

Computer-aides transcript of the
Directors meeting taken stenographically in the
Above-entitled matter before Jacqueline Gibson

CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

- - -

Date: Friday - December 17, 2021

COMMENCING AT 10:00 a.m.

ATLANTIC CITY MUNICIPAL AUTHORITY

401 NORTH VIRGINIA AVENUE

ATLANTIC CITY, NEW JERSEY

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1 BOARD MEMBERS:

2 John Devlin: Chairman (present)

3 Mr. Gary Hill: Vice Chairman (Zoom)

4 Mr. Mohammed Dedar: Board Member (present)

5 Mr. Glenn Banfield: Board Member (Present)

6 Ms. Langford: Board Member (Zoom)

7 COUNSEL PRESENT

8 Fredrick Bor, Esquire: Counsel for Atlantic City

9 Municipal Utilities Authority (present)

10 Andrew Weber, Esquire: Counsel for Atlantic City

11 Municipal Utilities Authority (Zoom)

12 Vince Polistina, Esquire: (Zoom)

13 ALSO PRESENT

14 Mike Armstrong: Executive Director (Zoom)

15 Claude Smith: Deputy Executive Director of Engineering
16 (Zoom)

17 Anita Thapa: Assistant Director of Accounting & Finance
18 (Zoom)

19 Eugene Siracusa: (Present)

20 John Siracusa: (Present)

21 Larry Graham: (Zoom)

22 Zach Edelman: (Zoom)

23 Kelly Williams: Executive Secretary (present)

24 Stella Johnson: Secretary (present)

25

1 Mr. Devlin: Good morning. This is the opening
2 statement of December 17, 2021. Adequate notice of this
3 meeting has been provided as required by law. By
4 mailing to the press of Atlantic City a list of
5 regulatory scheduled meetings December 17, 2021, at 401
6 North Virginia Avenue, conference room, Atlantic City,
7 New Jersey.

8 A copy of said notice was sent to the City Clerk to
9 be posted, all of the aforesaid, complies with Chapter
10 231 of the laws of 1975 known as the open public
11 meetings law, Fred.

12 Mr. Bor: Yes. Roll call.

13 Mr. Bor: Mr. Banfield?

14 Mr. Banfield: Here.

15 Mr. Bor: Mr. Dedar?

16 Mr. Dedar: Yes.

17 Mr. Bor: Mr. Hill?

18 Mr. Hill: Yes.

19 Mr. Bor: Ms. Langford?

20 Ms. Langford: Here.

21 Mr. Bor: Thank you and Chairman?

22 Mr. Devlin: Here.

23 Mr. Bor: Flag salute.

24 (Flag Salute)

25 Mr. Bor: Number 4 is public participation. I

1 think we are going to have some guests to speak about
2 one or two of the resolutions. Are there any members of
3 the public? I see none present and I think none has
4 contacted you telephonically or by e-mail.

5 Mr. Armstrong: Not that we are aware of. No.

6 Mr. Bor: We do have Mr. Siracusa who would like to
7 speak. Either we can do it now, Mr. Chairman, or when
8 the issue comes up of the proposal.

9 Mr. Devlin: Mr. Siracusa, would you like to speak
10 now or at the end?

11 Mr. Siracusa: Whenever you would like.

12 Mr. Devlin: Let's move on.

13 Mr. Bor: Okay. I see that members of the board
14 have received the minutes of the last board meeting, but
15 I want to make sure also that you received the closed
16 session minutes, as well as, the public hearing, two of
17 them for the budget.

18 So I am asking any board members if they have any
19 questions or discussions and to let's here it now.

20 Mr. Devlin: Motion to approve.

21 Mr. Banfield: I a motion.

22 Mr. Devlin: Second.

23 Mr. Bor: Let's do the three separate ones. First
24 the opening session minutes of November 19th and we have
25 a second.

1 Mr. Bor: Mr. Banfield?

2 Mr. Banfield: Yes.

3 Mr. Bor: Mr. Dedar?

4 Mr. Dedar: Yes.

5 Mr. Bor: Mr. Hill?

6 Mr. Hill: Yes.

7 Mr. Bor: Ms. Langford?

8 Ms. Langford: Yes.

9 Mr. Bor: Mr. Chairman?

10 Mr. Devlin: Yes.

11 Mr. Bor: All right. That passes. Now, the closed
12 session 1 and 2. Motion?

13 Mr. Dedar: Motion.

14 Mr. Devlin: Second.

15 Mr. Bor: Mr. Banfield?

16 Mr. Banfield: Yes.

17 Mr. Bor: 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: Mr. Chairman?

24 Mr. Devlin: Yes.

25 Mr. Bor: And C pubic hearings minutes 1 and 2

1 Mr. Dedar: Motion.

2 Mr. Devlin: Second.

3 Mr. Bor: Mr. Banfield?

4 Mr. Banfield: Yes.

5 Mr. Bor: Mr. Dedar?

6 Mr. Dedar: Yes.

7 Mr. Bor: Mr. Hill?

8 Mr. Hill: Abstain.

9 Mr. Bor: Ms. Langford?

10 Ms. Langford: Yes.

11 Mr. Bor: Mr. Chairman?

12 Mr. Devlin: Yes.

13 Mr. Bor: Okay. Number 5 any comments Chairman?

14 Mr. Devlin: I have comments for the end. Let's go
15 through the agenda.

16 Mr. Bor: Okay. Number 7 is the solicitor's
17 report. There are two items I would like to report and
18 one most members of the board have known previously of
19 the issue with the underground storage tanks.

20 In short, I know that I discussed this before, but
21 while we are due for a test, we missed the deadline by
22 actually a few days and part of the reason we learned
23 from Nick M was COVID and a variety of things, but in
24 any event we did miss the deadline.

25 We were cited by the DEP for being noncompliant.

1 The good news is within days, thereafter, we contracted
2 with Demaios who after giving proper notice to the
3 State, they did make the repairs and the State did
4 acknowledge that they received a full compliance
5 thereafter.

6 However, they still fined us. Because we were
7 noncompliant in the beginning. The original fine was
8 \$16,000. I have been engaged in negotiates with the
9 Chairwomen of the DEP who chairs the ADR section and
10 negotiated the best that I could from 16 down to \$8,000.

11 I tried to go lower as I always try to do as a
12 lawyer, but she had to go to the deputy director and I
13 can't recall his name right now and the most they would
14 do is 50 percent.

15 So the settlement of the underground storage tank
16 dispute was organically \$16,000, but I got a negotiated
17 number of \$8,000. That is 50 percent of the amount due.

18 Now, Ms. Taylor who chairs the dispute committee is
19 sending me a settlement agreement. Because Mr.
20 Armstrong and I gave a verbal and we agreed, but she has
21 to send me a formal agreement to be reviewed by me and
22 signatures.

23 So my sense in coming to you is that we should have
24 a resolution as soon as we get the settlement agreement
25 and then we review that. Do you agree?

1 Mr. Armstrong: Yes. Subject to the board's
2 approval.

3 Mr. Bor: I am informing the board now informally,
4 actually, formerly they have accepted the 50 percent
5 deduction. I will bring that before the board for
6 resolution once I receive the settlement agreement from
7 the State.

8 After I had a chance to review it and she said that
9 will probably be in the next couple of weeks.

10 My second item and I guess Mike and I have been
11 back and forth and we talked about it and we received
12 letters on the Fluoride Issue.

13 I saw it yesterday, but we are going to have a
14 conference call on January 14th with a representative
15 from the State just to review the situation, as well as,
16 the compliance issue and also at that point we raised
17 the question since Mike and I exchanged correspondence
18 on it and that is whether indeed we are required to put
19 Fluoride in our water.

20 We all know that we do not have any left and we
21 have not for a while and it is a very expensive item and
22 we gone out for it several times and no takers. So the
23 issue at that conference will be discussing, I take it,
24 not only should we continue to get sanctioned because we
25 can't even get it even if we wanted it and the

1 underlying issue would be is it required.

2 I report briefly that of the 554 municipalities in
3 New Jersey that only 20 percent of them require
4 Fluoride. A lot of municipalities view it as -- and the
5 literature of course are both positive and negative on
6 whether we should have Fluoride added into our water.

7 I will review that with the representative from DEP
8 and, I guess, it is going to be Joe Miranda on January
9 14th and I will report back thereafter. The other issue
10 -- I believe I brought it up briefly Mike, but it is not
11 ripe yet to really bring before the board. In the event
12 that we can convince the DEP that it is not a
13 requirement and we know it is not a State requirement.

14 It is just obligatory with each water supplier.
15 Then the issue will be brought before the board or maybe
16 it has to go to City Council.

17 It is unclear whether anyone wants to consider not
18 providing Fluoride in our water but, it is not ripe for
19 that yet and Mr. Miranda and all I know for sure is that
20 there is no State law requiring it and only 20 percent
21 of the municipalities in the State do it and one by one
22 they seem to be dropping off and not doing it and it is
23 expensive.

24 Some municipalities view it as medicine as opposed
25 to treating the water, but it is not ripe yet to bring

1 before the board. Do you agree, Mike, that after the
2 14th of January the issue will be better served and
3 brought to the board.

4 Mr. Armstrong: I agree, but I think the issue
5 before the DEP right now, my understanding is and I
6 agree with you that it is not required by law to be
7 placed in the water. The issue their placing before us
8 is whether or not we have to give tier two notice to the
9 public to meet that strict criteria of tier two notice
10 for something that is not required by law to be placed
11 into the water.

12 We provided what we thought was sufficient notice
13 and they requested that we continue to meet the
14 requirements. The stringent requirements of the two
15 tier notice that would be very costly to the MUA. I
16 made an initial request for waiver of the requirement
17 because that was not something that is required by law
18 and we believe that the recommendations that are put out
19 by the CDC that certain levels of publication have been
20 met and exceeded which we have actually done.

21 They initially -- I don't know that they disagreed,
22 but they did not respond in time and they gave us 30
23 days. Then it came back and they said, recently that
24 they were going to deny the dispute resolution and they
25 sent a letter on December 7th stating, send us

1 everything that you have done. Which we have done
2 already, but they said to send it again outlining what
3 you have done and we will take it under consideration
4 and make a decision whether we believe that is
5 sufficient.

6 So I outlined and sent them a detailed letter with
7 attachments indicated every method and every person that
8 we contacted in the organization and it is my
9 expectation they may review that and make a
10 determination that is sufficient before we even have a
11 meeting because that is what the letter requested.

12 Mr. Bor: I reviewed the letter and it was very
13 well done. Thank you Mike, but the issue almost comes
14 chronological. Why do we need a tier two. We don't
15 even have to provide Fluoride to our water.

16 Mr. Armstrong: That is our position

17 Mr. Bor: I know the last time it was brought up
18 before the State and I understand from the Senator and
19 he is on line. It was in 2011 when he was the assembly
20 and it was soundly voted down as not a requirement.

21 So I guess we have to take one step at a time and
22 see what that January 14th meeting brings, but you and I
23 are on the same page, right Mike, and the CDC says one
24 thing and the State has a different position than what
25 the law is.

