

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of a Board of Commissioners Special Meeting
Tuesday, April 15, 2014**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Mitchell, Chairman, called the meeting to order at 3:10 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 Harold Mitchell
Commissioner Cecil H. Sanders, Jr.
Commissioner Charles Tyndale
Alt. Commissioner Charles Eke

Also Present

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

IV. EXECUTIVE DIRECTOR'S REPORT

A. Resolution Authorizing the Execution of a Contract for Employee Medical, Dental & Prescription Insurance Coverage

Mr. Williamson said there was a need to have a special meeting to allow the Authority's Human Resources Department an opportunity to complete the process that was necessary to have this resolution approved so that it would be effective for the employees May 1. Mr. Williamson said administration is asking the Board to approve the resolution.

Ms. London presented **resolution #46-2014 authorizing the award and execution of a contract with Aetna**. Commissioner Brokaw moved, seconded by Commissioner Tyndale, approval of the resolution. Commissioner Dunn had concerns, and Mr. Young responded to those concerns. Mr. Young said there is no control over claims experience, whether there are young people or old, people get sick. Mr. Dunn said he agreed with Mr. Young and that's why he had asked Mrs. Carden for a report. Mrs. Carden responded that the report isn't going to give him the claim experience; she said it's not going to give any details because it's protected by the HIPPA law. Commissioner Dunn said they could give the age without giving names. Mrs. Carden said no, they would not do that because it's protected by the HIPPA law. Ms. London agreed with Mrs. Carden and said there is the possibility by giving the age, it could narrow it down to who it could be, and the HIPPA law is very strict about what information can and cannot be given out to the public.

Ms. London said if an employee signs a waiver, she said then that information could be given out. Ms. London said it's similar to when someone goes to the doctor; an authorization is signed that says that information is confidential. Ms. Carden said they don't know if it's an employee or their dependent.

Commissioner Dunn said when Medicare/Medicaid comes in at 65, there are some plans where there can't be regular insurance because of Medicaid; it's a difference who is the primary and who is the secondary once someone is over 65. Commissioner Dunn said the premium drops about 70 percent. Commissioner Dunn said if the Authority's census reveals there are a significant number of employees who are over 65, he said there is a part of the premium that could be saved. Commissioner Dunn said it happened to him.

Mr. Williamson said that after the discussion he had with Commissioner Dunn regarding his concern, as it applies to the Authority, Mr. Williamson instructed Ms. Carden to take this information to the Authority's broker, who analyzed the information and came up with the answer; he said there is no appreciative difference or any difference at all. Mr. Williamson said that Aetna offered the best price for the Authority's insurance coverage; he said it's even better than the New Jersey State Health Benefits Plan. Mr. Williamson said the Authority has done everything they could do to come up with the proposal in the resolution, and he said that hopefully the Board will approve it and allow the PMUA to extend the coverage to the employees.

Commissioner Dunn said the company that applied that to a company he was involved in was Aetna, and when he reached 65, Aetna notified him that he could not be part of their major medical plan, and they forced him to change; he said he had the same coverage, but who was paying for it was different, and the amount he was paying was different, it was much lower, that's why he was asking the question. He said the fact the Authority will be dealing with Aetna, he said they have to be asked the direct question, is there any difference in premium for people over 65 than people under 65.

Commissioner Sanders inquired whether this is impacting the Authority's budget in anyway.

Mr. Young replied no, he said this is right within the Authority's budget.

Mr. Williamson said he will contact the Authority's broker to have Aetna give the PMUA something in writing regarding their analysis of how they got to the eight percent.

After the discussion, the resolution passed, on a roll-call vote, with four members in favor, none opposed, and one abstention.

RECORDED VOTE**Resolution #46-2014 Aetna Insurance 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				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

B. Resolution Authorizing the Execution of a Contract for Employee Vision Insurance Coverage

Mr. Williamson said this resolution is part and parcel of the health benefits package the Authority wants to provide for the employees, and administration is the asking the Board to approve it.

Ms. London presented **resolution #47-2014 authorizing the award of a contract for employee vision insurance coverage with Vision Service Plan**. Commissioner Brokaw moved, seconded by Commissioner Sanders, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #47-2014 Vision Service Plan**

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

C. Resolution Authorizing the Execution of a Shared Services Agreement with the Roselle Board of Education School Board

Mr. Williamson said there has been an ongoing discussion regarding obtaining a shared services agreement with the Roselle Board of Education. Mr. Williamson said as late as today there was a conversation with the Mayor as well as the Board attorney; he said the matter was heard before the Roselle Board of Education at their meeting last night, not for a vote, but to get the substance of the contract. Mr. Williamson said in the conversations the Board of Education is satisfied with the contract and it will be presented for a vote on the 28th of April, and the Authority can begin service on May 1. Mr. Williamson said that administration is asking the Commissioners, on the strength of those assertions, to approve the contract subject to the Roselle Board of Education's approval on April 28th. Mr. Williamson said administration would come back to the Board regarding any changes.

