

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY  
BOARD OF DIRECTORS MEETING

- - -

DATE: Wednesday - September 16th, 2020

COMMENCING AT 3:30 P.M.

ATLANTIC CITY MUNICIPAL AUTHORITY

401 NORTH VIRGINIA AVENUE

ATLANTIC CITY, NEW JERSEY 08404

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1                   Computer-aided transcript of the Board  
2 of Directors meeting, taken stenographically in the  
3 above-entitled matter before Dominique R. Caputo.

4  
5 BOARD MEMBERS:

6 JOHN DEVLIN, Chairman

7 GARY L. HILL, Vice Chairman/Secretary

8 PATRICIA BAILEY, Board Member

9 NYNELL LANGFORD, Board Member

10 WILLIAM CHEATHAM, Alternate Board Member

11  
12 ALSO PRESENT:

13 Kelley Williams, Executive Secretary  
14 Atlantic City Municipal Utilities Authority

15 (Present via video call)

16 Fred Bor, Esq.

Atlantic City Municipal Utilities Authority

17  
18 (Present via video call)

19 Andrew Weber, Labor Counsel

Atlantic City Municipal Utilities Authority

20  
21 (Present telephonically)

22 Michael Riley, Counsel

Atlantic City Municipal Utilities Authority

23  
24 Claude Smith, Acting Executive Director

Atlantic City Municipal Utilities Authority

25

1 ALSO PRESENT:

2

(Present telephonically)

3 Anita Thapa, Assistant Director, Accounting &  
4 Finance

Atlantic City Municipal Utilities Authority

5 Nicholas Mancuso, Acting Deputy Executive Director

6 Vince Polistina

7 Eugene Siracusa

8 Michael Goloff

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PROCEEDING

- - -

THE CHAIRMAN: September 16, 2020.

Adequate notice of this meeting has been provided as required by law by mailing to the Press a list of the regularly scheduled meeting, September 16th, 2020 at 401 North Virginia Avenue, Conference Room, Atlantic City, New Jersey, 08401. A copy of said notice was sent to the City Clerk to be posted.

All of the aforesaid complies with chapter 231 of the Laws of 1975 known as the Open Public Meetings Law. Thank you. Flag salute.

MR. BOR: Roll call.

MS. BAILEY: Roll call first.

THE CHAIRMAN: Roll call. I apologize. Fred.

MR. BOR: Members of the Board and Executive Director, again, I apologize for not being present. But I'm here in spirit and I wish everybody well. Mr. Cheatham.

MR. CHEATHAM: Present.

MR. BOR: Ms. Langford.

MS. LANGFORD: Here.

1 MR. BOR: Ms. Bailey.

2 MS. BAILEY: Here.

3 MR. BOR: We have Mr. Smith is absent.

4 Mr. Hill.

5 MR. HILL: Here.

6 MR. BOR: Mr. Devlin.

7 THE CHAIRMAN: Good afternoon, Fred.

8 Here.

9 MR. BOR: Good afternoon, Mr. Devlin. And  
10 quorum. Flag salute.

11 THE CHAIRMAN: Thank you. Mr. Cheatham.

12 - - -

13 Whereupon the Pledge of Allegiance was  
14 recited.

15 - - -

16 MR. BOR: Can we approve the minutes.

17 THE CHAIRMAN: Need a motion.

18 MS. BAILEY: Motion.

19 THE CHAIRMAN: Second.

20 MR. BOR: Before we do that, Mr. Smith,  
21 have you distributed the executive session?

22 MR. SMITH: Yes.

23 MR. BOR: If the Board had an opportunity  
24 to review same, can we hear a motion. If  
25 there's no comments or issues or objections to

1 the minutes, I'll hear a motion on the minutes.

2 MS. BAILEY: Motion.

3 THE CHAIRMAN: Okay. We have a motion.

4 MR. HILL: And a second.

5 THE CHAIRMAN: And a second. Motion from  
6 Ms. Bailey and seconded by Mr. Hill.

7 MR. BOR: Mr. Cheatham.

8 MR. CHEATHAM: Yes.

9 MR. BOR: Ms. Langford.

10 MS. LANGFORD: Yes.

11 MR. BOR: Ms. Bailey.

12 MS. BAILEY: Yes.

13 MR. BOR: Mr. Hill.

14 MR. HILL: Yes.

15 MR. BOR: Mr. Devlin.

16 THE CHAIRMAN: Yes. Thank you.

17 MR. BOR: Mr. Smith, do you have anything  
18 to indicate with regard to personnel or  
19 engineering for the Board?

20 MR. SMITH: No. All the documentations  
21 were provided to all the board members. So  
22 they should have had that ahead of time for  
23 their reading ability.

24 MR. BOR: Okay. And with regard to  
25 financial reports or case management, any

1 issues, Mr. Smith--

2 MR. SMITH: No.

3 MR. BOR: It appears as if we have a  
4 presentation by Mr. Siracusa. Mr. Devlin,  
5 would you like to proceed with that now?

6 THE CHAIRMAN: Yes. Who asked Mr.  
7 Siracusa to do this? I'm just curious.

8 MR. HILL: He usually comes in every year.

9 THE CHAIRMAN: Mr. Siracusa?

10 MR. HILL: Yes.

11 MR. SMITH: Yes, I did send out that  
12 information that he will be here. He will  
13 actually be attending this particular meeting.

14 THE CHAIRMAN: Yeah, I was just curious  
15 because I didn't call for it.

16 MR. SMITH: Yes. Yes, I did send you a--

17 THE CHAIRMAN: Okay.

18 MR. SMITH: I did send a notification.

19 THE CHAIRMAN: That's fine.

20 MS. SMITH: Mr. Siracusa.

21 MR. BOR: Is he not present?

22 THE CHAIRMAN: Yes, he's here. He's  
23 walking in now.

24 MR. SIRACUSA: Good afternoon.

25 MS. BAILEY: Good afternoon.

1 MR. BOR: Do you want to hear him now  
2 before we go into the next item?

3 THE CHAIRMAN: You can stand right there.

4 MR. SIRACUSA: Am I up?

5 THE CHAIRMAN: Can you see Mr. Siracusa?

6 MR. BOR: I sure do. How are you, Mr.  
7 Siracusa?

8 MR. SIRACUSA: How are you doing? How are  
9 you? Why I'm here today is several years ago  
10 we introduced New Jersey Manufacturers to the  
11 board here. They are a very, very excellent  
12 workers' comp carrier.

