

**PLAINFIELD MUNICIPAL UTILITIES AUTHORITY**

**Minutes of a Board of Commissioners Regular Meeting  
Tuesday, December 10, 2013**

**127 Roosevelt Avenue  
Plainfield, New Jersey**

**I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)**

In the absence of Commissioner Sanders, Chairman, who was on vacation Commissioner Toliver, Vice Chairman, called the meeting to order at 6:05 p.m. by reading the Statement of Compliance.

**II. SALUTE TO THE FLAG**

The Pledge of Allegiance was said by all.

After the Pledge of Allegiance, Commissioner Toliver called for a moment of silence in remembrance of the late Nelson Mandela.

**III ROLL CALL**

**Present**

Commissioner Carol Ann Brokaw  
Commissioner Harold Mitchell  
Commissioner Alex Toliver  
Alt. Commissioner Charles Eke (via telephone)

**Also Present**

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

Commissioner Malcolm R. Dunn-absent  
Commissioner Cecil H. Sanders, Jr.-absent

Mr. Daniel A. Williamson, Executive Director-absent

**IV. APPROVAL OF MINUTES – November 12, 2013 Re-Scheduled Regular Board Meeting Minutes**

Ms. London stated that the November 12<sup>th</sup> Board Meeting Minutes were not presented for adoption because two of the Commissioners that are present tonight were not at that meeting so there aren't enough members to vote on them. She said the minutes will be submitted at the January meeting.

**V. COMMUNICATIONS**

**A. New Jersey Utilities JIF Dividend**

In the absence of the Executive Director who was on vacation, Mr. Duane Young, Chief Financial Officer, gave the report. Mr. Young said the Authority received a dividend of \$49,639.35 from JIF.

Mr. Young said if the Joint Fund had a good year, and the Authority's plan was within a certain range, the PMUA would receive a dividend. He said this year it was \$49,639.35. Mr. Young reported at the Committee Meeting that in the past seven years the Authority has been receiving dividends due to the good work that has been done by Mr. Reno Wilkins, Safety/Risk Loss Fund Commissioner, as well as the performance of the Fund. Mr. Young said over the past seven years the Authority has reaped a total of \$250,000 in dividends.

**B. Report from Commissioner Carol Brokaw on the Association of Environmental Authorities (AEA) meetings on November 19<sup>th</sup> and 20<sup>th</sup> during the League Conference**

Mr. Young stated that there was communication in the Commissioners' packet regarding Commissioner Brokaw's overview of her attendance at the AEA meetings and the seminars that she attended at the League of Municipalities Conference in Atlantic City. He said she gave a very detailed report concerning what was discussed at those meetings.

Commissioner Brokaw added that she went to the AEA meetings on behalf of Commissioner Mitchell who was not able to attend; she said he is the one who usually participates with the Authorities that are involved with water and sewer.

**VI. REPORT OF COMMITTEES**

None.

**VII. EXECUTIVE DIRECTOR'S REPORT**

**A. Attorney's Report**

None.

**B. Finance Report & Bills List Approval**

Mr. Young made reference to the blue sheet that was in the Commissioners' packet and it contained the highlights concerning the Authority's Financial Report. Mr. Young said regarding the monthly budget status report for 10 months ending October 31, 2013 there was a net profit of \$515,931 in the Sanitary Sewer, and a net profit of \$375,652 in the Solid Waste. Mr. Young indicated that was a result of a very good operating year in terms of working within budget, and cutting costs in certain areas, as well as the receipt of funds that were received as a result of Hurricane Sandy, and various municipal billings. Mr. Young said it was a very productive year despite some of the difficult things the Authority had to deal with.

Mr. Young said that also contained in the Financial Report are the cash disbursements, bills list, cash and invested funds report that was discussed in the Committee Meeting.

Ms. London presented **resolution #106-2013 authorizing 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 #106-2013 Payment of Bills**

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

Mr. Young highlighted a few other financial matters that he normally gives. He said the PMUA paid the City of Plainfield lease of \$1.47 million; PARSA, \$682,000; salary and wages, \$457,000; disposal fees, \$170,000; health benefits, \$152,000, for a total of \$2.9 million. Mr. Young said those figures represent 90 percent of the expenses the Authority had for the month.

