

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of a Board of Commissioners Re-Scheduled Regular Meeting
Tuesday, November 12, 2013**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Sanders called the meeting to order at 4:07 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 Malcolm R. Dunn
Commissioner Cecil H. Sanders, Jr.
Alt. Commissioner Charles Eke @ 4:10 pm

Also Present

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

Commissioner Harold Mitchell-absent
Commissioner Alex Toliver-absent

IV. APPROVAL OF MINUTES

Ms. London advised that the approval of the October 8, 2013 Regular Board Meeting Minutes would have to be tabled to the next meeting due to the fact that Commissioner Dunn was not present at the October meeting, and therefore there was a lack of a quorum to approve the Minutes, based on the members present.

Commissioner Brokaw moved, seconded by Commissioner Dunn, the approval of the November 7, 2013 Executive Session Meeting Minutes. The motion carried, on a roll-call vote, with three members in favor and none opposed.

Alt. Commissioner Eke arrived during this motion at 4:10 p.m.

RECORDED VOTE**November 7, 2013 Executive Session 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 | |

Mr. Williamson was advised by Ms. London that the Board could receive a motion to approve the October 8, 2013 Regular Meeting Minutes as a result of the arrival of Alt. Commissioner Eke.

Commissioner Brokaw moved the approval of the October 8, 2013 Regular Meeting Minutes, seconded by Alt. Commissioner Eke. The motion carried, on a roll-call vote, with three members in favor and none opposed.

RECORDED VOTE**October 8, 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 | | | | |

V. COMMUNICATIONS

None.

VI. REPORT OF COMMITTEES

None.

VII. EXECUTIVE DIRECTOR'S REPORT

A. Attorney's Report

Ms. London stated there were two things they had discussed at the Committee Meeting; one involved the Association of Environmental Authorities (AEA), who had been contacted to support the Authority's legislation involving the sewer tax issue. Ms. London advised that a letter was sent from the AEA to the sponsors of the bill, and she will supply a copy to the Commissioners. The AEA letter expresses their support of the bill. The AEA is comprised of 50-60 utility-type authorities throughout the State of New Jersey; consisting of water, sewer, and only the PMUA and North Bergen MUA provides solid waste. The AEA supports the bill and has contacted the legislators involved.

Secondly, Ms. London advised that the PMUA sent a letter to Bill Homer, the Authority's former landlord, requesting the return of the PMUA's security deposit by the end of the week. She advised if it is not received that steps will be taken to recoup the security deposit plus interest.

Regarding the legislative bill Ms. London made reference to, Mr. Williamson added that the bill is being introduced to give the ratepayers the ability to write off their sewer charges in their taxes with any payment they make to the PMUA.

Ms. London said the bill not only affects Plainfield residents, but also any other taxpayer who pays for sewer through service fees. She said one of the Assemblymen who signed on as a co-sponsor is from South Jersey.

Commissioner Dunn commented that those funds were voted on by the Council who existed at that time to use that money for the cash flow of the PMUA, this is just returning back to the citizenry what they had before, which is a deductible from their taxes.

B. Department Reports

Mr. Williamson stated that at the Committee Meeting they went through projections of accomplishments as well as providing the Commissioners with a preview of the presentation staff is prepared to make at the League of Municipalities with a video. Mr. Williamson encouraged the members of the public who were present at the meeting today to come to Atlantic City to take a look at what the Authority is doing with an effort to participate in shared services to generate revenue for the PMUA.

Commissioner Dunn spoke about communication that was received from Ms. Deirdre Jones regarding a liability seminar that will be given in Atlantic City at the League of Municipalities Conference and if the Commissioners attend this class the Authority will be given a \$250 per person credit on the PMUA's liability premium. Commissioner Dunn encouraged attendance at the class to receive the credit and learn something about liability. He intends to go to the class.

Commissioner Brokaw brought to everyone's attention that the majority of the Board members who go to the League of Municipalities Conference have gone to that meeting; certainly during her tenure on the Board. Commissioner Brokaw said it's been made clear they go down to Atlantic City to represent the PMUA, and one of the things they must do is go to the JIF meeting.

Commissioner Sanders said one of the other things that was brought out at the Committee Meeting was that staff is going to solicit as many elected officials as they could to visit the PMUA's booth in Atlantic City.

Mr. Williamson responded that he signed an invitational letter to the Mayor of the City of Plainfield, City Council members, and Assemblyman; and that a letter will also be sent to the surrounding communities, to their Mayor, Business Administrators and their Public Works Superintendents to come down and take a look at what the Authority will be presenting in Atlantic City. Mr. Williamson also indicated that a complete package is being prepared by Ms. Hamlin that will contain the Commissioners' identification as well as other items they may need while attending the conference in Atlantic City.

