

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of the Board of Commissioners Combined Committee and Regular Meeting
Tuesday, July 18, 2019**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Edghill, Chairman, 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 Robin Bright
Commissioner Miguel Edghill
Commissioner Pedro Estevez
Commissioner Michelle Graham-Lyons
Commissioner Henry V. Robinson
Alt. #1 Commissioner Marleen Powell
Alt. #2 Commissioner Ron Scott Bey

Also Present

Mr. Eric E. Jackson, Executive Director
Ms. Beverley Morris-Gill, Deputy Director/CFO
Mr. Frank Borin Esq., Board Attorney
Ms. Dollie Hamlin, Purchasing Agent
Ms. Tracy Spencer-Wright, Recording Secretary
Mr. Ron Madison, PA, Maser Consulting
Mr. Peter Repetti, Maser Consulting
Staff and Public

Chairman Edghill reminded everyone that the meeting is a Joint Committee/Regular Meeting. He also stated that he will be allowing two Commissioners to leave the meeting early per their request.

- IV. APPROVAL OF MINUTES – June 6, 2019 Committee Meeting Minutes, and Executive Session Minutes; and June 18, 2019 Regular Meeting Minutes and Executive Session Minutes.** Some minor corrections were noted. Commissioner Robinson moved, seconded by Commissioner Bright, approval of the minutes. The motion carried on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE June 6, 2019, Committee Meeting Minutes and Executive Session Minutes; and June 18, 2019, Regular Meeting and Executive Session Minutes

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez	X				
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell				X	
<u>Alternate #2</u> Ron Scott Bey				X	

Chairman Edghill turned the meeting over to General Counsel in order to proceed with the scheduled Public Hearing for the revision of the sanitary sewer application escrow fee.

The Board went into Public Hearing at 6:05 p.m. (Transcript available).

The meeting returned to the public session of the Joint Board Meeting at 6:15 p.m.

Mr. Borin presented **Resolution No. 62-2019 Approving Adjustments to the Authority’s Sanitary Sewer Application Minimum Escrow Fee**. Commissioner Robinson moved to approve the resolution, seconded by Commissioner Graham-Lyons. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE Resolution # 62-2019 Approving Adjustments to the Authority’s Sanitary Sewer Application Minimum Escrow Fee.

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez	X				
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell				X	
<u>Alternate #2</u> Ron Scott Bey				X	

V. COMMUNICATIONS

No report.

VI. REPORT OF COMMITTEES

- Finance Committee

Ms. Morris-Gill stated that on Thursday, June 20th, the Finance Committee held a 2018 Audit Exit Interview with PMUA's auditors from the firm of Lerch, Vinci & Higgins. The auditors expressed an "unmodified opinion" – the highest opinion that can be issued. There were three (3) recommendations made by the auditors, for which the corrective actions have been prepared. Ms. Morris-Gill further stated that she is looking to the Board to certify that they have all reviewed the audit report and, additionally, is seeking their approval of the Corrective Action Plan as presented. All of the documents will be filed with the Department of Community Affairs tomorrow.

Ms. Morris-Gill added that the first quarter compilation for 2019 has been completed. The quarter ended positively for both solid waste and sewer but PMUA has to be mindful of rising disposal costs, which is an issue, she underscored, that needs to be addressed immediately.

Ms. Morris-Gill reported that PMUA had received half of the connection fee for the development at Grant Avenue. A second payment is expected in August, when the developers file for a Certificate of Occupancy.

Ms. Morris-Gill said that the final report from the State Comptroller's Office is still pending.

Lastly, Ms. Morris-Gill directed the Board to the Bill's List, which normally is approximately \$500,000. She noted this month it is closer to \$900,000 and is a reflection of rising disposal costs. She added that she is concerned and wishes to discuss the matter further with the Board.