**C. Resolution Adopting a Temporary Budget for 1<sup>st</sup> Quarter 2014 Sewer System**

Mr. Young stated that staff has not introduced the 2014 budget to the Board yet, they plan to do that within the next 30 days, but in order to operate going into January it is necessary to approve a temporary budget for the Sewer System and the Solid Waste System; this will represent one quarter of the annual budget.

Commissioner Toliver indicated that at the City Council Meeting held last night there was a gentleman from South Plainfield present regarding a sewer connection that was put on South Plainfield's agenda and Commissioner Toliver inquired as to why was this put on the Plainfield City Council's agenda because Commissioner Toliver was called before the Council at that meeting as a representative for the PMUA, this was the gentleman's expense and South Plainfield approved it, so why was it on the Plainfield City Council agenda.

Mr. Young responded that anytime there is a request between cities, it still has to go on the Cities' agendas for approval. He said South Plainfield approved it, the City of Plainfield has to approve it as well; ultimately it comes to the PMUA.

Ms. London explained that there is a provision in the Interlocal Agreement that says if there is a connection outside of the city; the City Council has to approve it.

She said when there was work that was done in North Plainfield; the Authority went to the City Council, so this was in connection with the Interlocal Agreement to get the City Council's approval; now the property owner is able to continue with his connection.

Ms. London also said that Steve Dessino was at the prior City Council meeting and provided information to the Council to explain why the approval was necessary and there was a prior letter also sent from the Executive Director, Dan Williamson to the Council.

After the discussion, Ms. London said there are two resolutions and that will take care of items C and D. She presented the first **resolution #107-2013 authorizing the adoption of a temporary budget for the first quarter 2014 Sewer System.** 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 #107-2013 1<sup>st</sup> Quarter Temporary Sewer System Budget**

	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				
<b><u>Alternate</u></b> Charles Eke	X				

**D. Temporary Budget for 1<sup>st</sup> Quarter 2014 Solid Waste System**

Ms. London presented **resolution #108-2013 authorizing the adoption of a temporary budget for the first quarter 2014 Solid Waste System.** 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 #108-2013 1<sup>st</sup> Quarter Temporary Solid Waste System Budget**

	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				
<b><u>Alternate</u></b> Charles Eke	X				

**E. Award of Contract for Work Clothes and Uniform Rental Services**

Mr. Young said the Authority went out to bid for work clothes and uniform rental services. He indicated that the PMUA only received one bid, and that was from American Wear. Mr. Young stated that the Purchasing Agent is recommending a two-year contract be awarded to American Wear, East Orange, New Jersey, at a total aggregated price in an amount not to exceed \$40,000.00 for the year 2014, and \$40,000.00 for the year 2015.

Commissioner Brokaw inquired if American Wear is the Authority's current vendor. Mr. Young replied yes.

Ms. London presented **resolution #109-2013 authorizing the award and execution of a contract for work clothes and uniform rental services.** 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 #109-2013 American Wear, Inc.**

	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				
<b><u>Alternate</u></b> Charles Eke	X				

### F. Award of Contract for Tire Purchase and Repair Services

Mr. Young stated the Authority received three bids; one from Service Tire Truck Center, F & S Tire Corp., Inc., and Custom Bandag Inc. The Purchasing Agent is recommending the PMUA offer the award of a contract to Service Tire Truck Center for a term of two years beginning December 1, 2013 to November 30, 2015 at a contract amount of \$65,000.00 for year one and \$65,000.00 for year two.

Ms. London presented **resolution #110-2013 awarding the execution of a contract for tire purchase and repair services.** 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 #110-2013 Service Tire Truck Center

	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. Award of Contract for Emergency Transport Services

Mr. Young said the Authority would like to have something in place in case there is a need to get rid of debris, whether it is type 13, 23, whatever it is. He said that after having a discussion with the Authority's employees at the Transfer Station and the review of the bids that were received, it is recommended that approval of a contract be awarded to Oveter's Construction Company. Mr. Young indicated that Oveter's has complied with all of the requirements in accordance with New Jersey's Pay-to-Play Law and the documents requested are consistent with the Non Fair and Open Contracts Process. Mr. Young also said the contract will exceed \$17,500.00.

