

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY  
BOARD OF DIRECTORS MEETING

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DATE: WEDNESDAY, SEPTEMBER 15, 2021

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY  
401 NORTH VIRGINIA AVENUE  
ATLANTIC CITY, NEW JERSEY 08401  
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Transcript of the proceedings taken in the  
above-entitled matter by and before Carrie L.  
Cuhadaryan, a Certified Court Reporter within and  
for the State of New Jersey, transcribed via Zoom  
Videoconferencing, Wednesday, September 15, 2021,  
pursuant to notice.

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1 IN PERSON AND REMOTE APPEARANCES:

2

3 BOARD MEMBERS:

4 JOHN DEVLIN, Chairman (in person)

5 GARY L. HILL, Vice Chairman/Secretary (in person)

6 NYNELL LANGFORD, Board Member (in person)

7 GLENN BANFIELD, Board Member (remote)

8 MOHAMMED DEDAR, Board Member (in person)

9

10 ALSO PRESENT:

11 Michael Armstrong, Director (remote)

12 Stella Johnson, Executive Secretary (in person)

13 Kelly Williams (in person)

14 Claude E. Smith, Acting Executive Director (remote)

15 Vincent Polistina, Polistina & Associates (remote)

16 James Roberts, H2M Architects (remote)

17 Anita Thapa, ACMUA Senior Accountant (remote)

18 Phil Gonzalez (remote)

19 Sean Gorman (remote)

20 Joe McFadden (remote)

21

22 COUNSEL PRESENT:

23 FRED BOR, ESQ., attorney for the Atlantic City

24 Municipal Utilities Authority (in person)

25 ANDREW WEBER, ESQ. (remote)

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CHAIRMAN DEVLIN: Opening statement  
September 15, 2021. Adequate notice of this  
meeting has been provided as required by law by  
mailing to the press of Atlantic City list of  
regularly scheduled meetings September 15,  
2021, at 401 North Virginia Avenue conference  
room, Atlantic City, New Jersey, 08401. A copy  
of said notice was sent to the city clerk of  
Atlantic City to be posted. All foresaid  
complies with chapter 231 of the laws of 1975  
known as opening public meetings law.

MR. BOR: Roll call, please.

Mr. Banfield?

(crosstalk)

MR. BOR: Mr. Dedar?

MR. DEDAR: Yes, sir.

MR. BOR: Mr. Hill?

MR. HILL: Here.

MR. BOR: Ms. Langford?

MS. LANGFORD: Here.

MR. BOR: Chairman Devlin?

CHAIRMAN DEVLIN: Good morning.

MR. BOR: Yes, we do have a quorum.

(Flag salute)

MR. BOR: Regarding number four for

1 public participation, I'll pass our director,  
2 have you heard from anyone, Mike, regarding  
3 issues you want to present to the board  
4 telephonically or by e-mail?

5 MR. ARMSTRONG: Yes, I do. I  
6 actually have them under my presentation but I  
7 think it might be a good time and maybe if you  
8 want to hear from -- one of them is not gonna  
9 be able to come in until 10:30. That's with  
10 respect to the risk assessment. But we do have  
11 Jim Roberts from H2M here and Jim has some  
12 exciting news and information to present.

13 CHAIRMAN DEVLIN: Mike, we're asking  
14 for public participation regarding, like, from  
15 the public.

16 MR. ARMSTRONG: All right. We can  
17 wait.

18 CHAIRMAN DEVLIN: Do you have anybody  
19 called in, any complaints or anything like  
20 that?

21 MR. ARMSTRONG: No.

22 MR. BOR: We are then in compliance  
23 with the DCA. Next number five. If members of  
24 the board have reviewed their minutes, is there  
25 a motion to approve regular and executive

1 session minutes?

2 MR. ARMSTRONG: Before we do --  
3 before we do, with respect to -- you only have  
4 a copy of the -- regular executive session  
5 minutes we did not send to you because of the  
6 nature of it -- it being sent by e-mail is our  
7 concern. So since all board members are there,  
8 what I prefer to do is to have Kelly give you a  
9 hard copy to review and if you could return it  
10 to her and then that way you could prove those  
11 executive session minutes at the following  
12 meeting.

13 MR. BOR: Only moving to approve the  
14 regular minutes and next meeting we'll review  
15 the executive session. Is there a motion to  
16 approve the regular minutes last meeting?

17 MR. HILL: Gary Hill made the motion.

18 CHAIRMAN DEVLIN: John Devlin second  
19 it.

20 MR. BOR: Mr. Banfield? Not joined  
21 quite yet.

22 Mr. Dedar?

23 MR. DEDAR: Yes.

24 MR. BOR: Mr. Hill.

25 MR. HILL: Yes.

1 MR. BOR: Ms. Langford?

2 MS. LANGFORD: Yes.

3 MR. BOR: Mr. Devlin approved.

4 Chairman, any issues?

5 CHAIRMAN DEVLIN: Just Mike, I know  
6 you heard risk assessments. Are they going to  
7 do a presentation today?

8 MR. ARMSTRONG: Yes. They can't come  
9 on until 10:30.

10 CHAIRMAN DEVLIN: Also, too, I know  
11 we discussed organizational chart, are we gonna  
12 discuss that today?

13 MR. ARMSTRONG: Yes. Personnel  
14 committee.

15 CHAIRMAN DEVLIN: Real quick, I know  
16 we have it across the street here but a master  
17 plan. Do we have a master plan in place now?  
18 A master plan?

19 MR. ARMSTRONG: I'm gonna have to  
20 defer to Claude on that because whether there  
21 was one created before my time, I know there's  
22 been some discussion about master plan.

23 CHAIRMAN DEVLIN: Not trying to put  
24 anyone on the spot. I reviewed some notes and  
25 that came across prior to you being here and I

1 just never followed up so kind of falls on me.

2 Claude, do you have anything regarding a  
3 master plan for the ACMUA.

4 MR. SMITH: As previously informed to  
5 the group, we have a master plan that's dated  
6 in 2005. We've not had any updated master plan  
7 since that time period. We have a number of  
8 projects that are actually going on probably  
9 fulfill the master plan. But at this present  
10 time, PFOS seem to be the precedent and  
11 priority and that's pretty much what we've been  
12 working on. But there's no additional master  
13 plan since the 2005 master plan.

14 CHAIRMAN DEVLIN: To be compliant do  
15 we have to do that every five years, three  
16 years, or just have one in place -- how's that  
17 work?

18 MR. SMITH: For our benefit it's good  
19 to have one in place. I think with what's  
20 master plan that's already -- that was actually  
21 done several years ago, there probably still  
22 items on it that are being worked on or being  
23 addressed at this particular time. Along with  
24 the scenario with the PFOS.

25 MR. ARMSTRONG: What we can do, we

1 can have it distributed, Mr. Chairman, for --  
2 and have a copy to every board member before  
3 the next meeting.

4 CHAIRMAN DEVLIN: That was my next  
5 question. That'd be great, thank you. And  
6 we're gonna discuss organize plan today?  
7 Organizational chart?

8 MR. ARMSTRONG: Yes.

9 CHAIRMAN DEVLIN: Thank you, sir. I  
10 have nothing else. Fred?

11 MR. BOR: I guess ball's in my court.

12 I have two issues to bring to the  
13 attention of the board, as well as Mr. Smith  
14 and Mr. Armstrong.

15 Other than my occasional responsibilities  
16 as counsel, I'm involved right now two -- or  
17 actually three pretty important projects. The  
18 underground storage tank situation has been --  
19 is an odd one because when we were due to  
20 comply with the rules regarding underground  
21 storage tank, we were in the middle of Covid  
22 and we were having some difficulties when Nick  
23 Vancuso was here with scheduling and we were  
24 cited I believe it was -- March 11th, give or  
25 take, that we were noncompliant. And



1           thereafter we were fined for being  
2           noncompliant. \$15,000 for noncompliant.

3           Within days, either Nick Claude, I'm not  
4           sure who, then scheduled with DeMayo's -- those  
5           are the folks that make the repair -- to repair  
6           the storage tanks. And they -- that was  
7           accomplished. The DeMayos gave the proper  
8           notice to the DEP. And we were then in full  
9           compliance by the -- I believe it was by the  
10          end of March. We then contacted the DEP who  
11          acknowledged in writing to me that by  
12          April 11th, they considered us in full  
13          compliance.

14          So the noncompliance stretched  
15          approximately one month. And I believe Nick  
16          reached out and told him that because of Covid  
17          we just had difficulty bringing the personnel  
18          and making it happen. So there's \$15,000  
19          penalty sitting there. Apparently were not  
20          very sympathetic to the personnel situation  
21          here.

