

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

DATE: WEDNESDAY - AUGUST 19, 2020
COMMENCING AT 10:00 A.M.

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Computer-aided transcript of the Board.

of Directors Meeting, taken stenographical in the

above-entitled matter before ELISA A. CIBOLDI, License

No. XI-01795, a New Jersey Certified Court Reporter,

held at the Atlantic City Municipal Utilities
Authority, 401 North Virginia Avenue, Atlantic City,
New Jersey, on Wednesday, August 19, 2020, commencing
at 10:01 a.m., there being present:

1 BOARD MEMBERS PRESENT:

2 JOHN DEVLIN, Chairman

3 PATRICIA BAILEY

4 GARY L. HILL,

5 Vice-Chairman/Secretary

6 NYNELL LANGFORD

7 MILTON L. SMITH, Treasurer

8 ANITA THAPA, Assistant Director

9 Accounting & Finance

10 (Appearing telephonically)

11 WILLIAM CHEATHAM, Alternate Board Member

12 COUNSEL PRESENT:

13 FREDRIC L. BOR, ESQUIRE

14 Attorney for the Atlantic City

15 Municipal Utilities Authority

16 ANDREW WEBER, ESQUIRE

17 Labor Counsel for the Atlantic City

18 Municipal Utilities Authority

19 ALSO PRESENT:

20 CLAUDE SMITH, Acting Executive Director of
21 Atlantic City Municipal Utilities Authority

22 NICHOLAS MANCUSO

23 Acting Deputy Executive Director

24 (Via Zoom)

25 KELLEY WILLIAMS, Executive Assistant

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1 CHAIRMAN DEVLIN: My name is John
2 Devlin. I'm the Chairman. Mr. Bor is our solicitor.
3 To my left, Mr. Hill. To his left, Mr. Smith,
4 Mr. Milton Smith. The young lady next to him is
5 Ms. Pat Bailey. The gentleman at the end is Mr
6 Cheatham, and to the left of him is Ms. Nyell
7 Langford. We also have Mr. Claude Smith, Executive
8 Director. We have Special Counsel, Mr. Riley. We
9 have Labor Counsel, Mr. Weber. We also have a young
10 lady from the State of New Jersey. I saw her sign in.

11 MS. HOLMES: My name is Commissioner Kim
12 Holmes.

13 CHAIRMAN DEVLIN: And, of course, my
14 secretary, Kim Williams. She's hanging in there. So
15 for the most part, I will do the talking
16 unfortunately. (Inaudible)

17 Mr. Polistina, good morning. Let the court
18 reporter know who you are.

19 MR. POLISTINA: Good morning, sir. My
20 name is Vince Polistina.

21 CHAIRMAN DEVLIN: He's our consulting
22 engineer.

23 MR. POLISTINA: Good morning, everyone.
24 Great to be here. Thank you for having me. Of course
25 everybody here knows I was (Inaudible) back in May to

1 be the consulting engineer for the ACMUA. I look
2 forward to working with you and being part of the team
3 here, and I know a lot of you from past years, and I'm
4 excited to be working here and to have an opportunity
5 to work with you. Obviously I've been talking with
6 Claude quite a bit about some of the issues that you
7 have before you, and what brings me here today
8 primarily is the issue related to the new regulations
9 from the State related to what is commonly known as
10 PFOS. I know there's litigation ongoing. I'll keep
11 going and just talk about the hearing aspects here.
12 So I think everybody here is aware of the background.
13 Anybody need to hear about the background where we are
14 and how we got here?

15 CHAIRMAN DEVLIN: I think we're good. I
16 don't think (Inaudible)

17 MR. POLISTINA: So I guess to bring us
18 up to speed now as we've been through the pandemic, a
19 lot has been going on. The State has been setting
20 (Inaudible) limits over the last several years. They
21 finalized in this time frame when I was appointed
22 maximum contaminant limits for a couple of the
23 compounds. Of course, there's chemical names for
24 them. There's two compounds in particular with now
25 maximum contaminant limits have been set as of June

1 1st, I think right after I was appointed, and those
2 limits now really kick in with a reporting and an
3 obligation to deal with them as of the first quarter
4 of 2021. And so the ACMUA needs to do something. So,
5 you know, being the consulting engineer, I'm going to
6 get myself up to speed with it. I was looking at some
7 of the past stuff that was ongoing and was done by the
8 ACMUA, and, you know, saw back to the beginning of
9 2019 that you were aware of the situation. And,
10 Bruce, as the Director, along with some of the civic
11 associations, have done some of the outreach on the
12 issue, knew it was coming. I think you hired an
13 engineer to do some type of study or some type of look
14 at what would be necessary to deal with these two
15 compounds, bringing those limits below the maximum
16 contaminant limits that the State was setting -- would
17 be setting, and I don't -- I know that there was some
18 work done, but I don't know that there was much done
19 after that. So it goes back to like the beginning of
20 2019, January, March for (Inaudible) 2019 where he was
21 aware of it. I don't know that much. In talking with
22 Claude, Claude a great meeting, kind of can kickoff
23 meeting with Claude and some of other staff, and
24 Claude is trying to be very proactive with everything
25 obviously and I'll try to get out in front. You guys