13 And this is about 2009, as far back as my  
14 records go, we were the broker of record  
15 representing them here. And we had to charge a  
16 fee back then because they paid no commission  
17 to brokers that do the work.

18 Several years later-- that was 2009. 2012  
19 they hired-- they let go-- or a long-time  
20 employee there left to go to another broker and  
21 they replaced them with a person who began  
22 periodically going around and taking the  
23 accounts from the brokers that had been doing  
24 business with NJM for a long time. This was a  
25 targeted account and so was the Atlantic County



1 Utility Authority.

2 And it was the type of thing-- they called  
3 up, never told me about the meeting, went in  
4 here and then got rid of the fee we had to  
5 charge on the comp and to take it over directly  
6 themselves. In our business that is not a very  
7 ethical thing to do.

8 But they had this employee who lasted  
9 about two years there. All the complaints  
10 starting coming in from the entire state of New  
11 Jersey. They had to get rid of her. But  
12 anyway, since then it has gone on as a direct  
13 relationship between the board and them.

14 I'll fast-forward to this year. New  
15 Jersey Manufactures has changed their position  
16 and brokers. And they are going to pass a  
17 small commission. And in turn (inaudible) out  
18 of the servicing that they are paying for  
19 full-time employees in their office and  
20 shifting that burden to us, but they will pay  
21 us a small amount of money. It's three percent  
22 is what the commission is.

23 And in turn now, no fee has to be charged  
24 and no rates will go up because the cost  
25 savings they got from not servicing it

1 themselves and shifting it to us is included in  
2 the commission that they give us.

3 So this will be no cost to the MUA. And  
4 they just gave the first four or five pages  
5 there-- so the letter I got, September 10th,  
6 2014, I included it here. We received on  
7 September 15th that I had two days to find  
8 somebody here to sign a letter to counter  
9 (inaudible) the letter that was taken by, you  
10 know, the time-- Phil and Mr. Ward. And I  
11 think it might have been Bruce Ward's first  
12 year here. I only-- I think they kind of took  
13 advantage of that too.

14 Anyway, why I'm here, we are one of 18  
15 agents that have been appointed this year  
16 starting July 1 of 2020. And I'm here really  
17 for the January 1 renewal that's coming up.

18 MR. HILL: Right. You are usually not  
19 here now.

20 MR. SIRACUSA: That's right. I'm just  
21 concentrating on this because this-- the letter  
22 here is the letter I wrote to Claude when this  
23 was happening.

24 I said, you know what-- when they were  
25 coming to us for this deal too I also said, by

1 the way, the ACUMA-- you take that from me. I  
2 didn't think it was very good business wise. I  
3 said, "I want that back if you are going to do  
4 this."

5 And they completely agreed and they said,  
6 fine, but I'd have to get a letter signed by  
7 the board here. And so I talked to Claude  
8 about it. And I have included a blank letter  
9 to the letter and that's page three there.

10 And anyway, that's what I would like to do  
11 to get back to where we were without the fee  
12 this time so it won't cost you anything. And I  
13 don't think I wanted Claude-- and I told him I  
14 don't want you signing a letter without the  
15 board's approval and I'll come to the board and  
16 talk to them about what this all is about.

17 THE CHAIRMAN: So-- did you want to keep  
18 talk--

19 MR. SIRACUSA: No, I'm done.

20 THE CHAIRMAN: So what is confusing me a  
21 little bit-- and I've only been here-- I think  
22 I'm the youngest one-- not young, but newest  
23 board member. I don't want to say young. I'm  
24 the newest board member here.

25 And Ms. Bailey and Ms. Langford both know

1 we do things a lot differently. Like when  
2 somebody is injured, how does that work? So  
3 John Devlin-- John goes out there and he breaks  
4 his foot-- and we have employees right now that  
5 are injured. How does that work?

6 Like across the street here like at the  
7 school district we have an attorney that  
8 handles and represents us because, you know, we  
9 have 1,700-- Ms. Bailey, how many? 1,700  
10 employees.

11 MR. SIRACUSA: Right. Right.

12 THE CHAIRMAN: I know we are a lot lower  
13 than 100 here, but we have significant claims  
14 here. And the claims are-- I mean, this is a  
15 high-risk job, guys.

16 So when we have-- and I chair-- I'm  
17 actually on the committee-- the personnel  
18 committee. So if somebody is injured, you  
19 know, how-- I get we are covered. We have  
20 workmen's comp insurance.

21 MR. SIRACUSA: Right.

22 THE CHAIRMAN: How-- and I guess Mike  
23 Riley should be here for this conference call  
24 or be on this one. How do we-- how are we  
25 represented? Are you following what I'm

1 saying?

2 MR. SIRACUSA: Yes. What happens is maybe  
3 on like the Atlantic City-- or the Board of Ed,  
4 sometimes they are self-insured. And I think  
5 that either one or both are to a certain  
6 degree, maybe the first 500,000 or million  
7 dollars is handled by the board itself and the  
8 board's attorney.

9 This they completely take 100 percent of  
10 the risks. So they have their own defense  
11 attorney. They pay all the medical and they  
12 take care of everything. You don't need other  
13 attorneys to handle this because they are going  
14 to get an attorney to come after you and they  
15 supply the defense attorneys for all this, for  
16 all the workers' comp.

17 THE CHAIRMAN: So Eugene, I guess what I'm  
18 getting at too is, like, we have a case that  
19 I'm over on right now. A gentleman got ill on  
20 the job. Everybody knows that that's a  
21 workmen's cop just like if a cop had a heart  
22 attack on the job.