Commissioner Toliver inquired if this company did work for the PMUA earlier in the year regarding Sandy, and added that they did an excellent job.

Mr. Young replied yes.

Ms. London presented **resolution #111-2013 authorizing the award and execution of a contract for emergency transport services to Oveter's Construction Company.** Commissioner Mitchell moved, seconded by Commissioner Brokaw, approval of the resolution.

**RECORDED VOTE****Resolution #111-2013 Oveter's Construction Company**

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

**H. Award of Contract for Professional Engineering Services**

Mr. Young said the Authority currently has a project in place involving the Rock Avenue Interceptor, and the PMUA has engaged SLX Infrastructure, LLC to represent them as their Clerk of the Works. He said the project has been going on for almost a year and to continue the relationship and as the project begins to pick up more rapidly, the Authority wants to renew the contract with SLX. Mr. Young said SLX has been doing a good job and staff is asking the Board to approve the contract; the contract will not exceed \$36,000.00, but it will exceed \$17,500.00.

Mr. Young indicated that regarding the project, it is at the stage now, January or February, the Authority should be looking to go out to bid for the different phases of the whole project.

Ms. London presented **resolution #112-2013 authorizing the execution of a contract with SLX Infrastructure, LLC for professional engineering services.** 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 #112-2013 SLX Infrastructure, LLC**

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

**I. Resolution Authorizing Execution of a Contract with Ambassador Medical Services**

Mr. Young said the Authority is currently using this company to provide drug and alcohol testing for the PMUA's CDL drivers. He said the Authority wants the renewal of the contract to go from January 1, 2014 through December 31, 2014. He said the cost of the test is \$60.00 each. Mr. Young stated that the Authority hasn't had any issues with them and wants to renew their contract. Mr. Young said the employees are tested quarterly; every three months, at random.

Ms. London presented **resolution #113-2013 authorizing the execution of a contract with Ambassador Medical Services for the testing of CDL workers.** 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 #113-2013 Ambassador Medical Services**

	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				
<b><u>Alternate</u></b> Charles Eke	X				

**J. Resolution Authorizing the Approval of Certain Recommended Personnel Action**

Mr. Young stated that there was discussion at the Committee Meeting that there would be a resolution authorizing the approval of a certain recommended personnel action.

Ms. London presented **resolution #114-2013 authorizing the approval of a certain recommended personnel action.** 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.

<b><u>RECORDED VOTE</u></b>		<b>Resolution #114-2013 Personnel Action</b>			
	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>PRESENT NOT VOTING</b>	<b>NOT PRESENT</b>
Carol Ann Brokaw	<b>X</b>				
Malcolm R. Dunn					<b>X</b>
Harold Mitchell	<b>X</b>				
Cecil H. Sanders, Jr.					<b>X</b>
Alex Toliver	<b>X</b>				
<b><u>Alternate</u></b> Charles Eke	<b>X</b>				

**K. Resolution Authorizing the Approval of a Sanitary Sewer Connection**

Mr. Young indicated that there was discussion at the Committee Meeting, with Steve Dessino and John Rakowski giving an overview regarding a project that involves an application for a sewer connection at 305-323 East Front Street for 85 units. Mr. Young stated that the Authority is allowing them to move forward based on the recommendation of Mr. Rakowski and Mr. Dessino and the approval of the Board. Mr. Young said this could mean revenue in the amount of approximately \$180,000 for the Authority going into next year, so staff is asking the Board to approve it.

Commissioner Brokaw inquired if this request is a preliminary approval because the project has not been totally approved at this time.

Mr. Young replied yes.

Ms. London presented **resolution #115-2013 authorizing the approval of a Sanitary Sewer Connection**. 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.

