

ATLANTIC CITY
MUNICIPAL UTILITIES AUTHORITY
REGULAR MEETING
CONDUCTED REMOTELY VIA ZOOM

IN RE: :
REGULAR MEETING. :
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Regular Meeting conducted
remotely via Zoom
Wednesday, February 17, 2021
10:24 a.m.

B E F O R E:
JOHN DEVLIN, CHAIRMAN
GARY HILL, VICE CHAIRMAN
PATRICIA BAILEY, BOARD MEMBER
NYNELL LANGFORD, BOARD MEMBER
MILTON L. SMITH, TREASURER
WILLIAM CHEATHAM, ALTERNATE BOARD MEMBER
CLAUDE SMITH, ACTING EXECUTIVE DIRECTOR and
DIRECTOR OF ENGINEERING

A L S O P R E S E N T:
FREDRIC BOR, ESQ., GENERAL COUNSEL, ACMUA
ANDREW WEBER, ESQ., LABOR COUNSEL, ACMUA
MICHAEL RILEY, ESQ.
MICHAEL ARMSTRONG, EXECUTIVE DIRECTOR
ANITA THAPA, ASSISTANT DIRECTOR, ACCOUNTING &
FINANCE
KELLEY WILLIAMS, EXECUTIVE SECRETARY
VINCE POLISTINA, ENGINEERING CONSULTANT

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1 CHAIRMAN DEVLIN: February 17th, 2021
2 opening statement. I'm just doing an opening
3 statement, ma'am. Opening statement. Adequate
4 notice of this meeting has been provided as
5 required by law by mailing to the press a list of
6 regularly schedule meetings, February 20 -- I'm
7 sorry, February 17th, 2021 at 401 North Virginia
8 Avenue, Conference Room, Atlantic City, New Jersey.
9 A copy of the said notice was sent to the City
10 Clerk to be posted. All of the said complies with
11 Chapter 231 of the laws of the 1975 known as the
12 Open Public Meetings Law.

13 MR. BOR: Roll call. First, Mr.
14 Cheatham as an alternate?

15 MR. CHEATHAM: Here.

16 MR. BOR: Miss Bailey?

17 MS. BAILEY: Here.

18 MR. BOR: Mr. Hill?

19 MR. HILL: Here.

20 MR. BOR: Miss Langford?

21 MS. LANGFORD: Here.

22 MR. BOR: Mr. Smith?

23 MR. M. SMITH: Present.

24 MR. BOR: Okay. Mr. Devlin?

25 CHAIRMAN DEVLIN: Here.

1 MR. BOR: And since we do have a quorum,
2 Mr. Cheatham will serve as an alternate for today's
3 meeting.

4 Flag Salute.

5 (Flag Salute takes place.)

6 MR. BOR: Assuming the board members
7 have received copies of the minutes from last
8 meeting and have reviewed them, there are no
9 questions, is there a motion to approve the minutes
10 here?

11 CHAIRMAN DEVLIN: Motion.

12 MR. HILL: Second by Gary Hill.

13 CHAIRMAN DEVLIN: Motion by John Devlin.

14 MR. BOR: Second by Gary Hill, motion by
15 John Devlin.

16 Miss Bailey?

17 MS. BAILEY: Yes.

18 MR. BOR: Mr. Hill?

19 MR. HILL: Yes.

20 MR. BOR: Miss Langford?

21 MS. LANGFORD: Yes.

22 MR. BOR: Mr. Smith?

23 MR. M. SMITH: Yes.

24 MR. BOR: And Mr. Devlin?

25 CHAIRMAN DEVLIN: Yes.

1 MR. BOR: Members of the board, since
2 this is the February date by statute for
3 reorganization, as indicated as number five, we'll
4 take them in order. First, is there a nomination
5 for one of the board members to serve as chairman?

6 MR. HILL: I'd like to nominate -- Gary
7 Hill. I'd like to nominate John Devlin as
8 chairman.

9 MS. BAILEY: Second.

10 MR. BOR: And it's been seconded by Miss
11 Bailey.

12 Miss Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Mr. Hill?

15 MR. HILL: Yes.

16 MR. BOR: Miss Langford?

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Smith?

19 MR. M. SMITH: Yes.

20 MR. BOR: And Mr. Devlin, of course --

21 CHAIRMAN DEVLIN: Abstains.

22 MR. BOR: -- abstains, so he has been
23 identified as chairman for the upcoming year.

24 Is there a motion to appoint vice
25 chairman/secretary?

1 CHAIRMAN DEVLIN: I'd like to nominate
2 Gary Hill. This is John Devlin.

3 MR. M. SMITH: Second.

4 MR. BOR: Second from Mr. Smith.
5 Roll call. Miss Bailey?

6 MS. BAILEY: Yes.

7 MR. BOR: Mr. Hill?

8 MR. HILL: Abstain.

9 MR. BOR: Miss Langford?

10 MS. LANGFORD: Yes.

11 MR. BOR: Mr. Smith?

12 MR. M. SMITH: Yes.

13 MR. BOR: And Mr. Devlin?

14 CHAIRMAN DEVLIN: Yes.

15 MR. BOR: Next, is there a motion to
16 approve a treasurer under 5c?

17 CHAIRMAN DEVLIN: I'd like to make a
18 motion to -- John Devlin. I'd like to make a
19 motion for Miss Bailey for treasurer.

20 MR. BOR: Second?

21 MR. HILL: Second. Gary Hill.

22 MR. BOR: Roll call. Miss Bailey will
23 abstain.

24 Mr. Hill?

25 MR. HILL: Yes.

1 MR. BOR: Miss Langford?

2 MS. LANGFORD: Yes.

3 MR. BOR: Mr. Smith?

4 MR. M. SMITH: Yes.

5 MR. BOR: Mr. Devlin?

6 CHAIRMAN DEVLIN: Yes.

7 MR. BOR: Congratulations, Miss Bailey.

8 MS. BAILEY: Thank you.

9 MR. BOR: Schedule of meetings, I guess
10 they're identified in your package, in the package.
11 Yes. If the board members have reviewed that, is
12 there a motion on the schedule of meetings?

13 MS. BAILEY: Motion.

14 MR. BOR: Miss Bailey?

15 MS. BAILEY: Yes.

16 MR. BOR: Mr. Hill?

17 MR. HILL: Yes.

18 MR. BOR: Miss Langford?

19 MS. LANGFORD: Yes.

20 MR. BOR: Mr. Smith?

21 MR. M. SMITH: Yes.

22 MR. BOR: Thank you.

23 And Mr. Devlin?

24 CHAIRMAN DEVLIN: Yes.

25 MR. BOR: Now, cash management plan has

1 been identified as resolution 5e. If it's been
2 reviewed and if there's a motion, let's hear it.

3 CHAIRMAN DEVLIN: Motion.

4 MS. BAILEY: Second.

5 MR. BOR: Miss Bailey?

6 MS. BAILEY: Yes.

7 MR. BOR: Mr. Hill?

8 MR. HILL: Yes.

9 MR. BOR: Miss Langford?

10 MS. LANGFORD: Yes.

11 MR. BOR: Mr. Smith?

12 MR. M. SMITH: Yes.

13 MR. BOR: Mr. Devlin?

14 CHAIRMAN DEVLIN: Yes.

15 MR. BOR: And also, on committee
16 meetings, Mr. Chairman, have you deliberated --

17 CHAIRMAN DEVLIN: Not yet.

18 MR. BOR: -- on those?

19 CHAIRMAN DEVLIN: I reviewed the --

20 MR. BOR: Okay. So the motion will be
21 for the dates of the meetings, Mr. Chairman
22 identifying after the meeting, some time after the
23 meeting who will be on the respected committees.

24 MR. C. SMITH: That's personnel and
25 engineering.

1 (Technical/audio disruption. The court
2 reporter seeks clarification.)

3 MR. BOR: Excuse me.

4 MR. C. SMITH: That's personnel and
5 engineering.

6 CHAIRMAN DEVLIN: We're discussing
7 committee meetings and appointments. I'll be making
8 phone calls to board -- committee members to see
9 who would like to do that.

10 MR. C. SMITH: That's John Devlin.

11 CHAIRMAN DEVLIN: John Devlin, yeah.

12 You know what, may I make an executive
13 decision? Can we have the court reporter here next
14 time? I mean, we can make it work by -- I've asked
15 before. We can do this by CDC guidelines. I've
16 asked before to have the court reporter here. I
17 want to reiterate that and please make that happen.
18 This is too difficult for us and too difficult for
19 you, ma'am. Everybody is masked up and we're being
20 socially distanced and we pay a big contract to
21 have this building cleaned with the CDC guidelines
22 and COVID clean, so if we could have you here or
23 you could tell your, whoever comes here, tell your
24 boss, that's one I'd like -- and Mike, if you could
25 reiterate that, please.