Commissioner Bright, referencing the Delinquent Account Balance Report, asked what type of account is not subject to tax sale. Ms. Morris-Gil said only commercial tenant accounts. She added that nine outstanding delinquent tenant accounts, after having not responded to payment demand letters (the last of which was recently sent by General Counsel) have had all PMUA equipment removed from their premises this week. A tenth account has been given additional time to respond due to a delay in delivery of a final notice for payment. However, if no payment is received, their equipment will also be removed. All of the property owners on these accounts were copied on the demand letters. The property owners will of course be charged for shared services going forward.

Chairman Edghill asked if there are any residential tenant accounts with the PMUA. Ms. Morris-Gill said she understands there are none.

Commissioner Bright said that she observed on the Bills List that vehicle T420 was serviced by Air Brake and Sanitation Truck, in the months of May and June. Mike Minor, PMUA Fleet Manager, per Executive Directors Jackson's request, explained that engine issues are usually addressed by Air Brake and issues pertaining to the packer body of the truck are usually attended to by Sanitation Truck. Executive Director Jackson verbally read to the Commissioners Air Brake & Equipment's invoices for Truck 420, which identified the issues with the truck.

Commissioner Graham-Lyons asked what kind of issues T425 was presenting that put it, according to the Bill's List, in the shop for repair every month. The Executive Director said he will get clarity on the specific issues and report back to the Board. Chairmen Edghill said he would like to see a report on how all of the new trucks are performing.

Commissioner Robinson asked Ms. Morris-Gill to speak to disposal costs and how PMUA could possibly alleviate the problem.

Ms. Morris-Gill said that PMUA's gate fee has remained at \$110 per ton for quite a while. Disposal at Keegan Landfill facility was around \$50-60 per ton. However, as Keegan is now closed, PMUA has subsequently received a directive from UCUA to utilize disposal facilities maintained by Waste Management and others. UCUA's charge for disposal is \$107.12 per ton; therefore, PMUA is left with a \$2.88 differential, which is not enough to cover operating costs.

This is an immediate issue that needs to be addressed. She is scheduled to speak to General Counsel for advice on initiating an increase in PMUA's gate rate. To clarify, this will be a rate increase on commercial accounts not residential accounts. However, PMUA does also need to address the issue of picking up "excess" garbage that it currently does not assess a charge. Being able to charge for excess garbage is permitted in accordance with PMUA's Solid Waste Rules & Regulations.

Executive Director Jackson added that he and Darius Griffin are meeting every Thursday with the property managers of high density accounts, to address the issue of their accounts being under-serviced and the repetitive excess garbage at their locations. PMUA has made it clear that it will no longer pick up excess garbage. This is a burden that PMUA has historically carried but can no longer continue to do so. It is not PMUA's responsibility to clean up commercial establishments or bear the burden of additional disposal costs.

Chairman Edghill suggested that the Executive Director may want to have a conversation with the Health Department with regard to the topic of unsanitary, additional garbage and repeat violators. In addition, Ms. Morris-Gill stated that it is essential that the fleet is fully operational and there is a quick turnaround for any repairs and minimal down-time.

Chairman Edghill inquired as to those immediate steps that are being taken to alleviate the issues raised. In response, Ms. Morris-Gill said that first she is looking at all of PMUA's current commercial contracts. If it is determined that no public hearing is required to adjust those contracts, the Finance Department will work on adjusting them as soon as next week. Secondly, she is now seeking direction from the Board to pursue an increase in PMUA's gate rate. And,

lastly, she said she has been in constant contact with all fleet repair vendors PMUA uses to emphasize the need for a quick repair turnaround on all of its vehicles. A meeting is being scheduled for next week with Air Brake, to discuss why the fleet is constantly down. Chairman Edghill requested that the Board be provided with a report on fleet repair turnaround times.

Commissioner Robinson inquired as to whether the Transfer Station has seen an influx of tonnage from previous years. Executive Director Jackson said that the volume is higher as a result of other facilities closing down. This coupled with ever-increasing disposal costs which the PMUA has not kept pace with, has created a problem. He underscored that this is not a consequence of anyone's prior management but simply the impact of China's National Sword stance and the closing of other facilities.

