

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

Minutes of a Board of Commissioners Meeting

Tuesday, May 5, 2009

127 Roosevelt Avenue
Plainfield, New Jersey

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Brokaw, Chairperson, called the meeting to order at 7:00 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 Carol Ann Brokaw
Commissioner James Green
Commissioner Harold Mitchell
Commissioner Alex Toliver
Alt. Commissioner Rev. Tracey Brown
Alt. Commissioner Eugene Dudley

Also Present

Mr. Eric Watson, Executive Director @ 7:15 p.m.
Mr. David Ervin, Assistant Executive Director
Mr. James Perry, Chief Financial Officer
Mr. Duane Young, Comptroller
Mrs. Lana Carden, Manager of Human Resources
Mrs. Leslie London, Board Attorney
Mrs. Roslyn Mathis, Board Secretary
Mr. Joseph Gemmell, T & M Associates
Ms. Paulette Brown, Esq.
Staff

Commissioner David Beck

absent

IV. APPROVAL OF MINUTES (April 07, 2009 Regular Board Meeting Minutes)

Commissioner Mitchell moved, seconded by Alt. Commissioner Dudley; approval of the minutes. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**April 7, 2009 Regular Meeting Minutes**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
David Beck					X
James Green	X				
Harold Mitchell	X				
Alex Toliver	X				
Rev. Tracey Brown	X				
Eugene Dudley				X	

V. COMMUNICATIONS

Mr. Ervin stated that the Director is running a little bit late.

VI. REPORT OF COMMITTEES

Mr. Ervin indicated not at this time.

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

Mrs. London indicated that the Authority received a letter dated April 28, 2009 from Union County Utilities Authority. The letter was sent to all solid waste haulers operating in Union County. Mrs. London was sharing this information because there have been questions that have been raised about Union County Utilities Authority's relationship with PMUA and the direction they get from them regarding solid waste disposal. It mentions that effective May 1, 2009 all solid waste types 13, 13C, 23 and 27 are hereby required to be delivered to either the County approved final disposal facility identified as Canadian Pacific Railway/Transload America or an approved MRF facility for solid waste disposal and management services. Failure to comply with this directive will result in a Notice of Violation and penalty assessed against your company. They also provided a list of approved facilities and the designated facility is in Newark.

Mrs. London wanted it understood that the Authority is governed by directives from the UCUA and this one is effective May 1st requiring the delivery of types 13, 13C, 23 and 27 to the designated facility.

Commissioner Mitchell asked if all rates and all facilities, are they the same. Mr. Ervin replied that when you do a contract with the UCUA they tack on a fund on top of a bid that they have. Basically the UCUA went out to bid and there's a charge that the Authority has to pay. The problem is they have to take it a lot further; they have to take it to Newark when they used to take it to South Plainfield.

Mrs. London said the rates are different. Those entities like the PMUA and other municipalities in Union County that have a contract with the UCUA get a discount on the rates. Other solid waste haulers or a few municipalities that did not enter into a contract, they pay a higher rate for the disposal where all type 10 garbage is supposed to be delivered and that is to Rahway.

They tell us where to go, they don't have a choice. They tell private haulers where they're supposed to go, but many of them don't go where they're supposed to go. UCUA does control all solid waste haulers in Union County. UCUA does monitor private haulers, but it's a big County.

B. Finance Report and Bills List Approval

Mr. Perry indicated that the Finance Report had been discussed in the committee meeting and the information was included in the Commissioners' packets. He wanted to mention that the City will be having a tax sale on June 10th and a lot of their receivables will be going to that tax sale. He stated that he would be happy to answer any questions they might have about any of the items on the bills list.

Commissioner Mitchell asked Mr. Perry if he could tell him off the top of his head what is the largest lien that they have. Mr. Perry replied an apartment building, \$10,000 or \$12,000. Commissioner Mitchell asked when they don't pay, who carries the weight, the PMUA or the taxpayers. Mr. Perry replied the Authority until it goes to tax sale. They get the money from the tax sale, the investor then will own it. It helps the taxpayers because the Authority gets the money just like the tax lien helps the City. Mr. Ervin said one of the advantages of the Authority is that they never stop collecting the solid waste. When they had private haulers, and the citizens stopped paying them, the private haulers stopped collecting. The Authority wound up picking up that material. As an Authority they continue to pick up the garbage and this is a way they try to recover their funds.

Commissioner Mitchell asked if someone opts out and the private hauler doesn't pick up, who monitors them picking it up. Mr. Ervin replied that's the Authority's inspection group. That's the reason why the Authority asked who their hauler is. Inspectors are not allowed on private property.

Commissioner Brokaw asked how does that tax sale sync in with their administrative payments to the City. Mr. Perry replied that payment will be due before June 30th by \$1.6 million and if that money comes from tax sales the City administers the tax sale collects the money and it will certainly help if they get it between June 10th and June 30th.