1 MR. BOR: That's an excellent idea.
2 It's so important for the public, as well as
3 ourselves, to have accurate transcripts and there
4 is plenty of room here to do it safely. I agree
5 with the chairman on that point.

6 MR. C. SMITH: This is Claude Smith
7 speaking. We did actually decide to go via Zoom
8 for the last several meetings. That's one of the
9 reasons why we did not have a court reporter here,
10 as well as the whole body. This is a first time.

11 CHAIRMAN DEVLIN: Let's do this.

12 MR. C. SMITH: So moving forward --

13 CHAIRMAN DEVLIN: Anybody that doesn't
14 want to go Zoom, if I have a cold, I won't come
15 here.

16 MR. BOR: Let's continue, though.

17 CHAIRMAN DEVLIN: But in the meantime,
18 though, the court reporter, it's just too difficult
19 for yourself as well as others.

20 MR. BOR: Okay. So we're identifying
21 committee meetings which will include personnel and
22 engineering.

23 CHAIRMAN DEVLIN: I'll make those
24 decisions this week.

25 MR. BOR: On who's going to be on those

1 respective committees?

2 CHAIRMAN DEVLIN: Yes.

3 MR. BOR: So the motion is just to
4 approve the committee meetings which will include
5 personnel and engineering. Is there a motion?

6 MS. BAILEY: Motion.

7 MR. HILL: Gary Hill seconds.

8 MR. BOR: And the roll call will be Miss
9 Bailey?

10 MS. BAILEY: Yes.

11 MR. BOR: Mr. Hill?

12 MR. HILL: Yes.

13 MR. BOR: Miss Langford?

14 MS. LANGFORD: Yes.

15 MR. BOR: Mr. Smith?

16 MR. M. SMITH: Yes.

17 MR. BOR: And Mr. Devlin?

18 CHAIRMAN DEVLIN: Yes.

19 MR. BOR: Now, next ordinarily is the
20 executive director's report and first, before
21 Mr. Armstrong makes his initial presentation under
22 6, I'd just like to say on behalf of myself and
23 probably all members of the board, we welcome you
24 as executive director. This board has been, as
25 you'll learn, Mr. Armstrong, a very, very solid

1 board who's fought through literal wars to keep
2 ourselves alive during times, so you'll be dealing
3 with members that are not only intelligent and
4 hardened, but those who intricately know what's
5 going on with the Authority, so welcome aboard and
6 we all stand by to support you.

7 MR. ARMSTRONG: Thank you.

8 CHAIRMAN DEVLIN: Welcome.

9 MR. ARMSTRONG: We have discussed this
10 but most everything that's occurred -- Michael
11 Armstrong speaking.

12 (Technical/audio disruption. The court
13 reporter seeks clarification.)

14 MR. ARMSTRONG: Claude and I have
15 discussed this and because everything that has
16 occurred has occurred before I was here. On the
17 agenda, I reviewed it with Claude, he's going to
18 present based on his experience on what has
19 occurred and then I'll chime in and discuss it when
20 I think it's necessary.

21 MR. BOR: Yes. For the record, during
22 this transitional period for Mr. Armstrong, he's
23 identified our former acting executive director,
24 Mr. Smith, to report on items under executive
25 director's report and I think that's a good idea so

1 everyone's totally up-to-date. Understanding he's
2 only been doing this a week or so.

3 CHAIRMAN DEVLIN: And two, I want to
4 really thank Mr. Smith for stepping in.

5 (Technical/audio disruption. The court
6 reporter seeks clarification.)

7 MR. ARMSTRONG: We're going to try a
8 microphone and see if this is better. Okay. Give
9 me one second.

10 (A brief recess was taken.)

11 CHAIRMAN DEVLIN: Real quick, this is
12 John Devlin. I just want to put on record again
13 that the board appreciates acting director Mr.
14 Claude Smith for his efforts during a very
15 difficult time, and again, I don't know if we want
16 to do a motion to formally thank you but I want to
17 put that on record. Thank you from us and thank
18 you for teaching me a lot, especially when I was a
19 greenhorn here and working our way up. You're very
20 nice to work with and I think your efforts kept the
21 ball rolling until Mr. Armstrong came up. Thank
22 you from me.

23 MR. BOR: On that issue, this is Fred
24 Bor, this all occurred on March 20th when all of a
25 sudden we needed an executive director because our

1 other one decided to leave our Authority, so
2 although I was initially interim executive
3 director, I delegated all the duties to Mr. Smith
4 and I'm glad I did because I still have a law
5 practice to run, but Mr. Smith, because he's been
6 here so many years, had no problems stepping right
7 in and doing whatever he had to do as executive
8 director. He also relied a lot on me and we had
9 almost daily phone calls regarding the issues
10 pertaining to the Authority, so I also want to
11 voice my thanks to Claude for everything he's done
12 to help the Authority over the last 22 -- is it --

13 MR. C. SMITH: Thank you, very much, for
14 that. I appreciate it.

15 Just moving forward, in regards to the
16 executive director report, personnel committee
17 meeting, you should have received your minutes. If
18 you do have any questions on that you can actually
19 go ahead and ask some questions. I can try to
20 respond to it as best as I can.

21 MS. BAILEY: This is Pat Bailey. It's a
22 process and procedure, so should it wait until the
23 closed session, because it's not a person, it's
24 just a question about the process and procedure?

25 MR. BOR: Then it's okay.

1 MS. BAILEY: Yeah. Not the person. Not
2 the person.

3 I just want to note under your acting
4 executive director's report where a question came
5 up regarding sharing of medical information and
6 there was a statement, Mr. Claude Smith, Miss Anita
7 Thapa and Miss Debbie Danfield, along with Nick,
8 and I want to point out because of HIPAA rules we
9 can't have four people viewing medical
10 documentation. That -- we don't have a HIPAA
11 officer like we do with the Board of Education, but
12 one person has to be vetted with the HIPAA office.
13 We can't have four people seeing somebody's medical
14 records. They could really sue us for that. I
15 just wanted to point that out. I don't know if we
16 had a question or statement or something we were
17 moving forward with and I just want to point out
18 from a HIPAA standpoint -- I think it has to be an
19 employee. It has to be an employee. I just wanted
20 to bring that to our attention, you know, while I
21 was doing that, and I wanted to dub something that
22 Mr. Weber had said. I went on-line, I was looking
23 at the decisions made by PERC regarding changing
24 information required for sick leave, and I will
25 share this with our president, John, the Authority

1 lost that situation, so when Mr. Weber said that we
2 may need to negotiate those changes, I'll give you
3 a copy, this is the situation where the same thing
4 came up, it was an arbitration, because this case,
5 it was the Board of Ed that was changing the
6 requirements for medical documentation and it went
7 to PERC and it went to arbitration and that board
8 lost, so going back to what Mr. Weber said, we may
9 need to bring it back to a negotiable height as
10 opposed to trying to push it on, but I just wanted
11 to share those two things. That's it.

12 MR. C. SMITH: Claude Smith speaking.

13 You referred to medical information. It
14 also says --

15 MR. ARMSTRONG: Another thing you want
16 to do is look at the court reporter's face. You
17 can tell when she's having a little bit of
18 difficulty. We'll make sure it's one at a time so
19 it's loud and clear.

20 MR. C. SMITH: I see where you were
21 actually referring to but you were talking about
22 the sick leave and also medical documentation and I
23 know the sick leave is actually something separate
24 from the medical documentation that we were
25 actually referring to or actually trying to

1 present, so medical documentation, yes, we're aware
2 about the fact, yes, it did say several different
3 individuals and I respect the fact that you did
4 point that out, basically, but we weren't actually
5 doing that simultaneously or doing it pretty much
6 at all. The documentation that was requested is
7 that if they were on the chronic list they had an
8 opportunity to present documentation to somewhat
9 either get them taken off the chronic list but not
10 necessarily go in and review medical documentation.

11 MS. BAILEY: This is Pat Bailey. In
12 response to Mr. Smith, I just wanted to say the
13 documentation in the personnel minutes reflected
14 that they requested to see medical documentation
15 and I was speaking to the fact that we don't want
16 to do that. We want to make sure one person sees
17 the medical documentation.