23 So I know we had some-- and Debbie should  
24 be here for this conversation. I know we had  
25 some-- a lot of questions. Who do we call if I

1 have a question as a committee member? Who do  
2 I call? Because I mean--

3 MR. SIRACUSA: Well, starting on January 1  
4 you can call me if you have a question.

5 THE CHAIRMAN: Okay.

6 MR. SIRACUSA: But at this point there's  
7 an 800 number that NJM has--

8 THE CHAIRMAN: Right.

9 MR. SIRACUSA: -- to call.

10 THE CHAIRMAN: Okay. So you will be our  
11 contact guy?

12 MR. SIRACUSA: Yes. And if you need any  
13 information on claims or that type of thing, I  
14 can get that for you.

15 THE CHAIRMAN: So you are saying we don't  
16 need a workmen's comp attorney?

17 MR. SIRACUSA: No, you don't. No, they  
18 provide that for you as part of your premium.  
19 When you pay that, you are paying for that  
20 attorney. And they take the risk if they--

21 MS. BAILEY: So things like claim  
22 reporting and followup, investigation of  
23 claims, is that handled by Mr. Siracusa or is  
24 that handled by New Jersey Manufacturer?

25 MR. SIRACUSA: New Jersey Manufactures

1 will handle that for you, yes.

2 MS. BAILEY: Okay.

3 MR. SIRACUSA: But sometimes you'll call,  
4 they will not quite understand what you're  
5 saying or doing and that's where I can step in  
6 and say I can do my own thing professionally  
7 because I have been in this business for 40  
8 something years.

9 And I can say what are you doing? What's  
10 the status of this thing? Why isn't it being  
11 paid? Why is it being paid too much? And I  
12 can help you with that.

13 MR. HILL: As a followup to Ms. Baily  
14 because-- I mean, NJM is a very good company,  
15 but it is so big and massive that, as she  
16 mentioned, if there is an issue or a particular  
17 question then you are willing to step in and  
18 try to expedite that answer?

19 MR. SIRACUSA: Up until now you would have  
20 to call that big company--

21 MR. HILL: I know.

22 MR. SIRACUSA: -- and find your way  
23 through it. Where I will have my own guys that  
24 can do this.

25 THE CHAIRMAN: Hi, Mike.

1 MR. RILEY: Hi, John. How's it going?

2 THE CHAIRMAN: Hanging in there. We have  
3 Mr. Siracusa here just giving us some  
4 information regarding our workmen's comp--

5 MR. RILEY: Okay.

6 THE CHAIRMAN: Insurance-- part of the  
7 insurance. Anything else on that?

8 MR. SIRACUSA: That's all.

9 THE CHAIRMAN: Eugene, real quick--

10 MR. SIRACUSA: Yes.

11 THE CHAIRMAN: We're happy to have you  
12 here. I would love to see you back more--

13 MR. SIRACUSA: Thanks.

14 THE CHAIRMAN: -- just to educate us and  
15 keep us up to date maybe once every six months  
16 or something.

17 Real quick, when I first came on the board  
18 we had-- I think we discussed this a little  
19 bit. Our last executive director said  
20 something about-- remember we were going to go  
21 to a different insurance company because your  
22 insurance company-- do you guys recall that?

23 Where Mr. Ward said he was going to use a  
24 different-- because you guys didn't followup  
25 with him regarding hardware, if something-- if



1 we got hacked or if our system--

2 MR. SMITH: Yes. That was actually cyber  
3 liability.

4 MR. SIRACUSA: I sent an application in  
5 and followed up about four times and never got  
6 it back.

7 THE CHAIRMAN: Where are we at with that,  
8 Mr. Smith?

9 MR. SMITH: That--

10 MR. SIRACUSA: Just by the way, you have  
11 coverage anyway with the package that you have  
12 from--

13 THE CHAIRMAN: I'm just passing along  
14 information.

15 MR. SIRACUSA: It may not be as hefty or  
16 as high and efficient. So I was trying to get  
17 a quote for you to see if you wanted to beef it  
18 up a little bit. But you have coverage, but it  
19 may not be enough.

20 THE CHAIRMAN: Prior to being Chair here I  
21 recall our last executive director. And I  
22 think I reached out to you regarding that. And  
23 I couldn't get ahold of you. But he was saying  
24 he couldn't get ahold of you.

25 And all of the sudden he wanted to

1           outsource it to another insurance company. Do  
2           you recall that, right?

3           MR. SIRACUSA: Yeah. I called him on that  
4           and he just said, you know--

5           THE CHAIRMAN: Well, there's witnesses  
6           here.

7           MR. SIRACUSA: He didn't know what I was  
8           talking about.

9           THE CHAIRMAN: You remember that, right?

10          MS. BAILEY: It wasn't workers' comp it  
11          was--

12          THE CHAIRMAN: No. No, it was--

13          MR. SIRACUSA: Because I can show you the  
14          emails. It's a couple years old now.

15          THE CHAIRMAN: No. No. Eugene, I've know  
16          you a long time. I believe you. I--

17          MR. SIRACUSA: I can just send it over and  
18          show you--

19          THE CHAIRMAN: It was a long conversation  
20          we had with him. And then I remember like he  
21          couldn't get ahold of you. And I'm like--

22          MR. SIRACUSA: Yeah. And I told him in  
23          the email-- I said most of these cyber  
24          applications are very difficult to do by  
25          employees here because usually I'm an outside

1 IT person.

2 I just said just send it to the IT person  
3 and let them-- you know, let them do it.  
4 Because, you know, they are the ones with all  
5 the security and all the-- whatever the-- you  
6 know, the virtual whatever they call it.

7 MR. HILL: So you don't need us to do  
8 anything?

9 MR. SIRACUSA: No. I just need permission  
10 for Claude to sign the letter and we can be on  
11 our way. That's all.

12 MR. SMITH: And that's the purpose of  
13 actually him being here today is actually to  
14 explain what the turnover actually is or the  
15 new formatting.

16 Before we didn't have to go through this  
17 because of the fact that now New Jersey does  
18 not give us the opportunity to request actually  
19 request for dates or price information  
20 directly. So now we have to go through a  
21 broker in order to do so. And he's one of the  
22 brokers that has actually been assigned to do  
23 that.

24 MR. SIRACUSA: I can put that in different  
25 terms too. They were so good that really they

1           were just tired of putting it out there because  
2           they never lost. They were just the cheapest  
3           thing. They have a 15 percent-- a 15 percent  
4           credit. You're paying only 70 percent of what  
5           everybody else pays.

6                        So it was very-- so I think they just said  
7           you just are going to keep winning this.

