

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

- - -

DATE: Wednesday - October 21, 2020

COMMENCING AT 09:45 A.m.

ATLANTIC CITY MUNICIPAL AUTHORITY

401 NORTH VIRGINIA AVENUE

ATLANTIC CITY, NEW JERSEY

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1 Computer-aided transcript of the
2 Of Directors meeting taken stenographically in the
3 Above-entitled matter before Jacqueline Gibson
4

5 BOARD MEMBERS:

- 6 JOHN DEVLIN, CHAIRMAN
- 7 PATRICIA BAILEY, Board Member
- 8 NYNELL LANGFORD, Board Member
- 9 MILTON L. SMITH, Treasurer
- 10 WILLIAM CHEATHAM, Alternate Board Member #1

11 ALSO PRESENT:

- 12 FREDRIC BOR, ESQUIRE
13 Attorney for the Atlantic City
Municipal Utilities Authority
- 14 ANDREW WEBER, ESQUIRE
15 Attorney for the Atlantic City
Municipal Utilities Authority
- 16 CLAUDE SMITH, Acting Executive Director and
17 Director of Engineering
Atlantic City Municipal Utilities Authority
- 18 NICHOLAS MANCUSO, Acting Deputy
Executive Director
- 19 ANITA THAPA, Assistant Director, Accounting & Finance
- 20 Kelley Williams, Executive Secretary
- 21 Vince Polistina
- 22 Dale Archie
- 23 Robert Jordan
- 24 William Stanley
- 25 (Present telephonically)

1 MIKE RILEY, COUNSEL

2

3 Adequate notice of this meeting has been provided as required by
4 law and the regular scheduled meeting of October 21, 2020 at 401
5 North Virginia Avenue in the State of New Jersey. Copy of said
6 notice was sent to the City to be posted. All of that complies
7 with the chapter 231 of the laws of 1975 and the open public
8 meetings law.

9

10 MR. BOR: Ms. Bailey.

11 MS. BAILEY: Here.

12 MR. BOR: Ms. Langford.

13 MS. LANGFORD: Here.

14 MR. BOR: Mr. Smith.

15 MR. M. SMITH: Here.

16 MR. BOR: Mr. Devlin.

17 MR. CHAIRMAN: Here.

18 Mr. Bor: Mr. Cheatham is not here, but in the event Mr.
19 Cheatham comes he will be a voting member.

20 - - -

21 (Flag salute)

22 - - -

23 MR. BOR: Thank you.

24 MR. SMITH: Good morning. This morning we have plaques for
25 our retirees that are here and what we did was a little beyond

1 our normal procedures, with regards, to our retirees. At this
2 particular board meeting we have some plaques that will be
3 issued to a few individuals.

4 There is a third individual, but I am not sure if he is
5 showing up, but we have three individuals that retired in the
6 last few months from the Authority. I would just like to read
7 what the plaque actually says, without calling the name.

8 It says, congratulations on your retirement. Honoring, of
9 course, the individual. With great appreciation for your thirty
10 years of outstanding service and dedication from 1991 to 2020
11 and that is Mr. Robert Jordan.

12 I would like to present this particular plaque to Mr.
13 Jordan. Mr. Jordan, step forward, please. This is for you and
14 it is a little different from how we normally issue our plaques.

15 We appreciate the time that you spent here and the services
16 that you gave to the Authority. We appreciate the time that you
17 spent here and the knowledge and the experience that you gave to
18 us and hope that you can help us out in desperate times.

19 MR. JORDAN: I would like to thank the Board.

20 MR. DEVINE: Are you doing anymore deepsea fishing?

21 MR. JORDAN: I was out the other day.

22 MR. DEVINE: It was over 20 years ago that you showed me a
23 sheep-head fish. It had to be longer than that. It was 20 to
24 25 years ago that I was at the dock and you showed up and showed
25 me a sheep-head fish. I remember it.

1 MR. SMITH: The next plaque that we have is for Dale Archie
2 and it pretty much reads the same thing. It reads,
3 congratulations for your time and appreciate for your 29 years
4 of outstanding service and thank you for your time and
5 dedication to the Atlantic City Authority from 1991-2020, as
6 well, thank you.

7 MR. ARCHIE: Thank you. It was a pleasure working with
8 you all and I hope you all make the same move when the time
9 comes to retire.

10 MR. SMITH: Bill is walking in. If I could just give him a
11 few minutes to get into the door. We can then present him with
12 his plaque and then move on with the agenda.

13 MS. BAILEY: There is a problem with the phones and Mike
14 Riley cannot get in.

15 MR. BOR: He can't get in?

16 MS. BAILEY: No.

17 MR. BOR: We might have to use our cellphone.

18 MS. BAILEY: Shall I call him?

19 MR. SMITH: Yes.

20 MS. BAILEY: Other people are having the same problem.

21 MR. SMITH: And our third retiree just walked in and that
22 is William Stanley. Mr. William Stanley, we also congratulate
23 you for your time and honor and we appreciate your 27 years of
24 outstanding service and your dedication spent at the Authority
25 from 1993-2020.

1 MR. CHAIRMAN: As a bonus I have a whole garage full of
2 stuff you can come over and take a look at. It has your name on
3 it Bill.

4 MR. SMITH: Your are welcome to stay a few minutes if you
5 want to, but this is it. Thank you very much and I appreciate
6 your service that you guys have offered over the years.

7 MR. CHAIRMAN: Kelley, take a picture of these three
8 gentlemen.

9 MR. BOR: I have Mike Riley on the speaker.

10 MR. RILEY: Hello. How are you doing?

11 MR. BOR: Okay, that was 5-E. Okay. I understand that
12 Mike Riley is on the phone. Do you want to take him out of
13 order?

14 MR. CHAIRMAN: Regarding?

15 MR. SMITH: If the phones are acting up I prefer to try and
16 do it as soon a possible.

17 MR. BOR: Okay. Well, Mike is on the phone right now to
18 give his report.

19 MR. CHAIRMAN: What are we doing here? We have resolution
20 number four.

21 MR. BOR: We have Mike Riley on the phone to give his
22 report.

23 MR. CHAIRMAN: Let's pass the minutes first. Any motions
24 for resolution four the executive session?

25 MR. BOR: Does everyone have a copy of the executive

1 minutes? If so are there any discussions or issues? Is there a
2 motion to approve the regular executive minutes?

3 MS. BAILEY: Motion.

4 MR. CHAIRMAN: Second.

5 MR. BOR: Ms. Bailey?

6 MS. BAILEY: Yes.

7 MR. BOR: Mr. Smith?

8 MR. M. SMITH: Yes.

9 MR. BOR: Chairman Devlin?

10 CHAIRMAN DEVLIN: Yes.

11 MR BOR: Approved.

12 CHAIRMAN DEVLIN: Shall we invite in Mr. Riley?

13 MR. SMITH: Mr. Riley.

14 MR. RILEY: Hello.

15 CHAIRMAN DEVLIN: What do you have for us Mike?

16 MR. RILEY: Is everybody there?

17 CHAIRMAN DEVLIN: Yes. We can hear you Mike.

18 MR. RILEY: Okay. Perfect. Great. I want to talk about
19 two things. First the solar situation and then talk about the
20 FAA situation.

21 Number one, as you are aware we are still awaiting the
22 Atlantic City Electric response to the survey and materials that
23 we signed and sent them approximately three or four months ago,
24 something like that. So it has been a while.

25 Secondly, we are awaiting DEP to take some review of what

1 we are doing and maybe take some action. Apparently they have
2 not responded to the contractors. So, what we are looking at is
3 being stalled by one bureaucrat agency and the other being
4 Atlantic City Electric and until we get some movement from them
5 we really don't have much to talk about.

6 With regard to the FAA situation. Discovery is on going
7 with multiple cases and multiple defendants. It is a very long
8 grueling writing process and unless something unusual jumps up
9 it is very routine.

10 So with time based on our interaction with large number of
11 defendants there is not much to report other than that they are
12 out actually doing discovery and getting the documents delivered
13 to them and in the process of renewing them.

14 As I indicated to you once before they did it to us once
15 before. There are millions or thousands of documents being
16 exchanged and they have approximately hundreds of document
17 readers working on this.

18 So, right now, there is a lot of activity, but not much to
19 report in any substance, because of the system of process and
20 discovery. Any of you know that has been involved in a civil
21 lawsuit knows that can be very long and tedious.

22 Basically, I am offering you a whole lot of nothing, but I
23 think it is important to know about. Any questions?

24 MR. BOR: If there are no questions can Mr. Riley be
25 excused?

1 MR. SMITH: Do you have any questions for Mr. Riley?

2 CHAIRMAN DEVLIN: Thanks Mike.

3 MR. RILEY: Thank you guys. Have a good one.

4 MR. DEVLIN: The chillers are off does that mean no air
5 conditioning for the rest of the year?

6 MR. SMITH: Pretty much.

7 MR. BOR: We are up to number five the executive director's
8 report-personnel committee. Everyone has a copy of them; right?