18 MR. C. SMITH: Okay.

19 MS. BAILEY: Okay.

20 MR. BOR: Director's forum, any
21 director like to --

22 MR. C. SMITH: Actually, no. We're not
23 done. We're not done.

24 MR. BOR: I thought you were talking
25 about --

1 MR. C. SMITH: I thought you were
2 talking about the one subject we were just talking
3 about.

4 MR. BOR: Oh, okay. Where are we at?

5 MR. C. SMITH: Going on the engineering
6 committee meeting. Going to b of 6 -- sorry, 6b.

7 CHAIRMAN DEVLIN: Yeah.

8 MR. C. SMITH: If you have any
9 particular questions I'll be more than happy to try
10 to respond to that.

11 CHAIRMAN DEVLIN: Gary, can you update
12 us on what we were speaking to earlier?

13 MR. HILL: Sure. Gary Hill. We held a
14 Zoom engineering meeting at the end of January. We
15 had our consultant, Mr. Polistina, with us. The
16 engineering report that Mr. Smith gave is very,
17 very good, very detailed, but engineering is like
18 that. Mrs. Langford was also part of that, as our
19 committee member. There's going to be one issue in
20 particular as we move forward with our plan, I
21 think that's the way it's said, that we need to
22 address. It's a change order and a lot of us, and
23 me included, are not big on change orders. In this
24 case it's kind of a necessity, because if we all
25 remember, we had brought in through the help of Mr.

1 Polistina, and Mr. Smith also agreed on this at
2 that time, H2M, which is a very professional
3 engineering company that does work with some of the
4 situations we're going to need to address. Mr.
5 Mancuso was also part of this meeting. He got us,
6 and when I say he, Polistina, got -- he has a
7 separate contract as consultant, whenever. Vince,
8 what was your contract at that time?

9 MR. POLISTINA: It was set at 50,000
10 initially, Gary.

11 MR. HILL: Correct. He has done all the
12 work and has updated us. Everything he was
13 supposed to do, he's done. There was a change
14 order, and I want to make sure it's clear, for
15 \$75,000 more. Even though it says for Mr.
16 Polistina, realistically it is for to payment of
17 H2M services, which we do need to, I believe it's
18 June 1st. Correct, Vince? And we can have Vince
19 speak about this. I have no prob -- they have all
20 the connections we need to move forward. They have
21 done projects that we're looking at. They have
22 given us suggestions and ideas. It's all in this
23 report, these minutes.

24 Vince, can you just give a real quick
25 update on where we are with H2M, thus, why we need

1 to supplement your contract, because we get a
2 better deal with you than we do ourselves,
3 basically?

4 MR. POLISTINA: Thanks, Gary.

5 Good morning, everyone. Vince
6 Polistina. So we're there right now. As I came
7 down to do some initial field work at the site, and
8 that went very well, they thought they would need
9 two days but with the help of Claude Smith and Nick
10 Mancuso and Anthony Palombi, all of whom met H2M
11 the day they were down, they were able to complete
12 all of their field work in a single day. They did
13 some digital scanning of the existing well sites.
14 They are analyzing the data that the ACMUA has for
15 the water quality that we do see in the wells and
16 reservoir and so that effort is going to be ongoing
17 for about another month and we expect next month at
18 the board meeting we'll get back to you with a
19 detailed analysis of everything we've gathered and
20 then the plan going forward, so that additional
21 effort is going to take us for the next few months
22 to get us to a point where we are really talking
23 about the various strategies to deal with and the
24 contaminants we see in the water.

25 MR. HILL: Gary Hill again. I would

1 suggest -- I'm sure that Mr. Armstrong's been
2 overwhelmed, too. We need to really get him up to
3 speed on the process, and that would be a
4 combination of you, Vince, and Mr. Riley, this is
5 such a serious situation and we are at a deadline
6 and we already know all that, but whenever he has
7 time would you be able to reach out to Mr. Riley
8 and Mr. Polistina to have an update session?

9 MR. POLISTINA: Positively. I'm
10 available at Mr. Armstrong's convenience, whenever
11 he would like to get up to speed, I can come to the
12 administrative offices, get on the phone, whatever
13 he would prefer. It is an important issue and I
14 will make myself available whenever he is to make
15 sure that he is up to speed with all of the
16 challenges that we're facing.

17 MR. HILL: Oh, you are scheduled to meet
18 with Michael Riley. That's perfect. That's the
19 legal part. Vince is our solution part, we hope,
20 so to speak. Okay. That is great. I just want to
21 make sure because it's such a big issue and very
22 important issue for not just here but for the state
23 and everything we're doing, so thank you, Mr.
24 Chairman. Does that help?

25 CHAIRMAN DEVLIN: Thank you.

1 MR. C. SMITH: There's definitely some
2 issues that we have to discuss and of course Mr.
3 Riley has been here for, what, five days. I'm
4 sorry. Mr. Armstrong has only been here for five
5 days so there's been a lot of discussions that's
6 been ongoing and at the same time these were some
7 of the topics that we definitely have to speak
8 about.

9 MR. HILL: Last comment. I wanted to
10 bring Mrs. Langford in. She sits on the committee
11 with me and I appreciate her guidance. We never
12 make, as committee members, a decision without
13 looking to our consultants and our -- with the
14 guidance at that time -- we will do the same with
15 Mr. Armstrong.

16 Mrs. Langford, did you -- I apologize
17 for moving this along. Is there anything you'd
18 like to add or change or edit?

19 MS. LANGFORD: No. I absolutely agree
20 with all that's been said.

21 MR. HILL: Okay. Thank you.

22 MR. BOR: Mr. Hill, under the
23 discussion, the discussion with Mr. Polistina, is
24 it the board's interest to go out of order and go
25 to the change order that's just been discussed

1 between Mr. Polistina and Mr. Hill? Even though
2 it's out of order, it's fresh in everyone's mind.
3 If that's okay, is there --

4 MR. HILL: Gary Hill will make a motion
5 to accept D1, engineering consultant change of
6 order to Polistina & Associates.

7 MR. BOR: Second?

8 MS. BAILEY: I'll second. Pat Bailey
9 will second it.

10 MR. BOR: Miss Bailey? Roll call. Miss
11 Bailey?

12 MS. BAILEY: Yes.

13 MR. BOR: Mr. Hill?

14 MR. HILL: Yes.

15 MR. BOR: Miss Langford?

16 MS. LANGFORD: Yes.

17 MR. BOR: Mr. Smith?

18 MR. M. SMITH: Yes.

19 MR. BOR: And Mr. Devlin?

20 MR. DEVLIN: Yes.

21 Thank you, guys.

22 MR. BOR: Engineering has been approved.

23 CHAIRMAN DEVLIN: Thank you.

24 MR. C. SMITH: I'll just move on to say
25 that the engineer report that I have, it's pretty

1 detailed. I suggest you read it. It does cover a
2 lot. Of course, I'm trying to at least divulge as
3 much information in the minutes, as much as
4 possible, so I definitely would encourage you to
5 read as much as you can. There's a lot that's
6 actually going on. At the same time, you can only
7 capture but so much and, of course, that will bring
8 forth the questions that you might actually have
9 when we meet again, if and when we actually do
10 discuss this again. Thank you, very much.

11 MR. POLISTINA: Can I just elaborate on
12 it a little bit?

13 MR. C. SMITH: Sure.

14 MR. POLISTINA: Sorry. Just real quick.

15 I sent an e-mail this morning and those
16 minutes, if everybody does read them, they were
17 very detailed and they were excellent minutes and
18 thanks for the ACMUA staff for working with us to
19 deal with this. The only comment I have is we
20 know -- there's a comment under the violations and
21 penalties that indicates that we will be out of
22 compliance for 2021 and I just want to make clear
23 that we are -- the aggressive schedule that we are
24 setting, the reason why we're doing it this way is
25 so that we can try to maintain compliance for 2021.

1 We know that for the first two quarters we're going
2 to be above maximum county limits, but we expect in
3 the third quarter with the schedule that we are
4 working on that we be below and because the
5 regulations are based on a four quarter average,
6 we're still hopeful that we will remain below the
7 MCL's for the entirety of 2021, so I just want to
8 make that clear. We have not, we have not written
9 off the fact that we will maintain compliance with
10 all regulations throughout 2021.

11 MR. C. SMITH: Just to add to that, that
12 means aggressive planning, we definitely
13 necessarily need to do. The implementation of that
14 plan is definitely important. That will include or
15 involve some upgrades to possibility of four
16 locations for the plan, but again, cost factor is
17 actually involved and that's one of the reasons
18 we're moving so aggressive, is to try to make sure
19 that we can be in compliance by the third or fourth
20 quarter of 2021 as opposed to not being in
21 compliance and to meet the statute of the MCL's
22 regulations off the DEP as actually imposed upon,
23 of course, the entire state.

24 MR. HILL: Gary Hill. I just want,
25 also, a comment that our plant manager made sure

1 that we are aware of our timeline.

2 MR. C. SMITH: We are very much aware of
3 our timeline and also the emphasis on it is really
4 to try to make these particular MCL's, like I said,
5 regulations actually been imposed by DEP.