1 know with the water system, this is a situation where
2 you must be proactive with these things. You can't be
3 necessarily be reactive. You're providing a service
4 to the city, to the residents to the businesses. We
5 have a situation where you need to be proactive with
6 what we're doing. And now with the State, even in the
7 pandemic, with now the transition with Claude taking
8 over and the pandemic, just dealing with the day to
9 day, you nevertheless, and the litigation going on,
10 nevertheless we have an obligation to try to figure
11 out what we're going to do to deal with these
12 compounds. Now, the background obviously is not your
13 fault. It's the FAA. Your role is on the FAA base.
14 (Inaudible) is on the FAA base. Those compounds have
15 primarily gotten into the system from some of the
16 firefighting components that were being used back in
17 the day to treat fires out at the base, but we have an
18 obligation. Being the consulting engineer, I thought
19 it was important enough for me to come out and say
20 hello to everyone, talk to you about it, and try to,
21 you know, this is an all hands-on-deck thing
22 obviously. Seeing some of the numbers, the State will
23 regulate these compounds at 13 parts per trillion for
24 one and 14 parts per trillion for the other. You are
25 recording these to the State now, so everyone is aware

1 that it's out there, but the maximum contaminant limit
2 is not in place until the first quarter of 2021. When
3 this kicks in, you're going to be recording in your
4 water quality analysis that your levels are in some
5 cases significantly above what is the maximum
6 contaminant level. And there is some question as to
7 whether these compounds are harmful. There's never
8 been any testing in humans. It has been tested in
9 mice, but these things are known as, quote unquote,
10 forever compounds. They're used in non-stick
11 cookware, Teflon (Inaudible). These things don't go
12 away. Like some chemicals over time will attenuate.
13 These things do not. They stay in the body. They
14 stay in the environment, and so, you know, talking to
15 Claude in kind of the kickoff, we were talking about
16 how to deal with it, and I said where are we, and
17 we've done some testing but we haven't done a whole
18 lot. Going back to 2019 knowing about it and not
19 doing a whole lot I don't know is something that I'm
20 entirely comfortable with. And just being the
21 appointed consulting engineer now, I want to make sure
22 I got out in front of it and let you know the
23 situation. I don't want anybody be pointing fingers
24 if I'm the engineer for you saying that I didn't do
25 what I should be doing. So this is an issue. Most of

1 the day-to-day stuff we'll deal with Claude, we'll
2 deal with the staff and do our job. This one I
3 thought was important enough to bring to the Board to
4 make sure everyone knows from my perspective kind of
5 where we are, what we need to do. Obviously there are
6 a few different options here that you could take, one
7 of which is the treatment facility I think which was
8 studied. Claude is familiar with it, you know,
9 granular activated carbon system which would be
10 installed mostly likely as we had planned, which you
11 run through, but it's a cost of about 20 million.
12 It's generally like a million dollars per million
13 gallons, and so you're talking about a 20 million
14 capital investment for that, plus about a million and
15 a half annual operating cost because the carbon needs
16 to be switched out, incinerated. It is not a small
17 undertaking. There's some ion exchange systems with
18 some resin. I think there was a combo situation
19 talked about here with the ion exchange with the resin
20 be (Inaudible), obviously the potential of looking at
21 either relocating wells or going into different
22 aquifers with the wells, and that's some of the data,
23 if you want me to take the lead, or however you want
24 this to play out, looking at the aquifer (Inaudible),
25 looking at the depths, looking at the sizes, because I

1 started just kind of preliminarily looking like
2 upstream. Like Hamilton Township MUA where I am the
3 appointed consultant as well, they have one of their
4 aquifers which is in the upper Cohansey aquifer, about
5 160 feet deep into the levels. They're upstream. You
6 know, the grading comes downstream towards the east
7 obviously, but there's about 3 or 4 parts per trillion
8 in the water where there is 160 feet deep, and then
9 they have another one in close proximity which goes
10 into the lower Cohansey which is about 600 feet deep
11 which doesn't have any (Inaudible). So this is kind
12 of a situation where it's all hands on deck and
13 analyzing a number of different options to try to deal
14 with it. So that's why I wanted to try and get here
15 this morning, get out in front of it, and kind of
16 brief the directors, you guys can talk about it so
17 you're aware and try and figure out what is best for
18 the ACMUA to try to deal with it. That was the
19 purpose of me being here. I just wanted to make sure,
20 Mr. Chairman.

21 MR. HILL: I'm just curious. Have you
22 spoken to Mr. Riley who is our special counsel on this
23 (Inaudible) other background.