9 MR. SMITH: Yes. We all have a copy of them.

10 MR. BOR: All I can indicate is the director and I had a
11 conference call regarding the agenda and these items with Mr.
12 Long. Other than reporting the information and the issues that
13 we have to address to the entire Board about the meeting.

14 We just reviewed it with them and there was nothing that he
15 asked me to bring to the Boards attention.

16 MR. SMITH: Whatever questions that he had was actually
17 answered at the time.

18 MR. BOR: All he had was clarification issues. Financial
19 reports, Claude?

20 MR. SMITH: That was also distributed. I don't have
21 anything else to give to you in terms of financial reports.

22 CHAIRMAN DEVLIN: Cash management.

23 MR. BOR: Cash management. Any issues? That and the
24 balance and adjustments.

25 CHAIRMAN DEVLIN: Anita, do you have anything to say about

1 the balance adjustments?

2 MS. THAPA: The balance adjustment is like a monthly
3 adjustment. It was adjusted to the account and it was explained
4 in the review. With regards to cash management we have not
5 invested into anything, I guess, with the help of the municipal
6 advisor, we are looking into if they have any suggestions to
7 missing anything.

8 Except for the premium that we have invested in for the
9 premium of New Jersey cash management the interest is getting
10 lower and lower every month. That is the only thing that I
11 have.

12 CHAIRMAN DEVLIN: Okay, resolution number six.

13 MR. BOR: Number six is the director's forum.

14 CHAIRMAN DEVLIN: I will make a motion.

15 MR. L. SMITH: Second.

16 MR. BOR: Ms. Bailey?

17 MS. BAILEY: Yes.

18 MR. BOR: Mr. Smith?

19 MR. M. SMITH: Yes.

20 MR. BOR: Chairman Devlin?

21 CHAIRMAN DEVLIN: Yes.

22 MR. BOR: We are substituting in for 6-A the Solicitor's
23 report and those items to report are non-litigation matters. So
24 we can do an open session. There was some activity in several
25 matters.

1 All of which get fairly complicated. Essentially, they are
2 matters that involve the sewer department. There is ongoing
3 negotiations with them regarding how much we have to pay them
4 for the services that we provide.

5 Right now there are some offers and proposals that have
6 been sent to counsel for this department and we are awaiting to
7 hear back.

8 Essentially, what happens is we provide them with a lot of
9 lot of material and services. They probably could not function
10 without us and the agreed upon amount of money they we were to
11 pay was agreed upon in 2016 when Mr. Ward was the Executive
12 Director. The amount was \$20,000 and it increased by five
13 percent per year.

14 This is for the sewer department, but in the conference
15 with the Chairman and Nick Mancuso it turns out our operational
16 cost, as well as, the time and effort that we give the sewer
17 department, it is just not enough money, the 20,000 plus the
18 five percent raise.

19 Because since 2016 it is only up to 21,00 and that is not
20 much of a raise. So my correspondence with the sewer department
21 outlining the extensive work that we have to do operationally
22 with Edmunds and other items to get them the information that
23 they need and to open up some negotiations for a fairer amount
24 than 20,000. They are reviewing it and getting back to me on
25 it.

1 As far as, the auction issue we discussed it last weekend
2 and I am glad to report that the director and myself and, I
3 guess, Mr. Long would be there. We are setting up a meeting to
4 discuss that issue regarding the auction property and how much
5 they have to pay for connections fees. That meeting will take
6 place next Tuesday or Wednesday.

7 CHAIRMAN DEVLIN: There is no way the State is going to
8 pick us. Keep an eye on this. It is to much money.

9 MR. BOR: Well, we have some good points to present, matter
10 of fact, the information that the State has is really not
11 accurate information.

12 They were under the impression that everybody that buys an
13 auctioned property has to pay thousand and thousand of dollars.

14 The reality is in conference with the Nick and the director
15 is that many of the people depending on how old their meters are
16 and they very well may pay very little.

17 So, the thrust of the meeting is going to be what kind of
18 workout an arrangement and I think the trust of the meeting was
19 to present to us who bought it and how old the meters are. That
20 will determine roughly how much is going to cost to connect.

21 So, it was incorrect in the letter that the Assistant
22 Solicitor sent suggesting everybody offered them thousands of
23 dollars. Some may be well be a couple of hundred.

24 MR. SMITH: I guess one of the misconceptions that they
25 have is these particular properties might have liens on it from

1 the water company, which, are not necessarily related to
2 connections.

3 Yes, they will be providing us with a list and what we will
4 be doing is going over those particular property list and make
5 some type of determination of what needs to be done in terms of
6 a fee for those particular properties.

7 That way when we go to the meeting we will have something
8 available to give to them or present to them that will give them
9 an idea of the cost that we are looking at for a property.

10 MR. BOR: The end result is it might have to be a one on
11 one for the sum of the person that bought at auction and those
12 that pay very very little and some may have to pay more
13 depending on the meters there and how long it has been out of
14 service.

15 CHAIRMAN DEVLIN: Who is pushing for us not to pay?

16 MR. SMITH: Well, I think it is the solicitors they are the
17 ones that are actually --

18 CHAIRMAN DEVLIN: So the City Solicitor?

19 MR. SMITH: The City of Atlantic City.

20 MR. BOR: Well, they do not have the same information. I
21 impressed upon the City Solicitor that I spoke to a little while
22 back or one of the assistance that our rights are symbiotic.

23 We have to be sensitive to our needs in terms of cash flow
24 and extra fees and we will be sensitive to your needs to sell
25 the auction properties. So, hopefully people will ultimately

1 restore the communities in Atlantic City.

2 I also met with Mr. Long yesterday and having been the City
3 Solicitor myself and he encouraged when I indicated to him that
4 perhaps more communication should exist between me and one of
5 the assistant solicitors.

6 So, that we don't have just letters going back and forth
7 between we would rather have communication between the two. He
8 would like that very much.

9 So, I am going to do that after the meeting next week.
10 Discuss with him that let's talk rather than just send letters
11 that go to the State. Mr. Long really liked that idea.

12 MR. SMITH: Well, communications go beyond just those
13 solicitors.

14 MR. BOR: Oh, yes.

15 MR. SMITH: It goes to the engineer's office as well as to
16 the improvements that are actually being made in the City that
17 we need to be made aware of or be informed about prior to a
18 design being completed. And you can be inform of those
19 improvements that are done which gives us very little time to
20 actually react.

21 MR. BOR: Here is a great example that Claude gave at our
22 meeting with Mr. Long and that is that we have to make
23 improvements on our end and they have to repave their streets.
24 There is no communication at this of when they want to do it and
25 we can't butt heads in terms of getting ready to open up a

1 pavement when they are getting ready to repave.

2 So, I think the whole concept of more communication is
3 something of an excellent idea going forward. I also encourage
4 that with the City Solicitor and probably the engineering folks.

5 MR. SMITH: Yes, and the engineering folks.

6 MR. BOR: One other item that I should report in is that as
7 you know there is an ongoing focus on the property taxes. This
8 is my baby this year and it is being stalled a little bit by
9 counsel for Pleasantville which is Parker McCkay Firm.

10 As I indicated to Mr. Long that at least we have a
11 timeframe for the Egg Harbor folks without Pleasantville and he
12 suggested that if we don't get an action soon that we should
13 consider litigation to force Pleasantville to make a decision.

14 Essentially, what happened is the tax assessor, after my
15 pitch that I gave to them, and the documentation has to say yes
16 you are exempt from it or partially exempt or no you are not
17 exempt. All we got from the Pleasantville their lawyer was that
18 he disagrees with my theory and that is not really a no.

19 So, I have to get out of him a no because no is the
20 condition of precedent for going to the County. So, I just
21 wanted the Board to know I am very much on top of the property
22 taxes. So, Mr. Long and I am very interested in the progress.

23 As I indicated to him in the event we get to the point it
24 has to go to the tax court which I hope it does not, that I am
25 not that familiar with tax court and we do have some lawyers

1 that are very familiar with it and I may recommend that they be
2 co-counsel with me.

3 This is an important issue because we pay hundred of
4 thousand of dollars in property tax that I don't think we should
5 not have paid, but I just wanted the Board to know.

6 MR. SMITH: Well, it is a precedent that we have been
7 paying these taxes.

8 MR. BOR: Well, we have been paying the City since 1978.

9 MR. DELVIN: Do we get any retro from that?

10 MR. BOR: Unfortunately it is the same question that Mr.
11 Long asked me yesterday. He asked me two questions. Do we get
12 paid retroactively and case law says no. Then he asked me
13 should we just withhold payment now and I suggested that it
14 would not be a good idea. Because number one we will run up
15 delinquencies and we run up bad credit with the municipalities.

