

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of a Board of Commissioners Regular Meeting
Tuesday, August 6, 2013**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Sanders 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 Carol Ann Brokaw
Commissioner Harold Mitchell
Commissioner Cecil H. Sanders, Jr.
Commissioner Alex Toliver

Also Present

Mr. Daniel A. Williamson, Executive Director
Mr. Duane D. Young, Chief Financial Officer
Ms. Leslie London, Board Attorney
Ms. Linda Hines, Acting Board Secretary
Staff and Public

Commissioner Malcolm R. Dunn –absent
Alt. Commissioner Charles Eke-absent

Mrs. Lana Carden, Manager of Human Resources-absent
Mrs. Roslyn Mathis, Board Secretary-absent

IV. APPROVAL OF MINUTES – July 16, 2013 Regular Meeting Minutes, July 11, 2013 Committee Meeting Notes

Commissioner Mitchell moved, seconded by Commissioner Brokaw, approval of the July 16, 2013 Regular Meeting Minutes. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE July 16, 2013 Regular Meeting Minutes

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn					X
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Alex Toliver	X				
<u>Alternate</u> Charles Eke					X

Commissioner Brokaw moved, seconded by Commissioner Mitchell, that the July 11, 2013 Committee meeting Notes be approved. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**July 11, 2013 Committee Meeting Notes**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn					X
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Alex Toliver	X				
<u>Alternate</u> Charles Eke					X

V. COMMUNICATIONS

None.

VI. REPORT OF COMMITTEES

None.

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

Ms. London had two items for closed session.

B. Finance Report & Bills List Approval

Mr. Young reported that the bills list had been discussed in the Committee Meeting. He indicated that there was a slight increase in the monthly budget status report ending June 30, 2013 that showed a budgetary net profit of \$41,632 in the Sanitary Sewer, and a budgetary net profit in the Solid Waste of \$26,948.

Commissioner Mitchell asked Mr. Young if he was able to work out an agreement with Garwood.

Mr. Young replied they are still working on that.

Commissioner Toliver inquired of Mr. Williamson about an issue regarding a sewer connection being requested by a new business, Buccaneer's Deli, to be located on Terrill Road.

Mr. Williamson shared his discussion with staff and how the Authority planned to resolve the sewer connection matter.

Ms. London presented **resolution #79-2013 authorizing the payment of bills**. Commissioner Brokaw moved, seconded by Commissioner Mitchell, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**Resolution #79-2013 Payment of Bills**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn					X
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Alex Toliver	X				
<u>Alternate</u> Charles Eke					X

C. Resolution to Amend the Contract Awarded to Paycom Payroll, LLC

Mr. Williamson stated there was discussion at the Committee Meeting regarding clarification and modifications of this contract that had been previously approved. He asked the Board to approve the amendment based on that discussion.

Ms. London presented **resolution #80-2013 authorizing an amendment to the contract awarded to Paycom Payroll, LLC**. Commissioner Mitchell 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 #80-2013 Amend Contract to Paycom Payroll, LLC**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn					X
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Alex Toliver	X				
<u>Alternate</u> Charles Eke					X

D. Resolution Authorizing the Award and Execution of a Contract with Red Wing Shoe Company for Safety Work Boots

Mr. Williamson indicated this item had been discussed in the Committee Meeting and all of the appropriate information had been provided to the Board members. This contract is not to exceed \$36,000.

Ms. London presented **resolution #81-2013 authorizing the award of a contract to Red Wing Shoes for Safety Work Boots**. After discussion, Commissioner Brokaw moved, seconded by Commissioner Toliver, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**Resolution #81-2013 Contract to Red Wing Shoe Company**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn					X
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Alex Toliver	X				
<u>Alternate</u> Charles Eke					X

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

None.

X. PUBLIC HEARING

Commissioner Sanders invited any member of the public who would like to ask questions or state concerns to do so at this time; he asked them to stand, give their name and address.

Alan Goldstein, 939 Madison Ave. Mr. Goldstein stated that he had an opportunity to read the response to his question that he asked two month's ago. He wanted to see documentation that shows the City should be making payments to the PMUA; it's not in the Interlocal Agreement and he feels that the Authority has changed it and it has been done since 1998 and he has been asking this question every month and he doesn't get a response. Mr. Goldstein stated that the lease payment doesn't exist, that's what the Authority's financial statements say. Mr. Goldstein said someone is going to have to say these changes have been done legally, which he knows they haven't. He indicated that the City and the PMUA have been working in cahoots.