8                        MR. SMITH: Right.

9                        MR. SIRACUSA: And then when the person  
10          called from New Jersey Manufactures, that's--  
11          you know, like I said, it happened behind my  
12          back. And it just happened, you know. So  
13          that's the history of that.

14                       MR. SMITH: And in regards to us being  
15          able to contact New Jersey American, we have a  
16          representative that we have our contacts with,  
17          not just through the broker itself.

18                       THE CHAIRMAN: Okay. Eugene, we know you  
19          are busy.

20                       MR. SIRACUSA: Okay. Well, thank you  
21          guys.

22                       THE CHAIRMAN: Thank you very much.

23                       MR. SIRACUSA: Thanks for having me.

24                       MR. SMITH: And just to followup, we will  
25          be having another session apart from this that

1 we just had and I will be talking to you guys  
2 about that.

3 MR. SIRACUSA: Possibly next week I think,  
4 right?

5 MR. SMITH: Well, we haven't made it yet.  
6 But we are going to have to schedule one.

7 MR. SIRACUSA: Okay. All right, thanks.

8 MR. SMITH: But as soon as possible.

9 MR. BOR: And Mr. Chairman.

10 THE CHAIRMAN: Yes, sir.

11 MR. BOR: Just one point you made to  
12 Mr. Siracusa, carriers will pick up all the  
13 investigation. We do not have to partake in  
14 separate carriers where we are insured.

15 Now, there is some municipalities that are  
16 self-insured. And in those situations they do  
17 either have house counsel or outside counsel  
18 handle the claim. But that's not the case with  
19 us. NJM, if we go with them, they will handle  
20 everything.

21 THE CHAIRMAN: Very good.

22 MR. BOR: Next item, the auction  
23 properties. I just want to suggest--

24 MR. SMITH: Can we actually discuss this  
25 in closed session?

1 MR. HILL: Yeah, I think this is--

2 MR. BOR: Yes. I just wanted to do a  
3 little preamble to it. Claude and I have  
4 discussed the auction property quite a bit this  
5 week. So what I would like to do, if possible,  
6 Claude, is just distribute the letter if you  
7 have it.

8 MR. SMITH: It's already been distributed.

9 MR. BOR: But then going into closed  
10 session does the letter-- it raises legal  
11 issues that will have be addressed in closed  
12 session.

13 THE CHAIRMAN: Thank you, Fred.

14 MR. BOR: But definitely, Mr. Chairman,  
15 there are legal issues pertaining to this  
16 auction issue that should go in closed session.

17 THE CHAIRMAN: Thank you. Okay. Mr.  
18 Riley, you're up.

19 MR. RILEY: All right. How are we doing  
20 everybody? I hope everybody is well.

21 MR. HILL: Thank you.

22 MR. RILEY: I stipulated a four or five  
23 page summery of some of the discovery issues  
24 and where we are with the FAA case. I think  
25 Kelley may have gotten them. I'm not sure but--

1 MS. WILLIAMS: I sure did.

2 MR. HILL: We have it. Thank you.

3 MR. RILEY: Oh, good. I just want to  
4 bring you up to speed a little bit. The last  
5 couple months have been a little bit slow from  
6 the-- really from the pandemic problem in terms  
7 of getting a lot of these depositions scheduled  
8 because it usually involves people coming from  
9 different parts of the county. So they have  
10 been a little slow during that.

11 But right now there's a lot of effort  
12 being put into the collection of all these  
13 documents. And you can see that there is over  
14 a million and a half documents that have been  
15 proposed and have been produced.

16 And with each production there comes a lot  
17 of technical issues. And the issues relate  
18 around attorney client privilege issues, many  
19 issues around the authenticity of some of the  
20 documents. For intense, some of these  
21 documents are historical documents and on hard  
22 copy paper and other documents, of course, are  
23 electronic.

24 But there have been a lot of dispute about  
25 whether or not some of this electronic material

1           may have been corrupted along the way. There  
2           may be some failures on behalf of some of the  
3           bigger companies, 3M in particular. As we have  
4           discussed in the past that 3M has got a history  
5           in terms of their integrity and in terms of,  
6           you know, participating in lawsuits but--

7           THE CHAIRMAN: Is he there?

8           MR. SMITH: Are you still there, Mike? He  
9           cut off.

10          MR. RILEY: Hello?

11          MR. SMITH: Yeah, sorry about that. I'm  
12          not sure what happened, but you got cut off.

13          MR. RILEY: That's okay. Where did I get  
14          cut off?

15          THE BOARD MEMBER: You were talking about  
16          3M's history.

17          MR. RILEY: But the volume is amazing and  
18          one of the bigger problems down the road that  
19          the United States, of course, is a defendant of  
20          this case. But many of their document archives  
21          have been closed, just completely closed. And  
22          particularly, the Navy and Air Force archives  
23          as to their documents and the EBT problems.

24          But what we have is an opportunity going  
25          into the fall and begin to catch up on all the



1           discovery. And as I have indicated to you in  
2           past conversations, the Court is now looking  
3           for a system to assign cases a priority in  
4           terms of being disposed with the water supply  
5           cases being up front.

6           So it takes awhile to get all the stuff  
7           together, but the closer that we get to getting  
8           all the documents then the legal issues are  
9           going to come up. And there's going to be  
10          motions in terms of authenticity and relevance  
11          and all those types of things you run into in a  
12          typical trial. So we are a ways down the road,  
13          but we are not near the end yet. But we are  
14          moving in that direction.

15          So other than that, things are pretty much  
16          consistent with what we discussed before.

17          THE CHAIR: Thank you, Mike.

18          MR. RILEY: Does anybody have any  
19          questions or anything?

20          MR. HILL: No. Thank you.

21          MR. RILEY: We are going to have a meeting  
22          sometime next week. There are some things--  
23          some different techniques to filter the water  
24          that have been brought to my attention recently  
25          and I'll talk to Vince about it.

1           But anyway, things have a direction and  
2 they are moving. Okay.

3           MS. BAILEY: Okay.

4           THE CHAIRMAN: Good.

5           MR. RILEY: All right. Everybody have a  
6 good day. And Claude, if you need me, give me  
7 a call on this number. Okay?

