

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of a Board of Commissioners Meeting
Tuesday, July 21, 2009**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Mitchell, Co-Chairperson, called the meeting to order at 6:00 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 David Beck
Commissioner Harold Mitchell
Commissioner Alex Toliver
Alt. Commissioner Eugene Dudley

Also Present

Mr. Eric Watson, Executive Director @ 6:15 p.m.
Mr. David Ervin, Assistant Director
Mr. James Perry, Chief Financial Officer
Mrs. Lana Carden, Manager of Human Resources
Mr. Duane Young, Comptroller
Mrs. Leslie London, Board Attorney
Mrs. Roslyn Mathis, Board Secretary
Mr. Joseph Gemmill, T & M Associates
Public and Staff

Commissioner Carol Ann Brokaw absent
Alt. Commissioner Tracey Brown absent

IV. APPROVAL OF MINUTES (June 16, 2009 Regular Board Meeting Minutes)

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

RECORDED VOTE June 16, 2009 Minutes

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw					X
David Beck	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

Mr. Ervin said that Mr. Watson called and indicated he will be a little late.

A. Attorney's Report

No report this evening.

B. Finance Report and Bills List Approval

Mr. Perry indicated that they went through the information at the committee meeting; all of the requisite reports and ratifications are in order. He would be happy to answer any questions the Board might have.

Commissioner Beck apologized because he had a question that he didn't raise in his email when he missed the committee meeting. He said Mr. Perry indicated that Moody's Investor's Service is a Baa2 and asked what has been their highest rating because he knew that municipal bonds are having a little bit of trouble in general. Mr. Perry replied that they have maintained that pretty much all along. When they started 14 years ago they were very small, had no track record and they pretty much stayed in the Baa. When they go to the bond market, the deficiency agreement with the City that pulls them up as does insurance, which means when they go to the bond market they go AAA, which means they are borrowing as inexpensively as they can.

Commissioner Toliver noticed the expenses for Wayman Pearson's professional services. Is that for training our employees for that amount of money? Mr. Ervin replied yes. Commissioner Toliver said that he understands there have been complaints regarding expenditures outside of here, but they have to bring in an advisor which overshadows what they spend to send someone for training. Mr. Ervin replied without a doubt. Commissioner Toliver said this is almost a necessity in order to stay abreast of the waste management and solid waste, they must have consultation, is that correct? Mr. Ervin replied Wayman Pearson comes in and provides specific support to a lot of their solid waste managers in the field. They bring him in so that they don't have to send the staff out. Commissioner Toliver asked if that is also because they have been in such turmoil about employees going out to get hands-on training that now they have to bring in a consultant? Mr. Ervin replied that not only do they bring him in; he's also available by phone. He has broad experience working as a manager in Charlotte. He's bringing people in as well as sending their people out? Mr. Ervin said it provides a broad understanding for their men to know what's going on in places outside of the city and to bring the expertise inside.

Mrs. London presented **resolution #60-2009 authorizing the payment of bills.** Alt. Commissioner Dudley moved, seconded by Commissioner Toliver approval of the resolution. Commissioner Beck had a question about postage. The postage for the third quarter billing was \$5,000.00 on ratification and the tax sale notice mailing fee was \$40,000.00. What were the additional services or other things provided above and beyond postage for the tax sale notice that it's \$40,000.00. Mr. Perry replied that whole process is carried out by the City as required by law. They print the information in the newspaper four times, there are additional mailings that go out to everyone on the tax sale list and there are a number of fees that go with that. It's been set up pretty much the same way ever since the first time it was done approximately 14 years ago. The Authority pays the City for all of these things and it comes out of the tax sale proceeds. After the discussion the resolution passed, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE Resolution #60-2009 Payment of Bills

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

C. Resolution Addressing Issues of Concerns from a Meeting with PMUA and City Officials

Mr. Ervin said that recently they had several meetings with the City concerning some of their operations and as a result of those meetings and the press conference we have a resolution that codifies some of the things that they had spoken to the Council about.

Mrs. London added that the listings on the resolution are items that were specifically brought to the attention of the Authority by Council President Burney at two meetings. There was also a press conference to address the issue so it's almost like a repeated first meeting with the City administrative staff and also the Mayor. Then there was another meeting on July 15th to go over the Interlocal Services Agreement and shared services. Councilman Mapp, Council President Burney, and Councilwoman McWilliams attended that meeting. The Authority had staff available, engineering and Mrs. London was there to walk through the Agreement and to answer any questions that they had and to discuss shared services.