16 The other reason we should continue to pay is there is a
17 doctrine in law called unclean hands which means, if you go into
18 court on it, the first question the judge will ask is that I
19 have not ruled for or against you so for the moment you owe it
20 and should be paying it.

21 So, the short answer Mr. Smith, is that we can't get it
22 retroactively and Mr. Long and I summed it up in a case law that
23 we should pay it until we get a decision.

24 CHAIRMAN DEVLIN: Fred, we need to expedite that. We are
25 talking a lot of money off our back. We have been talking about

1 this for months now.

2 MR. BOR: Well, basically, I have been talking with Egg
3 Harbor and Pleasantville.

4 CHAIRMAN DEVLIN: Well, if we need to bring in co-counsel
5 for the taxes then we need to do that.

6 MR. BOR: What was his fee?

7 CHAIRMAN DEVLIN: Same as yours. Whatever the outside fee
8 is we will pay and it is like 160 or 170, no it is 150.

9 MR. SMITH: Is that for outside?

10 MR. BOR: For outside.

11 CHAIRMAN DEVLIN: And that is fine. That is what we will
12 pay anybody that comes in and we will not pay anything else.

13 MR. BOR: If we have to go to tax court it is my
14 understanding that we do have an attorney a Mr. Gallagher and he
15 is locally and is very good.

16 CHAIRMAN DEVLIN: He does it for the City?

17 MR. BOR: Yes, he does it for the City and I may ask the
18 Board if I do not get what I need by next meeting to approve,
19 with a ceiling, off course, a calender to present to the tax
20 court.

21 Because it is the most area that lawyers will not go and he
22 goes there regularly.

23 So, by next meeting I may ask the Board to approve a
24 calender with a ceiling to take to tax court. Because every
25 time I see that check moving it makes me upset.

1 CHAIRMAN DEVLIN: Did we talk about Johnson & Tower yet?

2 MR. BOR: No, but I think I will talk about that next. As
3 the Board probably knows and Claude can be more educational,
4 they did a lot of work on our diesel generators, a lot and lot
5 of work and they had a resolution approving it. We are paying
6 an overage of \$38,000 that was not approved.

7 It turns out that they had some overage of the original
8 amount that Bruce approved and were paid for, but it never came
9 back to us.

10 CHAIRMAN DEVLIN: Excuse me, but how does Bruce approve? I
11 don't believe I was on the Board.

12 MR. BOR: There was two areas that Bruce approved and they
13 got paid for.

14 CHAIRMAN DEVLIN: To the extent of how much money?

15 MR. SMITH: They were about \$4,000.

16 CHAIRMAN DEVLIN: I mean Johnson & Tower is a real company.
17 They are probably the best around. I have no problem with that.

18 MR. SMITH: The scenario is when certain contracts are
19 actually approved apart from the fact that they ratify the
20 contract amount there are times when work needs to done out of
21 necessity and as opposed to holding up that particular project
22 or delaying the project sometimes you do have to make decisions
23 and effective ones.

24 CHAIRMAN DEVLIN: And that is fine. We also have \$38,000
25 which is a little much and that is called a change order.

1 MR. SMITH: Correct, and we are not disputing that.

2 CHAIRMAN DEVLIN: I mean 4,000 or 3,000 and I know Johnson
3 & Tower are great people and I know the company. They have a
4 great reputation and I also took the time to go to the plant and
5 look at those generators that were built before World War II and
6 I get it and I am good with that, but \$38,000 is ridiculous.
7 Who approved that?

8 MR. SMITH: We did not approve that and that is what he
9 trying to get at.

10 CHAIRMAN DEVLIN: I mean companies just don't come in and
11 say you know 38 grand, I mean, I know what he is trying to get
12 at, but for the future we just can't let companies come in here
13 and running amuck.

14 MR. SMITH: That is the point we are all baffled about.
15 How did this cost come about and why was it actually presented
16 prior to being done or even approved prior to being done or
17 informed prior to it being done.

18 So, as per the scenario with the work that was not
19 approved, of course, we decided to go through some sort of
20 negotiation with the contractor because the work was actually
21 done. There is no disputing that they did the work.

22 Those generators are actually old and they need to be
23 maintained. Even prior to the maintenance contract they have to
24 go through certain services to get to that particular contract.

25 So, the cost that was presented to us we questioned it

1 quite a bit and Bruce who is not here we questioned that
2 process.

3 CHAIRMAN DEVLIN: Who is we?

4 MR. SMITH: Myself and Nick and Anthony. We all did in
5 regards to the Authority because of the fact that we were not
6 aware of it that this was the cost that was actually incurred or
7 done.

8 Based on the fact that the work was completed so we
9 received the certificate of billing and we disputed it and the
10 dispute leads us to the point --

11 CHAIRMAN DEVLIN: No. I get that point. This is my point
12 now and going forward. It is great that you did this. You
13 negotiated a great deal, but we can't have contractors coming in
14 here running amuck and I am not saying it happened under your
15 watch, but that is a bad trend to start because the next
16 contractor comes in and they all talk.

17 I have a bad taste in my mouth from when we were building
18 the school across the way here and we had change order after
19 change order. At least they were approved. I mean, 38 grand
20 that is a big chunk of change. That is like saying here is
21 \$38,000 and taking my car in for an oil change and he changes
22 the engine. To me and I am just a layman here, I am a nobody,
23 but that seems excessive.

24 MR. SMITH: And it is excessive.

25 CHAIRMAN DEVLIN: We have to rein this in.

1 MR. BOR: Here are the options we have legally. They were
2 looking for \$38,000 and as Solicitor I said no immediately
3 because change at least theoretically should be brought back to
4 the Board.

5 One of the concerns that we had is that the work that they
6 did other than Yellow Bird who drew designs were hard work on
7 generators that needed to be done.

8 So, the work that they performed even though they billed
9 more than \$38,000 was an important job on a diesel generators.
10 It was not creative thinking. So, the over billing of \$38,000
11 and Claude has asked me if I could negotiated that down for two
12 reasons.

13 Number one, they actually did the work as opposed to work
14 we would had to bring someone else in to fix on these
15 generators. In law there is this concept that even though they
16 did not get the change orders specifically and they performed
17 and performed it well, many judges view a concept called quantum
18 meruit which means that if they still did the work and the work
19 was positive like it was here then they deserve something.

20 So, Claude asked me to negotiated in the amount of \$15,000.
21 Thinking they would not approve that and they came back
22 yesterday saying if I can get Board approval they would cut the
23 bill from 38 to 15.

24 Another consideration and unless you are not interested in
25 that and the Board can say no or we could litigate that. I

1 understand from Nick that not only is Johnson & Tower a good
2 company, but I have a commitment from them that if we need them
3 in the future they still want to work with us; isn't that right
4 Nick?

5 MR. MANCUSO: Yes. They are a good contractor to have
6 around.

7 CHAIRMAN DEVLIN: I don't disagree with that.

8 MR. BOR: So, with the Boards pleasure I am in a position
9 to try to negotiated the 38 down to 15 with full releases, of
10 course, on all the work that they did and to start it off with a
11 good relationship with Johnson & Tower.

12 CHAIRMAN DEVLIN: We have to use three diesel generators;
13 correct?

14 MR. SMITH: The answer is yes and at the location you went
15 to is the Highlift. Yes, there are three diesel generators at
16 that location, but we have some diesel generators at the Upper
17 Ball Field and the Filter Building as well.

18 So, there are quite a few diesel generators that we
19 actually have at this time.

20 CHAIRMAN DEVLIN: Are they all working right now?

21 MR. SMITH: Yes, they are all now working.

22 CHAIRMAN DEVLIN: And they all have maintenance records?

23 MR. SMITH: Yes, now that all the repairs have been done.
24 Yes, it is up to maintenance par now. Therefore, we can
25 actually have a maintenance contract or contractor --

1 CHAIRMAN DEVLIN: With Johnson & Tower?

2 MR. MANCUSO: No, it is actually with Penn Generators and
3 it is on the agenda for today.

4 CHAIRMAN DEVLIN: Thank you.

5 MR. BOR: The interesting thing about it is if they stop at
6 the amount of the original outset and stopped the work we would
7 have to bring someone in to complete the work and that would
8 have been up to ten of thousands of dollars and these guys don't
9 come cheap.

10 So, if they stopped at the original amount we would need
11 someone to come in and do the work.

12 CHAIRMAN DEVLIN: That is understandable, but we just can't
13 let a contractor come in and hold us hostage because they are
14 great, because there are other diesel guys out there. I can
15 tell you that for a fact.

16 MR. SMITH: That is probably one of the reasons why we
17 actually do have Penn because of the fact that Nick did a price
18 quote that he sent out to several different companies requesting
19 prices to do the maintenance of the generators.

20 We sent it out to several different companies and they
21 responded and Penn was the lowest responsible price. So we are
22 going to be going with them.