8           MR. SMITH: Sure will. We'll be in touch.  
9 Thank you.

10          MR. RILEY: Take care.

11          MS. SMITH: Do you want to move to--

12          MR. BOR: Chairman.

13          THE CHAIRMAN: Yes.

14          MR. BOR: Is there any-- this director's  
15 forum, are there any members of the board that  
16 wish to address any issues?

17          THE CHAIRMAN: I don't have anything. Is  
18 there anybody from the board? Question?  
19 Comments?

20          MS. BAILEY: No.

21          MR. BOR: Now, Mr. Chairman, with  
22 reference to public participation, the record  
23 should reflect that in compliance with the  
24 state's requirements, the DCA requirements, we  
25 have provided notice to any participants

1 particularly since we are starting at a later  
2 hour.

3 We have supplied-- we have given  
4 information to Ms. Williams if anyone calls in  
5 they are either called in at 3:30 or in the  
6 alternative, as the DCA suggests, they can  
7 certainly send an email to Mr. Smith with any  
8 questions you may have. And at that point,  
9 Mr. Smith will then read the email to the  
10 board.

11 Mr. Smith, were there any emails from any  
12 members of the public?

13 MR. SMITH: No, there were not.

14 MR. BOR: Okay. And we have satisfied the  
15 public with this. Are there any members of the  
16 public, Mr. Chairman, that are here today that  
17 wish to communicate?

18 THE CHAIRMAN: I don't see anybody, Fred.

19 MR. BOR: Okay. Then we can move to old  
20 business. First one is just to accept a bid  
21 regarding road openings, 8 A 1 I believe.

22 MR. SMITH: Before you do that, do you  
23 want to actually bring in-- actually have Vince  
24 speak and then we also have Mike Goloff.

25 THE CHAIRMAN: Let's have Mike. I want to

1 have Vince speak in closed session. And Mike  
2 can do a presentation if that's good with you.

3 MR. SMITH: Sure.

4 THE CHAIRMAN: Michael, you're up.

5 MS. BAILEY: Good afternoon.

6 MR. GOLOFF: Good afternoon to everybody.  
7 I just wanted to say hi. John suggested that I  
8 stop in. I had gotten really held down with  
9 private clients. And I had stayed in contact  
10 with John and with the board as well. Can  
11 everyone understand me?

12 THE CHAIRMAN: Take that off, Mike.

13 MR. GOLOFF: Okay. And I'm sure you are  
14 all aware what I was brought in for. The  
15 federal aid is still not available for entities  
16 such as ours. And we have looked at many  
17 different scenarios whether it was furloughs  
18 and budget line items and a program where we  
19 can delay the 941 Social Security Medicare  
20 taxes that, at that point, we opted not to do,  
21 et cetera, et cetera.

22 More time of mine has freed up now. So if  
23 the board would like me to do something, I am  
24 now available. That is one of the pitfalls of  
25 having a two-person office and not maybe 15

1 people or whatever, you know. So when the  
2 proverbial stuff hits the fan, I got to do it.  
3 And it's fine. I'm happy to do it.

4 I just wanted to be here and say hello and  
5 I'm still available. And I am still looking,  
6 of course, because there is a lot of talk still  
7 if there is money that can be made available.  
8 And unfortunately, it still is not.

9 And I'm still over at ACUA so I get the  
10 benefit of speaking with Linda Bazemore from  
11 time to time. And if anything pops up then  
12 they have an arsenal of people which is  
13 wonderful to have available to me as well.

14 So still nothing available, but I do stay  
15 on top of it. And if you wanted to get back on  
16 any budget issues to see if we can cut anything  
17 or anything like that--

18 And quite frankly, I guess everybody is  
19 probably thinking the same thing. As long as  
20 there is not another shutdown, I think we  
21 probably weathered the worst part of the storm.  
22 And although the billing is on a delay, the  
23 billing should be getting closer to being back  
24 to normal. But I'm looking at room occupancy  
25 rates and stuff like that and it is coming back

1 to normal.

2 And even if the rooms are cheaper, we  
3 don't care about that stuff. We want the flush  
4 of the toilets and turning on the sink, you  
5 know. And so, those things are happening.

6 THE CHAIRMAN: Mike, didn't you suggest  
7 the possibility of delaying a payment? I know  
8 we discussed it previously.

9 MR. GOLOFF: Well, yes. There was the  
10 Social Security Medicare taxes which in the  
11 budget is approximately \$350,000 a year. The  
12 employer portion, the way that-- it still could  
13 be done between now and the end of December  
14 which I guess if we have basically four months  
15 or three months left it would be one-fourth of  
16 the budget or about \$85,000 which is still  
17 \$85,000.

18 And it's delayed not to the end of next  
19 year, but it is delayed to the end of next year  
20 with no fines, penalty, interest or anything.  
21 So it is cash, you know, that you are actually  
22 saving. And I-- know you, I know you have a  
23 outside service for parole; is that correct,  
24 Claude?

25 MR. SMITH: Yes.

1           MR. GOLOFF: You know, they would just  
2           have to basically be instructed to do that.  
3           And then, you know, I'm sure, assuming nothing  
4           else horrible comes along, cash will most  
5           certainly-- by then would be certainly back to  
6           normal God willing. And then that could be  
7           paid rather easily, you know. So that is still  
8           on the table as available certainly.

9           THE CHAIRMAN: What else is on the table,  
10          Mike?

11          MR. GOLOFF: Well, the other thing that's  
12          out there, if necessary, is furloughs, of  
13          course, which we have made the list of the 13  
14          people and the projected savings that, in a  
15          couple months, that could be had.

16          And you know, I did have a benefit until a  
17          couple weeks ago, I was still getting the flow  
18          reports and the cash level reports. And I will  
19          say, I was happily surprised. It was nowhere  
20          near as bad as I thought it was going to be  
21          even when the lower numbers started to hit. It  
22          wasn't normal. But it was, I believe my memory  
23          is about 60 percent. I was expecting to see  
24          30 percent, you know. So it really wasn't as  
25          bad.

1           But those are the things really on the  
2 table until-- until if and when some pennies  
3 from heaven may or may not come along. But I  
4 am obviously not counting on that, you know.

5           So that is really where we are right now.  
6 And if you want to look at anything else, of  
7 course, I'm three blocks away-- five blocks  
8 away. I'm here.