1 Right now with your letter hopefully they won't
2 continue to sanction us giving the fact that we have an
3 ongoing conversation going on.

4 Mr. Armstrong: They have not sanctioned us yet.

5 Mr. Bor: Okay, but get ready. Okay. So it is on
6 standby, I guess, until we have that meeting and of
7 course I will stay on top of it and we will see what
8 comes from that.

9 The issue and it is not ripe yet on who is dealing
10 with it and down the road and do we have the authority
11 to stop or is it the city who must have the authority to
12 stop it, but that is the direction that we are going to
13 go and Mike I can tell you briefly now because we have
14 to move on. There are multiple municipalities, MUAs,
15 that have done it on their own and the most recent one
16 was Hackensack Town and believe it or not they represent
17 five municipalities and they voted by resolution to stop
18 providing Fluoride, but it is not quite ripe yet to get
19 into a detailed conversation with the board. So we can
20 move on John?

21 Mr. Devlin: Yes.

22 Mr. Armstrong: If I may before you move on with
23 respect to the settlement of the underground storage
24 tanks dispute. Is there going to be a motion with
25 respect to accepting the settlement?

1 Mr. Bor: Well, you can do that or wait for the
2 agreement to come in and then have me review it.

3 Mr. Devlin: We should wait for the agreement.

4 Mr. Bor: The Chairman is saying wait for the
5 agreement. You and I both gave the verbals and it
6 sounds fine and she indicated that she is working on the
7 settlement agreement. The Chairman says we should wait
8 until I review the agreement.

9 Mr. Devlin: I would rather see it first before
10 voting on it.

11 Mr. Bor: They are not going to take further action
12 against us. She is just working on the agreement.

13 Mr. Armstrong: But I think at the very least we
14 need to tell them that the board agrees to the
15 settlement of 8K.

16 Mr. Bor: Subject to the agreement.

17 Mr. Armstrong: Yes. Subject to the terms and
18 condition and review of the solicitor.

19 Mr. Bor: It can't hurt. Is there a motion then to
20 approve the settlement with the DEP with respect to the
21 USTs for 50 percent of the fine or \$8,000 subject to my
22 review of the settlement agreement in the next few
23 weeks.

24 Mr. Hill: I will move that.

25 Mr. Bandfield: I will second that.

1 Mr. Bor: Mr. Banfield?

2 Mr. Banfield: Yes.

3 Mr. Bor: Mr. Dedar?

4 Mr. Dedar: Yes.

5 Mr. Bor: Mr. Hill?

6 Mr. Hill: Yes.

7 Mr. Bor: Ms. Langford?

8 Ms. Langford: Yes.

9 Mr. Bor: Mr. Chairman?

10 Mr. Devlin: I will abstain.

11 Mr. Bor: Okay. I am finish with my issues.

12 Committee reports and I guess that is Gary on
13 engineering.

14 Mr. Hill: Yes. Good morning everybody. I
15 apologize for not being there in person. I have had
16 some heavy duty governance issues that I had to take
17 care of quickly for something else, but we have been
18 meeting, as all of you know, for almost a year every
19 Wednesday with updates with our team and the team
20 consists of some new people. The team consist of MUA
21 leadership, Mr. Polistina from Polistina Associates and
22 H2M company and of course our contractors and the plant
23 manager.

24 We have, basically, unless things changed since
25 Wednesday, but finished step one of the project of PFAS

1 and we have been very aggressive. We have great
2 participation with the DEP and all of the people that I
3 just mentioned. Hell of a good job for this. This was
4 not an easy project. It is expensive and Anita knows
5 that, but I do believe that we have completed step one
6 as all of us are aware or should be aware that we have
7 another big milestone in the future that we have to get
8 to do. We will get to that later, however, I would like
9 to pull in Mr. Smith and Mr. Polistina just to give the
10 rest of us a quick update, and I have one question at
11 the end. Thank you.

12 Mr. Devlin: Is Vince still on?

13 Mr. Polistina: I am here. Do you want me to do
14 it?

15 Mr. Bor: Go ahead. You do it.

16 Mr. Polistina: Okay. I think that Gary spelled it
17 out. As you guys all know we decided to deal with the
18 initial issue on a temporary basis by treating some of
19 the wells at the FAA and reducing the amount of service
20 water used, but we always knew that was kind of the
21 temporary phase and that we have to go forward. We
22 normally use more service water again and then treat all
23 of our water at the plant.

24 So you guys have done a fabulous job to keep us in
25 compliance and dealing with everything that we need to

1 deal with in terms of the water quality to residents and
2 businesses and it has been tremendous, but we know over
3 the next couple of years that we have to move forward
4 and continue our efforts to upgrade the plant and to
5 treat all of our water at the plant.

6 So that step 1A and Gary that is on the agenda
7 later and we knew that the carbon tanks that we put out
8 at FAA facilities at the wells are all are going to be
9 relocated to the plant and 1A is on the agenda later and
10 I have to bounce off later.

11 So H2M is obviously familiar with the work that
12 went on at the FAA facility. They are familiar with
13 what we put in and the thought process and I met with
14 Claude and Mike and we are going to talk to everyone
15 about the thought process and keep them engaged. To
16 start analyzing and looking at plant upgrades and
17 looking at where we are going to relocate these tanks to
18 and that is on the agenda later.

19 So unfortunately this is not going to stop over the
20 next few years and we are going to continually be adding
21 and working on it and we have done a great job at this
22 point. It is a matter of continuing the efforts and
23 make sure we are dealing with water quality issues for
24 the people of Atlantic City.

25 Mr. Hill: Thank you Vince. Before Claude chimes

1 in and I wanted to thank Mr. Mohammed Dedar for being on
2 this committee as well. He has been a stable force and
3 I thank him. Do you have anything to say, Mr. Dedar?

4 Mr. Dedar: Thank you Gary. You already explained
5 everything and I am glad to be part of this team and
6 like I said, we should work on it and they are very
7 efficient and they are doing a great job. And we are so
8 far a great team and of course I give you the credit.
9 You are my teacher and I ask you what is going on. So
10 this is a very good team and I like working with this
11 team.

12 Mr. Hill: Thank you so very much. Claude, I have
13 one question afterwards and it deals with a change
14 order. Anything that you want to add to Mr. Polistina's
15 report?

16 Mr. Smith: Just want to say of course both
17 yourself and Mr. Polistina actually said quite a bit
18 with regard to the PFAS situation that we are going
19 through. I want to briefly reiterate that we are at the
20 first step in regards to combatting and dealing with the
21 PFAS. We definitely have a lot to go to sequester this
22 type of chemical and at the same time it does take a
23 collective effort to get this particular work done and
24 so far we have been able to do so.

25 If and when it does happen and we have to put our

1 reservoir back on line. As we go forward, again, this
2 is something that we have to continue working with
3 regards to the getting this particular job done.

4 With regards to other engineering aspects for the
5 authority. I am just going to give you a quick update.
6 New York Avenue which is one of the jobs we are working
7 on in terms of -- this project was initially designed by
8 Polistina & Associates and that is completed.

9 Just wanted to let everyone know that we worked
10 diligently and very feverishly hard to get this
11 particular job done and it is the work on New York
12 Avenue and if you do have a chance, the board members,
13 and right down on New York Avenue from Mediterranean
14 Avenue all the way down to McGilligan and part of
15 Caspian and all of Caspian Avenue between New York and
16 Tennessee Avenue.

17 That work has all has been completed and it was
18 done in a timely fashion so that the City could actually
19 pave the roadway. We have another water main project
20 that is ongoing and that is over on Chelsea Heights
21 Avenue and that is the portion of the project that is
22 going to go on until January or depends on how the
23 weather actually pans out.

24 The municipal project is ongoing. They have
25 actually pulled the HDP piping and they are making

1 connections and they are doing pressure test and looking
2 to do this inspection sometime next week and to start
3 making connections and go back and to do a test and
4 putting that particular service back on line. Putting
5 that line into service I should say. Sorry.

6 That will create a redundancy across the Venice
7 part going into the Lagoon area and currently we only
8 have one 12 inch line that actually feeds from Venice
9 Park into the Lagoon and that project has taken three
10 years just to get started.

11 Just some information with respect to the aspect of
12 water main up at Atlantic City and I am not sure that
13 any of you actually went down to Baltic Avenue at the
14 new section of Texas Avenue and right next to the
15 school. We had a pretty intense work at that particular
16 location. We had a line that was actually connected to
17 a 24 inch line that broke and in order to repair that
18 particular location we had to take out the section where
19 the connection was actually made and put in new piping
20 and crossover to Texas Avenue and that puts us in line
21 with Texas Avenue.

22 We have not gotten the price of the material and I
23 will let you know that. It will be a substantial cost
24 to the authority. This was a large pipe and again
25 having controls over our pipes is not something that we

1 have down packed, but at the same time this allowed us
2 to put a new valve in that location. So at least we
3 have control of the flow of that location, Arctic
4 Avenue.

5 Mr. Hill: Thank you Claude. Mr. Armstrong, maybe
6 you can answer one quick question for me. If you don't
7 mind. We got the big packet of change orders, but for
8 the rest of the board we knew there was going to be
9 change orders coming from our PFAS project. They put
10 that all together in the packet and I did not get time
11 to review the whole thing. I asked them to also forward
12 that to Mr. Polistina just to review.

13 It looks pretty clean cut. I didn't get a chance
14 to review the whole packet. I just got it this morning.
15 We are not moving on this today or are we?

16 Mr. Armstrong: No.

17 Mr. Hill: That is good. And Mr. Armstrong, would
18 you like to say anything else about the project that we
19 talked about?

20 Mr. Armstrong: Just with respect to the change
21 orders and I think we have to wait for the engineer's
22 recommendations as to whether or not those change orders
23 should be paid. I would like to again and I did this at
24 our engineering meeting, but I would like to recognize
25 all of the people that were involved; Vince, Claude,

1 Gary and Mr. Dedar, especially the contractors.

2 You know H2M we could not -- everybody worked well
3 together including Anthony and all of the members and
4 employees out at the plant. We worked together really
5 well to get this done in a timely fashion. Including
6 the board and yourself.

7 You were willing to sign off on doing this in an
8 emergency fashion and sign a resolution that allowed
9 this to happen very quickly. The State cooperated and
10 without everybody working together hand and hand I don't
11 think this could have come off as quickly as it did.

12 Especially when we started, we thought it was
13 almost impossible to get it done as quickly as we got it
14 done. I mean Vince had contact with DEP and DEP was
15 cooperating along the way. It was unusual, but we got
16 it done. Even people out at the FAA cooperated in ways
17 that were unexpected to get this project done and
18 accomplished

19 So I think if we can keep up the good work when it
20 comes to phase two we can have as greater success in
21 having that project move forward. The only issue with
22 that is where do we find the funds from, but we are
23 trying to engage our grant writers so we can see where
24 we can obtain those funds. Anita and myself and Claude
25 we are always talking about finding opportunities.