Mr. Perry said, in connection with Commissioner Mitchell’s comments, the tax sale and their process, about 13, 14 years ago, when they started, the sewer bills were sent by the City, but only about 55 percent of them were paid, which meant 45 percent were being subsidized by the rest of the City. Through the tax sale and aggressive delinquency collecting, they collect about 98, 98 and a half percent per year. The ones they don’t collect are typically bankrupt.

Mrs. London presented **resolution #45-2009 authorizing payment of bills.** Commissioner Mitchell moved, seconded by Commissioner Green, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE Resolution #45-2009 Payment of Bills

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
David Beck					X
James Green	X				
Harold Mitchell	X				
Alex Toliver	X				
Rev. Tracey Brown	X				
Eugene Dudley				X	

C. Resolution authorizing termination of a service contract with Aramark Uniform Services

Mrs. Hamlin stated that in December of 2008 the Board awarded a contract to Aramark Uniforms and that contract was supposed to take affect February 2009. However they have had numerous problems. They were not able to meet the specifications after they signed the contract and various problems such as changing the sales person and also not being able to come up with a definite date when they would be able to provide the uniforms for their employees. With that in mind they had no other choice but to terminate.

Mrs. London presented **resolution #46-2009 authorizing ratifying termination of service of Aramark Uniform Services.**

Commissioner Brokaw asked Mrs. Hamlin if they were going to have someone substitute for Aramark. Mrs. London replied that the contract that they had with the prior vendor contained an extension for an additional one-year period under the Local Public Contracts Law and they are exercising that option to renew.

Commissioner Mitchell moved, seconded by Commissioner Toliver, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #46-2009 Termination of Aramark**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
David Beck					X
James Green	X				
Harold Mitchell	X				
Alex Toliver	X				
Rev. Tracey Brown	X				
Eugene Dudley				X	

VIII. UNFINISHED BUSINESS

None

IX. NEW BUSINESS

None.

X. PUBLIC HEARING

Commissioner Brokaw said they have come to the part of the meeting where they ask if anyone in the public would like to make a comment or ask a question. If so, they are asked to stand, give their name and address and try to limit their comments or questions to two minutes.

Frank DiVersa, 72 Netherwood Avenue, Plainfield. On the trash pick up, how does that break up; divided by 3 comes out to \$6 a month, is that trash or recycling or includes shared services? Mr. Perry asked him to stop by and he will be happy to answer his question.

There were no other members of the public wishing to make a comment, so Commissioner Brokaw asked the public to be excused as there was a need to have an Executive Session.

Mrs. London presented **resolution #47-2009 providing for a meeting not open to the public in accordance with the New Jersey Open Public Meetings Act to discuss a litigation settlement proposal and other litigation.** Commissioner Mitchell moved, seconded by Commissioner Green, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE

Resolution #47-2009 Executive Session

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
David Beck					X
James Green	X				
Harold Mitchell	X				
Alex Toliver	X				
Rev. Tracey Brown	X				
Eugene Dudley				X	

The Board adjourned into Executive Session at 7:15 p.m.

The Board of Commissioners returned to the public session of the meeting at 7:55 p.m.

Commissioner Brokaw stated that during the course of Executive Session they discussed two litigation matters; one involving a personnel matter and the settlement with respect to a former employee. The terms and conditions of that settlement have been discussed but the settlement has not been signed.

Mrs. London presented **resolution #48-2009 authorizing a settlement agreement**. Commissioner Mitchell moved, seconded by Alt. Commissioner Dudley, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE

Resolution #48-2009 Settlement Agreement

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
David Beck					X
James Green	X				
Harold Mitchell	X				
Alex Toliver	X				
Rev. Tracey Brown	X				
Eugene Dudley				X	

The next issue that was discussed involved a resident concerning certain services, fees, and PMUA billing. There was no resolution of the discussion, it's ongoing and the Commissioners will be kept apprised of the developments of the litigation.

Mr. Ervin said they passed out a draft of the Personnel Handbook, that's for the Commissioners' review. He asked that they bring their comments or additions to them in June or July.

Mr. Watson said they planted a tree on Arbor Day in recognition of Louis Jones. They would also like to plant some trees in honor of the Commissioners who have passed away.

Commissioner Brokaw asked about the new pumping station. Mr. Ervin said they passed the MOU onto the City as well as PARSA. PARSA is among the recipients of some of the funds, the PMUA was ranged a little lower, but between the two we will be able to negotiate a settlement. The appraiser went out to look at the property. The engineer had a chance to go out and take a look.

Commissioner Mitchell moved, seconded by Commissioner Toliver and unanimously approved by the Board, to adjourn the meeting at 8:00 p.m.

Recorded by:

Roslyn Mathis, Board Secretary