22          Now, the good news is the State of New  
23          Jersey has a office of dispute and resolution.  
24          Director of that is Madame Linda Taylor who now  
25          I've spoke with a number of times. And we've

1 taken position to my office that we were going  
2 to appeal that penalty because the timing was  
3 short, we did it promptly, we had it repaired  
4 properly, we had approved properly. And they  
5 showed a willingness to compromise that 15,000  
6 based on the totality of circumstances.

7 So I filed an appeal but then after  
8 discussion with Ms. Taylor from the arbitration  
9 dispute resolution, she suggested, and I  
10 agreed, that we switch it from an adjudicatory  
11 hearing, which is much more cumbersome and  
12 really not necessary in this kind of issue, to  
13 an ADR, which is kind of like an arbitration,  
14 where once it begins, there will be an initial  
15 conference, we'll review the issues/and she and  
16 I both thought that was a good program when  
17 you're dealing with a compliance issue.

18 So at the moment, I guess, because of the  
19 holiday or whatever, she only reached out to me  
20 last week saying the DEP has to approve and  
21 agree to ADR. She's confident they will. And  
22 if so. I'll move forward promptly getting that  
23 resolved. The tenor of the discussion was such  
24 that I believe I'm going to try to get it wiped  
25 out the whole 15,000. But of course if it's

1 not the whole amount I'll do my best on that by  
2 negotiating and then report to the board before  
3 my decisions are made. But that's in progress.

4 The underground storage tanks are in full  
5 compliance now and have been, I guess, since  
6 early April. Maybe March.

7 CHAIRMAN DEVLIN: I got a question.  
8 Do we have any -- I don't know who can answer  
9 this, but -- this is John Devlin. Do they have  
10 any other underground tanks? I know we spoke  
11 last year about getting rid of this so we don't  
12 have that. But how many underground tanks do  
13 we have and do we have a plan moving forward to  
14 eliminate them? I know that's underground  
15 tanks have been like a thing of the past. Can  
16 anybody explain that to me? Go ahead.

17 MR. SMITH: In regards to the number  
18 of USTs that is we have, we have two USTs,  
19 actually three. There's one here at the  
20 administrative building, two at the treatment  
21 plant. In regards to removing those USTs,  
22 we've actually started to investigate into big  
23 processes that we can actually do to have those  
24 tanks removed. Not saying that they will be  
25 removed this year, might be removed sometime

1 next year based on the process that we have to  
2 follow but we are looking into whether or not  
3 we can actually remove those tanks.

4 CHAIRMAN DEVLIN: When you say we're  
5 looking into them, do we have like a plan?

6 MR. SMITH: Well, the plan is to  
7 remove the tanks. So we are looking into the  
8 removal of those particular --

9 CHAIRMAN DEVLIN: Right. I got that.  
10 Do we have a set date, time? Do we have -- you  
11 know --

12 MR. SMITH: Not at the --

13 MR. ARMSTRONG: Not that far along  
14 because we rely on what's in the tanks. Fuel  
15 vehicles, things like that, so you have to have  
16 an alternative plan in place first that we  
17 maybe set up some gas cards at local gas  
18 stations. So we've had meetings and some  
19 discussions about it both at the distribution  
20 center and also brief discussion with Anthony  
21 about the tanks that are out at the treatment  
22 plant.

23 But removing those tanks, just so you  
24 know, is a very complicated process. You know,  
25 with respect to DEP regulations. Just like

1           them coming out and inspecting them. So I  
2           think the first thing we have to put in place  
3           is what's going to be the alternative plan when  
4           we don't have those tanks and what they're used  
5           for available to us for fueling vehicles,  
6           providing gas to the backup generators out at  
7           the plant. So we've been investigating  
8           alternative fuel sources, the possibility of  
9           doing electric vehicles and things like that.  
10          So we have to establish what we're going to  
11          substitute it with first before we can actually  
12          set a date and a plan to get rid of it.

13                   CHAIRMAN DEVLIN: That's a good idea.  
14          I just think we're playing with fire when it  
15          comes to these under -- I mean it's just a  
16          thing of the past. It's like anything else. I  
17          mean I grew up on a house where it was  
18          underground oil tank. Basically almost had to  
19          tear that house down, I'm just -- I don't know,  
20          I feel a certain kind of way. If we can  
21          eliminate that as soon as we could, I don't  
22          know, I'd sleep better at night. It's just a  
23          time bomb. You don't know if it's gonna leak,  
24          when it's gonna leak. It's almost like when,  
25          so --

1 MR. ARMSTRONG: Yeah, I agree.

2 CHAIRMAN DEVLIN: I appreciate it.  
3 Thank you.

4 MR. SMITH: And that's one of the  
5 reasons why the tanks are inspected on a  
6 consistent or regular basis. Make sure the  
7 pressurization of the tanks and so forth are  
8 actually maintained as well as the amount of  
9 fuel that's actually put in those tanks is also  
10 maintained and -- accounted for. So -- there  
11 is -- there is a process and there is a  
12 procedure as well, too, just as Mike has  
13 actually explained. And those have to be at  
14 least completed prior to actually going into  
15 the removal of the tanks itself. So in regards  
16 to a set date and time, no, there's not a set  
17 date and time for the removal of the tanks.

18 CHAIRMAN DEVLIN: Yeah, again, I'll  
19 just reiterate, you know, we live on the beach,  
20 so -- and we're putting iron into a beach sand,  
21 there's water -- I don't know. Just -- it'd  
22 just make me sleep better at night knowing that  
23 we have a plan to eventually eliminate them,  
24 put them above ground or, like Mike said, a  
25 different source, get fuel cards or in the real

1 distant future, maybe electric cars. I don't  
2 know, I'm just talking out loud. Thank you,  
3 guys.

4 MR. BOR: And the good news is we're  
5 now fully compliant. So to that extent we're  
6 in good shape. I am still onboard on this  
7 problematical fluoride issue. I've been in  
8 conversation with the ED Claude, even Anthony,  
9 and also with Linda Taylor up at the dispute  
10 resolution.

11 In a nutshell, the -- our friends, quote  
12 unquote, American Water, issued a report very  
13 recently which highlighted an important point,  
14 and that is only 22 percent of the  
15 municipalities in New Jersey -- and they're 579  
16 municipalities -- have fluoride treatment. So  
17 they indicated in their report, and so is in  
18 the legislative history of the Safe Water  
19 Drinking Act, it's really up to the community  
20 whether to do it.

21 Why Atlantic City chose to do it, I guess  
22 before my time. But be that as it may, we have  
23 been doing it for a number of years until the  
24 most recent problem developed.

25 I explained to Ms. Taylor, part of the

1           problem in our last communication, that we have  
2           been trying to get fluoride and we have gone  
3           out for it but it's simply not available. And  
4           just explained to her that problem had come  
5           from overseas and it simply, we can't do it at  
6           the moment.

7                     She and I then discussed what alternatives  
8           there may be to challenge the decision by the  
9           DEP that we're noncompliant with fluoride. And  
10          it's an interesting situation, I'll be brief  
11          with it.

12                    And that is the New Jersey Safe Water Act  
13          does identify certain contaminants in the water  
14          that needs to be ameliorated. I think, Mike,  
15          you and I have also added that fluoride is not  
16          a contaminant within the scope of it. And,  
17          therefore, it's not the requirement under New  
18          Jersey Safe Water Act. We have it. And we're  
19          out of it. And that's the reason that we were  
20          cited by the DEP. Now, the DEP --

21                    MR. ARMSTRONG: Just going to  
22          clarify. I don't know that they're citing us.  
23          The way I read that letter is not that they're  
24          citing us because we're out of it and we can't  
25          get it. They're citing us because they want us



1 to provide notice to the community at a tier  
2 two level which requires significant  
3 expenditure on the Authority's part of  
4 several -- close to \$10,000 to notify every  
5 resident in the area.

6 What I did was, after Anthony told me it  
7 wasn't a violation and wasn't a legal  
8 requirement, and then also, you know, Phil  
9 intervened and said give it over to the  
10 attorney because why are we gonna be forced to  
11 spend close do ten to \$12,000 for something  
12 that's -- we're not required to do tier -- tier  
13 two notice which means you actually have to  
14 mail a notice to every single resident. So I  
15 asked for -- first we did notice, which was  
16 significant, we did reverse 911. We notified  
17 the mayor's office, the clerk's office, the  
18 state dental director, every pedestrian by mail  
19 in the area, every dentist by mail in the area,  
20 the school board. And we learned that the  
21 basis for the DEP's recommendation that we give  
22 this tier two notice was the CDC's  
23 recommendation. But then they -- the CDC does  
24 not require as a recommendation that we give  
25 tier two notice. They simply say publish in a

1 newspaper which we did as well. We did that  
2 plus significantly more. So I asked for a  
3 waiver. In asking for the waiver, they came  
4 back and said that they would not grant the  
5 waiver and wanted us to proceed with tier two  
6 notice.