9           THE CHAIRMAN: Thank you, Michael.

10          MS. BAILEY: Thank you.

11          MR. GOLOFF: Okay. Thank you very much  
12 for your time.

13          THE CHAIRMAN: Thanks, Mike. Okay. What  
14 do we got?

15          MR. BOR: Perhaps we should move on to  
16 number 8, old business.

17          THE CHAIRMAN: I need a motion on 8 A 1.

18          MR. HILL: I'll move it.

19          MS. BAILEY: I second.

20          MR. BOR: Ms. Langford.

21          MS. LANGFORD: Are we going to follow the  
22 order?

23          THE CHAIR: Hey, Fred. If you recall our  
24 last meeting, let's stick with the  
25 alphabetical. That's what it says in the



1 Robert's Rules of Order. If you could read the  
2 roll call vote by alphabetical order and I go  
3 last normally.

4 MR. BOR: Ms. Bailey.

5 MS. BAILEY: Yes. We are still on 8 A 1,  
6 right?

7 THE CHAIRMAN: Yes.

8 MR. HILL: Yes, ma'am.

9 MS. BAILEY: Yes to 8 A 1.

10 MR. BOR: Mr. Cheatham.

11 MR. CHEATHAM: Yes.

12 MR. BOR: Mr. Hill.

13 MR. HILL: Yes.

14 MR. BOR: Ms. Langford.

15 MS. LANGFORD: Yes.

16 MR. BOR: Mr. Devlin.

17 THE CHAIRMAN: Thank you, Fred. Yes.

18 MR. BOR: Carries.

19 THE CHAIRMAN: Thank you. I need a motion  
20 for septa proposal from municipal adviser, 8 B  
21 1. And I know we discussed this, Claude, but  
22 can you just give us a little summary of what  
23 this is exactly.

24 MR. SMITH: Okay. I actually sent you a  
25 copy of the--

1 THE CHAIRMAN: Yes, you did.

2 MR. SMITH: -- of the actual proposal that  
3 came in. And basically, this is just for a  
4 company to give us at least-- let me just go to  
5 this particular page here and I'll tell you a  
6 little bit more-- to give us management  
7 concerns, to give us at least advice in  
8 management concerns in regards to our dept  
9 services.

10 The primary part of this particular  
11 request for a proposal is to have an  
12 independent registered municipal adviser. And  
13 they meet that particular criteria so that if  
14 and when we do have to go out for a particular  
15 bond. And apart from, of course, you have your  
16 bond counsel. But on the municipal side they  
17 are actually there to give us directive and to  
18 assist us in regards to doing so.

19 So that is one of the primary things that  
20 we are looking at for the municipal adviser to  
21 do for us.

22 THE CHAIRMAN: And is there a not to  
23 exceed amount?

24 MR. SMITH: Yes. I did put a not to  
25 exceed amount. But, of course, this is based--

1           this is all based on the usage of the actual  
2           municipal adviser just like with the bond  
3           counsel. But I did put a not exceed amount.

4           Now, what you also have to realize-- okay,  
5           going from 2020 to 2021 and with the fact that  
6           we are going to have to do probably a lot of  
7           capital improvement. And if we are going to be  
8           going into capital improve-- there are a lot of  
9           capital improvements-- we are going to have to  
10          go out for a bond.

11          THE CHAIRMAN: Of course.

12          MR. SMITH: We are going to have to borrow  
13          money. And if we are going to be borrowing  
14          money, of course this is something that we  
15          definitely will be needing.

16          So in conjunction with the-- counsel as  
17          well too, the bond counsel, this is something  
18          that hopefully we can coordinate in terms of  
19          going out for bonds or for--

20          MR. HILL: And we have used Phoenix  
21          before?

22          MR. SMITH: Yes, we have.

23          MR. HILL: I remember.

24          MR. SMITH: As a matter of fact, within  
25          the proposal-- I mean, within the resolution

1           itself it tells you what the bond and notices  
2           actually are and what their cost is per hour as  
3           well, okay?

4           THE CHAIRMAN: Thank you. I need a motion  
5           and a second for 8 B 1, please.

6           MS. BAILEY: Motion to 8 B 1.

7           THE CHAIRMAN: I'll second it.

8           MR. BOR: Yes, thank you. Ms. Bailey.

9           MS. BAILEY: Yes.

10          MR. BOR: Mr. Cheatham.

11          MR. CHEATHAM: Yes.

12          MR. BOR: Mr. Hill.

13          MR. HILL: Yes.

14          MR. BOR: Ms. Langford.

15          MS. LANGFORD: Yes.

16          MR. BOR: Mr. Devlin.

17          THE CHAIRMAN: Yes, sir.

18          MR. BOR: Carries.

19          THE CHAIRMAN: Thank you.

20          MR. BOR: Now, let's get to new business  
21          now. First item is the necessary to appear.  
22          Although, the necessary to appear, I take it  
23          they are not there. And I ask Ms. Williams or  
24          Mr. Smith have either Mr. Pham or Mr. Smith  
25          called in?

1 MS. WILLIAMS: No. They received letters  
2 though.

3 MR. BOR: They received letters?

4 MS. WILLIAMS: Yes.

5 MR. BOR: Well, it's up to the Chair. We  
6 either vote on it or carry them because they  
7 are necessary to appear.

8 MS. WILLIAMS: No, they're not. No,  
9 they're not.

10 MR. BOR: They're not?

11 MS. WILLIAMS: No.

12 THE CHAIRMAN: Yeah, I didn't think they  
13 were.

14 MS. WILLIAMS: Yeah, it's not. I'm sorry.  
15 It's not. It's unnecessary.

16 MR. BOR: Okay. Let's just correct that.

17 THE CHAIRMAN: All right. Let's just vote  
18 on that if we're good. I need a motion on 9 A  
19 1 and 2 or do they have to go individually?