1 Funding opportunities.

2 So hopefully in the near future we will have good
3 news to report with respect to phase two.

4 Mr. Hill: Thank you Michael. Thank you for your
5 leadership. I think that concludes engineering
6 committee report.

7 Mr. Devlin: Fred.

8 Mr. Bor: Personnel committee

9 Mr. Devlin: Ms. Langford, do you have anything to
10 report?

11 Ms. Langford: Nothing other than I think we
12 finally brought closure to the board secretary issue.
13 Do we have that ready to go today?

14 Mr. Bor: Yes. That is ready to go and I do have
15 an oath of office swearing in Ms. Johnson and I will do
16 that on the record. It is very short if the Chairman
17 does not mind and I believe that Mr. Weber recommended
18 that we also consider today appointing a deputy
19 secretary and he recommended Andy. If you are okay with
20 that Andy, being deputy secretary to the board.

21 Mr. Devlin: Andy Weber?

22 Mr. Bor: No. I am sorry Gary Hill.

23 Mr. Devlin: Gary, I would hate to put anything
24 else on your table brother.

25 Mr. Hill: That is fine. I have been doing it for

1 15 years. That is fine.

2 Mr. Devlin: Thank you Gary.

3 Mr. Bor: It was a recommendation by Andy and he
4 suggested Gary, but first let's do the 8-1 for board
5 secretary.

6 Mr. Weber: There is one thing with the resolution
7 and that would be to complete the annual salary. I did
8 not know what the annual salary was so it was left
9 blank. It just has to be completed.

10 Mr. Bor: Well, that was the only thing left blank
11 on it and I actually discussed it with Ms. Johnson and
12 she was not entirely sure. I recalled it being 20 or 28
13 dollars an hour. Mike, do you have anything else
14 further to add?

15 Mr. Armstrong: Well, Debbie was not in and we need
16 to confirm it with Debbie. My understanding is 28 and
17 some change per hour. We just need to find out what the
18 change is.

19 Mr. Devlin: Mike, I just saw Debbie walk in. Do
20 you want to reach out to her and we can revisit this. I
21 just saw her walk in a few minutes ago.

22 Ms. Thapa: If I may it is 28.50.

23 Mr. Devlin: Okay. Thank you

24 Mr. Bor: So that will be placed into the
25 resolution once it is executed. So is there a motion on

1 resolution 8B1 appointing Ms. Johnson as our board
2 secretary.

3 Mr. Dedar: Motion.

4 Mr. Weber: We are creating the position and
5 appointing.

6 Mr. Bor: I am sorry what was that Andy?

7 Mr. Weber: The resolution if you are referring to
8 the one that I prepared is the resolution that creates
9 the board secretary and defining her duties and fixing
10 the salary.

11 Mr. Bor: Yes. That is exactly right. As set
12 forth in the resolution 8B1 is there a motion?

13 Mr. Dedar: Motion.

14 Mr. Devlin: Second. Motion by Mr. Dedar and
15 second by Devlin.

16 Mr. Bor: Mr. Banfield?

17 Mr. Banfield: Yes.

18 Mr. Bor: Mr. Dedar?

19 Mr. Dedar: Yes.

20 Mr. Bor: Mr. Hill?

21 Mr. Hill: Yes.

22 Mr. Bor: Ms. Langford?

23 Ms. Langford: Yes.

24 Mr. Bor: Mr. Devlin?

25 Mr. Devlin: Yes, and thank you Stella for your

1 service.

2 Mr. Bor: If we could for a moment on the record.
3 Come over here. I will ask you to repeat after me your
4 oath of office. I state your name.

5 Ms. Johnson: I WaStella Johnson, do solemnly
6 swear or affirm that I will faithfully, impartially and
7 justly perform all the duties of the office of Atlantic
8 City Municipal Utilities Authority board secretary to
9 the best of my ability and that I will support the
10 Constitution of the United States and the Constitution
11 of the State of New Jersey and that I will bear true
12 faith and allegiance to the same and to the governments
13 established in the United States and in this State,
14 under the authority of the people. So help me God.

15 Mr. Bor: And if you all will execute that, please.
16 We will put the date on it and I have executed in lieu
17 of a formal notary as result of my power of attorney of
18 law. Take that. This is for you. Okay. Next.

19 Mr. Devlin: Stella, while you are at it Phil
20 Gonzales is trying to get on.

21 Ms. Johnson: Okay.

22 Mr. Weber: There is one last thing and that is
23 just the appointment of the deputy. If we could,
24 please.

25 Mr. Bor: That is our next item. Is there a motion

1 to appoint Commissioner Hill as deputy board secretary?

2 Mr. Dedar: Motion.

3 Mr. Devlin: Second.

4 Mr. Bor: Mr. Banfield?

5 Mr. Banfield: Yes.

6 Mr. Bor: Mr. Dedar?

7 Mr. Dedar: Yes.

8 Mr. Bor: Mr. Hill is abstaining.

9 Mr. Bor: Ms. Langford?

10 Ms. Langford: Yes.

11 Mr. Bor: Mr. Chairman?

12 Mr. Devlin: Yes.

13 Mr. Bor: Thank you Gary.

14 Mr. Armstrong: I think you have to swear Gary in.

15 Mr. Hill: Go a head and read it.

16 Mr. Bor: Okay. I am not sure if we ever done
17 that, but it can't hurt. Gary, do you have a copy at
18 the end of the resolution of 8B? Will you articulate it
19 other than putting your name instead of Ms. Johnson.

20 Mr. Hill: I do not have that, but if you want to
21 read it.

22 Mr. Devlin: Okay. Read it to him.

23 Mr. Bor: Stella has a copy right?

24 Ms. Johnson: Yes.

25 Mr. Devlin: It is on the back of the resolution

1 packet, Gary.

2 Mr. Bor: Okay. I state your name?

3 Mr. Hill: I Gary Hill.

4 Mr. Bor: Do solemnly swear or affirmed.

5 Mr. Hill: And affirm.

6 Mr. Bor: That I will faithfully, impartially and
7 justly perform.

8 Mr. Hill: I faithfully and impartially and justly
9 perform.

10 Mr. Bor: All of the duties of the office of
11 Atlantic City Municipal Utilities Authority Board Deputy
12 Secretary.

13 Mr. Hill: All of the duties of the MUA board.

14 Mr. Bor: As deputy secretary.

15 Mr. Hill: As deputy secretary.

16 Mr. Bor: To the best of my ability.

17 Mr. Hill: To the best of my ability.

18 Mr. Bor: And that I will support the Constitution
19 of the United States.

20 Mr. Hill: And I will support the Constitution of
21 the United States.

22 Mr. Bor: And the Constitution of the State of New
23 Jersey.

24 Mr. Hill: And the Constitution of New Jersey.

25 Mr. Bor: And I will bear true faith and

1 allegiance.

2 Mr. Hill: With true faith and allegiance.

3 Mr. Bor: To the same and to the Governments.

4 Mr. Hill: And to the Governments.

5 Mr. Bor: Established in the United States and in
6 this State under the authority of the people so help me
7 God.

8 Mr. Hill: Established in the United States and in
9 this State under the authority of the people so help me
10 God.

11 Mr. Bor: Congratulations, Mr. Hill.

12 Mr. Hill: Thank you.

13 Mr. Polistina: I have to say good by to everyone
14 and happy Holidays and Merry Christmas. Take care.

15 Mr. Bor: Thank you Senator and take care.

16 Mr. Devlin: What is next? Mr. Weber, you sent us
17 an e-mail yesterday late in the day. Is that something
18 you want to discuss in open or in --

19 Mr. Weber: That would be closed session. That has
20 to do with contracts negotiations.

21 Mr. Devlin: Fred.

22 Mr. Bor: We will do that in closed and do you want
23 to address the e-mail regarding insurance?

24 Mr. Devlin: Well, the director can address it.

25 Mr. Langford: Before we keep going can we see

1 where we are with that organizational chart with the
2 deleted former employees that was requested.

3 Mr. Armstrong: I know that Debbie was out and she
4 just came back in and Claude you were just going to
5 delete them real quick.

6 Mr. Smith: Yes. I was going to delete some of the
7 information that was currently on there and update, but
8 it is still in progress.

9 Ms. Langford: Okay. As soon as I can get that it
10 will help. Thanks.

11 Mr. Armstrong: Just so you know Claude has been
12 out as well.

13 Ms. Langford: Okay. Thank you.

14 Mr. Bor: The next item under 9A shared services
15 QPA and IT services.

16 Mr. Devlin: That is executive director's report.

17 Mr. Armstrong: Just real quick with respect to
18 that. We met with the City's administrator's Toro and
19 as well as the IT director Pat Quinlan last week. They
20 met with our staff and they can offer services to us.
21 They believe they can offer QPA services as well as IT
22 services.

23 They are going to put a proposal together after
24 they talk to the business administrator Anthony Swan and
25 then sent it over to us along with a quote as to what

1 they think those services would cost and then when that
2 happens we are going to present that to the board to see
3 whether or not the board is interested in moving in that
4 direction, but it has not happened yet.

5 Our discussions with their staff and our staff it
6 seems pretty beneficial to us to be able to work with
7 them and have them come in and share some cost of
8 similar services and to kind of think and they seem to
9 be a little more advance than the MUA.

10 So we are looking forward to having them and to
11 have us piggyback on some of their contracts because as
12 you know we have problems with the internet all the time
13 and they are actually on fiberoptics and if we were to
14 go to fiberoptics on our own.

15 Claude and I explored that earlier. It would be
16 very costly because they would have to lay a cable just
17 for us, but the City already has cable and a system in
18 place and we would just be adding another line.

19 So we think that, you know, moving in this
20 direction would be a big cost savings and advantage to
21 the MUA.

22 Mr. Bor: I was just going to go to B.

23 Mr. Armstrong: I have another issue.

24 Mr. Bor: Go a head.

25 Mr. Armstrong: Because it was not on the agenda

1 and I sent out the insurance quotes from Fairview who
2 was appointed to obtain the quotes for us at the last
3 meeting and it was important that I put this on and I
4 received this yesterday and because time is of the
5 essence and we reviewed this and we get this decision
6 today so that we can put this in place by the end of the
7 year.

8 Along with us we have Zach Edelman from Fairview
9 insurance and also Larry Graham from Fairview insurance
10 and they are going to discussed the quote that I
11 e-mailed to you. Does everybody have that quote?

12 Mr. Devlin: Mike, quick question here. I am
13 pulling up your e-mail. Hold on a second. I am trying
14 to pull up the e-mail so I can read it directly. It
15 says, "Dear commissioners, please, find the attached as
16 an insurance proposal received today from our new
17 broker." I am confused because I didn't know we went
18 our for a broker. I thought we went out for a
19 consultant.

20 Mr. Armstrong: No. There was some confusion about
21 whether it was a consultant and when we first talked
22 about it, we talked about it being a broker. I just
23 want to make that clear. The going back and forth about
24 whether it was a consultant or a broker was not what was
25 initially talked about.

1 We clearly talked about -- and I went back and
2 looked at the minutes. When it was introduced it was
3 talked about getting a broker and not having a
4 consultant. So that we would not have to pay that fee
5 and when we put out the actual RFQ there was an line
6 item which I looked at and because it was represented
7 that in fact a broker would actually charge a fee to the
8 insurance company and the authority would not have to
9 incur that fee and the board was interested in not
10 having to incur that fee and that is why we introduced
11 it that way, but the confusion that occurred was the
12 fact that the word was changed. The original RFQ did
13 have the word broker and that is why I was confused at
14 the last meeting.