6 MR. BOR: Any director wish to
7 communicate with the board?

8 Thank you.

9 Number eight, with regard to public
10 participation and in accordance with the DCA's
11 rules that were promulgated, I'm asking Mr. Smith
12 or Mr. Armstrong whether they've received any
13 communications from the outside by e-mail for
14 questions to present to the board and then we would
15 answer it and give the answer to the member of the
16 public. I think we received such e-mails.

17 MR. C. SMITH: No, we haven't.

18 MR. BOR: So we've satisfied DCA's rule
19 regarding public participation.

20 MR. C. SMITH: We can probably put that
21 into closed session.

22 CHAIRMAN DEVLIN: The transcription
23 service.

24 MR. BOR: Yeah. We're up to old
25 business, number nine, transcription services.

1 CHAIRMAN DEVLIN: I'd like to ask you, I
2 know we -- I'm sorry. Miss Holmes was, and before
3 her it was Rob Long was asking for our minutes to
4 be expedited and I know our transcription services
5 priced us accordingly and it was pretty expensive.
6 I think to the tune of around 18,000.

7 MR. C. SMITH: It did go up based on the
8 fact that the timeline --

9 CHAIRMAN DEVLIN: Yeah. Okay. Is that
10 handling Zoom, as well? Is that part of --

11 MR. C. SMITH: No. The Zoom is
12 separate.

13 CHAIRMAN DEVLIN: Okay. Can we look at
14 that contract? I mean, maybe -- would it behoove
15 us to spend a few extra dollars maybe to retrain or
16 bring somebody in?

17 (Multiple parties speaking. The court
18 reporter seeks clarification.)

19 MR. ARMSTRONG: You can keep this on the
20 record until I tell you, ma'am.

21 We were discussing transcription
22 services and I spoke to the executive director
23 about looking into this and possibly going in a
24 different direction or utilizing in-house folks.
25 We can talk a little bit later about it.

1 MR. ARMSTRONG: I actually brought it up
2 and --

3 (Multiple parties speaking. The court
4 reporter seeks clarification.)

5 MR. BOR: If I may, part of the reason
6 for the expense, Mr. Chairman, is that the state
7 asked that the transcripts be expedited because it
8 was within the purview of Mr. Long and I believe
9 Mr. Long, that he reviewed each and every item in
10 the minutes just so he could feel comfortable with
11 giving the green light to go ahead. He created
12 some problems, of course, because there was
13 payroll, there was vendors to be paid, so the
14 expedited helped in that sense, but then again, it
15 gave more expense on our end.

16 CHAIRMAN DEVLIN: How about this, then,
17 and Miss Bailey could attest. Why do we
18 transcribe? Is there a reason why we transcribe
19 and not bring us into the --

20 MR. ARMSTRONG: This exactly -- Mike
21 Armstrong speaking. This is one of the
22 conversations that I had. My experience has been
23 where the boards use a transcription service and I
24 don't know what the --

25 (Technical/audio disruption. The court

1 reporter seeks clarification.)

2 MR. ARMSTRONG: I have sat on numerous
3 boards. I've heard and seen many audio -- you
4 know, where -- matter of fact, the City of Atlantic
5 City --

6 (Technical/audio disruption. The court
7 reporter seeks clarification.)

8 MR. ARMSTRONG: Maybe everybody can --
9 the host should be able to turn off the mics,
10 except for me.

11 (A discussion was held off the record.)

12 MR. ARMSTRONG: Basically, I have some
13 options for you with respect to both Zoom and
14 having someone designated to do your minutes but I
15 have to have a communication with the state as to
16 the need for the transcription services, so it's
17 either going to be that they still want it but it's
18 not expedited, that reduces the cost, and we still
19 have a board secretary, because I even had some, I
20 had conversation with Fred, Nick and also Claude
21 and Kelley about possibly having someone do it
22 part-time and then certain, you know, which you
23 have to designate that person as your board
24 secretary because we would also like that person to
25 also be the secretary during meetings that we would

1 have, personnel committee meeting, engineering
2 meetings, and then once they're designated they can
3 certify the minutes. The auditors would -- I spoke
4 to Anita about it, too. She's always done it with
5 a court reporter and the court reporter certifies
6 the minutes, but it is quite unusual because the
7 state is asking for it to be expedited. I'll have
8 a conversation with them. Maybe what they'll do is
9 they will accept -- but they still want to see the
10 conversation, what's being said, maybe we'll just
11 reduce the cost and still have the transcription
12 but yet they'll be satisfied with the minutes, you
13 know, or we just have audio if they have the
14 minutes and they want to listen to the audio later,
15 we have no transcription services.

16 MR. BOR: I think one of the answers is
17 a conversation with the state, perhaps you can
18 expedite that, because the reason for the
19 expedited, again, was to oversee what we do and
20 check the minutes. Although I can't recall any
21 time minutes -- well, there were two objections but
22 very rarely, but, you know, the cost of it, and as
23 you can corroborate, Mr. Armstrong, very few MUA's
24 even have transcribers.

25 CHAIRMAN DEVLIN: Right. Right.

1 MR. BOR: It's a \$20,000 expense, but
2 the flip-side to that is if we just do it by
3 secretary, as we talked about upstairs, will the
4 state think that's enough detail to make their
5 determination, whether they have any issues as to
6 what occurred at the meeting.

7 MR. ARMSTRONG: Well, they may say just
8 the audiotape and just say we record it and reduce
9 the cost. I'll talk to them.

10 CHAIRMAN DEVLIN: It's recorded, too.

11 MR. ARMSTRONG: Right. Well, Zoom, they
12 can listen to the Zoom. Another thing is Zoom --
13 this is Mike Armstrong. The Zoom provides -- you
14 can check it off so it provides a transcript in
15 lieu of, you know, and that's one of the reasons
16 why, too, sometimes it's best for every person to
17 be on Zoom in a single session individually,
18 because your name appears and Zoom is extremely
19 accurate in picking up your conversation. As long
20 as you log in as your name, you'll have that
21 transcript, so you can essentially eliminate
22 \$20,000, maybe \$25,000 by just getting one Zoom
23 account, giving everybody a camera and every single
24 person log in. You can be in the same room. The
25 next person has a laptop, iPad or phone, then you

1 log in, then it's no problem picking up what you're
2 saying.

3 CHAIRMAN DEVLIN: We also discussed --
4 I'm sorry. It's John Devlin. We always discussed
5 previously and we got sidetracked, the issuing of
6 laptops to the board members. I mean, Mrs. Bailey
7 has one from the school district I'm sure we can
8 use but it's a minute cost and we would get rid of
9 all this crap. You know what I mean?

10 MR. ARMSTRONG: Absolutely.

11 CHAIRMAN DEVLIN: I mean, I'm sure you
12 guys discussed it but -- and I apologize for
13 regurgitating it but it's been something on my mind
14 and it will try to bring us to the 21st Century.

15 MR. BOR: The predicate, though, with
16 the sensible idea of avoiding the transcript
17 service is how many times, Claude, do we have to
18 call and get approval just to pay our vendors and
19 we have to pay vendors or else there's late
20 charges, all kinds of stuff, so if the Zoom
21 transcript will satisfy them, that's great, but we
22 can't have a situation where vendors are waiting to
23 get paid, where the state hasn't approved it.
24 We've had that a couple times. Now they're busy up
25 there, too, so I get it.

1 MR. ARMSTRONG: Here's the thing, the
2 Zoom transcript is going to be available faster
3 than a court reporter's transcript.

4 MR. BOR: They'll be happy with that
5 upstairs.

6 MR. ARMSTRONG: It will be available
7 immediately.

8 MR. C. SMITH: Just to chime in on that,
9 as of lately we've been getting approval on our
10 bill list a lot quicker than we were before, so
11 even prior to having this particular meeting, once
12 they actually receive the packet ahead of time and
13 we have the opportunity to review it, we can get
14 that particular portion of the agenda approved even
15 before the meeting, so that should not be an issue
16 anymore, Fred, so we can actually still concentrate
17 on the other aspect of it, which is actually Zoom
18 and the actual court reporting --

19 MR. BOR: Are we still providing the
20 agenda --

21 MR. C. SMITH: Absolutely.

22 MR. BOR: -- to the state?

23 Who's overseeing this now that Miss
24 Holmes is --

25 MR. ARMSTRONG: Miss Holmes is the --

1 MR. C. SMITH: Yeah, she's --
2 (Multiple parties speaking. The court
3 reporter seeks clarification.)

4 MR. BOR: So perhaps we send the bill
5 list to her ahead of time, also.

6 MR. C. SMITH: She receives an entire
7 package.

8 MR. BOR: That would expedite approval.

9 MR. C. SMITH: That's what I'm saying.
10 We're in a different category now regards to things
11 being approved in a more expeditious way. I don't
12 have a problem or we don't see a problem with the
13 bill list being approved because of the fact that
14 now we're seeing it even prior to the board
15 meeting.