24 MR. POLISTINA: I have not. I have read
25 a lot of background, and I have certainly seen some of

1 the litigation going on. Certainly you have to pursue
2 that, but that's going to take some time to play out.
3 I just want to make sure that you know that 2021,
4 we're going to start recording that we are in some
5 cases significantly over the maximum data on this.

6 MR. BOR: Mr. Chairman, as long as
7 Mr. Polistina is here, can we switch over to 8A
8 because Mr. Riley is here for continuity by way of
9 litigation and Mr. Polistina is here. So we're
10 waiving the original agenda and the continuity of
11 having Mr. Riley bringing us up-to-date and make sure
12 (Inaudible) that litigation would be a good idea, and
13 also perhaps the gentlemen can have some dialogue.
14 Mr. Riley, thank you for being here.

15 MR. RILEY: Mike Riley here. Good to
16 see you, Vince. Couple things. Have you had a chance
17 to look at the litigation that has been filed, because
18 I was not aware that you were involved in this. I'm
19 very happy to see that you're involved, because what
20 you're going to be able to do for us is calculate our
21 damages. And with that end of it, have you had a
22 chance to look at the filings, the basic Complaints,
23 some of the things we put together?

24 MR. POLISTINA: Yes.

25 MR. RILEY: Then you know what we're

1 really looking at here is unique to all of the PFOS
2 cases. You're aware that the Court down in
3 Charleston, South Carolina is monitoring everything?

4 MR. POLISTINA: Yes.

5 MR. RILEY: Let me bring you up to speed
6 on something that I think is very significant for us.
7 A couple of things. The judge down there is a very
8 proactive judge. He's done over 125, 130 cases on his
9 docket that are all AFF cases. What's happened now is
10 he, like any judge, he wants to move his list. He
11 wants to move the cases. We're now very deeply
12 involved in discovery. There's two basic committees,
13 the plaintiffs committee and the defense committee,
14 and everybody works in concert with one another to
15 make sure we get as much discovery as we can. Much of
16 it is historical. It goes back 30, 40 years when this
17 stuff was first manufactured. What we're talking
18 about now, and it came up in a conference, this
19 August 7th conference, and the judge was asking about
20 the water suppliers. So let me back up for a second.
21 There are a variety of cases in the MDAR in Carolina.
22 A lot of them are personal cases, individuals that
23 filed lawsuits based on their own filter systems.
24 There's a lot of other cases that have been filed
25 against military bases, same kind of situation we're

1 in. What's happened, and it's very interesting is
2 that a number of states that used their rule making
3 authority to set like New Jersey did, the lowest of
4 all the NCLs across the country, we are the lowest.
5 There are three other states that are somewhat with
6 us. There's New Hampshire, Vermont and Michigan.

7 MR. POLISTINA: Yes.

8 MR. RILEY: So what the judge was saying
9 in this conference was he's saying to the lawyers, and
10 there's hundreds of lawyers, what he wants do is start
11 to look at the water supplier cases first with the
12 idea of setting standards in terms of settlements,
13 because you start to settle cases, you begin to set
14 standards and the other cases will fall in line. So
15 the water supplier cases are top on his agenda.
16 What's also top on his agenda is the fact that there's
17 only four states in the country that have used their
18 rule making authority to set NCLs. So now what he's
19 done (Inaudible) with water supplier cases with
20 established standards so you can measure the
21 government's behavior against those standards. From a
22 lawyer's perspective you need a standard to measure
23 someone's behavior. What happened before the judge
24 just sort of taking the bull by the horns, there's a
25 case out of New Mexico, and the state of New Mexico

1 basically charged the Air Force with contaminating the
2 surrounding areas around this huge Air Force base out
3 there. They brought the action against the Air Force,
4 and they said, look, you're contaminating our
5 surrounding area, and we have an unofficial standard
6 of 40 NCLs. The Air Force says guess what, you have
7 no jurisdiction over us, same position that the FAA
8 was taking. There's no jurisdiction over us. And New
9 Mexico said yes, we do. And they said no, there's
10 dual sovereignty. There's a government of the United
11 States and the government of New Mexico. We're the
12 government of the United States, and you know what our
13 standards are, 70. So the Government, the DEP, the
14 Federal DEP is saying okay, well, we're taking care of
15 this. We set the standard of 70, as opposed to New
16 Jersey which is 13. So you can begin to see the
17 difference. You can see it and understand it, but
18 it's important that everybody knows we're in a
19 position where our standards are going to drive the
20 standards down. And my belief is, and I think the
21 conversations that took place earlier this month
22 focused I think very clearly on the judge's intent to
23 begin to move these cases. Now, we know from an
24 engineering study that was done earlier, you're
25 talking minimum of 20 million, and a million and a

1 half, 2 million a year just to maintain it. So we're
2 looking at boxcar numbers here to get this done. But
3 as I told the Board a number of times, I truly believe
4 this is the case. We are the ones, and a couple of
5 the other states, not as low as we are, like Michigan,
6 for instance, is 17. They're in that range, but we're
7 the best off, which is good for us. It's tough when
8 you have to beat it. I'm glad you're in it, because I
9 know from doing some reading, there's a number of
10 different techniques we can use to get around those
11 NCLs like combining the water, diluting the bad water
12 with good water.

