

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of a Board of Commissioners Regular Meeting
Tuesday, July 12, 2011**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Mitchell, Chairperson, called the meeting to order at 6:00 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 Harold Mitchell
Commissioner Carol Ann Brokaw
Commissioner Tracey Brown
Alt. Commissioner Eugene Dudley

Also Present

Mr. Duane Young, Executive Director
Mr. James Perry, Chief Financial Officer
Ms. Leslie London, Board Attorney
Mrs. Roslyn Mathis, Board Secretary
Staff and Public

Commissioner Alex Toliver absent

Mrs. Lana Carden, Manager of Human Resources-absent

Commissioner Mitchell informed everyone that Commissioner Toliver had an operation on his back and he is in JFK. Commissioner Mitchell spoke to him last week. He's in rehab and will be for a while.

IV. APPROVAL OF MINUTES (6/14/2011 Regularly scheduled Meeting Minutes)

Commissioner Brokaw moved that the minutes be approved as distributed, seconded by Alt. Commissioner Dudley.

Ms. London wanted it noted that on the resolution approving the Acting Executive Director there was a footnote added regarding Commissioner Brokaw's vote; specifically that her vote did not include agreement as to compensation.

The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE

June 14, 2011 Minutes

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

V. COMMUNICATIONS

None.

VI. REPORT OF COMMITTEES

None.

VII. EXECUTIVE DIRECTOR'S REPORT

Mr. Young had two points; one, the meeting agenda was posted today on the website, that's one of the things they want to get out prior to the meeting. They want to do it at least the day before the meeting so the public has a chance to view what is on the agenda in case they want to attend the meeting and have any comments. Second, in terms of information Mr. Young was contacted by Councilman Cory Storch who extended his congratulations to him regarding the position and that he would like to stop by and talk to Mr. Young about the future and things of that nature. Mr. Young felt that was a good idea; they do need to open the line of communication with the City. Mr. Young felt he could convey some good points to Councilman Storch and they plan to have that meeting toward the end of this month.

Commissioner Mitchell agreed that is necessary since Mr. Young's management style is different than the previous Executive Director. Commissioner Mitchell noticed that there are some changes already being made.

Mr. Young felt it is important not only for Councilman Storch, but also the other members of the City Council and the Mayor. They are all here for the same purpose and they need to amend this type of relationship.

Mr. Young said in the coming months not only will the agenda be on the website, but also the minutes and other items the public would like to see. They want to be more transparent and put the information out there for everyone to review.

A. Attorney’s Report

At the last meeting they had scheduled for Executive Session only two items, however during the Executive Session the former Executive Director brought up an emergent matter involving an employee issue. Ms. London wanted to amend the resolution they had adopted at that meeting to reflect there was another conversation at the Executive Session. Ms. London presented **resolution #50-2011 amending resolution #47-2011 authorizing Executive Session.** Commissioner Brokaw moved, seconded by 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 #50-2011 Amending Resolution #47-2011 Authorizing an Executive Session

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

B. Finance Report and Bills List Approval

Mr. Perry said that the expenditures, cash flow for the July bills list and June and July ratification lists included their annual payment to the City of almost \$1.6 million or about 60 percent of what their total expenditures were during that period. Salaries and wages, \$540,000; disposal fees, \$141,000; health benefits, \$130,000; and fuel for all of their vehicles about \$68,000; those expenditures total about 90 percent of what was spent since their last meeting. He would be happy to answer any questions the Commissioners may have.

Commissioner Brokaw said she didn’t have any questions, but they should be commended for the fact that this year they were able to pay the City from revenues as opposed to have to borrow from themselves to make the payment and then pay themselves back later. It’s important to congratulate the PMUA for doing that.

Mr. Young said they took the check to the City on the 28th or 29th of June.

Ms. London presented **resolution #51-2011 authorizing the payment of bills.** Commissioner Brokaw moved, seconded by Alt. Commissioner Dudley, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**Resolution #51-2011 Authorizing Payment of Bills**

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

C. Resolution authorizing the acceptance of the submitted 2010 Audit to the State Local Finance Board

Mr. Perry indicated that this resolution will allow publication of the Audit and the Synopsis in the newspaper, probably in the next week or so. It will also allow for the release of the Audit to their bond trustees Dunn & Bradstreet, the City, and various other places once the Board has approved the resolution.

Ms. London presented **resolution #52-2011 authorizing the submission of the Annual Report of Audit to the State Local Finance Board.** Alt. Commissioner Dudley moved, seconded by Commissioner Brown, approval of the resolution. The motion passed, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**Resolution #52-2011 Authorizing Submission of the Annual Report of Audit to the Local Finance Board**

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

D. Resolution Authorizing Corrective Action Plan

Commissioner Mitchell asked if they are on target with the corrective actions. Mr. Perry replied yes. As was discussed in the committee meeting, these are the eight corrective action items that have been put in place and they will be following up on them constantly. This will go to the Local Finance Board tomorrow morning.

Ms. London presented **resolution #53-2011 authorizing a Corrective Action Plan**. Commissioner Brokaw moved, seconded by 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 #53-2011 Corrective Action Plan

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

E. Resolution Authorizing Contract for Safety Work Boots for Field Personnel

Mr. Young said they are about to exceed the threshold of \$17,500 for the price of boots for field personnel. They purchase the boots twice a year. Once they exceed the \$17,500 they have to get a contract.