23 MR. BOR: But in the future I agree with the Chairman we
24 have to keep a real close eye on the change order because nobody
25 likes change. Unless it is a pure emergency. This was not a

1 pure emergency. It was worth getting the support and he did it,
2 but it was not an emergency.

3 CHAIRMAN DEVLIN: We are doing maintenance records;
4 correct? We are not going to have an emergency hopefully.
5 Murphy's law; right.

6 MR. SMITH: We are actually doing that.

7 CHAIRMAN DEVLIN: Okay. Let's move on.

8 MR. BOR: I need the Boards approval if they want me to
9 negotiate the \$15,000 settlement or to say no to a change order
10 and put them in a position to litigate. I am good with each.

11 CHAIRMAN DEVLIN: As a huge reference, please, keeps tabs
12 on these contractors.

13 MR. BOR: Yes.

14 MR. M. SMITH: Did we move it?

15 CHAIRMAN DEVLIN: Yes, I moved it.

16 MR. BOR: Let the record reflect that Mr. Cheatham is here
17 and is a voting member and Mr. Hill is not here.

18 CHAIRMAN DEVLIN: Good morning Mr. Cheatham.

19 MR. BOR: So, the resolution is to approve the settlement
20 with Johnson & Tower to \$15,000 and, of course, I will obtain
21 full releases and make that firm. Ms. Bailey?

22 MS BAILEY: Yes.

23 MR. BOR: Mr. Cheatham?

24 MR. CHEATHAM: Yes.

25 MR. BOR: Ms. Langford?

1 MS. LANGFORD: Yes.

2 MR. BOR: Mr. Smith?

3 MR. M. SMITH: Yes.

4 MR. BOR: Chairman Devlin?

5 CHAIRMAN DEVLIN: Yes, thank you.

6 MR. BOR: Old business.

7 CHAIRMAN DEVLIN: Correct.

8 MR. BOR: Any public speaking?

9 MS. BAILEY: Yes.

10 MR. SMITH: This is actually an individual from Island
11 Condo Association. They have a dispute based on a letter that
12 Anita send out in regards to some charges based on some units
13 that they have.

14 They have converted a hotel to a condominium association
15 and it includes some 72 units on it and, off course, the new
16 charge is a good sum of money.

17 CHAIRMAN DEVLIN: Was that an e-mail too?

18 MR. SMITH: Yes. Let me see if I can try and call the
19 individual and see if we can do the public participation.

20 MR. CHARIMAN: Hopefully she did explained to him.

21 MR. BOR: Hopefully she did.

22 MS. THAPA: Yes, that is the one I talked to.

23 MR. SMITH: Good morning. Is this John?

24 MR. DIGIULIO: Yes.

25 MR. SMITH: This is the Atlantic City MUA and we are

1 calling with regards to your request to be presented at the
2 Board meeting.

3 MR. DIGIULIO: Right.

4 MR. SMITH: Do you want to go ahead?

5 MR. DIGIULIO: I am in, but I am listening to music. Am I
6 in now?

7 MR. SMITH: You are on speaker at the Board meeting.

8 MR. DIGIULIO: Can you give me a second to get to my spot?

9 MR. SMITH: Sure.

10 MR. DIGIULIO: I was on the call and I heard the Board
11 meeting progressing, but it went to music twice and I never
12 dialed back in. So, I wasn't sure what to do. Thank you for
13 your time.

14 My name is John Digiulio and I am the president of the
15 Island Condo Association in Atlantic City. We have been there
16 for 40 plus years or so. I don't know exactly how long. Off
17 course, we are customers of ACMUA and have been since that time.

18 So, I sent an e-mail to Ms. Williams yesterday explaining a
19 little bit about our particular situation and I don't know if
20 that circulated through at all, but you tell me if it did and if
21 you want me to stop, but otherwise I will progress through the
22 scenario.

23 We are a condo association building that has 72 units all
24 of equal size 264 square feet. They are just efficiency units.
25 It is a converted hotel from the '60s converted to condo, I

1 think, it was in '76 or '77. I don't remember the exact date.
2 It has been the same way since.

3 So, it is basically a seasonal property. There are some
4 year-round residents, but it averages usually around 25 to 30
5 percent somewhere around there and that would be year round
6 residents between tenants and owners.

7 It has been the same from the beginning. The billing that
8 we received I got a quarterly bill and paid it. Knowing nothing
9 else, but about two weeks or so ago I received a phone call from
10 a representative from ACMUA asking me how the property was and
11 what type of property it was and I explained just what I had
12 just said.

13 That it is 72 units and they are condos and all
14 individually owned and taxed and so on. So, Ms. Thapa said,
15 well this property is not commercial it is residential. I said,
16 okay, but I certainly did not know what that meant in any
17 regards.

18 She refused to explain to me that the way that we were
19 getting billed was for a commercial property versus residential
20 and that would alter the billing process.

21 So, I said that I was disappointed at the end results
22 because our water usage bill is going to double basically from
23 approximately 8 or 9 thousand to over \$16,000 following
24 calculation of 72 times 61 times 4 versus what we were paying on
25 a regular quarterly basis.

1 So, that is the way that it is. We have to just move on
2 and that is the process. So she suggested at the same time that
3 the Authority was and I will say permitted for lack of a better
4 word to back-bill three years and I said okay.

5 I have another call coming in. Am I still on?

6 MR. BOR: Sir, we understand the issue and we have it.
7 The Board does have a five minute limit.

8 MR. DIGIULIO: I am about finished. I just want to make
9 sure that I am still on this call. I just wanted to make sure
10 that I did not get dropped.

11 MR. BOR: We don't want to rush you. We have your e-mail
12 and I believe the Board will discuss your issue during the board
13 meeting.

14 MR. DIGIULIO: Thank your for that. It is just that the
15 back-billing would have a tremendous effect on us as residents.
16 I added it at the bottom and I know it is a different agency,
17 but I notice that our real estate taxes went up two hundred
18 percent and more in some cases and it is just a very real
19 financial burden to undertake a \$25,000 hit to our budget.

20 We don't have the money in our account. We are not
21 budgeted for that kind of expense and we are reaching out to
22 your office to really work with us and consider, but, of course,
23 we have move forward. We will pay whatever is owed on a going
24 forward basis and we are reaching out to you to work with us on
25 this matter and help us with many back-billing issues.

1 We really really need your support to work on a going
2 forward basis.

3 MR. BOR: All right. Thank you, sir.

4 MR. DIGIULIO: I appreciate your time and I thank you and I
5 await your reply and thank you for your consideration.

6 MR. BOR: Okay. Thank you sir.

7 MR. SMITH: Thank you and have a good day.

8 MR. BOR: The issue goes back to our regulations. Claude
9 and I will discuss it with you and it pertains to another
10 person, Mr. Reardon, who we thought was to call in today and I
11 guess he chose not to.

12 I reviewed the section of page 26-G the charges for
13 residential properties and Mr. Reardon is a combination of
14 commercial and residential because his unit is this unit on
15 Pacific Avenue.

16 It has a store on the bottom and two apartments, but he is
17 not here today and we can only address the person that called in
18 and he did not call in. In my reading of it, and Anita and
19 Claude you can correct me, is that the individual dwelling units
20 according to our regulations that should be billed, well the
21 residential unit should be billed at \$61 per dwelling unit; is
22 that right, Anita?

23 MS. THAPA: Yes, it says so right here, \$61 per swelling
24 unit.

25 MR. BOR: I guess the question that he has is why was he

1 paying less because the City changed the type of unit, is that
2 what happened?

3 MR. SMITH: I will let Anita explain a little bit more
4 because she was in on this one.

5 MS. THAPA: So, basically he was being billed as a
6 commercial property instead of residential. Obviously he had 72
7 units meaning that a flat fee that we were billing 215 as
8 opposed to 61 times 72 which is about \$4,000.

9 Our policy is when we find that kind of billing error and
10 we would go back and charge the bill for up to three years. His
11 argument is that he is okay with going forward with the bill.
12 His argument is the three years back-billing --

13 MR. BOR: So, he is comfortable with the \$61 per unit?

14 MS. THAPA: Going forward, but he is just requesting
15 relief.

16 MR. BOR: How come three years back he was not billed?

17 MS. THAPA: It is a system error. The account has been
18 billed like that forever and fortunately I was looking into it
19 and that was billed incorrectly.

20 If the City has listed them as just rooms we would
21 accommodate him, but it is listed as residential then it is
22 supposed to have 72 owners.

23 MR. BAILEY: So, essentially, we billed him incorrectly?

24 MS. THAPA: Yes, we did.

25 MS. BAILEY: Whose issue is this the City?

1 MS. THAPA: Well, it is probably our error.

2 MR. SMITH: When you say in terms of error, is it
3 information that we received based on information that we
4 received from the City?

5 MS. THAPA: But the City never gave us the information.
6 We just inquired depending on what the situation to the City on
7 what kind of property it is.