13 MR. POLISTINA: Right.

14 MR. RILEY: The fact that you're in it
15 is huge for me because (Inaudible) California, and
16 what drives these cases, because we all know where the
17 liability is, there's no question. Some of these
18 cases, they have to try and determine where this stuff
19 comes from. We don't have that problem. We know
20 where it comes from. We know the effect it has on
21 human beings because there have been a number of
22 studies, and they do show that it causes all forms of
23 cancer, horrible. I know you've probably seen the
24 movie Dark Waters. If you haven't, you probably
25 should because that's how they first discovered it.

1 And the lawyer that handled that case is from West
2 Virginia, and all the information that we have
3 historically comes from that case that was tried in
4 West Virginia. So it's a huge national effort, and
5 you're beginning to see now more and more states are
6 trying to jump on the band wagon, but we're driving
7 the band wagon bus at this point. But I'm personally
8 glad that you're involved in this because I needed a
9 sounding board from an engineering standpoint to deal
10 with the guys in California. Just so everybody knows
11 just from the direction we're going and the numbers
12 with this NCL really mean and how significant they
13 are, 2021, we've got to meet that standard. Okay.
14 And right now we can't, and we're not even close, but
15 we're way ahead of everybody else, and eventually the
16 Federal Government is going to wake up and realize
17 that maintaining the position of 70 NCLs or 40 NCLs is
18 not going to work. And now the Government is
19 beginning to act like Dupont, because what they're
20 doing is coming up with all sorts of contrivances as
21 to avoid liability. It's not working. It's not going
22 to work because we're in the discovery phase now going
23 through the historical aspects to deal with the
24 liability end of the case, which I think we're solid
25 on, but it's the damages part. And that's why I think

1 your involvement is critical for us, so I would say
2 welcome board, but welcome board. It's a huge case
3 with a huge upside, because the cases that the state
4 of New Jersey there are two, one in federal court and
5 one in state court and they're going after different
6 things. They have a much different set of liability
7 problems than we have. They don't know, (Inaudible)
8 and that's why they didn't interfere with our lawsuit,
9 because they knew that we did know where it's coming
10 from and we're in a position to sort of meet the
11 charge if something falls off the map, if that makes
12 sense.

13 MR. POLISTINA: Yeah.

14 MR. RILEY: Anybody have any questions?

15 MS. BAILEY: Pat Bailey, not board
16 member. Tax paying resident. Are you telling me that
17 in 2021, this Board, this facility has to meet X, Y
18 and Z standards, so expectation is for yourself and
19 Mr. Smith here and the team, you're going to come up
20 with some way in which we can bet that standard for
21 the public, or you're telling us now more about the
22 fact there's a lawsuit and dollar figure is attached
23 to it?

24 MR. POLISTINA: No. I'm telling you all
25 hands on back. We need to come up with a way to deal

1 with meeting that NCL the beginning of next year.
2 (Inaudible) That litigation will continue obviously to
3 try and recover some damages, but we don't have to
4 have any (Inaudible). We need a plan in place. I
5 would say be proactive, have a plan in place the
6 beginning of 2021 as to how we're going to deal with
7 this on behalf of the residents and business of
8 Atlantic City.

9 CHAIRMAN DEVLIN: (Inaudible) I remember
10 him discussing in front of the Board that the State
11 can selectively enforce -- didn't he say that? He can
12 selectively enforce who could be up for this standard
13 of new equipment?

14 MR. RILEY: I don't recall that because
15 of the fact the State is the one who actually sets the
16 standards, and of course we have to follow protocol.
17 (Inaudible) Just going back to what Vince actually did
18 say, we did do a study back in 2019 that was actually
19 done by GEO10, an engineering firm, and it didn't
20 necessarily tell us how to try to set the standards or
21 limits of the NCL but in regards to what we might have
22 to do to meet the standards based on the type of
23 treatment process that we have to do. And that's
24 where that 20 million dollars, 30 million dollars
25 actually came into play in regards to what it would

1 cost us just to try to meet the standards. Now, where
2 we are at this particular time, just taking you back
3 to what Vince actually said, we are in the initial
4 stage or the infancy stage of actually trying to meet
5 those standards. We do have some work that we have to
6 do. We have quite a bit of work that we have to do.
7 Of course there's no guarantee that we will meet those
8 standards come the beginning of the first quarter of
9 2021, but we'll have to start doing the investigation
10 in regards to how we can at least meet the standards.
11 From what I saw, it comes into complete effect
12 18 months after it was first initiated which was in
13 June, so we have until, if you want to call it 2022 to
14 definitely meet those particular standards.