Ms. London said the counsel for the Board of Education advised that the discussion went very well last night. Ms. London said the counsel sent her some things that needed to be clarified; she said the Authority needs to clarify the bulky waste issue because the language was not clear enough, Ms. London said it needs to be clear that it is not part of the monthly fee, that it would be something in addition to, and on an as-needed basis; if the Board of Education decides to have the bulky waste, they wanted to be sure that was not included in the monthly fee. Ms. London said other than that, some minor changes, some typos; she said some legalese, nothing major at all. Ms. London said the Board of Education is prepared to move forward on the 28th to approve the contract. Ms. London advised the Commissioners that the action proposed to be taken at this meeting is to authorize the Executive Director to execute the agreement with the Roselle Board of Education subject to the Board of Education approving it on the 28th and there are no substantial changes.

Commissioner Mitchell inquired what advantages do the Commissioners have by approving this today, he asked why couldn't this wait until after the Roselle Board of Education votes and the Authority sees what changes they may have.

Mr. Williamson replied that it would cut down on the need for a special meeting. He said the Roselle Board of Education's meeting is the 28th, and the earliest the Authority could meet would be the 29th. Mr. Williamson said that he didn't know if the Board would be available for that one subject or not. Mr. Williamson said if the Board doesn't feel comfortable with that, they could have a special meeting before May 1st.

Commissioner Brokaw inquired if the Authority was given any language changes. She said if it's only simple language, the Commissioners could review it now.

Mr. Williamson said this contract is for type 10, and the bulky waste, that was something that was added in by the Roselle Board of Education's request. Mr. Williamson said the Board of Education from time to time needs to get rid of old desks, electronics, chairs, etc. and the Authority was asked if they could supply a roll-off for that.

Mr. Williamson said the Board of Education was told yes that could be done, but it would be separate from the contract for the type 10; he said the rate for the drop and pull would be \$260.00, he said the first ton would be free, anything above that one ton would be billed to them for \$110.00 per ton pro rata. Mr. Williamson said that was the clarification of the language that Ms. London and Ms. Caruso were trying to work out.

After discussion about the discrepancies in the contract on this issue and the need for clarification, Commissioner Mitchell said the Authority needs to wait and get the language clarified, and the corrections made in the contract before they approve it.

Commissioner Sanders inquired about section 2.2 regarding keys for the containers.

Mr. Williamson said the Authority's staff will have a key as well as the Roselle Board of Education staff; he said the Borough of Roselle is absorbing the cost. He said the Authority's staff would be installing the locks and the chains, and the Borough of Roselle would be absorbing the cost of the locks as well as the enclosure, if it is in an enclosure. The Board of Education wanted that done because of illegal dumping. Mr. Williamson said those costs were included in the setup costs for the Borough of Roselle, which is in the area of \$6,200.00.

Mr. Williamson said that there isn't a recycling program in the Roselle Board of Education's schools; they are depending on the Authority to establish one for them. He said the PMUA staff, and the Board of Education's maintenance staff is going to be working on that. Commissioner Dunn inquired if the recycling is part of the contract. Mr. Williamson said yes.

It was decided to schedule a Special Meeting for Tuesday, April 29, 2014 for action on the Roselle Board of Education shared services agreement. This would coincide with, the results of the bid opening for the Interceptor, which will also be on the agenda for that Special Meeting.

Ms. London said she will request the Roselle Board of Education's attorney to get the red-line changes to her so the Commissioners can do a comparison to what they have now and what the Board of Education is proposing to change and the clarification in the language the Commissioners have concerns about.

Mr. Williamson said the resolution for item C will be withdrawn until the special meeting that will be held on Tuesday, April 29, 2014 at 3 p.m.

D. Resolution Authorizing the Retention/Replacement of Special Counsel for Certain Litigation

Mr. Williamson said the attorney who was representing Commissioner Dunn, Commissioner Sanders, and former Commissioner Toliver, has dropped out of the litigation and there was a need to identify new counsel. Mr. Williamson said administration is asking the Board to approve the new counsel in the matter of Jim Perry vs. PMUA, et al.

Ms. London presented **resolution #48-2014 authorizing the retention and replacement of special counsel for certain litigation, the firm of Breuninger & Fellman.** Commissioner Sanders moved, seconded by Commissioner Dunn, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #48-2014 Special Counsel**

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

V. PUBLIC HEARING

Commissioner Mitchell said they have come to the portion of the meeting that is open to the public. He said anyone who would like to make a comment, please stand, give your name and address, and they will be given two minutes.

No one present wanted to address the Board.

VI. EXECUTIVE SESSION

None.

Commissioner Mitchell inquired if the Board could purchase an ad for the Mayor's Ball.

Ms. London advised the Commissioners could do it individually, but not use public funds

Commissioner Tyndale inquired whether they are allowed to advertise.

Ms. London replied only in something like an environmental journal if it is on behalf of the PMUA.

Commissioner Brokaw moved, seconded by Commissioner Tyndale and unanimously approved by the Board, to adjourn the meeting at 3:50 p.m.

Recorded by:
Roslyn Mathis, Board Secretary