16 MR. BOR: Oh, good.

17 MR. ARMSTRONG: Just one update with
18 respect to Zoom. Kelley looked into Zoom but we're
19 having a little bit of a problem because right now
20 they normally operate by credit card but Kelley
21 reached out to them and they indicated they will
22 operate by purchase order, but obviously they're
23 overwhelmed with everybody wanting to submit and
24 get an account with them. Kelley is having some
25 difficulty with them responding so it may not be,

1 although it sounds efficient, it may not be a quick
2 response in getting it up and going, but I do have
3 an account, as you see here, so I don't have a
4 problem with using my account in the interim,
5 until -- I mean, because of the cost savings, it's
6 just too much to ignore. I think that we could
7 just start on it at least for the next meeting and
8 then it will pay for itself with respect to buying
9 laptops and iPads. You can have a choice whether
10 or not you want an iPad or carry a laptop, because
11 this one essentially can convert and when you look
12 at documents you can take it off.

13 CHAIRMAN DEVLIN: And even for Zoom you
14 probably could use that.

15 MR. ARMSTRONG: Exactly, and if you
16 bring it to the meeting you can set it in front of
17 each one of us. For Zoom purposes, everybody can
18 log in right here. We don't have to sit around a
19 laptop.

20 (Technical/audio disruption. The court
21 reporter seeks clarification.)

22 CHAIRMAN DEVLIN: This is John Devlin.
23 I said humbly, I think in the future we're always
24 going to have to have Zoom and in person, you know.
25 I'm sure if I get sick or something, I'm not going

1 to come in and I hope that everybody else would
2 stay home, too, so I think moving forward it's just
3 a new way of life.

4 MR. ARMSTRONG: When the pandemic is
5 over Zoom is here to stay. I mean, it's just a new
6 way of --

7 CHAIRMAN DEVLIN: Moving forward, can
8 you delegate somebody to put an emphasis on that,
9 laptops or maybe take a straw poll. I particularly
10 like a laptop just because I'm so used to it but
11 maybe other commissioners -- can we get moving
12 forward on this? I'm sure you have support from --

13 MR. ARMSTRONG: Yeah. And they have --
14 (Technical/audio disruption. The court
15 reporter seeks clarification.)

16 MR. ARMSTRONG: I was just explaining to
17 the chairman that they have another type of laptop.
18 I can bring one in to show it to you, but we have
19 them throughout our office. They flip over and
20 they turn into like an iPad. They don't disconnect
21 so you just --

22 MR. HILL: I have an old one.

23 MR. ARMSTRONG: If you already have a
24 Dell account, and they're Dells, they run about
25 \$500 or \$600. These are more expensive. If it's a

1 Pro these will cost you about \$1,600, \$1,700.

2 CHAIRMAN DEVLIN: It's going to be
3 cost-effective, too.

4 All right. Let's move on.

5 MR. BOR: Next item is 9, old business,
6 just a contract renewal, the Atlantic City Court
7 Reporting, LLC.

8 CHAIRMAN DEVLIN: How long are we
9 renewing it for?

10 MR. C. SMITH: Normally it's for a year.
11 (Technical/audio disruption. The court
12 reporter seeks clarification.)

13 MR. C. SMITH: We're going table that.

14 CHAIRMAN DEVLIN: Old business, 9a,
15 transcription services, we're going to hold --
16 actually, I could pull that, if everybody's good
17 with that. I'm pulling 9a(1). Thank you, Fred.

18 MR. BOR: Next item is renewal of
19 special counsel services for Riley & Riley. I
20 think it's the same as last year, where it was
21 February to February, not to exceed \$60,000 and
22 that appears to be what's also on this resolution,
23 9b(1).

24 CHAIRMAN DEVLIN: Question. Did we go
25 out for RPR as legal counsel?

1 MR. BOR: Well, that's a good question.
2 Whether we have to or not, it's only for me and for
3 Andy. We go out -- technically, I guess on special
4 counsel services you can go out for it or you can
5 just do it under professional services exception
6 and not go out for bid for it. What's your
7 recommendation?

8 MR. ARMSTRONG: I haven't reviewed this
9 specific situation to know whether or not it
10 qualifies under special exception so you don't have
11 to go out. It may, it may not.

12 CHAIRMAN DEVLIN: You want to take time
13 to review it?

14 MR. ARMSTRONG: I can do that.

15 CHAIRMAN DEVLIN: We'll continue to pay
16 where we're at.

17 MR. ARMSTRONG: Yeah.

18 CHAIRMAN DEVLIN: John Devlin. I feel
19 more comfortable if our executive director looked
20 at this contract. He is an attorney and if it's
21 something that we can put out for RFP, RFQ, it's
22 not exigent, I feel more comfortable if you get
23 back to me on it.

24 MR. ARMSTRONG: I just want to say
25 something for the record so I don't -- I couldn't

1 look at it as an attorney.

2 CHAIRMAN DEVLIN: I apologize.

3 MR. ARMSTRONG: I just want to make sure
4 it's clear for ethical reasons. I have to make
5 sure I stay on that -- I know what you mean
6 100 percent.

7 MR. BOR: I'll coordinate with
8 Mr. Armstrong on it, too, because it is true, you
9 don't have to go out for bid for professional
10 services, so we'll have to make a decision whether
11 we want to include --

12 CHAIRMAN DEVLIN: I'm gonna pull A and
13 B, I'm gonna pull B1 and then --

14 MR. C. SMITH: Before we do that --

15 CHAIRMAN DEVLIN: Go ahead.

16 MR. C. SMITH: -- I just want to mention
17 that this particular service being rendered by Mr.
18 Riley actually incorporates litigation we're
19 actually going through right now, as well as solar
20 review that we've been doing, so if you're talking
21 about this being an ongoing service based on what's
22 already been done and what needs to be done, you
23 probably need to reconsider that. I'm just putting
24 it out there in that light because of the fact that
25 he's been the sole person that's been working on

1 this for, we're talking about the last two years.

2 MR. BOR: I think everybody recognizes
3 that he's our guy on it. He's doing a great job.
4 I think what the chair is just suggesting, keep
5 paying his normal, without prejudice to anything,
6 because he's doing a great job, but just for Mr.
7 Armstrong and I to review the concept of when we
8 have to --

9 CHAIRMAN DEVLIN: John Devlin here, on
10 the record, it's just -- I think it will be, in all
11 fairness to the executive director, the new
12 executive director here, he'll be able to review
13 this and bring himself up to speed and he'll be
14 working in conjunction with our general counsel to
15 bring him up to speed exactly where we're at, and
16 if he decides, he will communicate with me directly
17 and I will advise the board what you want to do
18 moving forward with special counsel in the future.
19 Thank you.

20 MR. BOR: Same thing applies to Mr.
21 Gallagher. We have to make a decision in
22 consultation with Mr. Armstrong, because we know
23 that you don't have to go out for bid necessarily
24 on professional contracts and right now we have two
25 and both do a great job for us and fair fees. Both

1 of their not to exceeds are fair, so I think it's
2 just a discussion item for the future but to
3 continue paying these two good lawyers as if --

4 CHAIRMAN DEVLIN: And to add to that,
5 Fred -- John Devlin here -- you know, I think one
6 was time-sensitive, we're talking Mr. Gallagher's
7 contract was time-sensitive and you were directed
8 by the state, Rob Long at the time, to get that
9 done ASAP. We didn't have time to put that out for
10 RF --

11 MR. BOR: Oh, that's absolutely right.
12 Mr. Long and I --

13 CHAIRMAN DEVLIN: So exigency,
14 time-sensitivity, I'll take your advice.

15 MR. BOR: Well, that's why they have the
16 rule that certain professional services don't have
17 to go out, because whether it's an engineer or
18 which license, sometimes you just don't have the
19 time or the energy. You're quite right,
20 Mr. Gallagher, Mr. Long and I saw that as a project
21 and we really wanted to move forward.

22 CHAIRMAN DEVLIN: Just work with me and
23 come back and report back to me.

24 MR. BOR: Will do.

25 CHAIRMAN DEVLIN: Mr. Hill.

1 MR. HILL: Hi. Gary Hill. I just want
2 to reiterate what Claude Smith had said and I know
3 the other board members are aware, Mr. Mancuso
4 is -- the work that is being done by Riley & Riley
5 has taken another whole life on its own and it's
6 connected so much with Polistina & Associates, our
7 plan for the future, us being in compliance, so,
8 you know, even though I understand we're going to
9 review where we go procedurally, I think it's
10 important, as Mr. Smith said, that we're not going
11 to be able to -- we have to look real carefully on
12 how we proceed.