8 So, once I kind of find this out that it was billed
9 incorrectly then I inquired through the City trying to determine
10 if this is residential. And it is classified as residential.

11 MR. BOR: So, the issue is bifurcated.

12 CHAIRMAN DEVLIN: So in the last three years we were,
13 essentially, billing them for a long time because of our error.

14 MS. THAPA: Well, the City did it, but I don't think that
15 we ever went and compared with the City. We never did that on
16 our part.

17 MR. BOR: Well, it is really a bifurcated issue. Going
18 forward this gentleman has agreed and he is good and we are
19 good, but the issue going backward, how much was he billed in
20 excess of \$61?

21 MS. THAPA: He was billed 24,000.

22 MR. BOR: What per unit? Do you know?

23 MS. THAPA: He was only billed 215 a quarter and then we
24 would bill him excess usage, but with the residential he should
25 not be billed as an excess unit.

1 Because all the properties are not occupied completely his
2 usage is less. Had the property been occupied then we may have
3 to refund him. It is just the fact that the property is not
4 totally occupied.

5 Technically he is still under allowance. We also gave him
6 72 times 12 which is a one thousand 250 cubic feet. So, that is
7 like 90 thousand cubic feet allowance and they are always under
8 the excess usage.

9 Technically in a way they are supposed to, if the building
10 is fully occupied, they are supposed to begin because we gave
11 them an allowance as residential.

12 MR. BOR: So, we over billed them 28,000 and there is still
13 an amount if we bill them correctly would be lower than that;
14 correct?

15 So, why don't we consider deducting 28,000 less the correct
16 billing.

17 MS. THAPA: Which we did. After the review the difference
18 is 24,000 that he owes us for the payment.

19 MR. BOR: So, it is 24? And that is taking into
20 consideration what they should have actually been billed. There
21 is only a \$4,000 difference.

22 MS. THAPA: No, 24,000.

23 MR. BOR: 24,000.

24 MS. THAPA: I mean, yes, for quarterly, but it is three
25 years back.

1 CHAIRMAN DEVLIN: What is the exact address on this? I
2 don't see it.

3 MS. THAPA: It is 108 South Montpelier Avenue.

4 CHAIRMAN DEVLIN: That is near the Hilton?

5 MS. THAPA: Yes.

6 MS. BAILEY: I just want to make sure that I understand
7 correctly that we were billing him incorrectly and it was not
8 based on the communication with the City. They did not do
9 anything.

10 So, it is our error, but we are looking for him to pay
11 three years of back payment.

12 MS. THAPA: That is our policy of three years. Let's say
13 we are at fault then we would also refund him three years back.
14 In this case we under billed him.

15 MS. BAILEY: We need to look at some type of help or
16 relief.

17 CHAIRMAN DEVLIN: That is a heavy bill. How do you bill
18 that?

19 MR. SMITH: I mean, the only thing we can actually do if
20 we are going to move forward with the billing portion of it is
21 to offer him a payment plan.

22 If you notice what he said about the property is that it
23 has been a condominium since 1976, if I heard him correctly.

24 MR. POLISTINA: It was a hotel and it was billed correctly
25 as a commercial entity as a commercial hotel based on a fixed

1 fee based on the usage. It went to the City and was converted
2 to residential in 1976 and it has been a residential unit since
3 1976.

4 The usage is below the typical residential unit. So you
5 should just bill him going forward as a residential unit and
6 forget about it.

7 That is what happened. We just did not know it was
8 converted to a residential unit.

9 MR. SMITH: That is the thing. It was actually converted
10 back then and the records were not transferred correctly and we
11 were billing them in error from that particular time period
12 until now and it is what it is now in terms of it being a 72
13 unit condominium.

14 Like you said it was actually converted from a hotel to a
15 condominium unit back in '76 and this was new to us. Anita, I
16 guess you just discovered this as well too. And the billing is
17 trying to do a back charge of three years.

18 If the Board is not receptive of that we can actually make
19 a decision.

20 MR. BOR: 28,000 is after making the adjustments and we
21 should vote.

22 MR. POLISTINA: They have been paying for their actual
23 water usage that they have been using so you are not going to
24 get to far.

25 MS. THAPA: The problem is that whenever we have a billing

1 error like that we always bill the customer three years back,
2 but that is usually when the bill is like \$5,000. So the
3 customer did not dispute it then.

4 I guess, because of that amount he is disputing it.

5 CHAIRMAN DEVLIN: I think we should give him a payment
6 plan. Does that make sense?

7 MS. BAILEY: Yes, that makes sense.

8 MR. SMITH: So would you like for us to offer him a payment
9 plan?

10 CHAIRMAN DEVLIN: I think that would be fair. For a bill
11 of \$24,000 you don't think we should do that?

12 MR. POLISTINA: Well, we will see. You can try.
13 Understand that he has been paying for the water. He has just
14 been paying for a commercial entity.

15 If you go back and say by the way it is a residential unit
16 and you have to pay \$24,000 more it is an argument and he will
17 say that I paid you for the water that I used and why would you
18 now try to bill me back for three years for being a residential
19 unit.

20 MS. THAPA: That is the known part. It was our error.

21 CHAIRMAN DEVLIN: Well, I don't know.

22 MR. BOR: Well, the options are to waive it or a payment
23 plan. There are not to many things.

24 CHAIRMAN DEVLIN: Well, if he paid.

25 MR. SMITH: If we are going to make a decision based on our

1 particular error over the last several years I can understand
2 what Vince is actually proposing to us in regards to we need
3 going forward. Charge what the actual billing would be of \$61
4 per unit and forget about the back payment.

5 If it was something else like an error on their part by not
6 either providing the proper information to the City back then
7 yes we could probably say we can charge the backpay of \$24,000
8 and establish a payment plan, but we have two options here in
9 regards to how you want to look at it.

10 If we just want to settle this in a amicable particular way
11 then just going forward with the 61 that he is willing to accept
12 and agreed upon in regards to the 72 units then fine we can make
13 that decision.

14 MR BOR: But in the past they paid their actual usage?

15 MR. SMITH: He has been paying their bills period. Like he
16 said the property was actually being billed as a commercial
17 property and the property was being charged as a commercial
18 property period.

19 So the payment that they were making is based on a
20 commercial rate and based on what they should have been paying
21 and they are up to par with their payments.

22 So it is just a situation where now we are now identifying
23 as a residential as opposed to a commercial property.

24 MS. BAILEY: It looks like it was an accidental finding and
25 we could have stumbled over this two years from now.

1 MR. SMITH: You are absolutely correct.

2 MS. THAPA: And that is why we always have a back policy.
3 So maybe we need to change that.

4 MR. MANCUSO: Is there a policy for three years back pay?
5 Is there an option for one year back pay?

6 MR. BOR: We can negotiate anything.

7 CHAIRMAN DEVLIN: We are going to change it to \$61 per
8 unit. They have to pay that. They can't complain about that.

9 MR. BOR: The point Nick is making is that everything can
10 be negotiated. We can negotiate whatever is the Boards
11 pleasure.

12 CHAIRMAN DEVLIN: 76 units at 61 that is not bad. I think
13 we need to bill him.

14 MR. BOR: We have three options we can waive it totally or
15 do the back billing as Anita suggested for the 24,000 or
16 compromise a payment plan. They are the options. He seems like
17 he is open to most things. We have to do the fair thing.

18 MR. SMITH: It was not his fault.

19 MR. POLITIAE: He has 76 unit owners there and all of a
20 sudden you have a bill for thousands of bucks for water that he
21 never used.

22 CHAIRMAN DEVLIN: Why don't we just waive it and move
23 forward with the \$61 per unit.

24 MR. SMITH: If that is the decision of the Board then,
25 therefore, that is the position that we are actually taking. We

1 will waive the back payment as suggested and adjust it and
2 moving forward we will bill for the \$61 per unit, which is more
3 than likely acceptable by the owners of the resident.

4 MR. BOR: He has already accepted that.

5 MR. SMITH: That will be the settlement.

6 MS. BAILEY: Any of the steps we can take to make sure that
7 we are catching something this earlier.

8 MS. THAPA: I think we have to do the whole cleanup and
9 there is a lot of accounts and sometimes when we get information
10 from the City it is incorrect.

11 MR. SMITH: I mean, that was a long time since 1976 you are
12 talking about '76 up until now to actually catch this particular
13 error.

14 I don't know necessarily know what the process was prior to
15 now with regards to how the information was transferred or
16 transmitted, but that is big.

17 MS. THAPA: The thing is that our rates are set up like
18 that so that the mixed units will have benefitted had they been
19 fully occupied because of the allowance. All the commerce has
20 to pay the trust.

