

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

- - -

DATE: Friday - January 8, 2021

COMMENCING AT 10:00 a.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 of
2 Directors meeting, taken stenographically remotely,
3 per agreement, via Zoom, in the above-captioned matter
4 before Catherine T. McLaughlin.

5
6 BOARD MEMBERS:

7 JOHN DEVLIN, Chairman
8 GARY L. HILL, Vice Chairman/Secretary (remote)
9 PATRICIA BAILEY, Board member
10 NYNELL LANGFORD, Board Member (remote)
11 MILTON L. SMITH, Board Member (via telephone)
12 WILLIAM CHEATHAM, Board Member

13 ALSO PRESENT:

14 Michael Armstrong (remote)

15 Stella Johnson, Executive Secretary
16 Atlantic City Municipal Utilities Authority

17 Fred Bor, Solicitor
18 Atlantic City Municipal Utilities Authority

19 Andrew Weber, Labor Counsel (remote)
20 Atlantic City Municipal Utilities Authority

21 Claude E. Smith, Acting Executive Director
22 Atlantic City Municipal Utilities Authority

23 Nicholas Mancuso, Acting Deputy Exe. Director
24 Atlantic City Municipal Utilities Authority

25 [sic] indicates the text is as stated.

Quoted text is as stated by the speaker.

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PROCEEDING

MR. BOR: January 8, 2021, opening statement.

THE CHAIRMAN: Adequate notice of this meeting has been provided as required by law by mailing to the Press of Atlantic City a list of required scheduled meetings by the board of directors, including notice for this special meeting, January 8, 2021, at 401 North Virginia Avenue, conference room, Atlantic City, New Jersey. 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 1979 [sic] known as the Open Public Meetings Act.

MR. BOR: Roll call. Ms. Bailey.

MS. BAILEY: Here.

MR. BOR: Mr. Cheatham.

MR. CHEATHAM: Here.

MR. BOR: Mr. Hill.

MR. HILL: Here.

MR. BOR: Ms. Langford.

MR. SMITH: She's on mute.

(Discussion off the record.)

1 MS. LANGFORD: Here.

2 MR. BOR: And Ms. Langford is here. And
3 Mr. Smith.

4 MR. M. SMITH: Yes.

5 MR. BOR: Mr. Devlin.

6 THE CHAIRMAN: Morning.

7 MR. M. SMITH: On the phone.

8 (Whereupon, the Pledge of Allegiance was
9 recited.)

10 MR. BOR: It appears that the only thing,
11 this being a special meeting, is the appointment of
12 an executive director, a new executive director.

13 I believe, from speaking with the chairman,
14 I believe that the procedure shall be a Q and A
15 between Mr. Armstrong and any members of the board,
16 whether through telephone, through Zoom, or present.

17 When that's completed, correct me if I'm
18 wrong, Chairman, I believe we'll go into closed
19 session to discuss the qualifications and the merits,
20 et cetera, et cetera, and hopefully come out of that
21 with a vote.

22 THE CHAIRMAN: Sure.

23 MR. BOR: That's the procedure you want to
24 follow.

25 THE CHAIRMAN: Yes. Andy, you good with

1 that?

2 MR. WEBER: So the Q and A is going to be
3 with all board members?

4 THE CHAIRMAN: Well, what is your thought
5 process on this?

6 MR. WEBER: Well, I guess the question that
7 Fred and I have been talking about is the
8 participation of one of the commissioners.

9 THE CHAIRMAN: Okay.

10 MR. WEBER: And I don't know whether
11 there's thought we're going to go into closed session
12 to talk about that.

13 THE CHAIRMAN: Okay.

14 MR. WEBER: I thought we were going to go
15 into closed session and talk about that.

16 THE CHAIRMAN: We can do that, Andy, and
17 that's no problem.

18 MR. BOR: You want to do that first?

19 THE CHAIRMAN: If that's the legal advice
20 you want to give us, moving forward. That one member,
21 can we put her in the waiting room, while this
22 process --

23 MR. WEBER: Mr. Armstrong is waiting.

24 MR. SMITH: Yes, in terms of the closed
25 session aspect of it. In general session --

1 (Simultaneous indiscernible cross talk.)