7 That's when the -- the state reviewed it  
8 and suggested that I give it over to Fred. And  
9 Fred, through his research, found that it  
10 wasn't legally required and would not be a  
11 violation as Anthony indicated.

12 So I -- and we haven't shall -- am I  
13 correct, Fred, since then, we haven't heard a  
14 response since you told them that.

15 MR. BOR: Well, what's -- excuse me  
16 Mike. It's very interesting and everything you  
17 say is, of course, accurate. So part of my  
18 discussion is -- whether we need a tier two or,  
19 as Anthony and I discussed, a tier three. If  
20 the -- do it as a tier three it would be in  
21 compliance. But not be enough even if they  
22 said tier three is okay, which we've already  
23 done, the issue is whether we had to do any  
24 tiers. So yeah, we went ahead, I think it was  
25 on Anthony's recommendation when he heard the

1 DEP, I think he came to the conclusion very  
2 quickly, better start doing notice before you  
3 and I, Mike, did our research to determine that  
4 we may not even have had to give any notice.

5 So the problem I'm fixing right now with  
6 the state is in terms of arbitration. They  
7 will not arbitrate if it's a challenge to any  
8 rule, regulation or policy to the DEP. They'll  
9 only arbitrate if it's a compliance issue. So  
10 what I explained to the folks in Trenton, is  
11 we're not quarreling, we're not challenging any  
12 rule or regulation. Because we don't think any  
13 rule or regulation applies to a non-contaminant  
14 fluoride. And he thought that was interesting.

15 So -- our position at the moment -- and  
16 I'll keep reporting back of course, once Linda  
17 and I move it along -- is we're challenging the  
18 compliance issues, but by doing so, we're  
19 almost conceding that we have to do it. So  
20 it's kind of an interesting position. I guess,  
21 Mike, because what we've already done, the best  
22 case scenario would be -- and they know the  
23 difficulty in getting fluoride -- would be if  
24 they compromised and allowed just the tier  
25 three to continue.

1           Do you agree that would be a fair  
2           compromise?

3                   MR. ARMSTRONG: Well, we've already  
4           done it. I just don't want to lay the  
5           groundwork and concede that it's even under the  
6           jurisdiction of the DEP because then you're  
7           gonna have that situation moving forward. I  
8           think it should be clear that if we do it,  
9           we're doing so voluntarily and of our own free  
10          will because -- obviously respect them.

11                   MR. BOR: Yeah, we have to make sure  
12          it's without prejudice because we've already  
13          done tier three, although they want to us do  
14          tier two. So my negotiation will be, while we  
15          don't agree we have to do any, by switching us  
16          to tier three, it's without prejudice. We  
17          don't want to go forward in the future and all  
18          of a sudden view that as tantamount that we  
19          agree that we have to do the fluoride  
20          treatment.

21                   So Linda -- it was also interesting  
22          dichotomy because we're not really challenging  
23          the rule; we're challenging the compliance. So  
24          it will be an interesting arbitration. But  
25          they, too, have to agree to arbitrate. And she

1 was hopeful that they would when I indicated  
2 that we're not challenging their rule or  
3 regulation; we're saying their rule doesn't  
4 apply to us. Not really challenging their  
5 rule.

6 So I'm awaiting word of whether they're  
7 going to arbitrate that. And if so, they set  
8 up an initial twenty minute conference, the  
9 lawyers -- how these things work, and I'll keep  
10 everyone posted. And I guess when we have our  
11 initial twenty minute conference, I take it,  
12 you, Mike, and Claude and I will be on it.  
13 Since we know everything Anthony knows. But  
14 we'll see, once I get our dates, I'll keep you  
15 posted. I suggested to Linda we'll be holding  
16 off any other fluoride concerns until we get to  
17 hear and she said she'll get back to me on  
18 that. I'll keep everybody posted.

19 CHAIRMAN DEVLIN: For the record, I  
20 thought I saw Mr. Banfield on the screen.

21 Fred, just note that for the record; Mr.  
22 Banfield's here. Hi, Mr. Banfield.

23 MR. BOR: He's always in his car.  
24 Hi, Glenn. He's muted.

25 CHAIRMAN DEVLIN: Gary, I think

1           you're up.

2                       MR. HILL: The engineering committee  
3 continues to be very active and busy. We had a  
4 meeting on Monday, and Claude can give maybe a  
5 small report. There are some major issues we  
6 are working on: The Venice lagoon project.  
7 The main -- the New York Avenue main is still  
8 going on, that's a major project. So we are  
9 continuing our regular engineering work. We  
10 had to move it from last week to Monday. But  
11 more importantly I think we have Mr. Roberts on  
12 the phone from H2M. Jim, you still there?

13                      MR. ROBERTS: I am.

14                      MR. HILL: Oh, great. We've been  
15 moving, as we know, and I always want to make  
16 sure the full board is aware that we meet every  
17 Wednesday -- which is always so much fun in the  
18 afternoon -- to kind of keep track of  
19 everything and keep a very consistent schedule.  
20 Because of our agenda there are so many  
21 contracts and now moving -- moving pieces to  
22 the puzzle trying to solve our K Fos issue, so  
23 I'm going to -- I know Vince, I believe is on,  
24 too, but I think Mr. Roberts has some news,  
25 we've been notified this morning, about some

1 actions that have been taken already and now we  
2 move forward. Jim?

3 MR. ROBERTS: Thank you, Gary, and  
4 board members. My name is Jim Roberts, I'm  
5 with H2M. Gary can do a little quick synopsis  
6 and as you know, Stephanie Decotiis, who's  
7 managing the project day-to-day, has much more  
8 of the details. But at a high level, I believe  
9 we are very well on schedule. I think the last  
10 reported sampling data that we had was -- was  
11 good data that was in the -- in the interest of  
12 the ACMUA. So that's all good.

13 The contractors for the work are in the  
14 process of, you know, mobilizing and  
15 coordinating between the delivery of the  
16 equipment. I know Mr. Polistina has been very  
17 helpful and as has the crew at the plant with  
18 Anthony coordinating with the FAA for access  
19 and the like.

20 So -- so I believe we are currently very  
21 much on target schedule-wise. We believe the  
22 contractors are in good shape and we're  
23 optimistic about certainly hitting our original  
24 schedule if not potentially getting ahead of  
25 it. But we don't want to over promise, we'd

1           rather under promise and over deliver. So I  
2           think that's all good news.

3           So the -- the other thing -- the other  
4           point -- and this is Mr. Armstrong had asked me  
5           to join this morning to let the board know --  
6           we had advanced an application with the New  
7           Jersey Alliance for Action, which many of you  
8           may know, and some of you may not, is a -- an  
9           organization that really tries to connect all  
10          of the moving pieces and whether municipal  
11          service providers, utilities, engineering  
12          firms, et cetera, really they provide a  
13          collaborative forum for those entities to meet.  
14          So they had an application for distinguished  
15          engineering award for 2021. And myself and my  
16          team was -- was down in Atlantic City two weeks  
17          ago, we spoke with Mr. Smith and requested the  
18          permission to make that application on behalf  
19          of the ACMUA project. We did that. And we  
20          were notified, I think the day before last,  
21          that we've been awarded that engineering  
22          excellence project, that it's been recognized,  
23          and it's intended to be further recognized at  
24          the organization's breakfast in early October  
25          up in the Forsgate Country Club. So as I



1 explained to Mr. Armstrong and Mr. Smith, I  
2 think that is really a sort of feather in the  
3 cap of both the board and all the action that  
4 you've taken and, you know, the executive  
5 directors office and -- and, you know, the  
6 whole team in terms of really being proactive  
7 and managing it forward. And I'd like to  
8 congratulate you all and I did mention to  
9 Michael that, you know, at the breakfast fair,  
10 there is the ability to have, you know,  
11 representatives of the -- you know, Atlantic  
12 City president if -- and I'll leave that to you  
13 all to consider and advise. But that's my  
14 news. I think it's good news and  
15 congratulations and we're happy to be part of  
16 the team.