13 MS. BAILEY: Continuity.

14 MR. HILL: Continuity. There, you go.
15 I couldn't think of the word, Miss Bailey.
16 Continuity and stability, which I think is going to
17 be in our next goal for our project, so I just
18 wanted to make sure we're all on the same page.

19 CHAIRMAN DEVLIN: Transparency is also
20 part of that so I would like to keep that --

21 MR. HILL: Okay.

22 CHAIRMAN DEVLIN: I'm comfortable
23 letting them review it and report back to me, and
24 Fred, you work together on it and get back to me.

25 MR. BOR: Two special counsel are --

1 CHAIRMAN DEVLIN: Yeah. I'm pulling 9a
2 and b until the next meeting.

3 MR. BOR: You should put on the record
4 the payment will continue.

5 CHAIRMAN DEVLIN: Right.

6 MR. HILL: Do we want to have Mr. Riley
7 speak?

8 MR. BOR: New business, abatements, no
9 public participation necessary. Claude, do you
10 know offhand the details regarding one, two and
11 three.

12 MR. C. SMITH: The abatements?

13 MR. BOR: Yeah.

14 MR. C. SMITH: Nick actually did the
15 abatements so, therefore, the abatements were
16 actually done as opposed to not necessary to
17 participate. We pretty much --

18 (Technical/audio disruption. The court
19 reporter seeks clarification.)

20 MR. C. SMITH: In reference to 10a(1),
21 (2), (3), these particular abatements were actually
22 done by Mr. Mancuso. As per COVID, we have not
23 been having public participation and we could move
24 forward with actually approving these particular
25 abatements.

1 MS. BAILEY: I move (1), (2) and (3).
2 Pat Bailey motion.

3 CHAIRMAN DEVLIN: Second. John Devlin.

4 MR. BOR: So seconded.

5 Roll call. Miss Bailey?

6 MS. BAILEY: Yes.

7 MR. BOR: Mr. Hill?

8 MR. HILL: Yes.

9 MR. BOR: Miss Langford?

10 MS. LANGFORD: Yes.

11 MR. BOR: Mr. Smith?

12 MR. M. SMITH: Yes.

13 MR. BOR: And Mr. Devlin?

14 CHAIRMAN DEVLIN: Yes.

15 MR. BOR: 10a(1), (2), (3) is satisfied.

16 State contract vendors, Mr. Smith or
17 Mr. Armstrong will comment on that.

18 MR. HILL: This is a vendors list.

19 MR. BOR: We need a resolution, Gary.

20 MR. HILL: Gary Hill will move it.

21 CHAIRMAN DEVLIN: Second, John Devlin.

22 MR. BOR: Miss Bailey?

23 MS. BAILEY: Yes.

24 MR. BOR: Mr. Hill?

25 MR. HILL: Yes.

1 MR. BOR: Miss Langford?

2 MS. LANGFORD: Yes.

3 MR. BOR: Mr. Smith?

4 MR. M. SMITH: Yes.

5 MR. BOR: And Mr. Devlin?

6 CHAIRMAN DEVLIN: Yes.

7 MR. BOR: Next item is to solicit bid
8 for replacement of water mains.

9 CHAIRMAN DEVLIN: Motion. John Devlin,
10 I made the motion.

11 MR. HILL: Second.

12 MR. BOR: Roll call. Miss Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Mr. Hill?

15 MR. HILL: Yes.

16 MR. BOR: Miss Langford?

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Smith?

19 MR. M. SMITH: Yes.

20 MR. BOR: Mr. Devlin?

21 CHAIRMAN DEVLIN: Yes.

22 MR. BOR: C passes.

23 We've already dealt with D, Mr.
24 Polistina & Associates, so now auction of vehicles.

25 CHAIRMAN DEVLIN: Real quick question on

1 auction of vehicles. How we doing, are we doing
2 on-line auction of all the other stuff?

3 MR. C. SMITH: Yes, and they have an
4 opportunity to come out and look at the vehicles
5 themselves.

6 CHAIRMAN DEVLIN: What's the name of the
7 company at the auction?

8 MR. C. SMITH: Gov.deal.

9 CHAIRMAN DEVLIN: I'll move on it, make
10 a motion. John Devlin makes a motion.

11 MR. HILL: Second, Gary Hill.

12 MR. BOR: Miss Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Mr. Hill?

15 MR. HILL: Yes.

16 MR. BOR: Miss Langford?

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Smith?

19 MR. M. SMITH: Yes.

20 MR. BOR: And Mr. Devlin?

21 CHAIRMAN DEVLIN: Yes.

22 MR. BOR: Showboat, discussion item
23 only.

24 MR. MANCUSO: Fred, if we could move
25 this to executive session. Nick Mancuso speaking.

1 MR. BOR: Will do.

2 Item F will be discussed in closed
3 session.

4 Management contracts probably has to go
5 closed, too.

6 (Technical/audio disruption. The court
7 reporter seeks clarification.)

8 CHAIRMAN DEVLIN: Can we go to closed?
9 That also will be closed. John Devlin. It will be
10 resolution G, management contract, we'll be pulling
11 that for closed session, F and G, ma'am.

12 MR. BOR: And H, leave of absence for
13 Marylou Faulk.

14 CHAIRMAN DEVLIN: Is that the standard
15 motion?

16 MR. BOR: Yes, the standard.

17 CHAIRMAN DEVLIN: Motion.

18 MS. BAILEY: Second.

19 MR. BOR: Miss Bailey?

20 MS. BAILEY: Yes.

21 MR. BOR: Mr. Hill?

22 MR. HILL: Yes.

23 MR. BOR: Miss Langford?

24 MS. LANGFORD: Yes.

25 MR. BOR: Mr. Smith?

1 MR. M. SMITH: Yes.

2 MR. BOR: Mr. Devlin?

3 CHAIRMAN DEVLIN: Yes.

4 MR. BOR: Monthly bills?

5 CHAIRMAN DEVLIN: Motion. John Devlin.
6 Standby on that, hold on, ma'am. Before we go into
7 executive session we have to do doctors.

8 MR. HILL: Gary Hill seconds.

9 MR. BOR: Miss Bailey?

10 MS. BAILEY: Yes.

11 MR. BOR: Mr. Hill?

12 MR. HILL: Yes.

13 MR. BOR: Miss Langford?

14 MS. LANGFORD: Yes.

15 MR. BOR: Mr. Smith?

16 MR. M. SMITH: Yes.

17 MR. BOR: Mr. Devlin?

18 CHAIRMAN DEVLIN: Yes.

19 We have two local doctors that would
20 like to speak to us about their -- I believe
21 Jennifer's on the line and then we have another --

22 (Technical/audio disruption. The court
23 reporter seeks clarification.)

24 MR. ARMSTRONG: He's not going to be the
25 one speaking. Who's going to be --

1 CHAIRMAN DEVLIN: Jennifer Farrell.

2 MR. ARMSTRONG: Miss Farrell is going to
3 be speaking.

4 MS. FARRELL: Hello. My name is
5 Jennifer Farrell and this is Patrick Elkner. We
6 work with Reliance who is now moving into Village
7 MD, as well. We've been doing the COVID testing
8 since April. We did the two lines with Atlantic
9 City so we were on Bader Field and Showboat. Since
10 then we came back into the Baltic location, when
11 the city was still requiring testing and it wasn't
12 as widely available, except this time we decided to
13 come back with two rapid tests. We have both an
14 antigen and a molecular. The molecular test that
15 we are currently using is Abbott ID but we are in
16 talks with Quidel, as well as another company
17 that's coming out. Excuse me. The antigen test
18 that we use is Care Start. The difference between
19 the two tests, just so you guys know, one is
20 molecular, one is an antigen. Your antigen is
21 going from the protein that COVID releases which
22 triggers off a positive reading if your virus is
23 active, so we like to use the antigen between day
24 five and day 10, especially if you have symptoms,
25 as well as accurate positive reading, to see if

1 that protein is still inside of your nose, whereas
2 our Abbott ID machine is just a little bit more
3 deeper, like I said, it's that molecular. If we
4 ever question any of our results we still have a
5 contract running with Quest where we can have a
6 turnover in 48 hours max of your results, as well.
7 A couple of your guys actually on the board have
8 actually come through to us. I can't say names, of
9 course, but that's definitely -- we prefer our
10 little antigen one. We do have a little breakdown.
11 Let me see if I can share my screen.