Mrs. London said this resolution is a product of those various meetings and the issues that were brought to the PMUA as areas of concern. It reflects an agreement between the City and the PMUA regarding actions to be taken going forward to address the issues that were raised.

Mrs. London presented **resolution #61-2009 to address certain issues and concerns.** (Mr. Watson arrived at 6:15 p.m.) Commissioner Toliver moved, seconded by Alt. Commissioner Dudley, approval of the resolution. Commissioner Beck asked whether it's some of the press releases, Councilman Burney's blog, or public comments, this Board has talked about and staff has indicated many of the things they were going to do on the website, what a great idea. His question is why is he reading things like this as being news when they have been advocating this all along. Have they just decided they are not going to argue with anyone or is it that people aren't listening to them, have they been outright deficient? When he reads things like let's put that up on the website, what a great idea. It was their idea. Why is the information coming to him in that fashion, that it's like they are not doing anything.

Mrs. London said part of it is because there is such misinformation about what is and isn't being done. Some things aren't being done as quickly as people would like them to be done, but they are being done. When they met with the Council members it was pretty obvious there is not a lot of information or misinformation, they were saying they thought the Authority wasn't doing that. The meetings have been very productive. Mrs. London didn't know what information the Council had been given. The website is not a new idea. Maybe they are not moving as quickly as some people would like, but it is not new. It's been talked about for years. They are working on it. Commissioner Beck is frustrated that there isn't anything that says we have been working on it. It makes him very angry.

Mr. Ervin said as it has been reported to them before they brought up their website in December and now they are putting a lot more information on it. They have moved to a priority forefront regarding the website.

Mr. Watson agreed with Mr. Ervin. They have been around 14 ½ years. They have a newsletter; the City has yet to begin to produce a newsletter. They try to give out as much information as they possibly can. They need to continue to get information out there so the public can know exactly what they are doing.

Commissioner Toliver asked Mr. Watson if it was true or not true some of the lackadaisicalness of the City has hampered the Authority because the PMUA have been involved with helping the City in developing their newsletter. Mr. Watson replied that the City has asked the PMUA to help them to produce a newsletter and they have helped for the last two years and the City has only produced one. They have helped the City.

Mr. Ervin said they provide solid waste services and sanitary sewer services; they pride themselves in being able to do that. They reach out to the City and support it in any way they can. The PMUA is part of the City and they are part of them. This resolution is a product of a response to some citizens who were dissatisfied and they are responding to that as best they can.

Commissioner Mitchell said the goal is to work with the legislative body and at that meeting they found out a lot that the Authority is doing that they didn't know about. He advised some of them that if they took the time and came over they could see what they are doing. This is a service for the citizens of the City. They have an agreement with the City that these services be carried out. Some people don't like the approach the PMUA is using, but that's the way it is.

Commissioner Mitchell also thinks it's all about attitude. If you use the right attitude and approach you can find out anything you want. It's incumbent upon the Authority and the citizens to work together. After the discussion, the motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE Resolution #61-2009

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

Commissioner Mitchell asked Mr. Watson if he had a report. Mr. Watson replied not at this time.

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

None.

X. PUBLIC HEARING

Commissioner Mitchell said they have come to the portion of the meeting where the public is allowed to speak. Any resident or taxpayer is welcome to comment on any subject concerning PMUA business. The citizen must clearly state their name and address. They will be given two minutes. There will not be a question and answer period. You make your statement in two minutes and if the Director or Attorney wants to answer he will allow that. Once they make their statement then the staff will answer your question. No speaker will engage in any offensive or derogatory abusive remarks and he would appreciate it if they follow the rules.