17 MR. HILL: I just would like to  
18 follow up. Thank you, Jim, and that is great  
19 news. And I know that organization a little  
20 bit, and it's very, very huge. So that's great  
21 and thank you for your work. And again, I want  
22 to compliment Polistina Associates, H2M, our  
23 board member Mr. Dedar, and our internal staff  
24 and Mr. Armstrong as you our leader. Working  
25 together to put all these pieces together is

1 very difficult. Mr. Riley helped motivate some  
2 contracts. We got them moving.

3 I do have a quick question. I can use it  
4 for later, too, though. I know we asked and we  
5 got a time -- a rough time schedule. Because I  
6 think it's important for everyone to see. I  
7 know Stella had that. I wanted to know, I  
8 think Mr. Gonzalez is still there.

9 Did you get the rough time schedule for  
10 our project, Phil?

11 MR. ARMSTRONG: It looks like this,  
12 Phil.

13 MR. GONZALEZ: No, I don't believe I  
14 received anything like that.

15 MR. HILL: Okay. Can we just resend  
16 that out to -- I'd like the state to make sure  
17 they see our progress and where we're going.  
18 Internally we can send that, that's fine with  
19 us. But I want the state to see what we're  
20 doing, what are the steps, what is our schedule  
21 and of course right now we're inside our  
22 budget. So that's good news.

23 I don't have anything else on that. I  
24 thank Mr. Roberts.

25 Vince, do you have anything you want to

1 say in association with this project which  
2 you're vital to?

3 MR. POLISTINA: No, thanks guys. I  
4 just want to say great news, I think that's,  
5 like Jim said, that's a feather in the cap for  
6 the ACMUA and all of the work that all of you  
7 have put in to get us to this point is  
8 absolutely commendable and it's good to see  
9 other organizations recognizing it.

10 MR. HILL: Thank you. So Mr.  
11 Armstrong, did you want to follow up before  
12 Claude gives his little mini report?

13 MR. ARMSTRONG: Just very pleased  
14 with all the assistance we have from all our  
15 professionals, and the board members, and  
16 understand Gary's guidance as well and  
17 Mr. Dedar's input, things are moving along a  
18 lot better than expected and we remain hopeful  
19 that we can remain on schedule and move after  
20 this to the next phase to the bigger picture,  
21 maybe a new plant with some big pearly doors so  
22 that we can get the PFOS behind us.

23 MR. HILL: Exactly, Michael, thank  
24 you.

25 I don't have any other reason for

1 Mr. Roberts or Mr. Polistina to stay unless the  
2 chairman chooses them. Thanks, guys. We'll  
3 see you at 1:30.

4 MR. POLISTINA: We'll talk at 1:30.  
5 Some of the projects going over, our projects.

6 MR. HILL: Claude, do you want to  
7 continue from our engineering meeting the other  
8 issues we dealt with or just an update, really.

9 MR. SMITH: Sure. But in the  
10 meantime I'd just like to say the collaborative  
11 effort that we actually put into PFOS is  
12 actually coming into fruition with regards to  
13 being recognized and complementary to all the  
14 parties that's involved. H2M, Polistina, you  
15 know, of course the Atlantic City members  
16 that's actually been partaking in this  
17 particular effort to deal with Pfos.

18 On another note, this is just with regards  
19 to any engineering projects that are ongoing  
20 and just -- this is just for informational  
21 purposes for the board of the Atlantic City MUA  
22 --

23 CHAIRMAN DEVLIN: Can you speak up a  
24 little bit.

25 (Whereupon, a discussion was held off

1 the record.)

2 MR. HILL: All right, Claude, let's  
3 try again.

4 MR. SMITH: We have a few ongoing  
5 projects. Just an update on the few ongoing  
6 projects. The New York Avenue water main  
7 project replacement project is ongoing, they're  
8 about 75 percent complete. That project kind  
9 of ties into the milling and paving that the  
10 City of Atlantic City like to get done and I  
11 think that will be completed in a timely manner  
12 to give the city the opportunity to actually  
13 pave New York Avenue from Mediterranean and  
14 going back to Magellan Avenue. That's where  
15 we're working on.

16 The other project that consists of a  
17 number of streets on Atlantic City, that's also  
18 ongoing. Pennsylvania Avenue was just  
19 completed. We're now working on East Riverside  
20 Drive. As soon as East Riverside Drive is  
21 completed, that particular project will move  
22 over to the Chelsea area over to Harbor Road  
23 and the Bella Terrace area. And again, that's  
24 just another project that's ongoing.

25 We just, of course, completed the

1 contracts for the Venice lagoon. That's the  
2 project that's going to be current adjacent to  
3 the school that's in Venice Park. Right off of  
4 -- that -- sorry. Yeah. That's going to be a  
5 project that's going to be commencing close to  
6 where that school's actually located. That's  
7 putting a secondary pipeline going across the  
8 lagoon between Venice Park and the Venice  
9 lagoon area to have some redundancy of what a  
10 distribution means in that area.

11 The other project is the horizontal  
12 directional drive project that we have going  
13 on -- that will be going on up at the tech  
14 center. That's somewhat in conjunction with  
15 the PFOS project for the electrical connection  
16 of the loop in this area. Those are the condos  
17 that are going to be put in. After the condos  
18 are actually in place, the objective is to have  
19 electrical work done to make that connection to  
20 complete that loop in that -- technical area.  
21 And the -- when I say technical area, I mean  
22 the technical center location adjacent to where  
23 our walls actually are.

24 I think that's it, Gary, in terms of --  
25 some of the engineering projects that we have.

1 MR. HILL: Just to follow up on the  
2 Venice, which, this has been going on forever.  
3 I know that you just got back to work and we do  
4 have some school board people here. Did we  
5 make an outreach to the school district so we  
6 have that timeframe to do the project -- or I  
7 guess we're going to do that but --

8 MR. SMITH: The latter part of your  
9 comment is correct. We are going to be  
10 reaching out to them. We do not have a  
11 specific timeline as of yet and I did not want  
12 to reach out unless we had some sort of  
13 specific timeline. We are getting closer to  
14 that so we will reach out to them in a  
15 preliminary type of way just to inform them  
16 that we will be looking or seeking to do some  
17 work in that location. And once we have a  
18 better schedule we can actually give them that  
19 particular information.

20 MR. HILL: We tentatively just looked  
21 at, like, November between the teaching  
22 conference and the Thanksgiving holiday but we  
23 left that up to you guys to figure it out.

24 MR. SMITH: Right. But like I said,  
25 I think it's important that we do reach out to

1 the school board at least to give them some  
2 sort of information or heads-up that we will be  
3 needing to do some work in that particular area  
4 and this work is very essential.

5 MR. HILL: Thank you, Claude.

6 MR. BANFIELD: Mr. Chairman, this is  
7 Glenn Banfield -- ask a question?

8 MR. HILL: Yes, sir.

9 MR. BANFIELD: Are certain neighbors  
10 being notified? Because I was at a football  
11 game this weekend where people who recognized  
12 that I was on the board asked me that, were  
13 some of the neighbors being notified in certain  
14 areas, I don't know where they were at, some  
15 people, I think some of them lived on Primrose  
16 Avenue or -- installing pipes or equipment on a  
17 street and blocking some people's driveways.  
18 Were people being notified of the -- of -- I  
19 guess probably the storage of materials on that  
20 -- near their property that kept them from  
21 getting in and out of their driveways?

22 MR. SMITH: I can attest to the fact  
23 that driveways are being blocked. And just to  
24 be clear, the contractors are responsible for  
25 notifying the residents in the area that they



1 will be working. We do not take that  
2 responsibility because we do not know what  
3 their timeline of work will be and how it will  
4 be done. When you say blockage of driveways,  
5 on the East Riverside Drive because of the fact  
6 that we do -- they do have a temporary service  
7 line that's in place, the drivers have been, I  
8 guess, modified to go over that particular pipe  
9 in that location. In regards to blockage of  
10 driveways, I have not -- we have not received  
11 any complaints. And like I says, the  
12 contractor is responsible for notifying  
13 residents in the area of the work that's going  
14 to be done or will be done.

15 MR. BANFIELD: Okay. Is it anybody  
16 they can call to -- the company -- they may  
17 have to call to see if they have a problem.  
18 Because I don't think it was so much -- I think  
19 it was some property being -- some material  
20 being stored on Primrose Avenue, I believe.  
21 They were complaining. Behind the Lido -- I  
22 guess -- is that the Lido Motel Too, or -- I  
23 don't know if that's still the name. But a  
24 motel that's on Absecon Boulevard across from  
25 the MUA.