2 (Whereupon, discussion was held off the
3 record.)

4 THE CHAIRMAN: My understanding was in
5 closed session. The Q and A, we discussed it. She
6 couldn't be part of the Q and A part. That's what I
7 understood, because it's still open.

8 MR. BOR: Well, why don't we go into closed
9 session? Mr. Armstrong is there, and --

10 THE CHAIRMAN: Okay. That's fine.

11 MR. BOR: So, on the issue of voting.

12 THE CHAIRMAN: So just go into closed
13 session with board members, initially.

14 MR. BOR: Initially. We have to ask one to
15 get out of closed session.

16 THE CHAIRMAN: That's fine.

17 So you want to go into closed session, then
18 go into open session, then go back into closed
19 session.

20 MR. BOR: Yes.

21 MR. SMITH: All right.

22 (Whereupon, discussion was held off the
23 record.)

24 MR. SMITH: We're going to go into closed
25 session at this particular time.

1 (Discussion off the record.)

2 THE CHAIRMAN: What we understood from Andy
3 was, until we voted finally, you're still considered a
4 candidate, so you'd to step out during these
5 proceedings.

6 MR. MANCUSO: No problem, I understand
7 that.

8 MR. WEBER: Please.

9 MR. MANCUSO: You got it. Would you like
10 me to step out now?

11 THE CHAIRMAN: Yes, sir.

12 (Mr. Mancuso not present.)

13 (Simultaneous cross talk.)

14 THE CHAIRMAN: We're going to go into
15 closed session.

16 MR. MANCUSO: Either way, I'll be right
17 outside the door, so, if you need me.

18 THE CHAIRMAN: Thank you, sir.

19 (Whereupon, discussion was held off the
20 record.)

21 MR. SMITH: Mr. Smith? One second, please.
22 Mr. Smith?

23 ---

24 (Executive session began at 10:17 a.m.)

25 ---

1 (Open session resumed at 10:45 a.m.)

2 ---

3 THE CHAIRMAN: How you doing, Mr.
4 Armstrong?

5 MR. ARMSTRONG: Good, and yourself?

6 THE CHAIRMAN: Rolling with the punches.
7 Everything's good. So, the way we formatted this was,
8 everybody's going to have a couple Q and A's. 'Cause
9 I know me and Mrs. Bailey here berated you on our end
10 a little bit, but I want to open it up and be
11 transparent with the whole committee, minus Mrs.
12 Langford, because her husband was one of the
13 candidates.

14 So to be transparent, with all the board
15 members, we do have an alternate with us as well, they
16 may have some questions. This is a big position for
17 us. Probably the biggest thing we do as a board is
18 elect an E.D. So it's important. Everybody has
19 questions.

20 So I'm going to open up the floor. I have
21 a few more questions. I'm sure Ms. Bailey has a
22 couple back-and-forth discussion.

23 So if you don't mind, it's going to be a
24 little bit more informal and just a little
25 back-and-forth discussion.

1 If you're not comfortable with some of the
2 questions, you know, by all means you don't have to
3 answer it, but I'd like to handle this a little bit
4 more informal, get to know who you are.

5 I read your resume myself, personally, and
6 me and you have had conversations, we have people in
7 common know.

8 If anybody -- again, guys, just a little
9 informal. Anybody who would like to have some
10 questions for Mr. Armstrong, feel free, but let's
11 start.

12 (Whereupon, discussion was held off the
13 record.)

14 MR. ARMSTRONG: Just so I'm clear, is this
15 being conducted in open session? Because it was my
16 understanding it was going to be in closed session.

17 (Simultaneous discussion held off the
18 record.)

19 THE CHAIRMAN: I mean, if you feel
20 comfortable going into executive session, Mr.
21 Armstrong, by all means, no problem, I mean.

22 MR. ARMSTRONG: No, I'm fine going into
23 closed session, because it is employment. I don't
24 know the nature of the questions that will be asked,
25 and if it's something that would normally be held in

1 closed session because of employment related, then I'd
2 be more comfortable answering some questions that
3 could be deemed personal to me in closed session.

4 MR. WEBER: Right, right. Let's put you in
5 closed session, then.

6 (Whereupon, discussion was held off the
7 record.)