15 I went back and I looked at it. I have a copy of
16 it sitting here on my desk. Kelly can represent to you
17 that what she did was take the resolution and compared
18 the resolution with when we once had a consultant and
19 inserted that group and that was a mistake, but the
20 original quote that went out clearly made a
21 representation that the option was available to have
22 those fees incurred by way of charging it to the
23 insurance company, which is what this board said they
24 wanted to do.

25 Mr. Devlin: Mike, I am going to say for myself

1 that I never voted supporting that. We discussed having
2 a consultant and we had two meetings and you
3 specifically said that when I became Chairman a couple
4 of years back and you said that is not how we were
5 supposed to do it and you wanted to bring a consultant
6 on at no cost to the authority and the RFP was clearly a
7 consultant and that is --

8 Mr. Armstrong: I never used -- Mr. Chairman, go
9 back and --

10 Mr. Devlin: Mike, excuse me. I am not finished
11 speaking, please, don't interrupt me. Mike, I have the
12 floor and I will recognize you when I am done speaking.
13 Thank you. I clearly understood this as a consultant.
14 We had major discussions here about why we have to have
15 a consultant which I said that we don't want a
16 consultant because we did not want to incur those fees.

17 I did that as Chairman and we had a long conference
18 on why we should have a consultant and that is what this
19 board agreed upon. I am quite sure and we can ask other
20 board members where they thought they were.

21 My understanding was a consultant and they would
22 come in here and review RFPs for insurance broker, BOE,
23 broker of record. We do this a lot here and I done it
24 across the street on the AC BOE and we do that all the
25 time. So I was very -- with the understanding that it

1 was a consultant.

2 As a matter of fact you said consultant and you
3 asked me and I said consultant and Kelly handed you a
4 piece of paper that said consultant on it.

5 So I am confused a little bit and I think the board
6 -- if anyone has any questions from the commissioners
7 and now is the time to ask because, you know, we are
8 like at the midnight hour and this was just placed upon
9 us last night and by the way I don't like doing business
10 that way.

11 There is a lot to read here and there is a lot of
12 information to take in and getting it the day before is
13 not fair to us as commissioners for one and for two to
14 hit us with that we have a new broker of record. We did
15 not even vote on that yet.

16 So how can this be a new broker of record when we
17 did not even vote on it. So I am a little confused with
18 that. I will give you a chance to respond. Does
19 anybody else have any questions? Mr. Banfield?

20 Mr. Banfield: This is Glen Banfield speaking and
21 like Mr. Devlin said that is what I thought it would be
22 a consultant and not being a broker being approved. I
23 am a little confused about that.

24 Mr. Armstrong: Well, let me say this and I will
25 give Zach and Larry a chance to respond. I want to

1 respond to the term broker versus consultant. I think
2 there is confusion being caused with respect to whether
3 or not a consultant can charge the insurance company.
4 Okay. They will clear that up.

5 You are giving the impression that they can't. I
6 don't see it as being material and I am going to say
7 this and I am willing to stand by. If we go back to
8 those minutes and our discussion was about getting a
9 broker. Okay.

10 Mr. Devlin: I don't recall that.

11 Mr. Armstrong: When we had that conversation it
12 was about the MUA not incur the cost that they had
13 incurred in the past. Okay. The only way you are not
14 going to incur that cost is that cost has to be
15 transferred to the insurance company and that is why the
16 RFP that went out stated that the proposal must state
17 how the broker fees will be determined, i.e., billed to
18 the authority or insurance carriers and that was on an
19 RFQ.

20 Mr. Devlin: It was not represented -- I was
21 confused and that is not the way it was represented to
22 me Mr. Armstrong.

23 Mr. Armstrong: Well, we can go back to the
24 minutes.

25 Mr. Devlin: We can do that. Sure we can, but not

1 right now.

2 Mr. Armstrong: What I am saying to you is if --
3 then you have to have a special meeting then.

4 Mr. Devlin: So be it. We will have a special
5 meeting.

6 Mr. Armstrong: Because right now we have two weeks
7 to get this proposal presented now and it is \$40,000
8 savings to the MUA. It allows the MUA to go into the
9 JIF. The Jointed Insurance Fund with approximately 70
10 other municipalities utilities authorities and I would
11 like for them to present the proposal and to have the
12 opportunity to hear the advantages of the proposal
13 because it is a benefit to the MUA.

14 Mr. Devlin: Well, again, I am still -- I would
15 like to hear from other board members as well. I think
16 Nynell and is Gary still on there and Mr. Dedar. What
17 are your thoughts on this. I though it was for a
18 consultant only.

19 Mr. Dedar: We need to make sure, like you said Mr.
20 Chairman, between broker and consultant. We are
21 confused. So if you have a special meeting we will be
22 happy to talk further about this thing.

23 Mr. Devlin: Ms. Langford.

24 Ms. Langford: Yes. I am still here. I do recall
25 going back and forth with broker verus consultant and

1 with us being confused and not understanding. So for
2 me, as well, there just need to be more clarity and if
3 it is better after reviewing it, but I just need time to
4 make sure because as confused as I am now, I don't want
5 to keep being confused on this issue.

6 So I definitely would want more time and I know it
7 is time sensitive, but again, today I am sitting here
8 saying, well I thought it was this and really it was
9 that. I don't want to be in this position again. So
10 maybe it was my ignorance that I did not comprehend it
11 the correct way, but that is water under the bridge now,
12 so at this moment I need absolutely clarity on what this
13 is and what this isn't for my decision making to be
14 concrete.

15 Mr. Devlin: Right. Mr. Banfield.

16 Mr. Banfield: This is Mr. Banfield speaking and I
17 would like to reiterate the fact that the discussion was
18 and/or being the confusing part of the discussion. So
19 that is where I think that the problem is at. I thought
20 it was a matter of a consultant not a broker.

21 Mr. Devlin: Right.

22 Mr. Banfield: And that is what I remember.

23 Mr. Devlin: Right. And we have a broker of
24 record.

25 Mr. Armstrong: Your broker of record contract

1 expires at the end of the year.

2 Mr. Devlin: We have one right now is what I said.
3 It is not the end of the year though Mike.

4 Mr. Armstrong: Well, the insurance policy is for a
5 new year.

6 Mr. Devlin: Gary, did you want to add anything?

7 Mr. Hill: Well, it seems a little confusing and I
8 am concerned about the timeframe as you and Mr.
9 Armstrong mentioned. It is only two weeks. If we have
10 both of the brokers in the room with us can we not hear
11 both proposals. I am just asking since it is time
12 sensitive.

13 Mr. Armstrong: Well, there is only one proposal.

14 Mr. Hill: What I am saying if they are on here now
15 should we not listen to what they are saying.

16 Mr. Devlin: I agree.

17 Mr. Hill: And then if we need more time fine. I
18 have no problem with that. I was just -- since it is
19 already here. I am concerned about -- I have questions
20 about the training and how that works and all of that to
21 get the reductions and that sounds fine, but I don't
22 know how the Chairman wants to proceed. Broker or
23 consultant as Ms. Langford said. I am not sure. I
24 thought we were doing one or the other and, I mean, I
25 know we have to do insurance and we have done it for 15

1 years. This is the timeframe. So whatever the
2 Chairman's prerogative and that is fine.

3 Mr. Devlin: We have the BOE here. The president
4 here from Fairfield and that is fine. Mr. Siracusa, do
5 you want to speak?

6 Mr. Siracusa: I am confused also. I was under the
7 impression that it was a consultant that was an RFP a
8 month or so ago.

9 Mr. Bor: Just so the record is clear. The
10 gentleman speaking is Mr. Siracusa who at the moment is
11 our broker of record and did you have a chance to look
12 at the proposal?

13 Mr. Siracusa: No.

14 Mr. Bor: Well, then why don't you make comments
15 that you think are appropriate and then we will hear
16 from the other one.

17 Mr. Devlin: Can I ask a question real quick and I
18 apologize. I just got this last night along with
19 everybody else. I am not an insurance person and never
20 claimed to be. I just see here New Jersey Utilities
21 Authority joint insurance fund that our executive
22 director mentioned. Is that something --

23 Mr. Siracusa: Yes, it is a utility JIF which means
24 joint insurance fund and I happen to be a risk manager
25 for 7 clients that are in JIFs and it was actually in

1 the past that we have been assigned this utility JIF and
2 why we had the web consultants and he put this thing out
3 to bid every year for 25 years.

4 Couple of those years we picked them as a market
5 that we would like to approach. We are always tens of
6 thousand dollars less than that market. In my opinion
7 this JIF it is very well run, but this is a larger kind
8 of urban authority here and some how they were pricing
9 it higher than a smaller utility.

10 I think of the 70 some utility authorities that are
11 in that, but mostly are smaller than the basic MUA. I
12 believe that is why and the reasoning on why they were
13 so expensive in comparison to our program.

14 Our program is AIG and they are A rated company. I
15 have not heard anything and I was looking at the website
16 for the RFP that I thought was coming, but because a
17 couple of our insurance sources were approached with
18 broker of record letters, I felt that whoever the other
19 broker was -- I felt it has to be a consultant that was
20 doing this. That they did not have a market at such a
21 late time to give to the board. I actually brought my
22 renewal proposal in from what you have now.

23 So the numbers of course are different with a new
24 year coming up and I presented that here in person. I
25 am sorry here telephonically, but I could not get that

1 in front of you all, but it is here. Not knowing that I
2 had two weeks I have everything in there like my
3 licenses and my disclosure statements and my affirmative
4 action. I have everything in there because I was not
5 sure if there was a new program coming January 1.

6 And as a broker I am responsible to make sure that
7 you guys have insurance and coverage.

8 I heard nothing and I have professional liability
9 that could cover me if come January 1 I just sat on my
10 hands and did nothing. So I called John and said, can I
11 come to the meeting and at least put this thing on the
12 table. So that you have it in front of you if you have
13 no insurance coming up.

14 I am glad you got a quote from the JIF, but JIF is
15 a little different from this. In fact the charge I can
16 see is \$400,340 and this is actually an assessment and
17 not even a premium. That is not a guarantee cost. When
18 you are in a JIF you join 70 some other authorities and
19 you all pull your money together and that is 70 some
20 partners now.

21 You divide the money up for the claims and the
22 cost of running the JIF and they can come back in a
23 couple of years and if they have a bad claim year and
24 charge you more money. It is not guaranteed that
25 premium and you could also get a dividend if they have a

1 good year, but I always found that the dividends are not
2 enough to make up for the tens of thousands of dollars
3 difference.

4 In my opinion if I had the same price and they are
5 different. If I had the same price for a guarantee cost
6 plan and this is AIG insurance versus an assessment pool
7 of like a JIF where years later can come back and get
8 stuck with an additional premium.