1 MR. SMITH: Across from the ACOA, not  
2 from the ACMUA. There are but in that vicinity  
3 the back of the hotel faces Primrose Avenue.  
4 In regards to materials, I can't confirm  
5 whether or not materials are actually being  
6 stored at that particular location behind their  
7 property. But if -- if they are, I guess,  
8 dissatisfied with that particular work that's  
9 being done or I guess the impedance, I should  
10 say, then they need to speak with the  
11 contractor.

12 MR. BANFIELD: Okay. Thank you.

13 MR. SMITH: You're welcome.

14 MR. BOR: Yes. Brandford personnel.

15 MS. LANGFORD: Yes, personnel, we  
16 have our meeting and it was in reference to  
17 certain things, organizational chart, being  
18 one, led the conversation. We decided on  
19 getting something that's as far as structure,  
20 not necessarily naming vacant spots or people.  
21 But we did talk about the structure of the  
22 chart. So where are we with that? That was  
23 the last discussion we had in reference to  
24 getting a updated just blueprints sort of, you  
25 know, so to speak.

1 MR. ARMSTRONG: I think where we left  
2 off was we went through the various  
3 organizational charts that the chairman had  
4 referenced in the past and we determined that  
5 the most recent one was provided in January of  
6 2021 but that particular chart had specific  
7 names on it and we said that we would work from  
8 a chart that did not have names and would  
9 identify which positions were vacant and which  
10 positions were not vacant.

11 Then we said we'd provide job descriptions  
12 behind the organizational chart for every  
13 portion that's listed so that board members  
14 would know specifically what the  
15 responsibilities would be for those job titles.

16 Then we said that -- we actually had  
17 Debbie Dansby, human resources manager, on the  
18 personnel committee and she indicated that she  
19 would be in the process of collecting all those  
20 job descriptions to provide a folder to each  
21 personnel committee member so that you'd have  
22 those job descriptions at our next meeting.  
23 And that's where we left off.

24 MS. LANGFORD: So where are we with  
25 that today?

1                   MR. ARMSTRONG: I think she's in the  
2 process of collecting it. I think she has  
3 about sixty or 70 percent of it collected.  
4 Because when the state monitor came in they  
5 asked for similar information but they only  
6 asked for various -- certain positions. So she  
7 had prepared a -- they had most of it together,  
8 so she's just in the process of completing  
9 that. But we -- I know that we will have it  
10 before our next personnel committee meeting.

11                   CHAIRMAN DEVLIN: Are we going to  
12 have a rough draft or draft of that by next  
13 meeting, do you know?

14                   MS. LANGFORD: Hopefully.

15                   CHAIRMAN DEVLIN: Can you present  
16 that to us next meeting?

17                   MS. LANGFORD: So Mike, you know, I  
18 know Debbie, she was at the meeting which was  
19 good information. Let's try to have that  
20 completed, like you said she's 60 percent -- at  
21 the next personal -- just so we could present  
22 it to the full board with, you know -- with  
23 their inquiring minds.

24                   MR. ARMSTRONG: Okay. Yeah. And I  
25 think the answer to chairman's question, we

1           should be -- whatever draft we should have  
2           before the next board meeting could be shared  
3           with the full board. To be honest with you,  
4           the draft is already there, we'll just pull out  
5           individual names, so that's -- so I don't see a  
6           reason why we wouldn't have that available to  
7           you.

8                         CHAIRMAN DEVLIN: Thank you.

9                         MS. LANGFORD: Yes. Also, board  
10           secretary, we need a clarity on exactly -- you  
11           know, what -- what Stella's hours -- I mean, we  
12           said the twenty-four hours, I don't know --

13                        MR. ARMSTRONG: If we could, could we  
14           do that in closed session because that actually  
15           involves identifying.

16                        MS. LANGFORD: Yeah, not a problem.

17                        MR. ARMSTRONG: Anything else?

18                        MS. LANGFORD: No, that completes my  
19           report.

20                        CHAIRMAN DEVLIN: Thank you.

21                        Mike, is Mr. McFadden available.

22                        MR. ARMSTRONG: Yes, he's actually on  
23           now.

24                        CHAIRMAN DEVLIN: Why don't we --  
25           bring him up and then have him present. Thank

1           you.

2                       MR. ARMSTRONG:  Yeah, just by way of  
3           information, the board, we had discussions  
4           about having a self-assessment, risk assessment  
5           done of both the plan and the distribution  
6           center.  We've met with Mr. McFadden as well as  
7           other members of his team representing state  
8           and local government, other agencies, and we  
9           were quite impressed with their presentation.  
10          Very detailed, very involved.  I'll let  
11          Mr. McFadden introduce himself and give the  
12          board an idea of what they have to offer.

13                    Joe?

14                    MR. MCFADDEN:  Yes, can you hear me?

15                    MR. HILL:  Yes.

16                    MR. MCFADDEN:  Okay.  Well, good  
17          morning, everyone, and I appreciate you having  
18          me.  We also have Sean Gorman from the New  
19          Jersey Office Homeland Security Preparedness, I  
20          believe he's on as well.

21                    MR. GORMAN:  I am.  Good morning,  
22          Sean.

23                    MR. MCFADDEN:  To make a long story  
24          short, my name's Joe McFadden.  I am actually a  
25          retired detective from the Atlantic City police

1 department. I retired back in 2004. And after  
2 that I took a job with the Atlantic County  
3 Prosecutor's Office.

4 Starting in 2006 I was assigned to the  
5 intelligence and Homeland Security unit and I  
6 wear many hats in that unit. One of which is a  
7 critical infrastructure coordinator for  
8 Atlantic County. In that role I work as a  
9 liaison between critical infrastructure sites  
10 such as yourself and our Homeland Security  
11 partners, both at the federal level which is  
12 the United States Department of Homeland  
13 Security, which falls under FEMA, as well as  
14 the New Jersey Office of Homeland Security and  
15 Preparedness. You know, we network quite often  
16 with them and we've done -- and I've  
17 participated in various assessments throughout  
18 the years with both of these agencies.

19 Ironically, back in late 2011, 2012, I  
20 participated with then the New Jersey Office  
21 Homeland Security Preparedness. With a  
22 security assessment or site assessment at the  
23 Pleasantville plant. That was as a request.  
24 It went through the state at the time from  
25 Ernie Grats who I believe was the manager of

1 the plant out in Pleasantville. That  
2 assessment began in late 2011 and was completed  
3 in 2012. Obviously it's ten years old now or  
4 close to ten years old and quite dated.

5 I recently received a phonecall from Mr.  
6 Armstrong regarding his wish to have security  
7 assessments done both at the water treatment  
8 plant at Pleasantville and at the  
9 administration and distribution center on  
10 Virginia Avenue in Atlantic City.

11 At that point there, we scheduled a  
12 meeting, we met on I believe it was  
13 August 17th. I reached out to my partners at  
14 the federal level, Andrew Smith, he's the  
15 protective security adviser for FEMA region two  
16 on the United States Department of Homeland  
17 Security. I had Sean Gorman from the New  
18 Jersey Office of Homeland Security Preparedness  
19 attend. He works in the Critical  
20 Infrastructure Protection Unit. And I also had  
21 a detective Jerome Gordon, he's from the New  
22 Jersey State Police and he's assigned to the  
23 New Jersey State Police Critical Infrastructure  
24 Protection Unit. We met with Mr. Armstrong and  
25 Mr. Smith and we kind of gave them a way out on



1           what we had to offer. There's a lot more out  
2           there to offer now than there was back in 2011.  
3           Especially from the federal level.

4           Just to give you a little background, Andy  
5           Smith, who is the protective security adviser,  
6           he actually participated as an employee of the  
7           New Jersey Office of Homeland Security and  
8           Preparedness on the original assessment that  
9           was done at the ACMUA plant in Pleasantville.  
10          Andy now is the protective security adviser,  
11          like I said, and he brings a pretty nice size  
12          toolbox of different -- different things that  
13          he can offer on the assessment process, one of  
14          them being the infrastructure survey tool, or  
15          IST. It's a survey tool that will take your  
16          facility, say we're doing a water treatment  
17          plant in Pleasantville. He'll gather, we'll go  
18          out and gather the data, both -- you know,  
19          we're gonna have to sit down and spend a few  
20          hours going over an array of questions but then  
21          we would tour the facility. And basically that  
22          information is plugged in. And what it does  
23          is, at the end of the day, it provides a  
24          dashboard to you where it allows you to look to  
25          see where you rank nationally with other like

1 facilities. Like other water treatment plants  
2 around the nation. That have also went through  
3 this process. What's nice about that is, say,  
4 for instance, you know -- say, for instance you  
5 fall right in the middle, 50 percent of the  
6 other facilities are a little bit -- their  
7 security posture is stronger than yours and  
8 50 percent are maybe not as strong as you. At  
9 that point there, it allows you to take certain  
10 areas that maybe you said, well, we don't have  
11 a security guard, say. If we had a security  
12 force, how would that change our posture as far  
13 as our security posture's concerned. And then  
14 it would rank you based on adding that  
15 different mitigation.