15 MR. CLAUDE SMITH: Are we going to be
16 the status part of that?

17 MR. RILEY: That's the question we have
18 to face. So it is a collective effort that we're
19 going to have to work together of course with the
20 engineer, and we might have to bring some other
21 engineering firm on board just to see how we can do
22 so. But, of course, in the initial stages of things,
23 of course we're going to be working with Mr. Polistina
24 to see what our options actually are.

25 MS. BAILEY: Are these options attached

1 to a dollar figure?

2 MR. CLAUDE SMITH: Absolutely. I mean
3 the test in itself is a dollar figure, and you might
4 have to do multi-testings to come up with a solution.
5 So it is. You might have to do power studies which is
6 even another type of solution just to come up with a
7 solution so it is. All of this is attached to a
8 dollar figure. There's no way around it that you can
9 actually get away with not attaching it to a dollar
10 figure.

11 MS. BAILEY: Thank you.

12 CHAIRMAN DEVLIN: Do we have a dollar
13 figure in mind?

14 MR. CLAUDE SMITH: In regards to
15 attaching a dollar figure to all the testing that has
16 to be done, I will say to you it's going to be in the
17 thousands. How much it will actually be, I can't say.
18 Again, you do tests and you do additional tests and do
19 more testing until you come up to a point where you
20 have some satisfaction in regards to the testing that
21 you're doing. So, yes, it will be thousands of
22 dollars.

23 CHAIRMAN DEVLIN: Thank you.

24 MR. POLISTINA: Thank you.

25 MR. RILEY: (Inaudible) As you know, we

1 are awaiting the ACE study. We're still awaiting the
2 ACE study. We're coming up on a period of time that
3 it should be done, and the largest best estimate,
4 we'll have to sit down as a Board and discuss this,
5 because it's going to require some real decision
6 making based on the outcome and the information that
7 was not possessed by the Board before. And I think
8 that to a large extent, my personal thought, that I
9 don't know if the Board was as well informed as they
10 should have been as to options as to what the ultimate
11 outcome is going to be, the changes in the calculation
12 of those energy credits. There's a number of things
13 that are different and need to be reconsidered. We
14 had to go through and offer that study, because that
15 would put us in position where we can then advise the
16 Board that this is the right thing to do at this given
17 time. And the jury is still out on that, and we won't
18 know until we get their assessment and our ability to
19 meet their standards as to the amount of power that we
20 can generate out of this.

21 MR. HILL: Do you perceive a certain
22 timetable? I know they have been busy with storms and
23 servicing here in the region.

24 MR. RILEY: We were close on the
25 authorization.

1 MR. CLAUDE SMITH: (Inaudible) We signed
2 that pretty much right after the May board meeting, so
3 we're going on almost two months.

4 MR. RILEY: We were told one or two
5 months, and we're up on the two-month mark, and they
6 may say no because of the survey and we don't -- we're
7 not going to sign off on this, and we're not going to
8 make the adjustments to accommodate how the power is
9 generated. On the other hand, they may say, you know
10 what, we can make those accommodations. We have to
11 adjust this and that, and we're looking forward to you
12 joining our network. But right now we just don't
13 know, and I think -- this project I think conceptually
14 is a good one, but I think it's been hobbled from the
15 very beginning, my opinion and my lack of involvement
16 with the Board, so that we walk out of these meetings
17 (Inaudible) and I don't think we have that. We're
18 going to have that and the decisions are going to be
19 made, and they're going to make sense, and they're
20 going to have a long-term effect on rates in the state
21 and possible services provided to families in other
22 areas that we can discuss at another time. So there
23 are a lot of good things that can come of this, but
24 it's your decision to go with it once we provide you
25 with the information and the insight, primarily

1 (Inaudible) consultants, and they're very
2 knowledgeable, and at some point the representatives
3 will come here and will go over everything and answer
4 that question. And there's many ways we can work this
5 one thing, the use of the power to reduce the rates
6 across the city for residential. That's a great coup
7 for the Board in these times. So a lot of good things
8 can come from it, and maybe they don't come from it.
9 If they don't, we make those decisions based on
10 information, not speculation.

11 CHAIRMAN DEVLIN: Can you give me a copy
12 of that law that was put out when I first came on the
13 Board regarding the standard of work quality? I never
14 got a copy of that. (Inaudible)

15 DR. REGIS: This is Dr. Regis from
16 Reliance Medical Group.

17 CHAIRMAN DEVLIN: Doc, just stand by for
18 a minute. We're in the middle of another
19 presentation.

20 DR. REGIS: No problem.

21 MS. BAILEY: Inaudible.

22 MR. RILEY: When we first discussed it,
23 we didn't have a full understanding how it's going to
24 play out because now the court's looking at this, and
25 the court's basically saying to these lawyers, I

1 understand some of your states have already regulated
2 the NCLs, and, of course, you knew the answer to that,
3 and four states have, but we have the most.

4 CHAIRMAN DEVLIN: Thanks, Mike. Is
5 everybody okay? Dr. Regis wanted to come in person,
6 but we felt better if he Zoomed in. He's going to
7 discuss COVID and it shouldn't be a long presentation.
8 Are we good with that? Doc Regis?