Ms. London advised the Commissioners that Mr. Goldstein appeared at the July 1, 2013 Special Meeting and he asked a very specific question. Ms. London said when Mr. Goldstein asked his question, she advised him that she would provide him with a written response and asked the Board Secretary to provide her with Mr. Goldstein's verbatim question to ensure that his specific question would be answered. Ms. London then read Mr. Goldstein's specific question, verbatim, as he had stated on the record at the July 1, 2013 meeting. Ms. London said her correspondence to Mr. Goldstein, dealt specifically with Mr. Goldstein's verbatim question as he had presented it to the Commissioners.

Mr. Goldstein said his interpretation of the Interlocal Agreement is different from Ms. London's response. He continued with his interpretation of what he feels is said in the Interlocal Agreement.

Mr. Goldstein said he's the only one who reads the Interlocal Agreement and he alleged that the way it was done was fraudulent; and any change that was done in that Agreement wasn't done legally or in a proper manner. That's what he means when he asks the PMUA or the City to substantiate the Agreement. Mr. Goldstein wanted to be shown some substantiation that the change that was in the Interlocal Agreement was done legally, and he wants documentation that says the City should be making payments to the PMUA to the total of \$1.2 million.

Mr. Goldstein also stated that two of the Authority's vendors, the auditors and the attorneys, are making prohibitive campaign contributions to local political campaigns. Mr. Goldstein said he was talking about Lerch, Vinci & Higgins, and McManimon, Scotland & Bauman. Mr. Goldstein said Lerch, Vinci & Higgins made contributions to Adrian Mapp that was over the limit even though their firm signed disclosures stating that they wouldn't make contributions during the term of their contract. Mr. Goldstein said Lerch, Vinci & Higgins made contributions over and above the \$300 limit that's in the ordinance.

Mr. Goldstein said McManimon, Scotland and Bauman, who have nine partners, made contributions to the Mayor's primary campaign. Mr. Goldstein said that four of those partners own 10 percent or more of the firm. He said contributions that come from persons with an interest in the company are deemed by State law to be contributions directly from the business entity itself. He said the City ordinance prohibits the law firm from making any contributions to campaigns during the term of the contract. Mr. Goldstein said two of their big vendors may have disqualified themselves from doing business with the Authority.

Commissioner Toliver asked Mr. Goldstein to provide proof in writing to substantiate his accusations. Commissioner Toliver also asked Mr. Goldstein why he continuously asks the Board for proof and documentation regarding answers to his questions, but fails to provide any proof in writing to substantiate that anything was done either wrong or illegally concerning his accusations.

Commissioner Mitchell stated that the attorney gave Mr. Goldstein the answer to his question, but it's not the answer he wants. Commissioner Mitchell suggested the time limit should be adhered to and that they move on.

Ms. London advised the Commissioners that Mr. Goldstein has made very serious unsubstantiated allegations against two very reputable firms; Lerch, Vinci & Higgins and McManimon, Scotland and Bauman. Ms. London couldn't speak for Lerch, Vinci & Higgins, but advised the Commissioners that all contribution requests that comes to their firm goes before a committee and each request is thoroughly reviewed before a contribution is made, particularly to determine whether there is an applicable local pay-to-play ordinance that applies. If there is not a local pay-to-play ordinance or if there is one that does not apply, the contribution is reviewed under the State contribution laws and regulations.

Ms. London said the law is very clear that contributions can be made, but there are limits that are placed on making contributions, and if contributions are made within those limits then the contribution is valid. Ms. London advised the Commissioners that Mr. Goldstein's allegations are unfounded.

The public hearing was closed on a motion by Commissioner Mitchell, and seconded by Commissioner Brokaw. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**Motion to Close Public Hearing**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn					X
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Alex Toliver	X				
<u>Alternate</u> Charles Eke					X

XI. EXECUTIVE SESSION

Ms. London presented **resolution #82-2013 authorizing a meeting under the Open Public Meetings Act to discuss certain personnel matters related to attorney client privilege and an update on labor negotiations.** Commissioner Mitchell moved, seconded by Commissioner Brokaw, to approve the resolution and adjourn into Executive Session. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**Resolution #82-2013 Executive Session**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn					X
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Alex Toliver	X				
<u>Alternate</u> Charles Eke					X

The Board adjourned into Executive Session at 6:35 p.m.

The Board returned to the public session of the meeting.

Commissioner Brokaw summarized the Executive Session discussion. She said the Board met in Executive Session for advice as to pending personnel matters and for counsel to advise as to items authorized under the Open Public Meetings Act for Executive Session and for an update on the status of the labor/union negotiations.

Commissioner Brokaw moved, seconded by Commissioner Mitchell and unanimously approved by the Board, to adjourn the meeting at 7:15 p.m.

Recorded by:

Linda Hines, Acting Board Secretary

Transcribed by:

Roslyn Mathis, Board Secretary