<b><u>RECORDED VOTE</u></b>		<b>Resolution #115-2013 Sanitary Sewer Connection</b>			
	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>PRESENT NOT VOTING</b>	<b>NOT PRESENT</b>
Carol Ann Brokaw	<b>X</b>				
Malcolm R. Dunn					<b>X</b>
Harold Mitchell	<b>X</b>				
Cecil H. Sanders, Jr.					<b>X</b>
Alex Toliver	<b>X</b>				
<b><u>Alternate</u></b> Charles Eke	<b>X</b>				

**VIII. UNFINISHED BUSINESS**

None.

**IX. NEW BUSINESS**

None.

**X. PUBLIC HEARING**

Commissioner Toliver stated it's time for the Public Hearing. He invited anyone who would like to do so to come forward, state their name and address and they will have two minutes.

Alan Goldstein, 939 Madison Ave. Mr. Goldstein wished everyone a Merry Christmas and a Happy New Year.

Mr. Goldstein inquired if in the 2014 budget they could comment on what percentage of the Solid Waste portion would be attributable on the revenue side to the Shared Services; either that which is imbedded or charged separately.

He said a second question, in their discussions leading up to their understanding of the Memorandum of Understanding with the Plainfield Housing Authority, is there any correspondence or coinciding discussions related to that real estate deal that several of their members are involved in.

The Commissioners inquired of Mr. Goldstein what real estate deal was he referring to.

Mr. Goldstein replied the real estate deal that Commissioners Dunn and Sanders are involved with.

Commissioner Toliver stated that the Board is not involved with that.

Mr. Goldstein inquired if either of them had been involved in the Memorandum of Understanding discussions with Housing Authority.

Ms. London responded that the Memorandum of Understanding just states that the Authority is interested in getting together and having a discussion with the Housing Authority concerning the possibility of a contract. She said at this point, it's an understanding that the Housing Authority is interested in using the Authority to remove the debris when the Elmwood Gardens is demolished, and the Authority is saying they are interested in doing the work. Ms. London said the Memorandum of Understanding is the Board of Commissioners authorizing the PMUA's staff to sit down with the Housing Authority staff and have a discussion.

Mr. Goldstein inquired if there's involvement with any of the Commissioners.

Ms. London replied the Commissioners won't be involved in the actual negotiations. She said the results of the negotiations will be brought back to the Board with a recommendation from staff. Ms. London said as far as a real estate deal, she is not aware of what Mr. Goldstein is referring to.

Commissioner Toliver told Mr. Goldstein his two minutes have expired.

Commissioner Brokaw indicated that what Mr. Goldstein may be referring to is that Commissioner Dunn and Commissioner Sanders went before the Council to propose doing a housing project. She said she didn't know anything more than what was told to her from people who went to that meeting, but she didn't attend the meeting herself.

Mr. Goldstein said they peddled it to the Housing Authority and Planning Board before it got to the City Council. He said the Commissioners shouldn't be peddling their interest in things involving the City. He said that's a conflict with the Ethics Commission. Mr. Goldstein asked if he could get an answer to his first question regarding the budget; in the 2014 budget what percentage of the revenue on the Solid Waste side is accounted for by the Shared Services.

Mr. Young replied that at this point the Authority hasn't introduced the budget to the Board; it's still in the working stages of preparation. Mr. Young said the Authority doesn't anticipate any drastic change in the increase or decrease in the overall rate; the PMUA is striving to maintain the rate that is in place. Mr. Young said he didn't have the break down in the Shared Services at this point.

Commissioner Mitchell didn't understand what Mr. Goldstein was referring to regarding the two Commissioners; he said the Board is not involved in that.

Ms. London said if there is a question, it should be directed to the specific Commissioners when they are present.

Commissioner Mitchell inquired of Ms London if the Commissioners have a right to put forth proposals to the City on their own behalf; when they are not representing the Board.

Ms. London said without having knowledge of the specific facts, she is unable to respond.

Commissioner Toliver announced the Public Hearing is now closed.

Commissioner Brokaw moved, seconded by Commissioner Mitchell and unanimously approved by the Board, to adjourn the meeting at 6:57 p.m.

Everyone was wished a Merry Christmas and a Happy New Year.

Recorded by:

Roslyn Mathis, Board Secretary