9 DR. REGIS: Yes.

10 CHAIRMAN DEVLIN: You're on a recorded
11 line and we also have a court reporter here.

12 DR. REGIS: Sure.

13 CHAIRMAN DEVLIN: Can you state your
14 name and maybe spell it for the young lady? And the
15 floor is yours.

16 DR. REGIS: It's Dr. Jon Regis. Jon
17 J-O-N, Regis R-E-G-I-S. And good morning ladies and
18 gentlemen. My name is Dr. Regis, and I'm President of
19 the Reliance Medical Group. Let me just give you a
20 brief update on who I am and who Reliance is.
21 Reliance is one of the largest multi-specialty primary
22 care groups in South Jersey. In fact, the state of
23 New Jersey. We have over 23 offices in 5 South Jersey
24 counties, over 150 employees with over 40 medical
25 providers. We have 12 distinct offices in Atlantic

1 County. We have offices in Camden County, Mercer,
2 Ocean, Monmouth and soon to be Cape May. We are
3 probably one of the largest providers of ambulatory
4 care -- we are the largest provider of ambulatory care
5 in Atlantic County.

6 We've had extensive experience with the COVID.
7 We've had a contract with the City of Atlantic City,
8 one of their COVID testing sites for the past three or
9 four months. We are in contact with the president of
10 Margate, Atlantic City School Boards looking at what
11 they're going to be doing, they're going to have to do
12 once they get back from remote learning. And let me
13 just say it's a very difficult situation. It's called
14 novel COVID-19 for a reason. Novel means it's new.
15 We don't know what the hell this virus is going to do
16 next. And it's very difficult to establish policies
17 and procedures when the trajectory of the process
18 could change or could mutate, so we just got to go
19 with what we know now. And I understand you've had
20 some issues with COVID-19, maybe some positive
21 employees or their families, and all I can say is
22 Reliance stands ready. We can test. We can treat.
23 We can screen. We will have -- first of all, I have a
24 young lady who manages my COVID-19 response team in
25 the county. Her name is Jennifer Farrell. If we move

1 further into this, she would be the main contact.
2 She's been in the COVID testing line every day for the
3 past five months. And I think what needs to be looked
4 at is there's two ways you can approach this. One is
5 that if one of your employees, or staff, or vendors
6 that comes into your site has a positive experience,
7 of course that person is going to need to be tested
8 and their immediate family, and we can do that. It
9 might be worthwhile screening all the employees at one
10 time. You could have a regular screening process
11 where you screen once a month, every two weeks. It
12 depends upon what your industry is saying, not for
13 what the MUA or other utilities are saying, but I'm
14 more up to what school districts and what we're saying
15 in our doctors' offices. So a lot of the information
16 we have to work together to see what your industry
17 standard is, but what I can say, I think it is
18 worthwhile to have one shot all your employees tested,
19 which we can do. I can send personnel over there and
20 get it done in one day. The cost of the test we would
21 bill your insurance. There's no cost out of pocket
22 for those that don't have insurance. The CARES Act
23 covers that. We use Quest Lab. Quest Lab gets
24 results back in five or six days. If we put a
25 priority on them, I can get them back in three days

1 and sometimes within twenty-four hours because we do a
2 lot of testing with them. By the end of the month, we
3 will have a rapid test which will give me the ability
4 to test negative results in five minutes, positive
5 results in fifteen minutes. So we are prepared to
6 work with you to establish a plan and to make sure
7 that your staff is covered as much as possible, but I
8 can tell you again that we're in uncharted
9 territory, and how we respond now may change a month
10 from now. But I think there has to be a cohesive
11 policy moving forward, because you do have employees,
12 you do have partnerships that are out there in the
13 community that needs to be tested. And let me tell
14 you one other things that needs to be done. When we
15 did testing for the City of Atlantic City, we actually
16 did what's called hot spotting, and what that is is we
17 can tell you where the hot spots are in the city. So
18 if any of your employees have to go in those areas of
19 the city, they may need to be extra careful. Let me
20 give you an example. We tested, I don't know how many
21 people in Atlantic City, but we have on our map where
22 most of the clusters of the positivity rates are, and
23 that could be very important to a company or a service
24 like yours going out to various areas in the city.
25 You may require more PPE. It may just be extra

1 careful. But it's interesting that we've seen -- we
2 actually have demographic proof that we've gotten
3 kudos from the Secretary of State, Dr. Perisichilli,
4 Secretary of Education -- I mean of Health in terms of
5 what we're doing in the city. And, of course, we
6 would make that technology and those results available
7 to you as your employees go throughout the city and
8 the county.