16 You know, we found that it's been very  
17 well received. It's been used at a lot of  
18 other critical infrastructure sites around the  
19 county. Especially in Atlantic City with the  
20 casinos and whatnot. I did speak to Andy this  
21 morning and he apologizes for not being able to  
22 be on this call, he is tied up on something  
23 else. But the IST for the water treatment  
24 plant has been approved by FEMA. So that's  
25 something that we can look forward to moving

1 forward with. In speaking with Andy this  
2 morning, it seemed like he's probably  
3 looking -- you know, quite frankly, I was  
4 hoping that we could get started with that in  
5 October, but it looks like it will be late  
6 October, early November.

7 In the meantime, I provided Mr. Armstrong  
8 with what we call the facility self-assessment  
9 tool or FSAT. Basically, that is a survey form  
10 that there is an array of security related  
11 questions that are asked. It kind of gives us  
12 the lay of the land before we go out and do our  
13 lay of the land before we do our tour and meet  
14 with you during the assessment process.

15 Sean, did I cover everything?

16 MR. GORMAN: You did, Joe, pretty  
17 well, pretty thorough. Just to introduce  
18 myself real quick to the other board members,  
19 my name is Sean Gorman. As Joe said, I'm with  
20 the State Office of Homeland Security and  
21 Preparedness. Been with the office for  
22 thirteen years now. In the last three, serving  
23 as a state critical infrastructure facility  
24 coordinator and working with Joe at the county  
25 level and monitoring and looking at

1           vulnerabilities that infrastructures facilities  
2           throughout the state. I also work, as Joe  
3           mentioned, with -- in partnership with state  
4           police Infrastructure Protection Unit and Andy  
5           Smith, our south district protective security  
6           adviser at the federal level. DHS cyber  
7           security infrastructure security agency. And  
8           as Joe said, the last resource he mentioned was  
9           a facility self-assessment tool which is a  
10          hundred question yes or no self-assessing  
11          resource that allows facilities with limited to  
12          no assessment experience to give a snapshot of  
13          where their vulnerabilities may be, as well as  
14          their strengths, security strong points,  
15          perhaps. But allows us to -- provides us a  
16          snapshot of what we're going into if we're  
17          gonna conduct an assessment, gives us a quick  
18          snapshot of the facility and the security  
19          posture and also now allows you to upload  
20          photographs of the facility. In our case we  
21          could as an assessment team, go in and upload  
22          photos of vulnerabilities or best practices we  
23          may observe or what is reported. So that's all  
24          I have to add. Joe was pretty thorough.

25                   We had a great meeting with Mr. Armstrong

1 and Mr. Smith back in August. Look forward to  
2 working with you and I appreciate your time  
3 this morning.

4 Joe, anything else? We do also have  
5 additional assessment resources. Our office,  
6 they -- (audio interruption) -- as well as  
7 Andy's toolbox, we have additional resources to  
8 include exercise development plan to do an  
9 exercises down the road.

10 CHAIRMAN DEVLIN: Gentlemen, John  
11 Devlin. I have a few questions, follow up.  
12 Thank you for coming, that's awesome.

13 So the last time we did a risk assessment,  
14 I think it was numerous years ago, to be  
15 compliant with the state, is there a timeline  
16 where we have to do it every year, every three  
17 years, every five years? How does that work?  
18 And I apologize, I'm kind of ignorant to the  
19 process, I've only been on the board for about  
20 a year and a half. So --

21 MR. GORMAN: I'll kick it over to Joe  
22 in a second. This is Sean Gorman again. Great  
23 question. Just want to mention something. Joe  
24 and I did not -- we are not a regulatory, so we  
25 will come out for assessments of facilities.

1           And Joe can speak to this as well. We don't --  
2           we'll -- we'll identify vulnerabilities with  
3           facilities based on observation and what was  
4           reported by facility owners operators and we'll  
5           make recommendations, security best practice  
6           recommendations that we call options for  
7           consideration to improve your security posture.  
8           But there's no timeline on our end. But  
9           looking back on this current assessment that  
10          Joe conducted almost ten years ago, I'd say,  
11          Joe, it's probably due for another assessment.

12                 Joe, I'll turn the mic over to you for  
13          additional comments.

14                         MR. MCFADDEN: Yeah. Hey, John, how  
15          you doing? Yeah, listen, like Sean mentioned,  
16          we're not a regulatory agency. And basically  
17          this is voluntary. In other words, if you say  
18          thanks but no thanks, that is what it is. With  
19          your question about how many years, it's a very  
20          good question and I don't have a clear answer  
21          on that. I can tell you ten years is too long.  
22          You know, we kick around maybe the three year  
23          thing to come back and maybe take a look at a  
24          prior assessment. Say, for instance, we do  
25          assessment here in 2021, maybe we come back in

1 a few years to take a look, okay, fine, this is  
2 the assessment, what mitigation processes were  
3 put in place, what was addressed, what wasn't.  
4 And we can do an amendment to it. But as far  
5 as to be compliant with the state, there really  
6 is nothing to be compliant with the state. As  
7 far as the New Jersey Office of Homeland  
8 Security and Preparedness is concerned, as Sean  
9 mentioned. They're not a regulatory agency.

10 CHAIRMAN DEVLIN: So just my  
11 background, I spent twenty years as a cop here  
12 in Atlantic City, so kind of like my expertise  
13 here, if I bring anything to the table. But my  
14 concern was right before I retired, I went -- I  
15 attended a school up in Sea Girt -- and  
16 actually, Joe, you probably remember, they had  
17 one down here at the Atlantic City race  
18 course -- basically talking about, you know,  
19 risk assessments and it was a class and  
20 hands-on and we actually did some walk-throughs  
21 of facilities. And one of the things that -- I  
22 forget who gave the course, it was a captain  
23 from state police, he said that -- utilities  
24 authorities, not only water but electric, gas,  
25 were cherry hot. I hate to say we have to talk

1 about this these days, but terrorism. And acts  
2 of terrorism could happen from a bad guy -- to  
3 mentally unstable gentleman, I'll classify as a  
4 terrorism act, that, you know, they could do  
5 certain damage to our waterlines, certain  
6 damage to, you know, polluting our fresh water,  
7 stuff like that. And my assessment, and it's  
8 miniscule compared to you guys, we're at high  
9 risk. I literally can drive my truck up there  
10 to the door. I mean, a motivated bad guy can  
11 really do some serious damage in a short time  
12 there. And that was my concern since I've been  
13 on the board. And I'm glad you're here for one  
14 and two. How does it work as far as you give  
15 us a list of things that need to be addressed,  
16 do you come back and actually reassess it and  
17 say, okay, cool, you fixed that gate, you made  
18 that -- you know, you put a steel door here,  
19 you put a barrier here. Do you guys actually  
20 come back and follow up?

21 MR. MCFADDEN: I'm sorry. I'm sorry.  
22 To address your first comment, yes, there are a  
23 lot of vulnerabilities at your site. You know,  
24 when we talk about terrorism, it doesn't have  
25 to be, you know, international terrorism. It



1           could be a domestic terrorism, it could be a  
2           disgruntled customer. It could be just  
3           somebody wanting to wreak havoc on your  
4           facility. And the bottom line with that is if  
5           there is an interruption with the water flow,  
6           the impact it would have with Atlantic City,  
7           its businesses, its casinos and the economy in  
8           this region would be catastrophic. We'll  
9           address it that way to start with. And we  
10          recognize that. I recognize that. As did my  
11          team back in 2011, 2012.

12                 As far as your second question, as far as  
13          whether or not after we do the assessment  
14          whether we come out and reassess it, again,  
15          this is a voluntary thing, so we're not going  
16          to come unless you call us and ask us to come,  
17          if you understand where I'm coming from now.