20 MR. BOR: No, they go together.

21 THE CHAIRMAN: Thank you. I need a motion  
22 on 9 A--

23 MR. BOR: Motion to accept 9 A 1 and 2.

24 THE CHAIRMAN: Motion by Mr. Hill. I'll  
25 second that too.

1 MR. BOR: Ms. Bailey.  
2 MS. BAILEY: Yes.  
3 MR. BOR: Mr. Cheatham.  
4 MR. CHEATHAM: Yes.  
5 MR. BOR: Mr. Hill.  
6 MR. HILL: Yes.  
7 MR. BOR: Ms. Langford.  
8 MS. LANGFORD: Yes.  
9 THE CHAIRMAN: Mr. Devlin.  
10 THE CHAIRMAN: Yes.  
11 MR. BOR: Carries.  
12 THE CHAIRMAN: Thank you.  
13 MR. BOR: Solicit bids. Mr. Smith, do you  
14 want to explain what B 1 constitutes?  
15 MR. SMITH: High Calcium Hydrated Lime.  
16 That's actually a lime for actually our  
17 treatment plant in regards to our treatment  
18 process.  
19 MR. BOR: Yes, we get this regularly if I  
20 recall.  
21 MR. SMITH: Yes. This is just a typical  
22 bid.  
23 MR. HILL: I'll move it, 9 B 1.  
24 MS. BAILEY: Second.  
25 MR. BOR: Ms. Bailey.

1 MS. BAILEY: Yes.

2 MR. BOR: Mr. Cheatham.

3 MR. CHEATHAM: Yes.

4 MR. BOR: Mr. Hill.

5 MR. HILL: Yes.

6 MR. BOR: Ms. Langford.

7 MS. LANGFORD: Yes.

8 MR. BOR: Mr. Devlin.

9 THE CHAIRMAN: Yes.

10 MR. BOR: Carries. C is repairs to  
11 utility road openings. Mr. Smith, any comments  
12 to the board?

13 MR. SMITH: That's actually a change  
14 order. Apparently, this was just at the end of  
15 the contract from last-- from last year. And  
16 we just needed to finish up a few road repairs  
17 that was actually on the books. And we just  
18 ran over for that particular amount.

19 So as a matter-- if you notice the repair  
20 to the utility road openings is the bid that we  
21 just put out. So any particular road openings  
22 going forward will be covered by the new  
23 contract.

24 MS. BAILEY: So the change order is for--

25 MR. SMITH: The change order is--

1 MS. BAILEY: -- \$3,974?

2 MR. SMITH: Yes.

3 MR. HILL: To cover past.

4 MR. SMITH: To cover what we just finished  
5 up for, if you want to call it, the last  
6 contract.

7 MR. HILL: I'll move it.

8 MS. BAILEY: Second.

9 MR. BOR: Ms. Bailey.

10 MS. BAILEY: Yes.

11 MR. BOR: Mr. Cheatham.

12 MR. CHEATHAM: Yes.

13 MR. BOR: Mr. Hill.

14 MR. HILL: Yes.

15 MR. BOR: Ms. Langford.

16 MS. LANGFORD: Yes.

17 MR. BOR: Thank you. And Mr. Devlin.

18 THE CHAIR: Yes, thank you.

19 MR. BOR: Next is item 9 D, CES, that's  
20 Consulting Engineering Services. Mr. Smith.

21 MR. SMITH: Yes. We already selected our  
22 consulting engineer. The only error that I did  
23 make on that particular resolution is I did not  
24 put an upset number or a contract figure for  
25 that particular resolution.



1           So this resolution is just to amend us  
2 actually including at least a number for that  
3 particular contract or figure for that  
4 particular contract.

5           THE CHAIRMAN: What number did you put on  
6 there?

7           MR. SMITH: I put in \$50,000 as well.  
8 \$50,000.

9           THE CHAIRMAN: And that is subject to be  
10 amended?

11          MR. SMITH: No. No, that is not  
12 subject-- well, hopefully it is not subject to  
13 be amended.

14          This amends the contract, the previous  
15 contract which was a resolution that we did  
16 accept a consultant engineer. Like I said, the  
17 only thing I omitted to do was to put a actual  
18 dollar figure for the contract.

19          THE CHAIRMAN: I know we are using a  
20 consultant engineer quite a bit. So if we  
21 exceed 50,000, do we have to vote on that?

22          MR. SMITH: We'll have to do a change  
23 order.

24          THE CHAIRMAN: That's what I ment. Thank  
25 you.

1 MR. SMITH: Yes.

2 THE CHAIRMAN: Very good. I'll do a  
3 motion on that.

4 MR. HILL: I'll second.

5 MR. BOR: Ms. Bailey.

6 MS. BAILEY: Yes.

7 MR. BOR: Mr. Cheatham.

8 MR. CHEATHAM: Yes.

9 MR. BOR: Mr. Hill.

10 MR. HILL: Yes.

11 MR. BOR: Ms. Langford.

12 MS. LANGFORD: Yes.

13 MR. BOR: And Mr. Devlin.

14 THE CHAIRMAN: Yes.

15 MR. BOR: Mr. Smith, is there some update  
16 for Mr. Polistina?

17 THE CHAIR: We are going to do that in  
18 closed session.

19 MR. BOR: Okay. Sounds good. And G is  
20 the promotion item. Mr. Smith.

21 MR. SMITH: As the board is aware that we  
22 were looking for an assistant distribution  
23 manager. We had interviewed several candidates  
24 a few months ago. And we had come up at  
25 least-- if you want to call it-- an order of

1 selection in regards to the candidates that we  
2 saw fit based on their qualifications and what  
3 they had to offer and how they would actually  
4 be able to come in and assist the authority.

5 Candidate number one declined the offer.  
6 Candidate number two which is on the resolution  
7 which is Mr. Kevin Jennings-- and we are  
8 offering that position for the salary of  
9 \$80,500. And upon him actually receiving his  
10 W3 licensings, that salary would be increased  
11 to \$82,500.

12 THE CHAIRMAN: Sir, real quickly, he is  
13 employed by--

14 MR. SMITH: He is a current employee with  
15 the authority and is also a Atlantic City  
16 resident.

17 THE CHAIRMAN: So we thoroughly reviewed  
18 this in personnel. And we actually gave the  
19 greenlight for the other candidate. But the  
20 other candidate was highly qualified and he  
21 already had that license and he already applied  
22 for the next license. So unfortunately, he  
23 didn't take it?