9 So, again, I'll be very brief. We have the
10 ability to come in and meet with you to establish a
11 plan based on what we think you should do in
12 conjunction with your own guidelines, industry
13 standards, but there should be a policy of -- I think
14 of regular testing of employees and possibly other
15 vendors or folks who come into your facility or that
16 your employees regularly come in contact with, because
17 we clearly know that most of the problem lies in
18 people who are over 55, over 60, in minority
19 communities, but everybody is at risk here. We also
20 know that most kids, teenagers and young adults, even
21 though they're positive, they very seldom get sick,
22 but the problem is they can still spread the virus.
23 So it's, as I said, uncharted territory. We're
24 learning as we go. I'm following -- I was on the
25 Governor's Restart and Reopening Committee. I met

1 with the Governor. We met every week by Zoom, the
2 committee. I was on the Healthcare Committee, how we
3 tried to reopen hospitals, but all the data from the
4 various segments I have access to. So I'm more than
5 happy to share that and be involved with you as you're
6 going forward. Just let me know how you want me to do
7 that.

8 CHAIRMAN DEVLIN: This is John Devlin,
9 Doc.

10 DR. REGIS: Yes.

11 CHAIRMAN DEVLIN: I appreciate it, and a
12 real quick question, because I know you're on the
13 front line and sit on a couple boards. Is there any
14 possible hope of a vaccine of any kind in the next
15 couple months?

16 DR. REGIS: Yeah, I think -- that's an
17 interesting question. I think there's Moderna,
18 Pfizer, three majors in the third phase of clinical
19 trials that are going on. You may have a vaccine by
20 the end of the year, but one of the delays is going to
21 be that we don't have enough (Inaudible).

22 CHAIRMAN DEVLIN: Thank you, Doc.
23 Mr. Gary Hill has a question.

24 MR. HILL: Dr. Regis, would you be able
25 to do, or do you advise to do the antibody test at the

1 same time that you would do the general testing?

2 DR. REGIS: Well, the antibody test
3 doesn't really tell you that much, and I'll tell you
4 why. It tells you that you've been exposed. It
5 doesn't tell you that you're not going to get the
6 disease. It doesn't tell you -- and we don't know how
7 long the antibodies even last, and that's one of
8 things that's so in a gray area. The antibody test is
9 called IGG. It says you were exposed to the disease.
10 It doesn't say whether you're immune, which is what
11 everybody thought it might do, but it doesn't do that.
12 So I'm trying to figure out what's the use in doing it
13 in a general screening of your coworkers or employees.
14 It doesn't give you much useful information in terms
15 of determining whether they're going to be out in the
16 community getting it, or catching it or spreading it.
17 All it does is say that sometime in the past, recent
18 past you were exposed. Now, there is another antibody
19 test where they give you IGM level. That's the more
20 acute antibody. That lets you know that you got the
21 disease, but that company that did the PCR needed a
22 pharyngeal test, and, of course, we're now
23 exploring -- I don't know if you know it, but Yale
24 just came out with the saliva test which is much more
25 easy to use. In fact, we're in touch with Yale labs

1 now. So that may become available. The FDA just
2 approved that yesterday -- the day before yesterday.
3 So the antibody test I think it should not be part of
4 your (Inaudible) as you go out trying to protect you,
5 or your loved ones or your employees.

6 MR. HILL: Thank, Doctor. Can you turn
7 your contact information over to our executive
8 director? Mr. Weber would like to talk to you.

9 MR. WEBER: Andy Weber. How are you?

10 DR. REGIS: Hey, Andy. Long time. How
11 are you?

12 MR. WEBER: Good. Thank you. You
13 brought up a very good point in the very beginning.
14 The MUA's standard is a separate regulatory position
15 than other businesses, so when you get to -- I'd like
16 to be part of that discussion because there have been
17 established regulations and procedures when it comes
18 to MUAs because we're considered essential services.

19 DR. REGIS: Yeah, exactly.

20 MR. WEBER: And so I love what you're
21 doing. I think it would be a great step in the right
22 direction, and I just want to just be part of it when
23 you sit down with Claude and I going over this. Thank
24 you.

25 DR. REGIS: No problem, Andy. We had a

1 long relationship. You know the work that we've been
2 doing in the community.

3 MR. WEBER: Yes.

4 DR. REGIS: I think it's interesting,
5 because you brought up a very important point, Andy,
6 that you are part of the essential workforce like
7 healthcare, like street trash collectors, and it's
8 very interesting that the term essential workers has
9 come up, because it has a whole lot of different
10 connotations. But what it does mean is that you are
11 necessary for society to survive and function and --
12 but you have to be protected too. So I look forward
13 to speaking with you. I'll bring my team to the
14 table. We have two offices in Atlantic City. I just
15 opened up another one. So we'll have the ability to
16 serve your employees, loved ones (Inaudible) to
17 respond to this threat. By the way, the COVID virus
18 is changing every section of American life, and some
19 of those changes will never be the same. Healthcare
20 will never be the same. And some of the changes are
21 for the good, so we'll just have to see. So I look
22 forward to hearing from you, John.

23 CHAIRMAN DEVLIN: I'll receive your
24 information, and we'll chat one way or another.

25 DR. REGIS: Great. Looking forward to

1 it. You guys have a good day and be safe.