18                         CHAIRMAN DEVLIN: Yeah. I -- thanks.  
19          I just think that, you know, being working in  
20          this town and others, we're just at high risk  
21          and I'd sleep better at night knowing that  
22          we've brought an outside authority in here like  
23          yourselves and, you know, give us your thoughts  
24          on how to improve it, make it safer for not  
25          only employees but residents. Like you

1 mentioned, we have casino economy, we also have  
2 huge hospital here, we have twelve schools. So  
3 it's definitely something we want to put some  
4 resources behind, some attention behind. And I  
5 would like to volunteer, if you could, the next  
6 time you come, I would like to walk with you  
7 guys, if that's okay with you.

8 MR. MCFADDEN: Yeah, well kind of the  
9 way it's going to work, we're going to need  
10 representatives from the facility to obviously  
11 escort us around. There will be a lot of  
12 questions that get asked. I would definitely  
13 invite you there.

14 Just so you understand how this works as  
15 well, we also -- we also invite the local  
16 police department to take part. When we do the  
17 Pleasantville plant, obviously we're going to  
18 reach out to the Pleasantville P.D., extend  
19 them an invitation to come with us. Because  
20 one of the other things we like to build -- and  
21 I don't know what your relationships are with  
22 the Pleasantville P.D., as far as with the  
23 plant in Pleasantville, but we want to make  
24 sure that there's a good relationship there and  
25 there's dialogue. And the P.D. recognizes the

1 importance of that facility. Not so much to  
2 their municipality, but to Atlantic City.

3 Again, like I said, you know, Atlantic  
4 City doesn't just -- the economy's not just  
5 Atlantic City, and it's not just the region.  
6 It's statewide. You know, if something were to  
7 happen and the water supply was disrupted going  
8 into Atlantic City, casinos couldn't operate,  
9 it's not just casinos it affects. It effects  
10 the vendors that bring the food, various  
11 different contractors that come in, and  
12 ultimately it impacts the whole state.

13 So, you know, to your original point, you  
14 know, we take it very seriously, and we  
15 understand the vulnerabilities that are there,  
16 and the consequences if there was a disruption.

17 CHAIRMAN DEVLIN: Thank you.

18 MR. ARMSTRONG: Maybe I may have  
19 missed it, but I think it's an important  
20 question if it wasn't asked. And it's been  
21 discussed in the past. This -- Joe, if you  
22 could speak to it, that it's no cost to the  
23 authority; is that correct?

24 MR. MCFADDEN: Yes, that is correct.  
25 There is no cost to the authority. Other than

1 your time, obviously. We are going to require,  
2 you know, some time to sit down with folks and,  
3 Mike, like we explained at the original meeting  
4 back on August 17th, when Andy gets that  
5 infrastructure security tool survey to you,  
6 there's going to be a lot more questions than  
7 there are on the F set that I already e-mailed  
8 you. And a lot of those questions I don't  
9 think you individually are going to be answer  
10 all of them. There's going to be questions  
11 that you're going to have to depend on other  
12 folks in your organization to assist you with.  
13 So our goal with that is going to be to get  
14 those kind of -- kind of give you an idea of  
15 what the questions are going to be so you can  
16 line the folks up that we're going to have to  
17 have present. Maybe -- for instance, cyber.  
18 We might need somebody that can address some of  
19 the cyber issues or talk to us on your cyber  
20 security. We might need that person for a half  
21 hour or forty-five minutes. And that's kind of  
22 how we schedule it. When these documents are  
23 done I want to touch on that as well. Because  
24 these questions come up especially on the legal  
25 side.

1           So when these documents are prepared,  
2           whether it's a document that the -- FEMA and  
3           Andy Smith is going to provide you, or it's a  
4           document that the New Jersey Office of Homeland  
5           Security Preparedness, myself and the New  
6           Jersey State Police are going to provide, these  
7           documents are protecting executive order number  
8           five from 2006, meaning they can't be over,  
9           they can't be made public and they can't be  
10          used against you in any civil litigation.

11          With that being said, the way we handle  
12          these documents, the majority of us have  
13          security clearances. And we're also PCII  
14          certified, which is protected critical  
15          infrastructure information certified. And to  
16          maintain these two, both the security clearance  
17          and the PCII certification, there are certain  
18          rules that we have to follow. And if we don't,  
19          we lose those certifications. And one of the  
20          most important ones is how we distribute the  
21          documents once they're complete. And basically  
22          the way it's handled is, unless someone tells  
23          us differently, we're going to use Mr.  
24          Armstrong as our point of contact with that.  
25          We're only permitted to provide a copy to him

1           whether electronically or in a paper copy. And  
2           in this case it will probably be electronically  
3           with a -- with -- and it will be password  
4           protected. That's as far as it goes. We don't  
5           even share this information with the local  
6           police department. You're more than welcome to  
7           share it with whomever you want but we're  
8           restricted as far as who we can share it with.  
9           If that makes any sense to you guys.

10                  Sean, did I cover everything on that?

11                  CHAIRMAN DEVLIN: Yeah, thanks, Joe.

12                  MR. GORMAN: Yes, you did, Joe.

13                  CHAIRMAN DEVLIN: Really great. Just  
14           -- what kind of timeframe we looking at? I  
15           know you said October we can start. What kind  
16           of timeframe do you give us?

17                  MR. MCFADDEN: I spoke with Andy  
18           Smith this morning about that. Just because I  
19           figured that question was going to come up.  
20           You know, we're probably looking, to be honest  
21           with you, we're probably looking to get started  
22           in November at the water treatment plant in  
23           Pleasantville. It was our original plan during  
24           our meeting on August 17th that we would be  
25           doing the water treatment plant in, you know,

1 in Pleasantville. We would do the admin and  
2 the water distribution center at 401 North  
3 Virginia and we also wanted to take a look at  
4 the water supply lines that run from  
5 Pleasantville across the marsh into Atlantic  
6 City. I would hope that we can get started as  
7 early as we can in November. And I would hope  
8 that -- there's a lot of variables here,  
9 especially with this Covid thing. Hopefully we  
10 maintain the position that we're in now. I  
11 would hope that by years end or early next year  
12 we can complete. But I don't want to -- I  
13 don't want to mislead you. It could be well  
14 into the first quarter by the time we get done.

15 Sean, what are your thoughts on that?

16 MR. GORMAN: Joe, I agree with the  
17 timeline. Based on what's going on, we also  
18 are kind of focused on election security, too,  
19 at this time. With some early voting going on  
20 throughout the county in late October. So  
21 November timeframe would be good to, you know,  
22 put something on the books, if we can.

23 CHAIRMAN DEVLIN: Keep us posted.  
24 Anything we can do as a board, I'm sure our  
25 administration is very helpful, reach out to

1 us. I appreciate your help.

2 That you, gentlemen. Thanks for  
3 attending.

4 MR. MCFADDEN: One other thing for  
5 Mr. Armstrong. I just want to confirm that you  
6 did get the e-mail with the --

7 MR. ARMSTRONG: Yes.

8 MR. MCFADDEN: Okay. Do you have any  
9 questions on that? Like we mentioned in the  
10 meeting, it's one size fits all with that. So  
11 there are going to be some questions on there  
12 that don't apply necessarily to you, don't get  
13 too bogged down with that, we can always  
14 discuss that later on.

15 MR. ARMSTRONG: Okay. And I'll reach  
16 out to you if I have any questions on that.  
17 Appreciate your time.

18 MR. GORMAN: Thanks for your time,  
19 thank you.

20 MR. BOR: Next item is 9-B.

21 MR. ARMSTRONG: If I could, I do have  
22 some things that came to light yesterday that I  
23 want to just mention to you. Just at least  
24 one.

25 Anthony Swan called me yesterday, business



1 administrator for the City of Atlantic City,  
2 and he said based on discussions with his grant  
3 writer, he wanted to know if the MUA was  
4 interested in partnering to get what's been --  
5 \$44 billion has been made available to  
6 municipalities from the -- out of the  
7 infrastructure bill. And he wanted to know if  
8 we would be interested in partnering with the  
9 city to get some of those funds earmarked for  
10 the MUA, I said of course. I was intending to  
11 call him because the person I had been  
12 consulting at no cost, the grant writer said  
13 that a lot of the funds that we would normally  
14 be entitled to are typically distributed to the  
15 municipalities, but since we're a separate and  
16 autonomous board, often times those funds don't  
17 make its way down to us. So I was going to  
18 reach out to him based on discussion with a  
19 separate grant writer to discuss the same  
20 thing. So he was excited to know that we -- I  
21 was going to mention this to the board today.  
22 And in advance of our meeting today I'm sure  
23 that the answer would not be that we did not  
24 want to do it. So I told him, we certainty  
25 want to be -- get any funds.