12 MR. ARMSTRONG: Whoever's on the phone,
13 I don't recognize the number from --

14 MS. FARRELL: Here are some fact sheets
15 that I can send you guys off of your Care cards.
16 This is the antigen test that we do use. Same
17 as -- we have a couple of other sheets with Abbott
18 ID. This would be the molecular. We can also
19 supply a video if you guys wanted to watch a quick
20 video on how each test is ran from YouTube. It's
21 not a personal one. Again, we can't with patients
22 exactly show how it works here but we can show you
23 two different videos through YouTube of actually
24 how both tests are ran and each step by step
25 process of these tests. They teach take about 10

1 minutes to yield results. The Abbott ID can run
2 anywhere from five to 15 between set up, warm up
3 and in gaining results. The Care Start takes a
4 full 10 unless you are -- have a lot of protein in
5 your system, it's going to trigger that secondary
6 line a little bit quicker. It's kind of like a
7 pregnancy test, where -- this would be what it
8 actually does look like, so this one is more along
9 the lines kind of like a pregnancy test, where we
10 would take the full swab, which we still do nasal
11 swabs only here just because they're more accurate
12 than, excuse me, the saliva test. We would swab
13 your nose, we put it inside of another tiny little
14 vile like this one, which would hold the reagent.
15 After a couple of turns you'll end up seeing the
16 reagent actually turn a different color which means
17 it's ready to be transferred. You take the three
18 drops, you stick it right in this hole and your
19 line starts to show no different than a pregnancy
20 test. Again, that's, that usually takes a full 10
21 minutes for us. We like to wait and let it go all
22 the way through, unless you have a lot of protein,
23 which is you're dead in the middle of your virus in
24 your system, then that secondary blue line will
25 register a lot quicker. Then again, like I said,

1 we do work with Quest. This is their process.
2 It's no different than anything if you've ever had
3 a nasal swab. Same thing that this nasal swab is
4 pretty much universal of how this is done. The
5 Abbott ID doesn't go as deep. It's a little bit
6 thicker with swab than what Care Start would do.
7 You can see Care Start would be super thin and then
8 you have the Abbott ID, which is just a little bit
9 thicker. This one is actually made out of foam so
10 it catches those particles a lot easier. We'll go
11 into the side of your nose. You don't have to go
12 as deep. The one thing that we definitely do hear
13 with our tests is while we understand they're
14 effective, nothing is 100 percent with rapids. You
15 can't really, you know, use an antigen when you
16 should be using a molecular. You kind of have to
17 gauge each individual situation as they come
18 through to us. We definitely like our accuracy the
19 most. That's our biggest dependability, to where I
20 have 100 percent quoted other companies and my CEO
21 said point blank, we're not using you, you yielded
22 too many invalid results for us. We want that
23 accuracy, because heaven forbid if we have a false
24 negative and we're sending you back to work, we
25 just contaminated your entire location. We are

1 both actually certified with contact tracing, as
2 well, so that as long as we are supplied with the
3 need for contact, where all employees function
4 through, we actually can work with contact tracing,
5 okay, this was a major contact, this was a low
6 contact. Every single test we brought out we have
7 backed them up, so with Care Start we took a box of
8 20, I went through all of the results and I also
9 shipped them out to Quest, so you're going to Care
10 Start and Quest. Each one of them matched dead on
11 with each other, same thing as Abbott ID. I used
12 Abbott, sent it out to Quest just to validate this,
13 same scenario. I mean, it's to the point where I
14 had people that were completely sick and just
15 absolutely sick, sick, they were showing on
16 negative on both my rapids, I shipped them out to
17 Quest and they ended up coming back positive, so
18 that's the one thing where Hugen is accuracy here.
19 The one thing we haven't been able to get our hands
20 on up-to-date, we're trying to, not due to the lack
21 of having them, they're funneling out to bigger
22 places than kind of little doctor's offices, is the
23 vaccine. We haven't been able to get our hands on
24 the vaccine but as soon as we are able to, that is
25 another thing we would be able to offer, because we

1 do have an entire team ready to start vaccinating
2 as soon as we can get our hands on them.

3 Does anybody have any questions for us?

4 CHAIRMAN DEVLIN: Thank you, Jen. We're
5 all becoming versed every day, you know, with COVID
6 so if I give your information to our executive
7 director, is that what you guys can have further
8 discussion on, obviously what you provide and what
9 you need from us?

10 MS. FARRELL: Definitely. So then just
11 remember the one thing that's different with us is
12 we -- all of our tests actually can funnel through
13 your health insurance. So as long as you have
14 health insurance, there is no out-of-pocket cost
15 in, you know, your organization. We just require
16 your health insurance to come through to us. We
17 are able to, especially if you've got a large group
18 of people, where -- or even if you wanted to
19 arrange this to every month, every two weeks,
20 whatever it would be, you just come out and test
21 you guys. We can actually come to you. We would
22 just need a little bit of notice to be able to
23 arrange that.

24 CHAIRMAN DEVLIN: Thank you, so much,
25 Jen.

1 MR. C. SMITH: Jennifer --

2 MS. FARRELL: Yes.

3 MR. C. SMITH: Jennifer, what about the
4 vaccination? Are you -- does your company ask --
5 is the facility also issuing vaccinations, too?

6 MS. FARRELL: We are trying to get our
7 hands on them right now. At this point it looks
8 like what they're funneling through is your super
9 centers, your pharmacies, as well as your
10 hospitals, so Reliance has not been able to get
11 them yet. We are actually registered for them to
12 come through to us. Unfortunately, though, we
13 haven't been approved for them yet.

14 MR. BOR: Okay.

15 CHAIRMAN DEVLIN: Jen, real quickly. Do
16 you have contact info for our executive director?

17 MS. FARRELL: I do not. I can give you
18 my cell phone number for me. The area code
19 609-703-9127. My e-mail is
20 JFarrell@villagemedical.com and then Patrick's
21 e-mail, which we kind of work together so if we
22 could cc him so we could keep working as a team,
23 it's PElkner, so PElkner@villagemedical.com.

24 CHAIRMAN DEVLIN: Thanks, so much,
25 Jennifer.

1 MS. FARRELL: My pleasure.

2 CHAIRMAN DEVLIN: Have a great day.

3 MS. FARRELL: You, as well.

4 (Technical/audio disruption. The court
5 reporter seeks clarification.)

6 MS. BAILEY: I was just confirming our
7 present procedure is that the employee is informing
8 us as opposed to us having a system in place where
9 we could send them for testing. That's all. Thank
10 you.

11 CHAIRMAN DEVLIN: There's another doctor
12 regarding services.

13 MR. ARMSTRONG: Oh, really, okay.

14 DR. KUPONIYI: My name is Peter
15 Kuponiyi, K-U-P-O-N-I-Y-I. I'm a physician in the
16 Atlantic City area and I've been around for over
17 25 years. It's Island Medical Associates and we
18 provide internal medicine support, I provide
19 pediatric support, as well, as well as addiction
20 medicine and we also provide corporate and
21 industrial health services. Today, first of all,
22 I'm very happy and glad that I was welcomed to come
23 in and present my case here and I appreciate the
24 invitation. As it is, we've been around for, like
25 I said, over 25 years. I used to be in

1 Philadelphia and then started -- I been a member of
2 the Atlantic City Medical Center and so far I was
3 able to be a part of the sea of physicians in
4 Atlantic City Medical Center. Our group, we have
5 two doctors, two nurse practitioners, RN's, as well
6 as other support services, like LPN, and also, we
7 do have support staff of 16, yeah, 16 employees, as
8 well. What we do is we provide interim medicine
9 services, we provide addiction medicine services,
10 as well as industrial services. What we like to do
11 is to be allowed and given the opportunity to
12 provide medical care and follow-up for employees so
13 we can reduce tardiness, as well as loss, loss of
14 days of work, which is very common in the industry.
15 We also would like to provide under wellness
16 visits, as well as do screening for obesity,
17 hypertension and also lifestyle and wellness
18 visits. We will be able to manage chronic
19 illnesses for employees and we're going to provide
20 a sick day visits, same day appointments, and we're
21 going to provide referral, adequate referral to
22 specialists as necessary. We also are gonna engage
23 in health promotion in terms of providing
24 information, as well as counseling from obesity,
25 hypertension, tobacco and alcohol and drug use, as