Commissioner Robinson said we need to ensure that our recycling is clean. He also noted that Pace Industries is opening up a large recycling center in Essex County and they will be accepting glass. Hopefully, it will be a destination where the Authority can dispose of glass, in order to divert some of its costs.

- Personnel Committee

No report.

- Buildings & Operations Committee

No report.

VII. EXECUTIVE DIRECTOR'S REPORT

Communications:

No report.

On-Going business:

Executive Director Jackson said that in light of the previous discussion, the Commissioner's Retreat that is currently scheduled for September 28th, will prove to be an important opportunity for the Board to talk collectively about setting the direction for the future of PMUA in this evolving industry.

Executive Director Jackson said he is looking for the Board's direction, and specifically the Buildings & Operations Committee, over the next couple of months, on how to proceed regarding the development of the Transfer Station.

Executive Director Jackson stated that he is still awaiting a response from the New Jersey Department of Environmental Protection to the PMUA's request for alternative dispute resolution.

Executive Director Jackson said the City of Plainfield conducted a meeting on July 10th with PMUA and CHA Partners (the Muhlenberg developers) to discuss the progress of the project and the connection fees. He reported that the meeting went well and all parties are continuing to work towards a solution. He hopes shortly there will be a formal proposal to bring to the Board.

Executive Director Jackson reminded everyone about the upcoming Environmental Fair, scheduled for Saturday, September 7th.

Lastly, Executive Director Jackson highlighted that Resolution 68-2019 on tonight's agenda is for the acquisition for two (2) 20-yard rear-loaders that will help PMUA stabilize its fleet.

Commissioner Robinson asked Mike Minor how many packers are there currently in the fleet. Mr. Minor responded there were thirteen: eleven for trash collection, one for bulky waste, and one for street cans. Commissioner Robinson asked how many are currently in the shop for repairs. Mr. Minor responded two. Commissioner Robinson asked how many drivers PMUA has and the Executive Director said he would have to get back to him with the exact number. He added that, although there are eleven packers, on a daily basis at least two are out of service, reflective of the problems associated with an aging fleet.

Commissioner Robinson said he believed PMUA also needs to address the condition of its aging tractors. Executive Director Jackson said he is currently in the early part of the process of looking to the acquisition of a tractor and he will have that discussion with the Buildings & Operations Committee at its next meeting. Commissioner Robinson emphasized that the tractors are a vital component in the fleet because one tractor can transport the contents of four packers to the designated disposal facilities rather than diverting packers from collection work.

6:50 p.m. Commissioner Estevez left the meeting.

A. Attorney's Report

Mr. Borin had nothing to report.

At this point Chairman Edghill said he would like to move the public hearing up.

X. PUBLIC HEARING

Chairman Edghill advised that any member of the public who wants to speak, to please stand, give your name and address and you will have three minutes.

Ms. Sabine Sabio of 1443 Francis Lane suggested that collections start earlier in the morning, so field staff can avoid working in the intense mid-day heat, and fining residents who do not put out recycling or put out contaminated recycling.

Executive Director Jackson said that he is close to presenting a fine schedule for the Board to review. A grace period by design had been implemented by PMUA to allow residents time to adjust from single stream to dual stream. Now that sufficient notice of the program has been given to Plainfield citizens, PMUA will start levying fines if warning notices go unheeded.

Executive Director Jackson thanked Ms. Sabio for her feedback.

Commissioner Bright asked if non-compliant residents received any kind of letter from PMUA informing them of the issue. Executive Director said yes.

Commissioner Graham-Lyons asked the Executive Director to address the issue of earlier pick-up times in the summer months. Executive Director Jackson said he believes routes do start as early as 5 a.m. In the past, if collections start too early -- residents complain about the noise.

Commissioner Bright said she had received two robo. calls this week to report delayed pickups and was curious to the reason. Executive Director and Darius Griffin reported that one delay was due to trucks being down, and the other was due to the intense heat being problematic for operations and unsafe for the staff.