1           My understanding, too, that there are  
2 going to be some funds that are going to be  
3 specifically designated for treatment -- water  
4 treatment facilities. I mentioned that to him.  
5 And he said that we could use their grant  
6 writer and put a package together at the same  
7 time if it relates to the MUA only and submit  
8 it.

9           In addition to that, I told him that the  
10 grant writer that I had been speaking to, which  
11 in fact was referred by him, indicated that she  
12 had contacts with Senator Menendez and Booker  
13 and she could see if there was a possibility to  
14 have a sit-down or a meeting so that we could  
15 possibly have some of the funds specifically  
16 earmarked by the senators for the Atlantic City  
17 MUA. I mentioned that to Anthony, he seemed  
18 very interested in that. And maybe having some  
19 funds earmarked for the city as well. And that  
20 from his end, he was gonna see if his grant  
21 writer could try to orchestrate a collective  
22 meeting to meet with Senator Booker and Senator  
23 Menendez with respect to specifically having  
24 funds set aside for both the city and the  
25 ACMUA.

1 MR. HILL: Question, Gary, hello to  
2 Mr. Armstrong. On that issue, you didn't get a  
3 rough idea about the moneys from Anthony, did  
4 you? It's just like are we interested, yes, we  
5 are, of course. And I know there's guidelines,  
6 but you didn't get a rough number?

7 MR. ARMSTRONG: No. He -- just a  
8 five minute call. Are you interested? Right.  
9 Absolutely. Yes, yesterday. And he said okay.  
10 And -- so I'll get more details, we plan to  
11 have a meeting, his grant writer's gonna call  
12 me next week.

13 MR. HILL: Thank you.

14 And I just wanted to update, in our board  
15 package, Stella -- I had asked Stella to make a  
16 preliminary conference schedule for what's  
17 happening. She has that in all of our board  
18 packets here so you can have that for your own  
19 reference, so you can see what timeline we're  
20 on and this is what we're going to send to Mr.  
21 Gonzalez. Thank you.

22 MR. ARMSTRONG: One last thing, just  
23 FYI. I asked Kelly to distribute to you those  
24 executive session minutes to read and observe  
25 there. And if you're comfortable with it, Mr.

1 Chairman, and everybody's read it, there could  
2 be a motion and movement.

3 CHAIRMAN DEVLIN: I'll say that  
4 motion. John Devlin motion.

5 MR. DEDAR: Second.

6 CHAIRMAN DEVLIN: Seconded by Mr.  
7 Dedar. And we're referring to the executive.

8 MR. ARMSTRONG: For the record, since  
9 there's a court reporter going to do it later,  
10 you might want to spell it out, Fred.

11 MR. BOR: Okay. Yeah, we have a  
12 second. Mr. Banfield?

13 MR. BANFIELD: Yes.

14 MR. BOR: Mr. Dedar?

15 MR. DEDAR: Yes.

16 MR. BOR: Mr. Hill?

17 MR. HILL: Yes.

18 MR. BOR: Ms. Langford?

19 MS. LANGFORD: Yes.

20 MR. BOR: Mr. Devlin?

21 CHAIRMAN DEVLIN: Yes.

22 MR. BOR: Next, I guess, is  
23 accounting and finance.

24 MS. THAPA: Yes, good morning, all.  
25 The financial reports and test management for

1 the month of July are attached to the board  
2 package. Again, if any board member have any  
3 question, please reach out to me. And just for  
4 the information properties balance adjustment  
5 and start shut off reports are also attached to  
6 it. And that's about it for -- on my side.

7 CHAIRMAN DEVLIN: Thank you.

8 MR. BOR: All business item A,  
9 banking depository services seem  
10 self-explanatory. Any issues to discuss, let's  
11 hear them. If not, is there a motion?

12 CHAIRMAN DEVLIN: Motion. John  
13 Devlin.

14 MR. HILL: Second, Gary Hill.

15 MR. BOR: Mr. Banfield?

16 MR. BANFIELD: Yes.

17 MR. BOR: And Mr. Dedar?

18 MR. DEDAR: Yes.

19 MR. BOR: Mr. Hill?

20 MR. HILL: Yes.

21 MR. BOR: Ms. Langford?

22 MS. LANGFORD: Yes.

23 MR. BOR: And Chairman?

24 CHAIRMAN DEVLIN: Yes.

25 Monthly bills, motion. Let's pay those

1 bills. Motion -- motion John Devlin pay  
2 monthly bills, resolution eleven.

3 MR. DEDAR: Second.

4 CHAIRMAN DEVLIN: Second Mr. Dedar.

5 MR. BOR: I just have one issue on  
6 that, that's been corrected. The bill does not  
7 list my name. However -- has assured me that  
8 was an oversight and it will be included in the  
9 bills that are submitted to the state. Is that  
10 correct, Kelly?

11 Okay, rectified. Thank you. Now here's a  
12 motion, second to pay monthly bills. Mr.  
13 Banfield?

14 MR. BANFIELD: Yes.

15 MR. BOR: Mr. Dedar?

16 MR. DEDAR: Yes.

17 MR. ROSENBERG: Mr. Armstrong?

18 MR. ARMSTRONG: Yes. I'll let them  
19 know we lost them.

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

22 (Whereupon, the board enters  
23 Executive Closed Session.)

24 CHAIRMAN DEVLIN: I'll make it again.  
25 John Devlin makes a motion.

1 MR. HILL: Gary Hill, second.

2 MR. BOR: Mr. Banfield? Mr. Dedar?

3 MR. DEDAR: 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 CHAIRMAN DEVLIN: Yes, thank you.

10 We're in closed session.

11 (Whereupon, the board resumes Open  
12 Session.)

13 MR. BOR: I believe one motion to  
14 consume. And that is a motion to allow the  
15 \$400 clothing --

16 MR. ARMSTRONG: No, no, no. Fred,  
17 because it's contract negotiations you want to  
18 just say --

19 MR. BOR: I'm just gonna refer to it  
20 as closed session.

21 MR. ARMSTRONG: Yes, exactly. Don't  
22 -- Andy and I are authorized to take action as  
23 noted in closed session. Okay.

24 MR. BOR: Just a motion to ratify  
25 what was -- occurred in closed session with

1 reference to the closing allowance.

2 MR. HILL: GWU without prejudice.

3 MR. BOR: And without prejudice.

4 MR. HILL: I'll make that motion.

5 MR. BOR: Second.

6 Mr. Banfield?

7 MR. BANFIELD: Yes.

8 MR. BOR: Mr. Hill?

9 MR. HILL: Yes.

10 MR. BOR: Ms. Langford?

11 MS. LANGFORD: Yes.

12 MR. BOR: It passes.

13 Michael, if you don't have any other  
14 matters, I'll make a motion.

15 MR. ARMSTRONG: Did you actually do  
16 the motion in open -- first of all, should have  
17 been to come out of closed session, did you do  
18 that?

19 MR. HILL: I understand. So we're  
20 going to make a motion to leave executive and  
21 come back to open.

22 MR. BOR: That's what I said.

23 Also a motion to leave executive session  
24 and to go back into open session.

25 MR. DEDAR: Motion.



1 MR. BOR: Second. Mr. Dedar?

2 MR. DEDAR: Yes.

3 MR. BOR: Mr. Hill?

4 MR. HILL: Yes.

5 MR. BOR: Ms. Langford?

6 MS. LANGFORD: Yes.

7 MR. BOR: Passes.

8 MR. ARMSTRONG: Just make clear for  
9 the record that --

10 MR. BANFIELD: I don't know if you  
11 got me.

12 MR. BOR: And Mr. Banfield. Sorry,  
13 Glenn.

14 MR. ARMSTRONG: Make clear for the  
15 court reporter, that motion should have  
16 appeared first. Because it appears the first  
17 one was done in closed session. The motion to  
18 come out of executive session is before the  
19 motion related to the \$400 related to the  
20 clothing.

21 MR. HILL: Would you prefer us to now  
22 do that motion again?

23 MR. ARMSTRONG: No, I think it will  
24 get confusing in the record. But there is a  
25 statement in the record now.

1 MR. HILL: Right.

2 Okay. No other business?

3 MR. ARMSTRONG: No.

4 MR. HILL: So I'll take a motion to  
5 close the session.

6 MR. BOR: Second.

7 Hearing no objection, municipal utilities  
8 authority is closed.

9 MR. HILL: Thank you.

10 MR. ARMSTRONG: Thanks, everybody.

11 (Whereupon, the hearing concluded.)

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C E R T I F I C A T E

I, CARRIE L. CUHADARYAN, a Certified Court Reporter, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me 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 this action.

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