8 ---

9 (Executive session began 10:52 a.m.)

10 ---

11 (Open session resumed 11:41 a.m.)

12 ---

13 MR. BOR: Need a motion.

14 THE CHAIRMAN: Let's call roll call real
15 quick.

16 MR. BOR: Okay, let's do roll call once
17 again. Ms. Bailey.

18 MS. BAILEY: Yes. Here.

19 MR. BOR: Mr. Cheatham.

20 MR. CHEATHAM: Here.

21 MR. BOR: Mr. Hill.

22 MR. HILL: Here.

23 MR. BOR: Ms. Langford.

24 MS. LANGFORD: Here.

25 MR. BOR: Mr. Smith.

1 MR. M. SMITH: Here.

2 MR. BOR: And Mr. Devlin.

3 THE CHAIRMAN: Here. And Mr. Cheatham, I'm
4 sorry, sir.

5 MR. CHEATHAM: Here.

6 MR. BOR: And, now, the form of resolution
7 we're going to address. Andy, I think you authored
8 the actual form, which I don't have, if you have it.

9 MR. WEBER: Yeah, I sent it to you last
10 night, but that's okay. It's a pretty simple form,
11 and I can read it, approving -- huh? I'm sorry, Fred?

12 THE CHAIRMAN: Read it for the record,
13 Andy, please.

14 MR. WEBER: Well, this maybe changes a
15 little bit, but I'll read what I have.

16 It's approving the contract between
17 Atlantic City Municipal Utilities Authority and
18 Michael Armstrong, and authorizing the chairman to
19 execute the contract.

20 And it says:

21 "Whereas, the Atlantic City Municipal
22 Utilities Authority has a need to employ an
23 executive director in accordance with New Jersey
24 law.

25 "Whereas, the ACMUA appointed a search

1 committee to develop a set of qualifications,
2 advertising and interview potential candidates
3 for the position of executive director.

4 "Whereas, the committee reviewed
5 numerous resumes and interviewed several
6 candidates for the position; and

7 "Whereas, the committee has
8 recommended that Michael Armstrong be appointed
9 for the position of executive director.

10 "Now, therefore, be it resolved by
11 Atlantic City municipal Utilities Authority on
12 the 8th day of January 2021 that Michael
13 Armstrong be appointed the executive director of
14 the ACMUA, and that the chairman of the ACMUA is
15 authorized to execute a contract in a form and
16 substance that will be prepared by both the
17 solicitor and labor attorney."

18 THE CHAIRMAN: Thank you.

19 MR. BOR: Okay.

20 THE CHAIRMAN: Motion.

21 MR. BOR: Yeah, is there -- hear a motion
22 on it?

23 MS. BAILEY: Motion.

24 MR. CHEATHAM: 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 THE CHAIRMAN: She abstained.

8 MR. BOR: She abstained.

9 MS. LANGFORD: Abstain only.

10 MR. BOR: And Mr. Devlin -- Mr. Smith.

11 MR. M. SMITH: No.

12 MR. BOR: Mr. Devlin.

13 THE CHAIRMAN: Yes.

14 MR. BOR: Carries.

15 MR. ARMSTRONG: Thank you.

16 MR. HILL: Congratulations, Michael.

17 MR. ARMSTRONG: Thank you. I look forward
18 to working with everyone.

19 MR. BOR: Okay.

20 MS. BAILEY: Thank you so much.

21 MR. ARMSTRONG: Thank you.

22 (Simultaneous discussion held off the
23 record.)

24 MR. BOR: Is there a motion to adjourn the
25 special meeting?

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MS. BAILEY: Motion.

THE CHAIRMAN: Second.

MR. BOR: Hearing no negative motions orally, or by designation with their arm, meeting is adjourned.

(Meeting concluded at 11:46 a.m.)

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C E R T I F I C A T E

I, Catherine T. McLaughlin, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the preceding is a true and accurate computer-aided transcript of the proceedings as taken to the best of my ability stenographically by and before me remotely at the time and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee, nor attorney or counsel to any parties involved; that I am neither related to nor employed by any such attorney or counsel; and that I am not interested in the event nor outcome of this action.

CATHERINE T. McLAUGHLIN, CCR

NO. 374496

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