1 well, and as well as aging. We're going to provide
2 counseling and for occupational health hazards,
3 hazmat and definitely for COVID-19, which is
4 discourage that we all have today. I want to be
5 able to assist in testing and counseling, contact
6 tracing, as well as follow-up care, and a lot of
7 this, again, it's something that we need to look at
8 the industry, as well as in the community, because
9 right now we have so many people with diabetes,
10 hypertension, obesity, which really contribute
11 quite a bit to either sub-par performance of each
12 business or in the workplace in the area. We have
13 opportunity to provide testing, as well as
14 treatment protocols. We're going to be able to
15 assist the entity in preventing tardiness, as well
16 as loss of days of work, which is a big issue in
17 the industry, all across. I have, I have my CV. I
18 have copies I made here. You can pass around,
19 introduce what we've done, where I am, where I'm
20 coming from, since I've been here for over
21 25 years. I'm originally from Philadelphia but
22 we've been here and we've been able to provide the
23 services that people need. We have a large volume
24 of patients and we're just asking that we be
25 considered to participate and to work with MUA to

1 assist in providing well care and the ability to
2 have people contribute as much as they're able to,
3 being sick. We have other entities that provide
4 services for us, like cardiology, radiology,
5 mammogram, colonoscopies and other well care
6 services that will be necessary for an entity that
7 will be productive. The other things that we do is
8 cancelling. Cancelling services is very important,
9 especially within the workplace of today. There's
10 a lot of people that we, you know, there are drug
11 use issues, which is -- which needs to be addressed
12 and that's where the addiction medicine part of our
13 practice comes into play. We can identify, treat
14 and follow-up on people, as well. As far as the
15 other support services that we provide, we guide
16 people in terms of when they're due for the
17 mammogram or their colonoscopies, prostate exams,
18 which will be -- we will do this and we will do
19 this as they come to you and we have offices that
20 work with us to make sure that these things are
21 done on time. The other services that we believe
22 that will be beneficial to the establishment is
23 that of providing opportunities for referrals in
24 the big centers like Philadelphia, since I'm from
25 Philadelphia, so we do have contacts in

1 Philadelphia. If they need such services we can
2 provide those.

3 In summary, what I need to do is pretty
4 much, if we get the opportunity, outline in the
5 proposal and we have here that are made up so you
6 can take a look at all the bullet points, things we
7 would like to be able to provide for the industry.
8 One of the biggest things we have today, again, I
9 can't stress enough, the pandemic, as it is right
10 now, even though we hear the numbers of the new
11 cases are going down, we still have the problem and
12 the problem that this is going -- this is not
13 gonna, this is not gonna be the end. That's going
14 to be a recurrent, just like the flu, every year,
15 so we'll assist and work with the MUA to ensure
16 that contact tracing is accomplished, identified
17 before the actual, before the -- before they occur,
18 identify people who are prone, who are prone, at
19 least at risk of catching the disease, especially
20 those who work outside the offices. It's important
21 that we ensure that their contacts are also in the
22 loop. This is the way it gets propagated and it
23 just never goes away. As we know, all of these,
24 this virus is mutating a whole lot so this gives us
25 more reason to believe that, indeed, this is not

1 going to go away no matter how much we wished it
2 and also we will involve, we will involve ourselves
3 in trying to dispel some of the negative
4 information out there about whether, you know,
5 people to get the vaccine or not. I just, I think
6 yesterday somebody brought it to my attention about
7 some papers were circulating, telling people not to
8 get the vaccine. Personally, we see this in the
9 communities of color, which is very dangerous
10 situation which we think we can impact.

11 MR. BOR: Doctor --

12 DR. KUPONIYI: Yes.

13 MR. BOR: -- I'm general counsel for the
14 MUA. Thank you for all the information that you
15 provided. Certainly it's well meaning but we do
16 have an agenda to continue, if you'll --

17 DR. KUPONIYI: Okay.

18 (Technical/audio disruption. The court
19 reporter seeks clarification.)

20 DR. KUPONIYI: Okay. I appreciate you
21 both.

22 MR. ARMSTRONG: That was the solicitor
23 speaking. Want to repeat what you said?

24 MR. BOR: I was just indicating to the
25 doctor that the board appreciates his solicitation

1 and materials and the resume, however, we do have a
2 public board agenda to go ahead with and we're
3 going to have to ask you to conclude your
4 presentation to go ahead with board business.

5 CHAIRMAN DEVLIN: We have your contact
6 information.

7 MR. BOR: We have all your information.
8 We have your resume.

9 CHAIRMAN DEVLIN: The executive director
10 or his --

11 MR. BOR: And you're certainly
12 well-known to people in the community. Thank you,
13 so much, for coming in.

14 DR. KUPONIYI: Appreciate, very much.

15 CHAIRMAN DEVLIN: Thank you, sir.

16 MR. BOR: Thank you, sir.

17 DR. KUPONIYI: There's a reason why I
18 made sure I have bullet points, I don't want to
19 take your time. I know you have so much to do.
20 Thank you, so much. Appreciate it.

21 CHAIRMAN DEVLIN: Where is your office?

22 DR. KUPONIYI: In Egg Harbor and
23 Atlantic City. 29 South -- 16 South New York
24 Avenue and Rhode Island.

25 MR. BOR: Thank you.

1 Are you with us, Andrew?

2 MR. WEBER: Oh, yes. Yes.

3 MR. BOR: I'm just indicating to the
4 board that I'm going to have to leave to get my
5 second vaccination in Burlington County in an
6 hour-and-a-half, so with the board's permission I'm
7 going to leave, good reason to leave, and I'll ask
8 you, as labor counsel, to pinch hit for me if any
9 legal issues arise until the conclusion of the
10 meeting and, of course, you --

11 MR. WEBER: Yes.

12 MR. BOR: I'll be going up to Burlington
13 County. My phone is always available if you wish
14 to discuss anything. Thanks for helping me out,
15 Andy.

16 CHAIRMAN DEVLIN: Do we need a motion to
17 go into executive session?

18 MR. BOR: Yes.

19 CHAIRMAN DEVLIN: Motion by John Devlin.

20 MR. HILL: Second, Gary Hill.

21 CHAIRMAN DEVLIN: Motion by John Devlin,
22 second by Gary Hill.

23 MR. BOR: Any objections? Verbally or
24 physically?

25 CHAIRMAN DEVLIN: Let's go.

1 (Whereupon, the board goes into
2 executive session.)

3 MR. WEBER: I'm going to recap what
4 happened in closed session.

5 MS. BAILEY: It's Andy Weber speaking.

6 MR. WEBER: I'm sorry.

7 MS. BAILEY: I was telling the
8 stenographer it was you.

9 MR. WEBER: Yeah. I'm sorry. This is
10 Andy Weber, labor attorney. It was -- there's a
11 motion on the table. I'm going to ask for a motion
12 that a particular employee that was referenced in
13 closed session return to work immediately with
14 retroactive pay, conditioned on continued care and
15 meeting with our current executive director to work
16 out the details. That would be the motion.

17 MR. ARMSTRONG: Take out the care part.

18 MS. BAILEY: Okay. We want to remove
19 the word care from that motion.

20 MR. WEBER: Okay. So just continued --
21 okay. So leave care out?

22 MS. BAILEY: Yes.

23 MR. WEBER: Okay.

24 MS. BAILEY: Okay. I motion that. I
25 motion that.

1 MR. HILL: I second. Gary Hill seconds.

2 MR. WEBER: Okay. We need a --

3 MS. BAILEY: Vote.

4 MR. WEBER: Yeah. We need a vote,
5 please.

6 CHAIRMAN DEVLIN: Roll call. I'll do a
7 roll call vote.

8 MR. WEBER: Thank you.

9 CHAIRMAN DEVLIN: If I say it out of
10 order forgive me.

11 Miss Bailey?

12 MS. BAILEY: Yes.

13 CHAIRMAN DEVLIN: Mr. Hill?

14 MR. HILL: Yes.

15 CHAIRMAN DEVLIN: Miss Langford?

16 MS. LANGFORD: Yes.

17 CHAIRMAN DEVLIN: Mr. Smith?

18 MR. M. SMITH: Yes.

19 CHAIRMAN DEVLIN: Mr. Devlin?

20 Myself, yes.

21 MR. WEBER: Thank you.

22 CHAIRMAN DEVLIN: Vote carries.

23 Are we good?

24 MR. WEBER: That's all I had in closed
25 session.

1 CHAIRMAN DEVLIN: Motion to adjourn.

2 MS. BAILEY: Motion.

3 CHAIRMAN DEVLIN: Second?

4 MR. HILL: Second.

5 CHAIRMAN DEVLIN: All in favor?

6 MR. HILL: Aye.

7 MS. BAILEY: Aye.

8 MR. M. SMITH: Aye.

9 MS. LANGFORD: Aye.

10 MR. DEVLIN: Aye.

11 Thank you, guys.

12 (At 1:23 p.m. proceedings were
13 concluded.)

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CERTIFICATE

I, MICHELLE GRUENDEL, a Certified Court Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically and digitally at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

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