C. Finance Report & Bills List Approval

Mr. Young spoke about the highlights contained on the blue Finance Report the Commissioners received in their packets. He said one of the largest expenses for the month of September was the debt service, \$515,000. Mr. Young stated the debt service is paid every three months, that's over \$2 million; that was the largest expense for September. Mr. Young said disposal charges were \$279,000; the Authority purchased a vehicle for \$197,000; and vegetative disposal charges totalled \$67,000. Mr. Young said those were the largest expenses for the month. Mr. Young pointed out several other reports; accounts receivable reports, cash disbursements, and invested funds report that gives the status of the Authority's cash balances as well as receivables to date. Mr. Young indicated the last report attached to the Finance Report is Budget versus Actual that gives a status of where the Authority is at for nine months ending September. Mr. Young said the Authority is \$329,470 positive on the sewer side; and a small \$8,259 negative on the solid waste side. Mr. Young stated that both of those figures are very good in light of the fact the Authority purchased a vehicle on the solid waste side for \$197,000 and the PMUA didn't have to go into the R & R, so he saw the \$8,259 negative as being a positive as a result of what the Authority has accomplished throughout the course of the year. Mr. Young said the budget versus actual statement is looking very strong and he anticipates that by the end of the year it will be in a positive state.

Mr. Young also advised that attached to the Finance Report is the bills list.

Commissioner Dunn inquired of Mr. Young if by saying after December the solid waste would be a positive, that's bringing the \$8,000 to a positive.

Mr. Young replied yes.

Commissioner Dunn indicated that going forward the PMUA also expects additional revenues on the sewer side and that should be appreciably higher.

Mr. Young responded \$329,000 should be up as well. Mr. Young said one of the reasons that figure is such a positive is the Authority had budgeted \$119,000 more for PARSA, and the Authority received a credit from them for that amount back in May. Mr. Young said the PMUA also had projected an increase for PARSA, but in effect it was a decrease so that was a positive hit for the Authority. He said that's why the PMUA is so much under the budget.

There was extensive discussion and detailed highlights of the accomplishments achieved by the Authority thus far that has allowed them to have such a positive report.

Mr. Williamson indicated that all of those things that were detailed by Mr. Young are known; whether or not it is publicized that's another matter. Mr. Williamson said there are some people, who wouldn't acknowledge all of the good things, but at the appropriate time, when it's necessary to talk about those things, the PMUA will be in a position to do so; a spotlight will be put on them.

Commissioner Dunn wanted it acknowledged that the Authority has realized an approximately \$500,000 increase on the solid waste side going from year to year and no one has said anything about it, so he is saying something about it.

Ms. London presented **resolution #98-2013 authorizing payment of bills list**. Commissioner Brokaw moved, seconded by Commissioner Dunn, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE

Resolution #98-2013 Payment of Bills List

| | 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 Execution of a Contract with Express Printing and MGL Printing Solutions for Printing Services

Mr. Williamson is asking the Board to approve the execution of the contracts for the Authority's printing services.

Ms. London presented **resolution #99-2013 authorizing the award of a contract for printing services**. Commissioner Brokaw moved, seconded by Alt. Commissioner Eke, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE Resolution #99-2013 MGL Printing Solutions and Express Printing

| | 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 | | | | |

E. Resolution Authorizing the Execution of a Contract with Gerhart for Scale Services

Mr. Williamson said Gerhart Scale Corporation provides quarterly maintenance for the Authority’s scales at the Transfer Station, and staff is asking the Board to approve a contract with them.

Ms. London presented **resolution #100-2013 authorizing the execution of a contract for Transfer Station scale and maintenance services with Gerhart Scale Corporation**. Commissioner Brokaw moved, seconded by Commissioner Dunn, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE Resolution #100-2013 Gerhart Scale Corporation

| | 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 | | | | |

G. Resolution Authorizing the Execution of a Contract with SAMR for E-Waste

Mr. Williamson indicated that at the Committee Meeting the Board was advised that New Tech, the former provider who was paying the Authority \$.03 a pound for laptops and hard drives from the computers, has gotten out of business for, not collecting, paying for e-waste. He said the Authority searched and found SAMR who will pay the Authority \$.11 a pound for those same items. Mr. Williamson said at the end of the year, it will be determined whether they are also going to pay for TV sets and the innards for those units. The Authority feels this is a step forward and it will be additional revenue for the PMUA and is requesting the Board approve this contract. Mr. Williamson said the company will provide their own container, all the Authority has to do is to fill it and the PMUA will get payment for it. Mr. Williamson stated the company will come and take the container away once it's full.

Commissioner Dunn inquired about the amount of tonnage the Authority received last year. Mr. Young replied it's not a large amount, but he will get that information to the Commissioner.

Ms. London presented **resolution #101-2013 authorizing a contract for e-waste recycling services for Supreme Asset Management & Recovery (SAMR) in Lakewood.** Commissioner Brokaw moved, seconded by Commissioner Dunn, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE

Resolution #101-2013 E-Waste Contract with SAMR

| | 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 | | | | |

G. Resolution Authorizing the Execution of a Memorandum of Understanding between the PMUA and Plainfield Housing Authority

Mr. Williamson had discussed with the Commissioners the fact that the Housing Authority has planned and received the approval to raise the Elmwood Gardens facility on West Second Street. Mr. Williamson said the PMUA and the Housing Authority have been talking about the disposition of the debris after the demolition has been completed. Mr. Williamson stated the Housing Authority has indicated the PMUA is the preferred provider for the removal of the debris and it is the PMUA's expectation there will be a contract to be submitted to the Commissioners for their approval to remove the debris on Second Street.