9 I would rather take that and get it off my books.
10 The problem is the insurance company and AIG guarantees
11 the cost of the claims and if they get stuck with
12 millions that is their problem. It is not yours. I
13 have been in the business for 40 years and if it is a
14 question between a JIF and a guarantee cost program I
15 always recommend the guarantee cost program, if the
16 rating is good and it is a good insurance company and
17 the AIG certainly is the best.

18 Other than that the only other thing I wanted to
19 mentioned is that we have been here for 25 years and it
20 has been bid for 25 years in a row and I lost half of it
21 for one year in those 25 years. This program is solid
22 and it has been recommended by the web consultant and we
23 are local here.

24 My son was born in Atlantic City and he owns a
25 condominium here in Atlantic City and is your customer

1 and he is my vice president. I feel like all the years
2 of service here I would like for that to be a
3 consideration also.

4 I don't know what else to say. You try to compare
5 these things and there is deductible and limit
6 differences and it gets a bit complicated and I don't
7 want to get too deep in the weeds here right now at a
8 meeting like this, but maybe there should be some other
9 comparison here.

10 From what I am seeing here now there is about a 40
11 or 50 thousand dollar difference here and this guarantee
12 cost program is less. Again, it is -- I have always
13 found in a JIF and it is a nice JIF they are expensive
14 for an MUA like this.

15 Mr. Armstrong: Mr. Chairman, I have to say that I
16 think this is totally inappropriate. I think it is
17 totally inappropriate for a competitor to review a
18 co-competitor's proposal and to analysis --

19 Mr. Siracusa: Well, I am not going to review and
20 you have my paperwork and I am not going to review it.
21 You guys review it. I am not going to review it.

22 Mr. Armstrong: But you are commenting on --

23 Mr. Siracusa: I am just looking at the premiums.
24 Well the assessment.

25 Mr. Armstrong: It is a comment never the less and

1 I think it is totally inappropriate.

2 Mr. Devlin: Does any other board member have any
3 questions for Mr. Siracusa?

4 Mr. Siracusa: Like I said, January 1 is coming and
5 I was afraid that they were going to be bear and that is
6 why I am here. I owe a responsibility to the MUA and to
7 my professional liability to be here and to give you
8 this proposal, but of course the premium is different
9 than the year before, but that is how it is.

10 Mr. Devlin: Any other questions?

11 Mr. Banfield: This is a question to Fred and to
12 you John, as of this date he has always been the
13 consultant, Mr. Siracusa.

14 Mr. Devlin: A broker.

15 Mr. Banfield: I mean a broker before of the
16 insurance.

17 Mr. Devlin: Right.

18 Mr. Banfield: Okay. That is what I wanted to
19 understand and what we are comparing it to is the
20 contract that will be out in January.

21 Mr. Devlin: January 1.

22 Mr. Banfield: So what he is basically saying is
23 stating what the business that he is doing now and just
24 preparing it.

25 Mr. Devlin: Yes.

1 Mr. Siracusa: I was worried you were going to have
2 no insurance and that is why I am here. And here is my
3 plan.

4 Mr. Devlin: Mr. Dedar.

5 Mr. Dedar: So we had the broker for 25 years. So
6 far my understanding he knows what he is doing, but my
7 question to you sir, is there any other company because
8 it is time sensitive? We do not want to be out of
9 insurance, but meanwhile has anybody compared for other
10 companies?

11 Mr. Siracusa: Well, for the last 25 years they had
12 a web consultant that did all of that and they assigned
13 one or two markets that we could approach. It was a
14 utility call Blackfelters and they are very good and out
15 of Philadelphia and they are an AIG insurance company
16 and we have used them and we have for the 24 and half
17 out of the 25 years.

18 Mr. Dedar: Is there different companies that the
19 deductible is like 50 thousand?

20 Mr. Siracusa: Yes, that is why is it is getting a
21 little difficult.

22 Mr. Devlin: Mr. Hill, did you have a question?

23 Mr. Hill: I just wanted to thank Mr. Siracusa for
24 all the years of work and professionalism and I think we
25 are at a point in here that we need look at everything

1 at a bigger picture and I know that is what we are
2 trying to do. I understand that, but since we have the
3 other people should we not hear that as well, Mr.
4 Chairman?

5 Mr. Devlin: I think if they are here then the
6 board would like to hear them. I think it is fair.

7 Mr. Hill: And then I want to ask them we will be
8 able to get Mr. Siracusa documents as well?

9 Mr. Devlin: Yes.

10 Mr. Hill: Very well, then can we hear from the
11 other people?

12 Mr. Devlin: Thank you and we have representatives
13 from Fairview.

14 Mr. Armstrong: Yes. I don't know if Zach or Larry
15 who is going to speak.

16 Mr. Graham: First of all, the comments that were
17 made there as far as the New Jersey Utility Authority
18 Joint Insurance Fund they have not been voted in 25
19 years. Okay. So they have never taken a bid for that
20 on that basis. From what we understand from the
21 insurance fund, but the joint insurance fund recognizes
22 your sort of risk as a consultant into an insurance fund
23 and what the insurance company would consider a broker.

24 So the insurance funds pay risk management
25 consultants and these insurance companies pay for their

1 fees through the program.

2 The broker represents the insurer and the agent
3 represents a company. Okay. We are a broker. We are
4 licenses brokers. There is no real difference between
5 consultant and a broker. Unless you want to read the
6 fine on what one person can do versus another person can
7 do. You have to have a broker's licenses in order to do
8 the work.

9 The second thing is -- the one thing about being in
10 a pool and he talks about being in a pool with 70 other
11 utilities authorities and not being an AIG who is a
12 carrier who could pull in and out of markets.

13 If they decide they do not like governmental we
14 will be out of business next week. And they have done
15 that in the past AIG as the carrier.

16 If we decide we don't want to be in this marker and
17 be in Florida and not New Jersey, they pull out of
18 States and that is what they do. When you have all your
19 eggs in one basket. When you have the buying power of
20 70 other utility authorities with you it gives you more
21 marketability.

22 Second of all he talks about the reassessment plan,
23 but you are protected by reinsurance contracts. So the
24 JIF only has a limited exposure, okay, that they take
25 on. All of the other exposures they share in small

1 limits of layer of coverage. All the rest is reinsured
2 out to larger range insurance carriers which they are
3 one hundred responsibility for when you reach the limit
4 that the JIF pays out itself.

5 So you have a member deductible and JIF deductible
6 that is shared among the other insurance carriers that
7 they layer the coverage out to. So you are not locked
8 into one thing. One insurance carrier who is going
9 dictate to you and they can pull out. They have every
10 right to pull out if they want to. Okay. On the basis
11 that we want out. Governmental business is not -- or
12 utility authority is not our thing anymore.

13 The utility authority and the JIF is its own
14 governmental authority, which you are part owner of. It
15 is own by the utility authority. You appoint your own
16 board and you have your own thing and you control your
17 own destiny and to protect yourself for years come.

18 Zach why don't you get into the specifics. We are
19 at other markets too. We were held back for ten days
20 because when the losses were requested they had ten days
21 to provide the losses to us and they waited exactly ten
22 days. This held us up and three weeks ago they got the
23 ten days on that. So we are getting things back and I
24 am sorry everything is last minute, but the present
25 broker did not provide the losses to us. All right

1 Zach.

2 Mr. Edelman: Yes. So in talking about the Joint
3 Insurance Fund there are all kind of advantages that
4 come about. There are 70 plus members in the particular
5 insurance fund and many excess layers, but the training
6 and the extra valued services that come along with a
7 joint insurance fund is really top notch and that is the
8 reason why joint insurance funds were created. So that
9 you can leverage buying power. So that if you were
10 created in the 80s so that similar risk can be pooled
11 together to get better limits and better services and
12 lower costs.

13 The work for these types of learning services are
14 quite extensive. There is a tremendous amount of
15 training that will come out to your site. Sometimes
16 they will come early and sometimes they will come late.
17 There are a tremendous amount of offerings that come
18 that way. They also do accomodation where if there are
19 certain staff members that are not available for those
20 onsite trainings what they will do is they have a
21 learning management system where they could get the same
22 training and courses that are available as well.

23 Additionally when you have something like a joint
24 insurance fund you are able to bundle all of the
25 policies together. So you will be able to go to this

1 policy for or this joint insurance fund where you have
2 your worker's compensation and you are going to have
3 your liability and you are going to have your cyber and
4 your underground storage tanks and all of this is
5 bundled.

6 We work with a lot of public entities that are out
7 there and I have to say that these types of services
8 that are offered through the joint insurance fund are
9 bar none. Right now you have the one carrier for
10 worker's comp and that is where you get your injuries
11 from. NJM New Jersey Manufactory that is a good
12 company, but it does not compare to services that are
13 constantly being offered through the insurance fund and
14 you have another company for your cyber and another
15 company for your underground storage.

16 So in addition to just having a underground storage
17 tank there is a whole division that deals with nothing
18 but environmental issues that might come up. Whether
19 from your underground storage tank. They review the
20 policies and procedures. They review fines and
21 scenarios. They really address all of that, plus in any
22 type of environmental type issue it is really quite
23 extensive and again we work with number of these
24 different types of funds and this one is terrific and we
25 also have a number of other carriers. The numbers are

1 still coming in, but we wanted to say this is what we
2 have today.

3 It is a terrific option and if anything were to
4 come in that is better than this we will let you know,
5 but we think this is a terrific option, and we can get
6 that implemented prior to the end of the year. We do
7 want to have an onsite inspection that would come about.
8 So we would like to and I know the board is considering
9 all the options out there, but we would like to schedule
10 some type of inspection, but we have some questions and
11 we will do a couple of site shots and then it will be
12 fine.

13 That is what I wanted to talk about today. It is
14 very competitive and I wanted to know if you had any
15 questions?

16 Mr. Armstrong: Zach, if you could because time is
17 of the essence I ask that you advise the board of when
18 we would need to have -- if they are not prepared to
19 make the decision today, but when we would have to have
20 the special meeting. When do we have to have the
21 decision by in order to put these cost savings into
22 effect.

23 Mr. Edelman: Sure. So there is two times here and
24 the first one is we would like to have the inspection
25 done soon and then we would just need to have a special

1 meeting prior to the end of the year and once it gets
2 approved everything will be implemented and you will be
3 fully insured by January 1st.

4 Mr. Hill: We need the inspection done immediately?

5 Mr. Edelman: You need the inspection and that
6 meeting.

7 Mr. Devlin: So we can't --

8 Mr. Edelman: There are so much value associated
9 with this. You know, at the end of the day in addition
10 to that you are going to have savings.

11 Mr. Devlin: So you are going to need a special
12 meeting regardless. Is that what you are saying, sir?

13 Mr. Edelman: If you were not to act on it today
14 then yes there would be.

15 Mr. Devlin: You need that site survey to come out
16 before? I am confused. You said, you would have to
17 come here and do an inspection, sir.

18 Mr. Edelman: We would be, yes. We are not
19 anticipating any issues with that. You do need to have
20 a site inspection. So what you could do today is to
21 authorize the moving a head of the site inspection and
22 if you wanted a couple of options you wanted to act on
23 it today you could. If you wanted to also act on or
24 basically authorize us to move a head with the
25 inspection. You could do that and then during the

1 special meeting you could have that so we could move a
2 head with this proposal.