24 MR. SMITH: He did not accept the offer.

25 THE CHAIRMAN: Sad to hear that. Okay.

1 Very good.

2 MR. BOR: Mr. Smith, is our resolution to  
3 offer the job or is it to approve it for that  
4 gentleman?

5 MS. SMITH: It is to approve it for that  
6 particular person.

7 MR. BOR: Okay. Thank you.

8 THE CHAIRMAN: Need a motion.

9 MR. HILL: Second.

10 THE CHAIRMAN: I'll motion.

11 MR. HILL: Second.

12 MR. BOR: Ms. Bailey.

13 MS. BAILEY: Abstain.

14 MR. BOR: Mr. Cheatham.

15 MR. CHEATHAM: Yes.

16 MR. BOR: Mr. Hill.

17 MR. HILL: Yes.

18 MR. BOR: Ms. Langford.

19 MS. LANGFORD: Abstain.

20 MR. BOR: And Mr. Devlin.

21 THE CHAIRMAN: Yes.

22 MR. BOR: Carries. Monthly bills.

23 THE CHAIRMAN: Motion.

24 MS. BAILEY: Second.

25 MR. BOR: Ms. Bailey.

1 MS. BAILEY: Yes.

2 MR. BOR: Mr. Cheatham.

3 MR. CHEATHAM: Yes.

4 MR. BOR: Mr. Hill.

5 MR. HILL: Yes.

6 MR. BOR: Ms. Langford.

7 MS. LANGFORD: Yes.

8 MR. BOR: And Mr. Devlin.

9 THE CHAIRMAN: Yes.

10 MR. BOR: I believe, Mr. Devlin, it is now  
11 a motion to go into executive session.

12 THE CHAIRMAN: Motion.

13 MR. HILL: Second.

14 MR. BOR: Hearing no objection, moving to  
15 executive session.

16 - - -

17 Executive session began at 4:15 p.m.

18 - - -

19 Public session resumed at 4:55 p.m.

20 - - -

21 MR. BOR: Okay. I want the record to  
22 reflect that in closed session Mr. Vince  
23 Polistina, one of our engineers, did meet with  
24 us and explained in detail very helpful  
25 information regarding his role and how he is

1 going to work in cooperation with Mr. Riley and  
2 report to us with regard to the issues that he  
3 is addressing.

4 Now, Mr. Smith, what was the name of the  
5 settlement-- what was the name of the  
6 individual again?

7 MR. SMITH: I'm sorry?

8 MR. BOR: We then had a resolution to  
9 approve the--

10 THE CHAIRMAN: The \$3,000, the one that  
11 Andy wanted us to approve.

12 MR. SMITH: Oh, he's talking about Jean  
13 Valeus. His last name is actually Values.

14 MR. BOR: We do need a motion to approve  
15 \$7,300--

16 MR. SMITH: It's--

17 MR. BOR: (Inaudible).

18 MR. SMITH: Just to add to that, that's an  
19 ADA case that he actually settled for \$3,000  
20 with Mr. Gene Valeus.

21 MR. HILL: I'll move it.

22 MR. BOR: Is there a second?

23 THE CHAIRMAN: Second.

24 MR. BOR: Ms. Bailey.

25 MS. BAILEY: Abstain.

1 MR. BOR: Mr. Cheatham.

2 MR. CHEATHAM: Yes.

3 MR. BOR: Mr. Hill.

4 MR. HILL: Yes.

5 MR. BOR: Ms. Langford.

6 MS. LANGFORD: Yes.

7 MR. BOR: Mr. Devlin.

8 THE CHAIRMAN: Yes.

9 MR. BOR: That settlement resolution is  
10 approved. And I will just reiterate that you  
11 will be setting up a meeting with Mr. Long,  
12 yourself or any board members who wish to  
13 participate and discuss issues that we reviewed  
14 in closed session.

15 MR. SMITH: That's correct. And with the  
16 city of Atlantic City as well.

17 MR. BOR: Mr. Smith will set up a meeting  
18 relative to the discussion item in closed  
19 session that we reviewed. And we look forward  
20 to that meeting.

21 There is no other business, Mr. Devlin, is  
22 there?

23 THE CHAIRMAN: Real quick, I just want to  
24 talk to the board. I'm trying to set up a tour  
25 of the plant. I have done it. I think Ms.

1 Bailey-- somebody has it done. Some of us have  
2 it done.

3 It was a great tour. I just think it  
4 helped me as a board member. And we are going  
5 to while the weather is still nice. And if you  
6 want to invite some people that would be  
7 interested, please do.

8 MS. BAILEY: Mr. Long should go.

9 MR. HILL: That's just who I was thinking  
10 of.

11 THE CHAIRMAN: So Mr. Mancuso is going to  
12 be--

13 MR. HILL: Get a couple dates, not just  
14 one.

15 THE CHAIRMAN: Yeah. Mr. Mancuso is going  
16 to set up-- he's setting up a couple tours  
17 and--

18 MR. CHEATHAM: I would like to join one of  
19 these tours.

20 MR. HILL: That's what we're going to do.

21 THE CHAIRMAN: That's why I'm inviting you  
22 right now, Mr. Cheatham. There's a couple  
23 dates that are going to be out there and you  
24 are more than welcome to be part of any one you  
25 want. Fair enough?



1           MR. CHEATHAM: I just need someone to pick  
2 me up and bring me back.

3           THE CHAIRMAN: I got you covered. I'll do  
4 that personally. So that's it. I'm just  
5 putting it out there. Anybody that would like  
6 to attend, you know, we got to be careful with  
7 the Sunshine Laws.

8           All right. Very good. Other than that,  
9 we have nothing else? The administration has  
10 nothing else? Thank you. Motion to adjourn?

11          MS. LANGFORD: Motion.

12          THE CHAIRMAN: Second. All in favor?

13          THE BOARD MEMBER: Yes.

14          THE CHAIRMAN: Thank you.

15                                 - - -

16                                 Meeting concluded at 5:07 p.m.

17                                 - - -

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C E R T I F I C A T I O N

- - -

I, Dominique R. Caputo, Court Report and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn at the time, place and on the date herein set forth.

I further certify that I am neither attorney nor counsel for, not related to, nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or any counsel employed in this case, nor am I financially interested in this action.

-----  
Dominique R. Caputo  
Court Reporter and  
Notary Public

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