21 CHAIRMAN DEVLIN: You have not said one word. Are you
22 good? I like this lady.

23 MR. SMITH: She is doing her job.

24 CHAIRMAN DEVLIN: She is doing good. Normally I get yelled
25 at.

1 MR. SMITH: Let's move on.

2 MR. BOR: To old business. First is to accept bids.

3 Claude, any information to provide to the Board.

4 MR. SMITH: Well, we did budget a fee.

5 MR. BOR: We need a resolution for 8-A to accept the bid.

6 MR. SMITH: This is just for high calcium which is a lime
7 which is used for our treatment process.

8 MS. BAILEY: Motion accepted.

9 MR. BOR: We need a second.

10 CHAIRMAN DEVLIN: Second.

11 MR. BOR: Ms. Bailey?

12 MS. BAILEY: Yes.

13 MR. BOR: Mr. Cheatham?

14 MR. CHEATHAM: Yes.

15 MR. BOR: Ms. Langford?

16 MS. LANGFORD: Yes.

17 MR. BOR: Mr. Smith?

18 MR. M. SMITH: Yes.

19 MR. BOR: And the Chairman?

20 CHAIRMAN DEVLIN: Is that for 9-A?

21 MR. BOR: 8-A.

22 CHAIRMAN DEVLIN: I apologize. Yes.

23 MR. BOR: At 8-B I believe there will be two or three more
24 public hearings on this budget. So this vote is not final or
25 conclusive.

1 MR. SMITH: This is to authorize a public hearing.

2 MR. BOR: There are two more public hearings. I guess
3 toward the end of December is when we finalize it.

4 CHAIRMAN DEVLIN: Motion.

5 MS. BAILEY: Second. Are they approving three and two
6 together?

7 CHAIRMAN DEVLIN: One and two.

8 MR. BOR: There are one or two more public hearings and I
9 guess towards December is when we finalize it.

10 MR. BOR: Ms. Bailey?

11 MS. BAILEY: Yes.

12 MR. BOR: Mr. Cheatham?

13 MR. CHEATHAM: Yes.

14 MR. BOR: Ms. Langford?

15 MS. LANGFORD: Yes.

16 MR. BOR: Mr. Smith?

17 MR. M. SMITH: Yes.

18 MR. BOR: Chairman Devlin?

19 CHAIRMAN DEVLIN: Yes.

20 MR. BOR: New business is A and this is just to go out to
21 our PRQs for authority and labor counsel. For 9-A-1 and 9-A-2.

22 MR. SMITH: Motion.

23 CHAIRMAN DEVLIN: Moved by Mr. Smith.

24 MR. BOR: Ms. Bailey?

25 MS. BAILEY: Yes.

1 MR. BOR: Mr. Cheatham?

2 MR. CHEATHAM: Yes.

3 MR. BOR: Ms. Langford?

4 MS. LANGFORD: Yes.

5 MR. BOR: Mr. Smith?

6 MR. M. SMITH: Yes.

7 MR. BOR: Chairman Devlin?

8 CHAIRMAN DEVLIN: Yes.

9 MR. BOR: 9-B maintenance.

10 MR. SMITH: This is just Penn Power.

11 MR. BOR: Nick can comment on this. This is just going to
12 be the maintenance contract for the generators now that Johnson
13 & Towers has been concluded. This is the new maintenance
14 contract we put together.

15 CHAIRMAN DEVLIN: Was that up for a bid?

16 MR. SMITH: We actually went out for price quotes and since
17 it was below the threshold we can go ahead and do that.

18 CHAIRMAN DEVLIN: Do we have a price on that?

19 MR. SMITH: Yes, it is \$15,334.00.

20 CHAIRMAN DEVLIN: Just maintenance on all our generator?

21 MR. SMITH: Yes, just maintenance on all of our generators
22 and not to exceed the \$17,500.

23 MR. BOR: We have to bid on that, off course.

24 CHAIRMAN DEVLIN: Yes.

25 MR. SMITH: Move it.

1 CHAIRMAN DEVLIN: Second.

2 MR. BOR: Ms. Bailey?

3 MS. BAILEY: Yes.

4 MR. BOR: Mr. Cheatham?

5 MR. CHEATHAM: Yes.

6 MR. BOR: Ms. Langford?

7 MS. LANGFORD: Yes.

8 MR. BOR: Mr. Smith?

9 MR. M. SMITH: Yes.

10 MR. BOR: Chairman Devlin?

11 CHAIRMAN DEVLIN: Yes.

12 MR. BOR: And now on to replace the expired meters not
13 being used.

14 CHAIRMAN DEVLIN: Nick, is this something that we spoke
15 about?

16 MR. MANCUSO: What is this?

17 CHAIRMAN DEVLIN: 9-C. Not Nick. I am sorry.

18 MR. SMITH: This is not something that we spoke about.
19 This is a request by the State and since we are actually trying
20 to acquire our MTU'S and our meters through the I-bank or
21 through the State, they did make a request that we get a
22 resolution because of the fact that we are considering those
23 particular items a proprietary or sole source items.

24 Thus for the Board to approve a resolution and gives
25 authority that we can go out and purchase in that particular

1 manner as opposed to it being a compatible type of a unit.

2 MS. BAILEY: So it is a sole source bid.

3 MR. SMITH: It is not a bid. It is an approval that we can
4 go out and purchase the sole sources. It is still going out as
5 a bid because of the fact if we do get the funding through the
6 State we still have to get through the bid process, but it is
7 specifically for that type of manufacture for our unit.

8 CHAIRMAN DEVLIN: Good.

9 MR. BOR: Anyone move on regulation 9-C?

10 MS. BAILEY: Motion.

11 MR. SMITH: Second.

12 MR. BOR: Ms. Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Mr. Cheatham?

15 MR. CHEATHAM: Yes.

16 MR. BOR: Ms. Langford?

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Smith?

19 MR. M. SMITH: Yes.

20 MR. BOR: Chairman Devlin?

21 CHAIRMAN DEVLIN: Yes.

22 MR. BOR: Next is D.

23 MR. SMITH: It is just as I explained in 9-C. These are
24 for meters with the same scenario. These are proprietary and
25 sole source units that we are looking to acquire.

1 Again, through the process of going through the State
2 through the I-bank for DEP that is one of the things that they
3 requested from us to provide a resolution that shows that the
4 Board is in approval of us doing this type of purchase.

5 MR. BOR: Motion on D?

6 MS. BAILEY: Motion.

7 CHAIRMAN DEVLIN: Motion.

8 MR. BOR: Motions on 9-D-1. Ms. Bailey?

9 MS. BAILEY: Yes.

10 MR. BOR: Mr. Cheatham?

11 MR. CHEATHAM: Yes.

12 MR. BOR: Ms. Langford?

13 MS. LANGFORD: Yes.

14 MR. BOR: Mr. Smith?

15 MR. M. SMITH: Yes.

16 MR. BOR: Chairman Devlin?

17 CHAIRMAN DEVLIN: Yes.

18 MR. BOR: Next is the acquisition of software solution.

19 MR. SMITH: Yes. This is a product by Aclara. I did put
20 in an information packet and if you want to look at that
21 briefly. The Aclara is a product and is something of a software
22 packet that we have and again it is a sole source type of a
23 package that we have and we have been utilizing that for quite
24 some time.

25 It kind of coincides with the meters and MTU'S that we are

1 trying to acquire. I did call a special engineering meeting
2 with, of course, with myself and Nick and Ms. Langford and Mr.
3 Hill, to make sure that they are aware and at the same time they
4 were privy to the knowledge of what was being done and why we
5 are doing it.

6 Because of the fact that it is a sole source we did not
7 necessarily go out for a bid because this is something that we
8 already obtained or have in our system.

9 This is an upgrade to what we actually have and I wanted to
10 make sure that the engineering committee as well as the Board
11 that they are aware of what is being done and why we are doing
12 it. Due to the fact that we have to do an upgrade.

13 The current system that we have sunsets and the end of this
14 year of 2020. So 2021 they may be rolling out a different
15 application for doing our meter reading through the software or
16 package that we currently have.

17 There is a lineup at this particular time right now for
18 companies that have this particular type software. There is a
19 que for getting this particular package and we wanted to be able
20 to get this in a timely manner as well.

21 There is no guarantee that we will have it by January of
22 2021, but we are trying to see if we can acquire it by January
23 of 2021.

24 MR. M. SMITH: Is this mandated by the State?

25 MR. SMITH: You mean in terms of the software package?

1 MR. M. SMITH: Yes.

2 MR. SMITH: It is not mandated by the State. It is a
3 software package that we currently have in our system.

4 MS. BAILEY: This is an upgrade?

5 MR. SMITH: This is an upgrade to the current system that
6 we have.

7 Because of the fact that it is a sole source of proprietary
8 type of unit or software we can actually go out and acquire this
9 without going out for a bid. The bid process would take us to
10 lengthy of a time. It is only one company that is going to bid
11 on it anyway. Okay.

12 The price is and the quotes that we received is \$26,000 for
13 the one time implantation of the software and the maintenance is
14 \$21,700 and that is for a yearly service.