3 Mr. Armstrong: Is it necessary for the board's
4 approval to do the site inspection and I don't think so.

5 Mr. Edelman: No. We just wanted to bring it up.
6 There is nothing formal and we don't need anything
7 formal.

8 Mr. Armstrong: I think the quotes are necessary
9 and I think we have to make the place available to you.
10 I think it is clear that the board has already agreed
11 that they authorize you to get quotes. So those actions
12 are necessary and if the inspection has to occur then it
13 has to occur.

14 Mr. Devlin: I am not sure that I authorized that.

15 Mr. Banfield: I have a question. Mr. Armstrong, I
16 don't understand that you think that we as a board that
17 we agreed to -- I am not sure how did he mentioned it?

18 Mr. Devlin: Consultant versus broker.

19 Mr. Banfield: No. First of all because of this
20 being a time factor, you know, I find it ironic that we
21 are getting a proposal the day before our meeting. Then
22 based on what the cost is going to cost the MUA we are
23 basing the decision on an inspection and then it being
24 the Christmas Holiday and we have two weeks that we are
25 talking about.

1 Mr. Devlin: Yes, sir.

2 Mr. Banfield: I just, you know, this gets to be
3 not only monotonous, but ironic that we keep coming to
4 these situations because we know that we need insurance
5 well before when the contract is over. So now that we
6 are getting this two weeks before. It is not only
7 confusing, but frustrating for us to have to make a
8 decision within two weeks. Then to, you know, to say
9 that we get these proposals and we have to base it now
10 on an inspection. That could raise the cost and then to
11 have special meeting with you talking about a week
12 before Christmas.

13 Mr. Dedar: The Holidays.

14 Mr. Banfield: And then the New Years. Then we
15 have to make an approval and still not know the cost.

16 Mr. Devlin: Yes. I am kind of with you on that
17 one.

18 Mr. Armstrong: This is the process regardless. I
19 am not sure that I understand. When the proposal went
20 out we discussed that time was of the essence and all of
21 this was discussed. I am going to grab the minutes when
22 I get a chance and go back and look at it because I do
23 believe all of this was discussed when we first talked
24 about it.

25 Mr. Devlin: Mike, I have been here two years and

1 we have never done that.

2 Mr. Armstrong: Mr. Chairman, I would just like to
3 finish if I could.

4 Mr. Devlin: I thought you were finished. Go a
5 head.

6 Mr. Armstrong: It was my understanding that we had
7 the conversation and we talked about the distinction
8 between the broker and consultant and we talked about
9 how the fees will be earned. You heard Larry say what
10 his understanding with his years of experience and I
11 have not heard that that has been disputed about the
12 difference between consultant and a broker. To be
13 honest with you I have done some research on my own and
14 it is immaterial and we are playing with words and it
15 may cost the authority in the long run.

16 So with that said I am going to leave it to the
17 board to act how they see fit, but I am just going to
18 put it out there with respect to the information and
19 that time is of the essence. We have a proposal that is
20 a cost savings and we get into a JIF with other
21 utilities authorities. I think it is a major advantage
22 to be able to get into the JIF after 25 years. I beg
23 the question on why we were not in a JIF and a better
24 situation, but I am just putting the information before
25 the board.

1 Mr. Devlin: Mike, just to add and are you finished
2 talking?

3 Mr. Armstrong: Yes.

4 Mr. Devlin: Thank you, sir. Just to add to this
5 once again I have been here for two years and I was
6 across the street here for 17 years and we have never
7 done it this way. We had a consultant come in. I
8 eliminated that. I was under the understanding that we
9 could go back and forth on words and/or, but I was under
10 the understanding that when we left that meeting it was
11 for a consultant. We come back in and now all of a
12 sudden it is a broker of record. I got a problem with
13 that, if we were voting for a broker of record then so
14 be it and let's open it up for other companies besides
15 these two that are sitting here today.

16 Let's see what is out there. My understanding was
17 it was for a consultant to review RRP's coming in for
18 insurance and I believe everybody here is thinking the
19 same.

20 Now, to add that I am not an insurance broker. I
21 am not in the insurance business. So it is confusing.
22 So these are the questions that we have and we went back
23 and forth about ten different times at the last meeting
24 and I left here with the understanding that this was a
25 consultant coming and telling us and reviewing RFPs and

1 RFQs like we have done in years past. That was your
2 words coming out of your mouth. I am not confused.

3 Mr. Armstrong: They were not my words.

4 Mr. Devlin: I am not finish speaking, please, do
5 not interrupt. My understanding is that a consultant
6 and that was the last word that I said to you. Kelly
7 came over here and showed you the word consultant on the
8 RFP. So that is where I am at.

9 Now, it is not fair if it was for a BOE then other
10 companies should make sure that they put in for it and
11 like we always do. Other companies apply. Insurance is
12 highly competitive in this town as we all know.

13 So with that being said I cannot support anything.
14 It is a lot to read here guys and we are talking about
15 tens of thousands of dollars that I am not comfortable.
16 Again I am getting this e-mail late after work last
17 night and trying to go through and it was to much for me
18 to handle.

19 If we have to have a special meeting then so be it.
20 Let's have a special meeting and, you know, if we have
21 to do it by Zoom to accommodate everybody, but let's do
22 it, but let's do it the fair way. The way this came in
23 I feel a little snookered a little bit on how this came
24 in. With the understanding that we were voting on a
25 consultant and the whole conversation came about because

1 I eliminated a consultant when I became Chairman and you
2 said that is not how we should be doing things and we
3 should have a consultant. Bring in a consultant and I
4 agreed with you on that and now we are in a different
5 situation and with this being said I think and I will
6 stand down to the board.

7 I think we should have a special meeting prior to
8 the end of the year and let's get this right next year.
9 I don't want to start scrambling by the end of the year
10 to get insurance. It is not fair to you and it is not
11 fair to us. It is not fair to the employees or the
12 ACMUA. With that being said I am not prepared to vote
13 on this today, but I will stand down to any other board
14 members that would like to speak on that. Any
15 questions?

16 Mr. Banfield: No, I agree. This is not like a
17 husband and wife deciding on what insurance company that
18 we take. It ain't like we come to the end of the year
19 and we take this insurance because it saves us some
20 dollars. No this is a lot different. What I understood
21 from the meeting last month that it was a consultant and
22 not a broker. So that is what I understood. What is on
23 record, you know, it is what I understood it was a
24 consultant.

25 That is what I remember you saying before that you

1 wanted to do away with it or something. What I remember
2 you saying is it is done this way not this way. That is
3 why we had the discussion between consultant and broker
4 and that is what I remember.

5 Mr. Dedar: I agree with you Mr. Chairman. I think
6 we need more time and if we need to have a special
7 meeting then so be it.

8 Mr. Devlin: Any other questions from the board
9 members?

10 Mr. Smith: Can I say something?

11 Mr. Devlin: I was asking board members. Does any
12 other board members have comments. Thank you.

13 Mr. Bor: I just have one and I defer of course to
14 the wisdom of the board members, but in the event that
15 we are going to go the direction of a special meeting,
16 let's identify what information it is that we need from
17 both groups so when we get to the special meeting we
18 have data in front of us to compare apples to oranges.

19 Not to just come into the special meeting where we
20 are right now.

21 Mr. Devlin: Well, obviously we need the proposals.
22 I mean all we got, basically, was an e-mail last night.

23 Mr. Armstrong: Nynell said she is having trouble
24 getting back into Zoom. If someone could let her in.

25 Ms. Johnson: She is in.

1 Mr. Devlin: Nynell, you are back?

2 Ms. Langford: Yes.

3 Mr. Devlin: Sorry. I don't know if you missed
4 anything, but I just was speaking on behave of this
5 proposal today. I am not prepared and I got this e-mail
6 late last night and we were under the impression that it
7 was a consultant and now Mr. Armstrong was informed that
8 since this was our BOE, we are just taking everyone's
9 opinion on how to handle this and I suggested we have an
10 emergency meeting from here until January 1 somewhere or
11 in between to at least grasp some of what is going on
12 and there is a lot of information here and the first
13 proposal I saw was late last night.

14 I am going to need more time for myself, but I
15 don't want to speak for the whole board. I was just
16 getting everybody's impression and how they wanted to
17 handle it.

18 Ms. Langford: Okay. That if fine with me. Thank
19 you.

20 Mr. Devlin: Thank you.

21 Mr. Bor: I think there is one more.

22 Mr. Devlin: Gary, did you want to say anything?

23 Mr. Hill: That is fine if you chose to do that Mr.
24 Chairman. I am just concerned has the window closed on
25 applying?

1 Mr. Devlin: Well, I don't think that the window
2 closed because we are still getting quotes in from the
3 representative from Fairview. They are still getting
4 quotes.

5 Mr. Siracusa: I can go until the 31st.

6 Mr. Devlin: Mr. Siracusa said we can go until the
7 31st. So sometime between now and the 31st we need to
8 have another meeting to discuss this. Also get this
9 information out to all of the board members. Kelly or
10 Stella, can you make sure that we get proposal out from
11 both companies.

12 Ms. Kelly: Yes.

13 Mr. Devlin: Thank you. All right. Thank you guys
14 for coming in. I appreciate it. Any other questions
15 regarding this. Mr. Smith do you have something to say?

16 Mr. Smith: Yes. I was just going to mentioned
17 again the benefits between the joint insurance fund
18 versus the single coverage. I know that was an option
19 that was addressed a few years ago with regards to even
20 going to the joint insurance fund because of the fact of
21 the coverage they did supply.

22 These individuals or companies can actually confirm
23 that ACUA is part of this joint insurance fund. I know
24 it was mentioned that there was small companies that are
25 part of the JIF, but at the same time I do not consider

1 ACU being a small company.

2 Mr. Devlin: Thank you. Mr. Armstrong, anything
3 else?

4 Mr. Armstrong: No. That is it.

5 Ms. Langford: John can I just say -- can this be a
6 teachable moment for everybody because I just find that
7 this is really not good for all involved. Especially
8 for commissioners and let me speak for myself. To not
9 be clear, to be this confused on something that is so
10 vital. This is not good and this does not look good.
11 This does not sit well with me and somewhere along the
12 line there was a breakdown and why the comprehension for
13 us to be ended up what it is, but I just hope, you know,
14 with things going forward we can just have more clarity
15 in understanding and not to be up against the clock like
16 this on something so vital. This is not good. That is
17 just my penance for the day.

18 Mr. Devlin: Thank you and I agree with you. As
19 Chairman I will, obviously, do my due diligence and do
20 better. Unfortunately, I am not an insurance guy. So
21 it is hard for me and not having any conversations with
22 anybody to understand this, but with that being said, I
23 will do my best as Chairman to get as much information
24 as I can to the board members, but I am limited what I
25 received and I know it is time sensitive, but we just

1 got this last night. It was new to me too. Anybody
2 else comments or questions? Thank you. Are you done
3 with your report Mr. Armstrong?