Ms. Hamlin confirmed that they are going to go over the \$17,500 so it's mandatory they award a Non Fair Open Contract to allow them not to have an Audit finding. Red Wing Shoes, Edison, N.J. has complied with all of the requirements in accordance with New Jersey's Pay-to-Play Law and is consistent with the Non-Fair and Open Contracts process.

Ms. London presented **resolution #54-2011 authorizing a contract for safety work boots for field personnel**. Alt. Commissioner Dudley moved, seconded by Commissioner Brokaw, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE Resolution #54-2011 Authorizing a Contract for Safety Work Boots

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

F. Resolution Authorizing Purchase of Certain Vehicles through State Contract

Mr. Young stated that they had three small vehicles that were used, but for various reasons they no longer have those vehicles so there is a need, based upon the recommendation of the Maintenance Department, to replace those vehicles. After an evaluation it was discovered that instead of purchasing three vehicles they found they could get away with two. The two vehicles will be used for sales and various other errands that will be done for the Authority. It was also thought to be more feasible to purchase the vehicles as opposed to leasing them. They are low-mileage vehicles and the Authority will get a lot of work out of them and it's a State contract so it's a good price.

Commissioner Brokaw asked Mr. Young to be kind enough to give them the price of the vehicles. Mr. Young replied \$13,071.00 per vehicle.

Ms. London presented **resolution #55-2011 authorizing the execution of a contract with certain State vendors.** Commissioner Brokaw moved, seconded by 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 #55-2011 Authorizing the Execution of a Contract with certain State Vendors

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

G. Resolution Authorizing award of Four (4) Contracts for Solid Waste Trucks & Equipment
Four (4) 28 Yard Rear Load Packers
Two (2) Low Entry 25 Yard Rear Load Packers
One (1) Heavy Haul Tractor

Mr. Young asked Ms. Hamlin to give the Commissioners an overview concerning this item. Ms. Hamlin said that on June 30th they opened bids for four items that had been published in the newspaper. The first one for four 28 rear yard packers they only received two bids and that is to be awarded to Browns Hunderton International. It was reviewed by Counsel and the engineer and that was their recommendation.

The second, two low entry 28 yard rear load packers; they only received one bid and that was from Air Brake & Equipment located in Hillside, N.J. According to the engineer the dollars and the bid were acceptable to award this bid to Air Brake.

The third one, proposals for four pre-owned aluminum open top walking floor trailers, they did not receive any bids for.

The fourth one, one heavy haul tractor, they received two bids; Brown's Hunderton International and Gabrielli. The lowest bidder that was compliant in all areas was Brown's Hunderton International. With the recommendation of the engineer and the opinion of legal Counsel they would like to make the awards to those individuals. They are all leases.

Ms. London presented **resolution #56-2011 authorizing the award of certain contracts for solid waste equipment and trucks.** Alt. Commissioner Dudley moved, seconded by Commissioner Brokaw, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

**RECORDED VOTE Resolution #56-2011 Authorizing the Award of Certain
Contracts for Solid Waste Equipment and Trucks**

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

Commissioner Brokaw noted for the record that the initial dollar amount received was slightly less, \$1,000 less, for the one heavy haul tractor awarded to Brown's Hunderton International. Ms. London stated that her numbers reflect the alternate, the Commissioner's don't. It was the base price and the alternate and Ms. London added them together.

H. Resolution Authorizing Board Commissioner as Check Signatory

Mr. Young stated the purpose of this item is to make sure they have the proper personnel here to sign checks over \$2,000 and that requires two signatures. Presently Mr. Young and Mr. Perry are the only ones and they need to have a third person preferably a Board member to be able to sign checks if one of them is absent.

Commissioner Mitchell indicated that Commissioner Toliver is the Treasurer so he would be the Board member authorized to sign checks.

Ms. London presented **resolution #57-2011 authorizing the Board Treasurer as an additional signatory**. Commissioner Brokaw moved, seconded by 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 #57-2011 Authorizing Board Treasurer as an Additional Signatory**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Rev. Tracey Brown	X				
Harold Mitchell	X				
Alex Toliver					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 is allowed to speak. He asked that anyone wishing to do so, please stand, give their name and address, and they will be allowed two minutes. No one had the desire to do so.

XI. EXECUTIVE SESSION

Ms. London presented **resolution #58-2011** that provided for a meeting not open to the public in accordance with the New Jersey Open Public Meetings Act to discuss a matter falling within the attorney-client privilege involving legal issues with respect to pending employee and pending arbitration matters involving the former Executive Director and Assistant Director.

Commissioner Brokaw moved, seconded by 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 #58-2011 Authorizing an Executive Session

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

The Board adjourned into Executive Session at 6:25 p.m.

The Board returned to the public session of the meeting at 6:41 p.m.

Ms. London said just as a brief summary they were in closed session to discuss the pending arbitration matter involving the former Executive and Assistant Executive Director and a former employee matter involving the attorney-client privilege.

Commissioner Brokaw moved, seconded by Commissioner Brown and unanimously approved by the Board, to adjourn the meeting at 6:45 p.m.

Recorded by:

Roslyn Mathis, Board Secretary