15 It is not something that is reoccurring. The scenario is
16 that we don't have a lot of time to go through the process and
17 that is one of the reason that I am bringing it to the Board for
18 approval.

19 We need to acquire this and it will help us to assist in
20 quite a bit of ways. In regards to improving our system and
21 coming up to a much better type of system in assisting our
22 customers and ourselves in regards to how we do our billing.

23 MS. BAILEY: Nick, this is the program when we were talking
24 about the budget. You know about the program and can you
25 explain to us about that?

1 MR. MANCUSO: That is right. If you guys approve this we
2 have a metering system and all of our meters have MTU'S and the
3 MTU'S go through a radio antenna throughout the City and that is
4 how we get the readings for each meter.

5 So, Mr. Smith, if you were at home and you had a problem
6 with your reading, if you approve this I will be able to look at
7 your usage immediately. It is live time.

8 So if you have a toilet issue the ACMUA will be able to
9 tell each individual customer exactly what they are using almost
10 to the exact minute.

11 It is really cutting edge technology and it is going to put
12 us where we need to go and it is proprietary. We are hopeful in
13 the system and it is pretty much something that has to be done.

14 CHAIRMAN DEVLIN: Sold.

15 MR. SMITH: And if you look at the layout with the
16 information that was provided as well.

17 And it compares what we have as a NCC unit as compared to
18 Aclara and the benefits with regards to the new software system.

19 MR. M. SMITH: Do we need a motion?

20 MR. SMITH: Yes, we need to vote on this.

21 MS. BAILEY: Yes, we need to vote on this.

22 MR. BOR: Ms. Bailey?

23 MS. BAILEY: Yes.

24 MR. BOR: Mr. Cheatham?

25 MR. CHEATHAM: Yes.

1 MR. BOR: Ms. Langford?

2 MS. LANGFORD: Yes.

3 MR. BOR: Mr. Smith?

4 MR. M. SMITH: Yes.

5 MR. BOR: Chairman Devlin?

6 CHAIRMAN DEVLIN: Yes.

7 MR. BOR: Abatement.

8 CHAIRMAN DEVLIN: Has anyone called in?

9 MS. WILLIAMS: That was not necessary for them to appear.

10 I did send them a letter letting them know that the abatement
11 was going to be discussed at the Board meeting.

12 However, it was not necessary for them to appear. Due to
13 COVID there is no public participation, but I also sent the
14 notice of meeting letting them know if they wanted to call in or
15 send me an e-mail with regards to a response to that then they
16 are welcome to do so. As of right now we have not gotten any
17 responses.

18 MR. BOR: Let the record reflect there are two options for
19 public participation that Ms. Williams just mentioned and are in
20 full compliance with DCA and the e-mail or the call in.

21 So you can go ahead with the abatement ordinance if the
22 Board so chooses for Mary Ingram.

23 MR. SMITH: Motion to accept the abatement.

24 MS. BAILEY: Motion.

25 MR. SMITH: Motion.

1 MR. BOR: Ms. Bailey?

2 MS. BAILEY: Yes.

3 MR. BOR: Mr. Cheatham?

4 MR. CHEATHAM: Yes.

5 MR. BOR: Ms. Langford?

6 MS. LANGFORD: Yes.

7 MR. BOR: Mr. Smith?

8 MR. M. SMITH: Yes.

9 MR. BOR: Chairman Devlin?

10 CHAIRMAN DEVLIN: Yes.

11 MR. BOR: The next is the geological survey.

12 MR. SMITH: This is something that is a reoccurring cost to
13 us through the State. This is not something that we have to pay
14 on a reoccurring or consistent basis.

15 MR. BOR: Motion.

16 CHAIRMAN DEVLIN: Motion.

17 MR. M SMITH: Second.

18 MR. BOR: Ms. Bailey?

19 MS. BAILEY: Yes.

20 MR. BOR: Mr. Cheatham?

21 MR. CHEATHAM: Yes.

22 MR. BOR: Ms. Langford?

23 MS. LANGFORD: Yes.

24 MR. BOR: Mr. Smith?

25 MR. M. SMITH: Yes.

1 MR. BOR: Chairman Devlin?

2 CHAIRMAN DEVLIN: Yes. Now, to transcription services and
3 today you earned every penny of this. I am voting yes on this
4 one.

5 MR. SMITH: Well, due to the fact that we have to be doing
6 the transcript in a much expeditious type of manner, of course,
7 the budget that we have for that for particular funding has ran
8 out and we have several months for that particular work that
9 needs to be done.

10 We have several months for the paperwork to be done.

11 CHAIRMAN DEVLIN: What are we paying a year for this?

12 MR. SMITH: The contract amount is for like \$9,000.

13 MS. BAILEY: Ten thousand.

14 MR. SMITH: All right. \$10,000, but because of the fact
15 that we have to expedite all of that transcript and send it to
16 the State that particular process cost more.

17 CHAIRMAN DEVLIN: How much more?

18 MR. SMITH: We don't know we are probably about six months
19 into the contract. So it just increased to another \$10,000 and
20 if it going to continue like this, therefore, I am going to
21 calculate it is going to cost us probably about another \$10,000
22 to do so.

23 MR. BOR: You have to understand that very few MUAs in any
24 State even transcribe.

25 CHAIRMAN DEVLIN: We can bring somebody in house for that

1 kind of money.

2 MR. BOR: We are one of the very few MUAs who transcribe.
3 However, because of the directive by Mr. Long several months
4 ago, he wants to see the actual transcript and expedite it.

5 We have to continue with the long tradition of having the
6 transcript and also expediting it.

7 CHAIRMAN DEVLIN: Do we have an extra 10 grand for this?

8 MR. SMITH: Yes. It is an existing contract and because it
9 is an existing contract we have to increase that contract and
10 put in a change order.

11 MR. BOR: It is a change order because we have to expedite
12 things now.

13 CHAIRMAN DEVLIN: You have to be very careful when you say
14 change order around Ms. Bailey.

15 MR. SMITH: We are very much well aware of change orders.
16 We are abreast of that for a number years for a number of reason
17 in terms of change orders.

18 Yes, we do not like change orders. This is one of the
19 cases it is something beyond our control in how it is actually
20 being done.

21 CHAIRMAN DEVLIN: I know we are transcribing, but Andy, how
22 do you do it up in Willingboro?

23 MR. WEBER: Well, we are on Zoom. So our Zoom is recorded.

24 CHAIRMAN DEVLIN: Well, prior to Zoom. Because Zoom is
25 new.

1 MR. WEBER: Well, prior to Zoom no we did not do
2 transcripts.

3 CHAIRMAN DEVLIN: What did you do?

4 MR. WEBER: We had a individual taking notes.

5 MR. BOR: And most MUAs are like that.

6 MR WEBER: Yes, that is correct.

7 CHAIRMAN DEVLIN: We might want to eventually record it.
8 How hard can that be to record it.

9 MR. M SMITH: You know that is really hard and that is a
10 profession.

11 CHAIRMAN DEVLIN: I hear you.

12 MR. WEBER: You can record it and send the recording up to
13 the State and let them listen to it.

14 CHAIRMAN DEVLIN: Right.

15 MR. WEBER: And then just take minutes from the recording.

16 CHAIRMAN DEVLIN: Across the highway you record it?

17 MR. WEBER: Yes. That is how we do it.

18 CHAIRMAN DEVLIN: And our budget is a lot bigger than this.
19 I am just thinking we should come into the times a little.
20 Transcribing is great and I know we are utilizing it now, but it
21 is definitely a great talent, but it is expensive.

22 MR. SMITH: It has become more expensive since we have to
23 expedite it.

24 MR. BOR: If we do not expedite it a lot of our resolutions
25 will not be approved. The State approves them. In order to

1 approve the resolution he likes to compare the transcript with
2 the discussion. So is there a motion for transcription service?

3 MS. BAILEY: Motion.

4 CHAIRMAN DEVLIN: Second.

5 MR. BOR: Ms. Bailey?

6 MS. BAILEY: Yes.

7 MR. BOR: Mr. Cheatham?

8 MR. CHEATHAM: Yes.

9 MR. BOR: Ms. Langford?

10 MS. LANGFORD: Yes.

11 MR. BOR: Mr. Smith?

12 MR. M. SMITH: Yes.

13 MR. BOR: Chairman Devlin?

14 CHAIRMAN DEVLIN: Yes.

15 MR. SMITH: This is our general yearly request for
16 proposals for public officials and so forth. A package will be
17 sent out for bids to be received and then that bid will be
18 reviewed by myself and likely set forth to determine to
19 recognize what kind of cost we are looking at for insurance and
20 recognizing insurance fraud for the year 2021.

21 MR. BOR: So, did the bid just go out?

22 MR. SMITH: Yes.

23 CHAIRMAN DEVLIN: Who does ours now?

24 MR. SMITH: With regard to?

25 CHAIRMAN DEVLIN: Liability, cyber liability, public

1 officials.