4 Mr. Armstrong: Yes.

5 Mr. Devlin: Thank you, sir. Fred.

6 Mr. Bor: I guess 9B1 about Polistina & Associates.

7 Mr. Devlin: Motion.

8 Mr. Dedar: Second.

9 Mr. Bor: Mr. Banfield?

10 Mr. Banfield: Yes.

11 Mr. Bor: Mr. Dedar?

12 Mr. Dedar: Yes.

13 Mr. Bor: Mr. Hill?

14 Mr. Hill: Yes.

15 Mr. Bor: Ms. Langford?

16 Ms. Langford: Yes.

17 Mr. Bor: Mr. Chairman?

18 Mr. Devlin: Yes. Thank you.

19 Mr. Bor: Now, accounting and financing.

20 Mr. Hill: I just wanted to, again, remind and
21 Vince was very wise and I want to thank Mr. Smith and
22 Mr. Armstrong for meeting with Mr. Polistina and working
23 out the details of this. Again, in the back of our
24 minds and this happened so long ago. It was because of
25 his help or this firms help that we did get great

1 cooperation from the FAA and also the DEP and as well as
2 our own team. So I am glad they worked everything out
3 here and we are moving forward.

4 Mr. Devlin: Thanks Gary. Thank you for your
5 support as well. Fred.

6 Mr. Bor: Now, 9C. Accounting and financing goes
7 to Mr. Armstrong or Anita. Do you want to comment on
8 accounting and finance?

9 Ms. Thapa: We don't have any comment, but the
10 financial report and cash management for the month of
11 October is provided and balance adjustments and shutoffs
12 are just for the information.

13 Mr. Devlin: How about shutoffs. Do we have any
14 shutoffs?

15 Ms. Thapa: No. This is just for information.

16 Mr. Bor: Okay. Being nothing else from Anita we
17 will move onto 10 old business. The first resolution is
18 10A regarding the operations & maintenance planning
19 analysis for critical infrastructure. It is 10A1. Is
20 there any comments and if not can we get a motion.

21 Mr. Devlin: Mr. Smith, can you tell us exactly
22 what that is?

23 Mr. Smith: That is for the analysis of the plant
24 to determine pretty much what direction we will be
25 heading in. Especially in order to combat the PFAS

1 situation the way that it is and determine what
2 equipment and how we are operating our fund in the near
3 future.

4 Mr. Devlin: And who is doing that?

5 Mr. Smith: H2M.

6 Mr. Devlin: Thank you, sir.

7 Mr. Bor: Unless there is other discussions is
8 there a motion on 10A1?

9 Mr. Devlin: Motion on 10A. Gary, did you have a
10 question.

11 Mr. Banfield: Second.

12 Mr. Hill: No. I wanted to move forward.

13 Mr. Bor: Mr. Banfield on the motion?

14 Mr. Banfield: I seconded. Yes.

15 Mr. Bor: Mr. Banfield?

16 Mr. Banfield: Yes.

17 Mr. Bor: 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: Mr. Chairman?

24 Mr. Devlin: Yes. Thank you.

25 Mr. Bor: Now, 10A2 auditing services. Resolution

1 10A2. Any discussions?

2 Mr. Thapa: For this one we will be awarding the
3 auditing services for 2021 coverage to the auditor
4 Mercadien and the fee proposed by them is 41,500.00.
5 Any questions on that?

6 Mr. Banfield: Who is the firm?

7 Ms. Thapa: Mercadien.

8 Mr. Devlin: And it is 41 thousand?

9 Ms. Thapa: 41,500.00

10 Mr. Devlin: What was it last year?

11 Mr. Thapa: It was 39,500.

12 Mr. Bor: Looking for a motion on 10A2.

13 Mr. Dedar: Motion.

14 Mr. Banfield: Second.

15 Mr. Bor: Mr. Banfield?

16 Mr. Banfield: Yes.

17 Mr. Bor: 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: Mr. Chairman?

24 Mr. Devlin: Abstain.

25 Mr. Bor: Now, 10B1 is to accept bids.

1 Mr. Devlin: Motion for 10B1.

2 Mr. Bor: Mr. Banfield?

3 Mr. Banfield: Yes.

4 Mr. Bor: Mr. Dedar?

5 Mr. Dedar: Yes.

6 Mr. Bor: Mr. Hill?

7 Mr. Hill: Yes.

8 Mr. Bor: Ms. Langford?

9 Ms. Langford: Yes.

10 Mr. Bor: Mr. Chairman?

11 Mr. Devlin: Yes, and question on 10B1 are those
12 the diesel generators, Claude?

13 Mr. Smith: These are all the generators that the
14 plant actually has from the upper well station down to
15 the treatment plant, yes, they are diesel. Just to
16 inform the board this is the first time we actually had
17 a maintenance agreement for the generators.

18 Mr. Devlin: I thought we did this last year.

19 Mr. Smith: You had an agreement that did not go
20 beyond --

21 Mr. Devlin: So didn't Johnson & Towers have an
22 agreement.

23 Mr. Smith: It was not Johnson & Towers. It was
24 Plant Powers. Johnson & Johnson does something
25 different.

1 Mr. Bor: So we already voted on 10B1. Now, on C1
2 budget and Mr. Armstrong can we vote on C1 and C2 and C3
3 together?

4 Ms. Thapa: Yes.

5 Mr. Bor: All right. Is there a motion on C1,2,3
6 together?

7 Mr. Dedar: Motion.

8 Mr. Devlin: Second.

9 Mr. Bor: Mr. Banfield?

10 Mr. Banfield: Yes.

11 Mr. Bor: Mr. Dedar?

12 Mr. Dedar: Yes.

13 Mr. Bor: Mr. Hill?

14 Mr. Hill: Yes.

15 Mr. Bor: Ms. Langford?

16 Ms. Langford: Yes.

17 Mr. Bor: Mr. Chairman?

18 Mr. Devlin: Yes.

19 Mr. Bor: Now, on the budget adjustments and D
20 resolution 10D if no discussion can I have a motion?

21 Mr. Banfield: I make a motion.

22 Mr. Dedar: Second.

23 Mr. Bor: Mr. Banfield?

24 Mr. Banfield: Yes.

25 Mr. Bor: Mr. Dedar?

1 Mr. Dedar: Yes.

2 Mr. Bor: Mr. Hill?

3 Mr. Hill: Question. Anita, this is just money
4 moving around until the end of the year?

5 Ms. Thapa: Correct.

6 Mr. Hill: Yes.

7 Mr. Bor: Ms. Langford?

8 Ms. Langford: Yes.

9 Mr. Bor: Mr. Chairman?

10 Mr. Devlin: Yes.

11 Mr. Bor: Okay. Under new business we have 1
12 abatements unnecessary to appear. Assuming that is
13 correct do we have a motion on abatement number 1?

14 Mr. Hill: Motion.

15 Mr. Devlin: Second.

16 Mr. Bor: Mr. Banfield?

17 Mr. Banfield: Yes.

18 Mr. Bor: Mr. Dedar?

19 Mr. Dedar: Yes.

20 Mr. Bor: Mr. Hill?

21 Mr. Hill: Yes.

22 Mr. Bor: Ms. Langford?

23 Ms. Langford: Yes.

24 Mr. Bor: Mr. Chairman?

25 Mr. Devlin: Yes.

1 Mr. Bor: Okay. Before us is a payment plan for
2 the gentleman identified in 11B.

3 Mr. Devlin: Motion.

4 Mr. Dedar: Second.

5 Mr. Bor: Mr. Banfield?

6 Mr. Banfield: Yes.

7 Mr. Bor: Mr. Dedar?

8 Mr. Dedar: Yes.

9 Mr. Bor: Mr. Hill?

10 Mr. Hill: Yes.

11 Mr. Bor: Ms. Langford?

12 Ms. Langford: Yes.

13 Mr. Bor: Mr. Chairman?

14 Mr. Devlin: Yes.

15 Mr. Bor: Okay. The next identified is the solicit
16 bids and Claude, do you have any input into this or do
17 you want to move on it?

18 Mr. Smith: No. You can move on it. These are
19 items that we will need for our assessments.

20 Mr. Devlin: Can we do them all at once?

21 Mr. Johnson: We need to know for the up coming
22 years.

23 Mr. Bor: Okay. Let's vote on C1 through C4.

24 Mr. Devlin: Motion.

25 Mr. Dedar: Second.

1 Mr. Bor: Mr. Banfield?

2 Mr. Banfield: Yes.

3 Mr. Bor: Mr. Dedar?

4 Mr. Dedar: Yes.

5 Mr. Bor: Mr. Hill?

6 Mr. Hill: Yes.

7 Mr. Bor: Ms. Langford?

8 Ms. Langford: Yes.

9 Mr. Bor: Mr. Chairman?

10 Mr. Devlin: Yes.

11 Mr. Bor: The board secretary just brought to my
12 attention on 11B1 we already passed it, but there is an
13 open item in the 4th from the bottom paragraph to
14 identify payments for how many years and for what
15 amount; is that correct?

16 Ms. Johnson: Yes, and Anita should know it.

17 Mr. Devlin: What do you recommend Anita?

18 Ms. Thapa: Actually the customer requested five
19 years payment plan and he has a balance of 48 hundred I
20 believe. We usually do 12 months. One year plan in the
21 past. Since the customer is asking for a hardship I did
22 approve up to a three years payment plan.

23 Mr. Devlin: I agree. Let's stick with three
24 years.

25 Mr. Bor: And is the payment for three years that

1 8,414.23 calculated in there.

2 Mr. Thapa: Yes, whatever is the calculated.

3 Mr. Bor: Agenda item 11B1 the open item was for
4 how many years and Anita has recommended three and the
5 amount per month is already identified as 8,414.23; is
6 that right?

7 Ms. Thapa: Yes. Under the three year plan the
8 customer will be paying \$233.32.

9 Mr. Devlin: Motion as amended. Motion as amended.

10 Mr. Bor: Mr. Banfield?

11 Mr. Banfield: Yes.

12 Mr. Bor: Mr. Dedar?

13 Mr. Dedar: Yes.

14 Mr. Bor: Mr. Hill?

15 Mr. Hill: Yes.

16 Mr. Bor: Ms. Langford?

17 Ms. Langford: Yes.

18 Mr. Bor: Mr. Chairman?

19 Mr. Devlin: Yes. Fred.

20 Mr. Bod: Now, D is action data services.

21 Resolution 11D1 discussion.

22 Mr. Devlin: Motion.

23 Mr. Dedar: Second.

24 Mr. Bor: Mr. Banfield?

25 Mr. Banfield: Yes.

1 Mr. Bor: 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: Mr. Chairman?

8 Mr. Devlin: Yes.

9 Mr. Bor: Now, El regarding Atlantic Care
10 Behavioral Health any discussion and if not is there a
11 motion?

12 Mr. Dedar: Motion.

13 Mr. Devlin: Second.

14 Mr. Bor: Mr. Banfield?

15 Mr. Banfield: Yes.

16 Mr. Bor: Mr. Dedar?

17 Mr. Dedar: Yes.

18 Mr. Bor: Mr. Hill?

19 Mr. Hill: Yes.

20 Mr. Bor: Ms. Langford?

21 Ms. Langford: Yes.

22 Mr. Bor: Mr. Chairman?

23 Mr. Devlin: Yes.

24 Mr. Bor: And lastly we are on to new business for
25 continuing disclosure Phoenix reporting services 11F1

1 any discussion? Hearing none is there a motion?