William Kruse, 1009 Hillside Ave., Plainfield. He commended them for the good intentions, declarations that were established tonight. The words and results remain to be seen. He offered a letter for their examination, a letter mailed by him to Miss Hamlin, Custodian of Records return receipt requested on June 22nd that was refused, with a refusal to accept the letter. Today he obtained a copy of the lease for 203 Park Avenue. The lease interpretation the arithmetic based

on the financial stipulations leads him to the conclusion that the current rent should be in the order through June 6, '09 at which time on June 1st, '09 at which time the lease expired in the amount of approximately \$130,000.00 a year. He also has a document in his possession for their examination it was given to him by Miss Hamlin that shows that rent to be \$192,000.00 a year. Which is the correct number and if it's the higher amount why is there that \$62,000.00 difference? Lastly, McManimon & Scotland, the Board's Attorneys are shown as tenants on that lease. It's a matter of curiosity why they are on there, do they participate in the rental or is it just an office they provide for them. Lastly, have they resolved their issue with Cappola Construction and if so are they able to state what the settlement is.

Commissioner Mitchell said start with Mr. Watson and then turn the rest over to the Attorney.

Mr. Watson said he was not sure what he is talking about. McManimon & Scotland are not tenants on their lease. In fact he would love to have their offices. In terms of Cappola he would have to yield to Mrs. London in terms of what's going on. Mr. Watson would like to respond to Mr. Kruse in writing in regards to what the amount of the lease is.

Commissioner Mitchell asked Mr. Watson to respond to Mr. Kruse in terms of why they are at Park Ave. and the suit that they were evicted from Cottage Place and the trailers.

Mr. Watson went on to explain that they had purchased six double-wide trailers to house almost half of their staff. They bought the property approximately 10 years ago. They bought the property in a neglected area that the police said was infiltrated with drugs, prostitution and other things. They bought the trailers with the idea of consolidating their facilities; there as well as the Transfer Station. Once they purchased the property the City rejected their plans and they would fine them if they put trailers out there. Their plan was after putting the trailers there, they were going to rebuild the facility. All of those plans were rejected. Mr. Nierstedt came out to the site. The Council had an emergency meeting and said they don't want trailers there. They sent the trailers back to the cost of almost \$600,000.00. After they sent the trailers back, the administration changed; that administration blighted the area and declared it a redevelopment area. In the interim they had to find housing for almost 60 people. The only place that was suitable was Park Ave. They wired the building and set it up. After they went to Park Ave. the County building came. hey checked with them and it was actually \$2 a foot less, however after discussing rewiring that building and the cost came in it didn't make any sense at that particular point, so they remained at 203 Park Ave.

Commissioner Mitchell asked if the price they pay and the garbage bill they receive is it a wash? Mr. Watson replied it's not a wash; maybe making a couple of dollars off of Mr. Homer. He didn't know exactly what they are paying, it's not a wash. They provide high density facilities such as Orange Place and others.

Mrs. London said on the rental issue, why McManimon & Scotland is on there, they have no financial involvement with the building, never have rented there, never have paid the firm any rent. They may be listed as a contact person. She would have to look at the lease. She would have to see. It's not unusual for attorneys to be listed as contacts. They have never operated out of Plainfield.

On the Capolla matter, she will provide Mr. Watson with a detailed explanation about the settlement that he can forward to Mr. Kruse. He can have it in writing; she didn't want to do it off the top of her head. It's not a secret, it's public information.

Commissioner Mitchell asked Mr. Kruse to give his information to the Director. Mr. Kruse responded certainly. He is still curious as to what the actual rent is. Commissioner Mitchell replied that he will have that available for him.

Arian Charles, 965 Carnegie Ave. The first thing she wanted to say was to thank anybody who was involved in the positive steps the PMUA is taking whether it was a result of all of the action that the citizens have taken individually or groups, doesn't matter, the fact that they are listening and responding to them is positive. The other comment to Mr. Beck. Yes you have a website, yes it has some helpful information; just so you know as a Board some of the things that would be helpful for them to have are copies of the meeting minutes, and she realizes it can't be done right away, and maybe all of their resolutions on the website. This time they had one resolution up there. They know this resolution is going to be passed. Those are some of the things they would like to see. It's not because they don't trust them, it's as the public, those are things that they do have a right to see and rather than to have to bombard Miss Hamlin with OPRA requests for things that they can very easily see on the website that would be helpful.

Commissioner Mitchell asked Mrs. Charles if she is an attorney. She replied I am.

Commissioner Toliver moved, seconded by Alt. Commissioner Dudley and unanimously approved by the Board, to adjourn the meeting at 6:40 p.m.

Recorded by:

Roslyn Mathis, Board Secretary