2 MR. SMITH: It is Siracusa along with Glatfelder that
3 actually has our policy, currently.

4 MR. M. SMITH: It is a combination of.

5 CHAIRMAN DEVLIN: It is a combination of and so this is
6 actually the 8th month?

7 MR. SMITH: Yes.

8 CHAIRMAN DEVLIN: Motion.

9 MR. M SMITH: Second.

10 MR. BOR: Ms. Bailey?

11 MS. BAILEY: Yes.

12 MR. BOR: Mr. Cheatham?

13 MR. CHEATHAM: Yes.

14 MR. BOR: Ms. Langford?

15 MS. LANGFORD: Yes.

16 MR. BOR: Mr. Smith?

17 MR. M. SMITH: Yes.

18 MR. BOR: Chairman Devlin?

19 CHAIRMAN DEVLIN: Yes.

20 MR. BOR: Monthly bills.

21 CHAIRMAN DEVLIN: We have administrative official
22 resolution 9-I-2, quality is that.

23 MR. SMITH: And is that the one I will be able to sign off.

24 MS. BAILEY: No, that is not. That is 9-I-2. That is the
25 monthly bills.

1 MR. SMITH: Again, it is covering the fact that I was able
2 to deal with that insurance packet as they come in. Again, we
3 are reviewing the insurance packets as they actually come in for
4 the bids that we receive.

5 CHAIRMAN DEVLIN: In the past it has always been the
6 administrators grading them?

7 MR. SMITH: No. If you recall we had William Wrangler.

8 CHAIRMAN DEVLIN: Which was a stupid expense.

9 MR. SMITH: We decided not to proceed with that particular
10 firm anymore. Therefore, it would be myself and Fred actually
11 doing the policies as well.

12 CHAIRMAN DEVLIN: Would you be against having a Board
13 member, also?

14 MR. SMITH: No, I am not.

15 CHAIRMAN DEVLIN: Art, I will talk to you afterwards.
16 Having a Board member would be healthy.

17 MR. BOR: Is there a motion for administrative officials
18 resolution 9-I-2 it looks like?

19 MR. M SMITH: Motion.

20 CHAIRMAN DEVLIN: Motion.

21 MR. BOR: Ms. Bailey?

22 MS. BAILEY: Yes.

23 MR. BOR: Mr. Cheatham?

24 MR. CHEATHAM: Yes.

25 MR. BOR: Ms. Langford?

1 MS. LANGFORD: Yes.

2 MR. BOR: Mr. Smith?

3 MR. M. SMITH: Yes.

4 MR. BOR: Chairman Devlin?

5 CHAIRMAN DEVLIN: Yes. Motion on number ten.

6 MR. BOR: The monthly bills. If no discussion is there a
7 motion.

8 CHAIRMAN DEVLIN: Motion.

9 MR. M. SMITH: Second.

10 MR. BOR: Ms. Bailey?

11 MS. BAILEY: Yes.

12 MR. BOR: Mr. Cheatham?

13 MR. CHEATHAM: Yes.

14 MR. BOR: Ms. Langford?

15 MS. LANGFORD: Yes.

16 MR. BOR: Mr. Smith?

17 MR. M. SMITH: Yes.

18 MR. BOR: Chairman Devlin?

19 CHAIRMAN DEVLIN: Yes.

20 MR. BOR: Any objection to move into executive session?

21 CHAIRMAN DEVLIN: Wait a minute. Vince, can you give us a
22 brief update with everything.

23 MR. BOR: In open?

24 CHAIRMAN DEVLIN: Yes, in open.

25 MR. POLISTINA: Open is good. It is a brief update just so

1 you are aware of what we are doing and going. Do you recall we
2 were putting together lot of data for elevation of the wells.
3 Once we got all of that together we had a meeting with Claude
4 and I with Mike Riley.

5 He provided some of the background information that was
6 done by the FAA and ERC environmental. So we are comparing the
7 data we did, of course, what was done historically so we have
8 that in place.

9 We are going to proceed with reviewing that. There is
10 another local authority in the State that has actually made the
11 policy decision that they did not want to try and meet the MCL.
12 They wanted to get to zero on the policy.

13 So they went ahead and didn't do some of the background
14 that we are doing. They went ahead and designed and are in
15 construction for a treatment facility.

16 So we talked with the engineer for that authority and we
17 got some information from them and it going to go online in the
18 next month or so.

19 So we probably before your next meeting will see whoever
20 will go up and visit and take a look at that treatment facility
21 and deal with this issue. So we will probably be in a better
22 position to apprise you next month.

23 Hopefully, between the additional data that we are
24 collecting and the meeting with the engineering committee next
25 month we will have, hopefully, a game plan for your November

1 meeting moving forward to deal with this.

2 We are still in our due diligence period and still looking
3 at it, but mid month by time you have your meeting we will
4 hopefully be in a position to start communication with the DEP
5 and start communication with the Board to start collectively and
6 to start to find a path forward and how we are going to address
7 it.

8 MR. BOR: Thank you.

9 CHAIRMAN DEVLIN: Do you have anything for executive?

10 MR. SMITH: No.

11 CHAIRMAN DEVLIN: Any comments or questions?

12 MS. BAILEY: I want to make a comment. I want to say that
13 Mr. Hill and I working along with Anita and her team and I would
14 like to publically thank Anita and the information that was
15 presented and how hard they worked.

16 MR. BOR: We do have to go into executive session for one
17 item. Hearing no objection of going into it we are now in the
18 executive session. So let's clear the room.

19 MR. BOR: Before we go into executive one other item to
20 bring to the boards attention as a result of decision of Mr.
21 Long about the holiday party this does meets the CDC guidelines.

22 Keep in mind not to be to extensive and I want to have
23 individual boxed lunches. So we have the green light for that.

24 Andy to we are in open now to approve the settlement.

25 - - -

1 EXECUTIVE SESSION.

2 - - -

3 MR. WEBER: We are in open now. I was going to go over
4 some of the employment issues, but I don't need to. This is a
5 resolution to ratify a settlement with a particular employee and
6 it is a settlement agreement.

7 I normally don't like to put the name of the settlement
8 agreement or the name of the person in open session, but I think
9 we all know who it is.

10 The amount of that settlement was \$3,000 and the amount was
11 approved by the Board last month.

12 I now have the settlement documents and I am asking for
13 authorization from Claude to execute the settlement agreement
14 and for Anita to cut the check once I have all the documents.

15 MR. BOR: So former resolution.

16 MR. WEBER: Yes. I have the resolution here.

17 MR. BOR: So now that we are in open session just for
18 purpose of a resolution ratifying a settlement with a former
19 Atlantic City employee in the amount of \$3,000.

20 Mr. Weber has completed the resolution and the release
21 form.

22 MR. WEBER: Yes. We have everything signed and it is all
23 going through me.

24 CHAIRMAN DEVLIN: I thought this was done last month.

25 MR. BOR: Yes, we discussed this last month in closed

1 session. This was reviewed by Mr. Weber in a closed session
2 last month and today is the day we seek to ratify it.

3 MR. M. SMITH: So I will just abstain from that.

4 MR. BOR: Yes. So the resolution before the Board for
5 settlement for a former Atlantic City Municipal Utilities
6 Authority employee in the sum of \$3,000 and whoever this is his
7 name shall not be mentioned.

8 MR. WEBER: For audit purposes if you are writing the check
9 to the attorney, so the auditors will be fine with that.

10 MR. BOR: Do we have a resolution to approve the
11 settlement?

12 CHAIRMAN DEVLIN: Motion.

13 MS. LANGFORD: Second.

14 MR. BOR: Ms. Bailey?

15 MS. BAILEY: Yes.

16 MR. BOR: Mr. Cheatham?

17 MR. CHEATHAM: Yes.

18 MR. BOR: Ms. Langford?

19 MS. LANGFORD: Yes.

20 MR. BOR: Mr. Smith abstains. CHAIRMAN DEVLIN?

21 CHAIRMAN DEVLIN: Yes.

22 MR. WEBER: I think we are in open now, but if you want to
23 talk about that particular individual we need to move on.

24 MR. BOR: Yes. So do we move to closed session?

25 (CLOSED SESSION)

1 CHAIRMAN DEVLIN: We are back on the open. If there is
2 nothing else motion to adjourn.

3 MR. BOR: We have to put on the record the recap.

4 MR. SMITH: We ratified a settlement for a former employee
5 who will receive \$3,000 and that all the documents were provided
6 to the labor counsel Andy Weber and the hearing for an
7 individual with or without suspension calls for termination
8 based on the hearing. We will move forward with the contract
9 for the supervisor and management.

10 CHAIRMAN DEVLIN: Motion to adjourn.

11 MS. BAILEY: Motion to adjourn.

12 MR. SMITH: Clothing allowance will be discussed with the
13 labor union with regards to settlement.

14 - - -

15 Meeting adjourned at 11:48 a.m.

16 - - -

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