Commissioner Dunn inquired, what will be done with the bricks.

Mr. Williamson replied that will be part of the discussion. He said if there is metal; the Housing Authority would want to take that metal for revenue for them. Mr. Williamson indicated all of that will be discussed, and the final contract will contain all of the parameters; who gets what.

Ms. London advised that the contract will come back to the Board for review and approval.

Commissioner Dunn inquired if the PMUA has experience in the removal of stones and bricks.

Mr. Williamson responded that this will be piles of debris, type 13A, B.

Mr. Young indicated there's also type 13C, which is construction debris; he said there are various types, but 13 is the bulky waste, then there's 13C, probably it's going to be those two categories.

Mr. Williamson said the PMUA will be removing tonnage and they will get paid. Mr. Williamson indicated that he had a discussion with his staff, and they are comfortable that they will be able to provide the service.

Ms. London advised that Ms. Hamlin shared with her that the PMUA has had some experience in the past with construction and pipes.

Ms. London presented **resolution #102-2013 authorizing the execution of a Memorandum of Understanding between the PMUA and the Plainfield Housing Authority.**

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

RECORDED VOTE

Resolution #102-2013 Memorandum of Understanding

| | 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 | | | | |

H. Resolution Authorizing the Approval of Certain Recommended Personnel Action

Ms. London said this resolution is being presented to the Board as a result of Mr. Williamson’s evaluation and this represents the formal action that needs to be taken to make a salary adjustment.

Ms. London presented **resolution #103-2013 authorizing the approval of certain recommended personnel action.** Commissioner Brokaw moved, seconded by Commissioner Dunn, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE Resolution #103-2013 Recommended Personnel Action

| | 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 said the Board is at the point in the agenda where the public is invited to stand, give their name and address if they would like to address the Commissioners, and they will have two minutes to do so.

Bernice Paglia, 124 East Seventh St. Ms. Paglia inquired regarding the e-waste, would the 40-cubic yard container be accessible to the public any time the Transfer Station is open, if so, that will be a step up from waiting every so often.

Mr. Williamson replied yes.

Ms. Paglia believed the Transfer Station was registered as a MRF to take that construction debris.

Mr. Williamson responded yes.

Ms. Paglia inquired if the PMUA would benefit from the white articles such as refrigerators, or is that negotiable.

Mr. Williamson responded that it's negotiable, but someone else would probably profit from that.

The public hearing was closed at 4:55 p.m.

Commissioner Dunn revisited New Business and said the Commissioners are going down next Tuesday to Atlantic City; they are going to attend the JIF seminar and the different seminars that will be available. He said there will be opportunities for new business.

Commissioner Dunn saw Senator Bramnick, who got elected, and he asked him to make sure the Governor came by the PMUA's booth in line with the shared services and he said he would try hard to do so. Commissioner Dunn said Bramnick is also going to be a comedian at a show on the 19th, he is the Minority Head of the Senate. Commissioner Dunn wanted it known the Commissioners are not going down there to be entertained, they are going to look for new business.

Mr. Williamson said the PMUA and the Board have always gone to the League of Municipalities to learn, and it's about business. He said there will be a host of seminars and workshops, and having the booth will enable the Authority to get their name out there and hopefully this may work and generate new business.

XI. EXECUTIVE SESSION

Ms. London presented **resolution #104-2013 authorizing a meeting not open to the public in accordance with the New Jersey Open Public Meeting Act; the first one being under the attorney client privilege regarding a potential Conscientious Employee Protection Act (CEPA) claim offer for a settlement, and the second one a notice of a Tort claim from former employees.** Commissioner Brokaw moved, seconded by Alt. Commissioner Eke, approval of the resolution. The motion carried, on a roll-call vote, with four members in favor and none opposed.

RECORDED VOTE**Resolution #104-2013 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 5:00 p.m.

The Board returned to the public session of the meeting at 5:25 p.m.

Ms. London summarized Executive Session. She said they discussed two matters; one involving two Notice of Tort Claims, the other involving attorney client privilege discussion regarding a potential CEPA claim.

Commissioner Dunn noted that he and Commissioner Sanders will not be in attendance at the next meeting, but they plan to be available via telephone.

Mr. Williamson will also be on vacation from December 4 – 10th. Mr. Young will be in charge; however Mr. Williamson will be available via telephone.

Commissioner Brokaw moved, seconded by Alt. Commissioner Eke and unanimously approved by the Board, to adjourn the meeting at 5:35 p.m.

Recorded by:

Roslyn Mathis, Board Secretary

