

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of a Board of Commissioners Regular Meeting
Tuesday, January 18, 2011**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Mitchell, Chairperson, called the meeting to order at 6:03 p.m. by reading the Statement of Compliance.

II. SALUTE TO THE FLAG

The Pledge of Allegiance was said by all.

III ROLL CALL

Present

Commissioner Harold Mitchell
Commissioner Carol Ann Brokaw
Commissioner Alex Toliver
Alt. Commissioner Tracey Brown

Also Present

Mr. Eric Watson, Executive Director
Mr. David Ervin, Assistant Executive Director
Mr. James Perry, Chief Financial Officer
Mr. Duane Young, Comptroller
Ms. Leslie London, Board Attorney
Mrs. Roslyn Mathis, Board Secretary
Mr. Mike Dziubeck, CME Associates
Staff and Public

Commissioner David Beck absent Mrs. Lana Carden, Manager of Human Resources-absent
Alt. Commissioner Eugene Dudley absent

IV. APPROVAL OF MINUTES (12/28/10 Regular Board Meeting Minutes)

Commissioner Brokaw moved that the minutes be approved as distributed, seconded by Alt. Commissioner Brown. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**December 28, 2010 Regular Board Meeting Minutes**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
David Beck					X
Carol Ann Brokaw	X				
Harold Mitchell	X				
Alex Toliver	X				
<u>Alternate</u> Rev. Tracey Brown	X				
<u>Alternate</u> Eugene Dudley					X

V. COMMUNICATIONS

None.

VI. REPORT OF COMMITTEES

None.

VII. EXECUTIVE DIRECTOR'S REPORT**A. Attorney's Report**

Ms. London stated that at the last meeting Commissioner Brokaw suggested that she reach out to the AEA regarding the proposed legislation concerning the exemption for utility charges and Ms. London did so; she spoke to Ellen Gulbinsky. They are very interested in seeing a draft of the proposed legislation. Ms. London is finishing up a few things on it and they will coordinate with Assemblyman Green and the AEA.

Ms. London is working with the staff and T & M on enforcement issues for the PMUA. The MUA law does not give explicit enforcement to issue summonses or to take people to court for enforcement. They have been working with the City Health Department and are looking into a shared services type of arrangement where the PMUA will have a formal agreement in place where they will be allowed to do enforcement through the City. The arrangement would have to be approved by the DEP.

Commissioner Mitchell asked if that would have to be included in the City's ordinance. Ms. London replied no. This is something that would be done under the Shared Services Law and the enforcement power now is given to the Health Department and DEP under the Solid Waste Management Act and the Health Environmental Act.

So, the PMUA would be operating under those agreements or Act pursuant to an agreement between the two bodies. The DEP would have to approve it.

B. Finance Report

Mr. Duane Young, Comptroller, gave the summary of the expenses that the Commissioners requested. Mr. Young stated that basically for the month of January, which is December ratification and January bills, they spent about \$678,000; of that \$315,000 was salary and wages; health benefits another \$145,000; and fuel, \$ 47,000. Those three expenses represent about 75 percent of all of the expenses for the month. Historically it's been basically about the same.

Commissioner Brokaw asked Mr. Young with respect to the fuel expenses, do they expect that number might go up based on the fuel prices they are witnessing, generally.

Mr. Watson replied there's been a slight increase since gas is topping over \$3 per gallon. They are trying to do something with their engineering department in terms of putting up their own bubble station and beginning to buy with the City on a wholesale basis. Staff will continue each month to give the Commissioners what they have asked for, a picture of where the fuel is.

Commissioner Toliver asked if the public is aware of what they are trying to do with regard to the bubble, coordinating with the City as far as fuel charges are concerned. Mr. Watson replied they will probably do something in their newsletter regarding that. They just finished their Transfer Station a year and a half ago. At that time they had to see how much room they had to locate a bubble out there. They have marsh-land concerns and other things out there, but they feel they might have the room to do it. Staff will give a more detailed explanation as they move forward.

Mr. Perry stated that the Finance Report is behind the blue sheet. He indicated that the PMUA is up-to-date with all trust agreements, all reserve requirements, all payments on the bond, and the year has rolled over. They are getting ready for the audit teams to come in. The bills will be going out tomorrow and the next day according to the Rate Hearing that was held on December 28th.

Ms. London presented **resolution 01-2011 authorizing the payment of bills**. Commissioner Brokaw moved, seconded by Commissioner Toliver, the resolution be accepted. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE

Resolution #01-2011 Payment of Bills

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
David Beck					X
Carol Ann Brokaw	X				
Harold Mitchell	X				
Alex Toliver	X				
<u>Alternate</u> Rev. Tracey Brown	X				
<u>Alternate</u> Eugene Dudley					X

C. Resolution authorizing a contract for real estate appraisal services

Mr. Watson stated they have been using Mr. Populous, who has appraised properties the Authority owns as well as some other property they were interested in looking at to purchase in finalizing their development plan. The Authority owns several properties in the Cottage Place area. They are pretty much done with the appraisals; the second part will be more architect and design of the facility. The contract is not to exceed \$28,500.