2 Mr. Devlin: Motion.

3 Mr. Dedar: Second.

4 Mr. Bor: Mr. Banfield?

5 Mr. Banfield: Yes.

6 Mr. Bor: Mr. Dedar?

7 Mr. Dedar: Yes.

8 Mr. Bor: Mr. Hill?

9 Mr. Hill: Yes.

10 Mr. Bor: Ms. Langford?

11 Ms. Langford: Yes.

12 Mr. Bor: Mr. Chairman?

13 Mr. Devlin: Yes.

14 Mr. Bor: Number 12 with regards to monthly bills
15 before we vote any discussion items? Hearing none is
16 there a motion on monthly bills?

17 Mr. Devlin: Motion.

18 Mr. Dedar: Second

19 Mr. Bor: Mr. Banfield?

20 Mr. Banfield: Yes.

21 Mr. Bor: Mr. Dedar?

22 Mr. Dedar: Yes.

23 Mr. Bor: Mr. Hill?

24 Mr. Hill: Yes.

25 Mr. Bor: Ms. Langford?

1 Ms. Langford: Yes.

2 Mr. Bor: Mr. Chairman?

3 Mr. Devlin: Yes.

4 Mr. Bor: Is there a motion to go into executive
5 session?

6 Mr. Weber: Fred, before you mention the executive
7 session which will include my negotiations and the
8 question is that Commissioner Banfield as to whether he
9 will be participating or not.

10 Mr. Devlin: Who is asking that question.

11 Mr. Weber: I am, Andy, only because, I think,
12 there was some discussion about whether Mr. Banfield is
13 going to participate in labor negotiations.

14 Mr. Devlin: Why would he not be able to
15 participate in labor negotiations?

16 Mr. Weber: I think he has a relative that works --

17 Mr. Devlin: So how we do it across the street and
18 how we done it in the past here is that he can abstain
19 on that relative when we call it to a vote.

20 Mr. Weber: Okay.

21 Mr. Devlin: He can abstain on whoever that
22 relative is.

23 Mr. Weber: I am only asking.

24 Mr. Devlin: Are you asking or telling? Sounds
25 like you are telling a little bit. All right. Normally

1 how we do it is that we abstain. A lot of people on the
2 board across the street and we abstain on that family
3 member. We either agree or don't agree, but he will be
4 abstaining on that family member. Whoever that is.

5 Mr. Banfield: I have a question. If it was based
6 on my decision and the vote effecting my cousin or the
7 group and that was what the problem was, because she was
8 part of the group that I would have to abstain.

9 Mr. Bor: Sure. I remember.

10 Mr. Bandfield: I am not sure. I know they were
11 supposed to write something up. So that I can make a
12 decision on whether I can vote or not.

13 Mr. Devlin: You can vote on it. As far as I am
14 concerned you can vote on the group. You just have to
15 abstain on the individual.

16 Mr. Bor: The situation before us and correct me if
17 I am wrong, Mr. Weber, the vote and we only have one
18 vote and it just happens Mr. Banfield relative is within
19 that universe group. Am I right?

20 Mr. Weber: Well, the bigger question that I have
21 and I think it came up at the last personnel meeting is
22 to whether Mr. Banfield will be at the meeting or not.
23 I think it is an opinion from the solicitors if he can
24 participate. Meaning sit and listen as long as he does
25 not vote and that is a okay. Whatever you want to

1 decide.

2 Mr. Hill: I mean excuse me. I need to leave. I
3 will not be in executive session.

4 Mr. Devlin: Thank you Gary. I can fill you in
5 later.

6 Mr. Hill: Just be careful when you make a move
7 like that. I do not want it to backfire on anybody.
8 Just to be careful. You have lawyers there and they
9 should know what they are doing. Thanks and Happy
10 Holidays.

11 Mr. Weber: And I agree with Gary that the question
12 is that I don't think that he can really participate and
13 I think last time he left the meeting. It seems to me
14 that maybe the City approved the meeting for him to
15 participate.

16 Mr. Banfield: No

17 Mr. Bor: Mr. Weber, Mr. Banfield is telling me
18 that he did not leave the meeting. The personnel
19 meeting.

20 Mr. Weber: Well, the personnel and we are going to
21 be talking about personnel. So if he can't attend the
22 personnel meeting or he did participate in the personnel
23 meeting does that mean he should be participating today
24 when I am reviewing specifics terms of the agreement.

25 Mr. Devlin: Andy, again, we are at the midnight

1 hour here and there should be some case law that we can
2 read.

3 Mr. Bor: I don't think you are going to find case
4 law.

5 Mr. Devlin: I dealt with this in other boards.
6 Bigger boards and they just abstain on certain contracts
7 and I will give a for example, we just did the teacher's
8 contract across the street, right, and we have several
9 board members that are in married relationships or
10 mother, son, sister, brother. Where they abstain on so
11 and so and yes on the rest. We do it all the time. So
12 to exclude him from, again, this is his background,
13 negotiations, I don't want to, you know, if we have to
14 take time and at the next meeting, let's do it, because
15 I do not want to exclude him like Gary said and have it
16 backfire one way or the other, but I think we need more
17 information.

18 Mr. Weber: Yes. I think the school law might be
19 one thing and I don't --

20 Mr. Devlin: You may be right. Negotiation are
21 pretty cut and dry. I feel better because I feel like I
22 am taking a right away from him to be part of this. He
23 is an employee, an official here and until I -- sounds
24 like you are shooting from the hip here. I know Mike
25 had some input and information with it, but again -- and

1 if I can ask everybody here I appoint the commissioners
2 to these boards and if there is a question about one of
3 my commissioners I appreciate a call an e-mail or some
4 kind of communication. I had to hear it from Mr.
5 Banfield second hand.

6 So if there was questions about this the personnel
7 meeting was weeks ago. We could have discussed it then,
8 but now the day negotiation are here you are telling me
9 that one of my commissioners can't participate and I
10 have a problem with that. We could have talked about
11 this last week or the week before. Andy, you have my
12 personal cellphone, Mr. Armstrong has my personal
13 cellphone, please, call me.

14 Mr. Weber: I think that the solicitor -- I thought
15 the solicitor was supposed to render an opinion on it.

16 Mr. Bor: Well, here is conflict law and I checked
17 it out and it does not apply specifically. The conflict
18 law would apply to whether and you would have to recuse
19 yourself if you had a family member who would gain
20 financially or who had a financial interest in the
21 outcome of your decision.

22 Most decisions comes from City Council around the
23 Stare and perhaps this is not going to be a one off
24 situation so perhaps the best recommendation since Mr.
25 Banfield gets to read the minutes anyway of the

1 executive session.

2 So he is going to learn what happened there is to
3 have him participate, but recuse on that one issue. I
4 don't think we can exclude him from the meeting. That
5 does not sound appropriate.

6 Mr. Banfield: What I was basing my decision I
7 would recuse myself based on my cousin benefitting
8 personally, but as a group I would make a decision if
9 she were not part of it. I don't think it is fair to
10 anyone that she just happened to be included, but if it
11 happens to be where it would be a deficiency to the
12 people of Atlantic City or the board I would vote
13 against it. I would not be in favor of her. I would
14 make a decision based on that because that is the
15 integrity that I have.

16 That is where I had a problem with it, you know, my
17 business and my appointment to the board comes first to
18 the people of Atlantic City and then of course it would
19 defer to the MUA to keep the business running
20 efficiently.

21 To do what is right for the company itself. For
22 her personally to get a gain I would recuse myself. If
23 it effected the whole group I would base that on does it
24 benefit everyone and she just happened to be included or
25 does it include everyone and I would vote according to

1 that. That is where I had the problem. If it was like
2 a tightrope I would recuse myself.

3 Mr. Bor: Well, labor counsel what is your input?

4 Mr. Weber: I vote to go through with the general
5 council trying to make this okay and I am going to
6 present where we are and you know I welcome Mr. Banfield
7 on the committee. I think Mr. Banfield to his credit is
8 the one that raised the issue as to the fact that he had
9 a relative and I didn't even know it. So whatever you
10 thinks in terms of, I guess, participation. It is the
11 opinion of the solicitor if in fact he gets to
12 participate.

13 Mr. Bor: Participation is -- he gets to review the
14 executive session minutes meeting anyway so he will know
15 what happened there. So I agree with the Chairman that
16 he has the unbridle power to appoint people to a
17 committee and here we are arbitrarily removing somebody
18 from action. So I think the best course of action is,
19 and this is not a one off situation is that he be
20 allowed to listen to the discussion and let him make the
21 choice if whether he wants to recuse himself from the
22 vote. After he hears what the deal will be.

23 Mr. Weber: Okay.

24 Ms. Langford: Can I say something. In fairness to
25 Mr. Banfield and anyone in the future. Here are we

1 again sitting in a grey area. We have got to get these
2 decisions made before the decisions have to be made. I
3 don't want to sound like the mother hen of the group,
4 but again this is something that should have, could have
5 and would have been settled before today and here we are
6 again in the moment trying to make a decision on what
7 decision to make. Come on team. Let's get it better.
8 Let 2022 be the resolution for this team. Let's do our
9 homework and get our assignments done. So that we will
10 be ready when we need to be. So that we don't have to
11 keep putting it off and what do you think and what do
12 you know. The legal team that is you guys expertise.
13 You should know it and you should advise, you know, that
14 is the order. That is how it should be. In fact it is
15 not what you are feeling toady, but what is it or isn't.
16 We have to do better. We just have to.

17 Mr. Weber: I totally agree with the commissioner.
18 It was my opinion that I supported the opinion that
19 Commissioner Banfield should not participate in the
20 discussions or in the vote. That was my opinion. That
21 was my opinion during the personnel committee meeting
22 and it is still my opinion today, but I also appreciate
23 the opinion that is being rendered by the solicitor and
24 so I gather we have some difference of opinion between
25 the two attorneys.

1 Mr. Bor: Well, the only case law that I could find
2 on it and then we have to move on is I reviewed the
3 local finance board opinions and as you know they have a
4 whole list of opinions on conflicts and generally the
5 rule is if you are sitting on a public body and a vote
6 comes up that will directly effect the financial status
7 of a family member then that person should be recuse,
8 but at that same time that council person still hears
9 discussions about what is going on, but when it comes to
10 a vote and he thinks it will directly impact a member of
11 his family financially then he should recuse himself.

12 Mr. Devlin: All right. So we are going into
13 closed session.

14 Mr. Bor: Is there a motion to go into executive
15 session.

16 Mr. Devlin: Motion.

17 Mr. Dedar: Second.

18 Mr. Bor: Mr. Banfield?

19 Mr. Banfield: Yes.

20 Mr. Bor: Mr. Dedar?

21 Mr. Dedar: Yes.

22 Mr. Bor: Mr. Hill? He is gone.

23 Mr. Bor: Ms. Langford?

24 Ms. Langford: Yes.

25 Mr. Bor: Mr. Chairman?

1 Mr. Devlin: Yes.

2 (Meeting adjourned)

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