
22 That's basically the change we've made.

23 MR. WARD: Yeah.

24 MS. BAILEY: I'd like to make a
25 motion --

1 CHAIRMAN SMITH: That's not -- yeah,
2 that's not like me saying that somebody is going to
3 get fired or not get a new contract.

4 MS. BAILEY: No, no, no.

5 CHAIRMAN SMITH: It's just to
6 modify.

7 MS. BAILEY: I'd like to make a
8 motion.

9 MR. DEVLIN: Second.

10 MR. BOR: Mr. Cheatham?

11 MR. CHEATHAM: Yes.

12 MR. BOR: Ms. Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Ms. Langford?

15 MS. LANGFORD: Yes.

16 MR. BOR: Mr. Devlin?

17 MR. DEVLIN: Yes.

18 MR. BOR: Mr. Smith?

19 CHAIRMAN SMITH: Yes.

20 MR. CLAUDE SMITH: Just to point out
21 to you, it only says deputy executive director.

22 MR. DEVLIN: There's another one.

23 MR. CLAUDE SMITH: Okay.

24 MR. DEVLIN: You might have his.

25 MR. CLAUDE SMITH: No, I do have

1 deputy executive director here.

2 MR. BOR: No, one says -- to
3 Mr. Ward says -- yours says Mr. Smith, doesn't it?

4 MR. CLAUDE SMITH: This says Claude
5 Smith, but it says pursuant to your agreement as
6 deputy -- okay, yeah.

7 MR. BOR: Well, you're a deputy.

8 MR. CLAUDE SMITH: Yeah, yeah, I'm
9 just saying, I'm just saying.

10 MR. WARD: He's an engineer.

11 MR. DEVLIN: We're promoting him.

12 MR. BOR: I don't think there is any
13 other business.

14 MR. CHEATHAM: Hold it, before you
15 close this meeting.

16 MS. BAILEY: Mh-hmm.

17 MR. CHEATHAM: Okay, that name right
18 there, it should be William K. Cheatham.

19 Now, the reason for me saying this,
20 not that I'm going to go anywhere with this
21 organization, period -- I probably won't be around
22 that long -- but there's two other William Cheathams.
23 There's one in Brigantine and another one offshore.
24 I know they exist because I worked with them when I
25 was at the Convention Center. All three of us, the

1 timecards said William Cheatham.

2 Now, that K means a whole lot
3 because that's my middle initial.

4 CHAIRMAN SMITH: What's the name, K?
5 I'm just curious personally. If you don't want --

6 MR. CHEATHAM: You want to know what
7 it is?

8 CHAIRMAN SMITH: Yes, sir.

9 MR. CHEATHAM: Knibblett, Knibblett.

10 MR. BOR: That starts with an N.

11 MR. WEBER: No, K-N.

12 MR. BOR: Oh, K-N.

13 MS. BAILEY: Silent K, silent K.

14 MR. BOR: Silent.

15 MR. CHEATHAM: My brother always
16 went by KB. See, I didn't use it at all when I went
17 to school because I didn't want to have a fistfight
18 over it. And I realized that I had to use my K when
19 my cousin told me that there was a whole lot of
20 William Cheathams. And she was, she was working with
21 the prison administration at that time. She said
22 there's a whole lot of William Cheathams. You better
23 start using your middle initial, and that's the
24 reason I use it.

25 But I just wanted to bring that to

1 your attention.

2 MS. BAILEY: Can we fix that? We
3 can have that fixed?

4 MR. CHEATHAM: No, you don't have to
5 fix that.

6 MS. WILLIAMS: If you want it fixed,
7 it's not a problem.

8 (There is crosstalk off the record.)

9 MR. DEVLIN: Yeah, I work with my
10 dad and he's John E., and I'm John A. Devlin, so I'm
11 pretty...

12 MS. BAILEY: Yeah, it's like my son
13 and husband. They have to write "junior."

14 MR. BOR: If you're Jewish, you
15 don't have to worry about that.

16 MS. BAILEY: Yes, yes, yes.

17 MR. WEBER: I'm looking it up now.
18 I'm Googling his name. There's doctors -- there's a
19 lot of people.

20 MR. CHEATHAM: That's what I'm
21 saying.

22 MR. WEBER: You have doctors, you
23 have a professor down in Tennessee.

24 MR. BOR: Any further business?

25 CHAIRMAN SMITH: No further

1 business?

2 MR. BOR: Are there any other
3 things?

4 MR. WARD: No.

5 MR. BOR: Okay. Is there a motion
6 to adjourn?

7 CHAIRMAN SMITH: Adjourn.

8 MR. BOR: Second anybody?

9 MS. BAILEY: Second.

10 MR. BOR: Hearing no objection, the
11 Board is adjourned.

12 MR. WARD: Have a good day, guys.

13 (The Board meeting is concluded at
14 12:35 p.m.)

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R E P O R T E R ' S C E R T I F I C A T I O N

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