Ms. London presented **resolution #02-2011 authorizing the award of a contract for real estate appraisal services with Hoffman Real Estate Appraisers.** Commissioner Brokaw moved, seconded by Alt. Commissioner Brown, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE

Resolution #02-2011 Contract with Hoffman Real Estate Appraisers

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
David Beck					X
Carol Ann Brokaw	X				
Harold Mitchell	X				
Alex Toliver	X				
<u>Alternate</u> Rev. Tracey Brown	X				
<u>Alternate</u> Eugene Dudley					X

D. Resolution authorizing a contract for public information support services

Mr. Watson stated this is regarding Millennium Sales & Promotions out of Elizabeth, New Jersey. It is a four-phased program running about 12 months. The Spanish community is about 28 – 30 percent of the Authority’s business base and they haven’t been able to reach them in a way they would like to in terms of services the PMUA can provide, how they can provide them and issues with illegal dumping. The Authority plans to have focus groups, meeting with Hispanic leaders; bringing them in here to talk with staff, there are a number of Latino employees on staff. They want to involve everyone in this process to help make the Hispanic community more aware of what the Authority’s Rules and Regs are.

Ms. London presented **resolution #03-2011 authorizing the Executive Director to execute an agreement for public information support services with Millennium Sales & Promotions.** Commissioner Brokaw moved, seconded by Alt. Commissioner Brown, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE

Resolution #03-2011 Agreement with Millennium Sales & Promotions

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
David Beck					X
Carol Ann Brokaw	X				
Harold Mitchell	X				
Alex Toliver	X				
<u>Alternate</u> Rev. Tracey Brown	X				
<u>Alternate</u> Eugene Dudley					X

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

None.

X. PUBLIC HEARING

Commissioner Mitchell stated that we have come to the portion of the meeting where the public could have an opportunity to stand and speak. Those who would like to speak please stand and give your name and address.

Philip Charles, 965 Carnegie Ave. He wanted to know when resolutions, minutes, and bills lists will be posted on the website. Currently, the agenda on the website is for October 5th. If that can't be done, he was wondering why copies of the bills listings as well as the minutes from the previous meeting couldn't be available for the public so they could look them over. They might have questions that are based on those that couldn't be answered until the next meeting.

Additionally, he said he wrote to Ms. London regarding travel allowance, receipts, business lunch receipts and so forth. He asked that certain items be entered into the meeting minutes. He referenced PMUA Policy 27-2010 that detailed receipts are required for all items except mileage. He had a copy of certain receipts that were approved for payment. It is a hand-written receipt for Joseph's Restaurant, but he said Joseph's Restaurant creates an official receipt. He said this is one sample; he has collected other types of payments that have been paid to executives and PMUA employees which he says are in violation of the Authority's policies as well as other policies regarding receipts. The correspondence was turned over to the Commissioners and then to staff to review.

Mr. Charles said that employees are certifying that these are detailed receipts when they're not. He believes they are trying to conceal some purchases. He hopes the Commissioners get it straightened out. He felt it was a shame that they have gone over two years now and they are still submitting a credit card slip when a detailed receipt is required.

Mr. Charles also claimed there are \$200 and \$300 business lunches. He said some of the purchases are not adequate or correct.

Alt. Commissioner Brown stated, regarding the bills list and resolutions being posted, that it is her belief they are working on getting them posted. Mr. Watson agreed, they are currently working on that. They are changing their data base. Mr. Watson indicated that hopefully it can be completed within the next 90 days.

Alt. Commissioner Brown stated that in reference to concealed purchases, she is not concealing any purchases. She has never seen the receipts he referred to in terms of concealed purchases. She took offense to his comments because it sounds like being accused of stealing something when Mr. Charles says something is concealed and she is not stealing anything.

Jean Black, 667 Sheridan Ave. Ms. Black wasn't able to attend the last meeting and she wanted to know if it was true the PMUA is going up to 61 percent on the bill? Is that for all homeowners?

Mr. Watson replied no, and asked Ms. Black if she uses the PMUA service. Ms. Black replied yes. Mr. Watson indicated the increase is for citizens who do not use full service from the Authority's system; they have to help pay for the shared services and it will also allow them to have two bulky pickups annually. The information that was put in the newspapers was misleading; however it was explained in detail in the insert contained in the Authority's customers' bills and also in the PMUA's newsletter.

Just so the record is clear on the expenditures issue, Ms. London stated that she has received two emails, one from Mr. Charles and one from Mrs. Charles, identifying what, in their view, was insufficient information regarding certain expenses. She explained that upon receipt of such emails she would contact the appropriate staff person and, she along with that person will look at it, if there is a situation where there is something that is not consistent with the policy they would take action. If there is an expense that is not a reimbursable expense, the employee is required to make the reimbursement to the Authority. Regarding the issue of original receipts, she stated that the policy says an original receipt and they are trying to re-enforce that with staff, that they have to get original receipts. Occasionally it does happen where there is no original receipt, but a duplicate could be requested certifying what it is because the statute does allow a certification. She has yet to see any example where any person is purposefully trying to conceal something. She has not seen any intentional actions to deceive the PMUA or do something that is outwardly inappropriate. Sometimes it's just sloppy bookkeeping. If they find issues that need to be corrected, they act accordingly.

She also noted there was additional training that needed to be done for staff who took things for granted and were not aware that some things were inappropriate. When things were noted, action was taken to instruct staff as to what is appropriate.

Commissioner Mitchell noted that Mrs. Charles came to the last meeting with the same thing. He advised her to get the bills to Ms. London and she would review them with the proper staff.

Commissioner Toliver indicated that he might have been guilty of not staying on top of his receipts; he had receipts in the back of his car. He paid back money he felt he shouldn't have had to pay back because of it. He paid back over \$200 more than what was due. Sometimes it's just sloppy bookkeeping on the part of the staff.

Commissioner Brokaw moved, seconded by Commissioner Toliver and unanimously approved by the Board, to adjourn the meeting at 6:33 p.m.

Recorded by:

Roslyn Mathis, Board Secretary