Commissioner Bright added that leaving garbage uncollected out in the heat may constitute a health hazard. Executive Director Jackson agreed and added that there are a myriad of things that have to be considered when delaying pickups.

Chairman Edghill closed the Public Hearing portion of the meeting.

Chairman Edghill advised the Board needed to engage in a discussion in Executive Session.

XI. EXECUTIVE SESSION

Mr. Borin presented **Resolution No. 69-2019 to adjourn into Executive Session.** Commissioner Robinson moved to approve the resolution, seconded by Commissioner Graham-Lyons. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE Resolution # 69-2019 Executive Session

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez					X
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell	X				
<u>Alternate #2</u> Ron Scott Bey				X	

The Board adjourned into Executive Session at 7:01 p.m.

Commissioner Scott Bey left the meeting.

The Board returned to the Public Session of the meeting at 7:26 p.m.

Chairman Edghill advised during the Executive Session the Board discussed matters involving personnel and contracts.

B. Administration

No report.

Mr. Borin presented **Resolution No. 63-2019 authorizing an extension of the Executive Director’s Employment Agreement.** Commissioner Bright moved to approve the resolution, seconded by Commissioner Robinson. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE

Resolution # 63-2019 Extension of the Executive Director’s Employment Agreement

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez					X
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell	X				
<u>Alternate #2</u> Ron Scott Bey					X

Executive Director Jackson thanked the Board for their confidence in him and for extending his contract. He thanked PMUA’s senior management, administrative staff and the Board for their support and promised that he and the PMUA team will continue to work hard.

Mr. Borin presented **Resolution No. 64-2019 amending the Authority’s Travel Policy.** Commissioner Robinson moved to approve the resolution, seconded by Commissioner Bright. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE

Resolution # 64-2019 Amending Authorities Travel Policy

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez					X
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell	X				
<u>Alternate #2</u> Ron Scott Bey					X

C. Finance

Mr. Conti presented **Resolution No. 65-2019 authorizing approval of payment of the Bill List**. Commissioner Robinson moved, seconded by Commissioner Graham-Lyons, the approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE Resolution # 65-2019 Payment of Bills List

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez					X
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell	X				
<u>Alternate #2</u> Ron Scott Bey					X

Mr. Borin presented **Resolution No. 66-2019 Certification of the Annual Audit**. Commissioner Robinson moved to approve the resolution, seconded by Commissioner Graham-Lyons. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE Resolution # 66-2019 Certifying Annual Audit

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez					X
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell	X				
<u>Alternate #2</u> Ron Scott Bey					X

Mr. Borin presented **Resolution No. 67-2019 approving the Corrective Action Plan for the Annual Audit Report**. Commissioner Robinson moved to approve the resolution, seconded by Commissioner Graham-Lyons. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE **Resolution # 67-2019 Approving the Corrective Action Plan**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez					X
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell	X				
<u>Alternate #2</u> Ron Scott Bey					X

D. Purchasing

Mr. Borin presented **Resolution No. 68-2019 authorizing the award of a contract to purchase two (2) 28-yard Rear Loaders through a National Cooperative (Sourcewell)** [as amended to correct errors]. Commissioner Robinson moved to approve the resolution, seconded by Commissioner Bright. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE **Resolution # 68-2019 Authorizing Award of Contract to purchase two (2) 28-yard Rear Loaders through the Sourcewell National Cooperative**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Robin Bright	X				
Miguel Edghill	X				
Pedro Estevez					X
Michelle Graham-Lyons	X				
Henry V. Robinson	X				
<u>Alternate #1</u> Marleen Powell	X				
<u>Alternate #2</u> Ron Scott Bey					X

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

None.

Chairman Edghill entertained a motion to adjourn. Commissioner Robinson so moved, seconded by Commissioner Bright, and unanimously approved by the Board. The meeting adjourned at 7:40 p.m.

Recorded by:

Tracy Spencer-Wright, Recording Secretary



COMMISSIONER ROBIN C. BRIGHT
BOARD SECRETARY

SEAL