2 MR. WEBER: Thank you, Doctor.

3 MR. BOR: Do we want to go back to the
4 regular agenda? With regard to number four, the Board
5 has received both the regular and executive session
6 minutes and (Inaudible) discussion. Is there a motion
7 to approve?

8 CHAIRMAN DEVLIN: Motion.

9 MR. HILL: Made a motion to approve the
10 minutes.

11 CHAIRMAN DEVLIN: Second. Mr. Bor.

12 MR. BOR: Ms. Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Mr. Hill?

15 MR. HILL: Yes.

16 MR. BOR: Ms. Langford?

17 MS. LANGFORD: Yes.

18 MR. BOR: Mr. Smith?

19 MR. MILTON SMITH: Yes.

20 MR. BOR: Mr. Devlin?

21 CHAIRMAN DEVLIN: Yes.

22 MR. BOR: The regular and executive
23 session minutes are approved. Thank you. Next is the
24 Executive Director's report. Is there anything on the
25 personnel coming in you wish to report?

1 MR. CLAUDE SMITH: The Personnel
2 Committee minutes are distributed to everybody so you
3 should have actually had that in your packages.

4 CHAIRMAN DEVLIN: Financial reports?

5 MR. CLAUDE SMITH: Also in your package.

6 CHAIRMAN DEVLIN: Cash management?

7 (Inaudible)

8 MR. CLAUDE SMITH: Also in your report,
9 unless Anita wants to chime in and report anything
10 specific that relates to it.

11 CHAIRMAN DEVLIN: Anita, do you have
12 anything for us.

13 MS. THAPA: No, everything should be in
14 the report. There is a 9F which we're going to -- I
15 guess there's a resolution for the New Jersey -- State
16 of New Jersey Cash Management Fund which I'll discuss
17 that later on when it comes to 9F.

18 CHAIRMAN DEVLIN: Thank you. That
19 covers 5A through D. Mr. Smith, anything on E or F?

20 MR. CLAUDE SMITH: On E, I just wanted
21 to report to the Board that we completed our
22 interviews for system distribution manager. We
23 weren't able to bring this up in personnel because of
24 the fact that we're not complete with our interviews.
25 So we do have someone in mind that we would like to at

1 least make an offer, and I just want to at least
2 inform the Board that we will be doing this. I just
3 need the Board's consent that we can actually proceed
4 because of the fact that, like I said, we were not
5 able to bring this up in personnel. So I'm bringing
6 this to Board just to get at least that sort of
7 approval so we can go ahead and at least make an
8 offer. They may not accept it, but we would like to
9 make an offer to the prospective person for that
10 particular position.

11 CHAIRMAN DEVLIN: If we could, if this
12 is not time sensitive, is it something we can review
13 when the Personnel Committee meets?

14 MR. CLAUDE SMITH: It is time sensitive,
15 and that's why I'm actually bringing it up because of
16 the fact that, you know, we are without an assistant
17 manager, and, of course, we are understaffed at this
18 particular time period. So, again, whether or not the
19 individual accepts this, and even if they do accept
20 it, it's going to take at least several weeks prior to
21 that person actually coming on board. (Inaudible)

22 MR. WEBER: Is this a new position or
23 are you filling a vacancy?

24 MR. CLAUDE SMITH: We're filling a
25 vacancy.

1 CHAIRMAN DEVLIN: (Inaudible) The
2 Administration attempted to work without (Inaudible)
3 approval, but it's becoming a little bit more work
4 than we can handle. I know we consolidated a lot of
5 positions and we're getting a little bit overwhelmed.

6 MR. CLAUDE SMITH: Don't forget, right
7 now we don't have a manager in the Distribution
8 Department. And Mr. Mancuso which actually now
9 currently has the Acting Executive Director position,
10 which was an assistant manager, so pretty much he's
11 working as an assistant manager, he's working as a
12 distribution manager and also working as deputy
13 executive director. So you're talking about someone
14 working at least three different positions, as well as
15 myself working several different positions. The
16 intent was to at least hire an assistant distribution
17 manager that would assist or help to relieve some of
18 the workload that we currently have, and to have that
19 backup, too, as well as for Mr. Mancuso based on the
20 obligations and responsibilities that he has
21 currently, whether or not he's answering calls, being
22 out in the streets, making plans and so on and so
23 forth. So it is a position that we do need to fill.
24 When you said is it something that we need to fill
25 immediately, yes, I more weighed on it being filled

1 immediately as opposed to much later on, and that's
2 one of the reasons I'm bringing it up now. We did our
3 due diligence in terms of interviewing several
4 different individuals. We've gone through at least
5 four or five outside individuals that actually applied
6 for the position, two internal, so we have been doing
7 due diligence in regards to interviewing individuals
8 and coming up with the best candidate or selection for
9 the position. We feel we need to act sooner than
10 later because of the time frame that we are -- the lag
11 of the time frame of not actually making an offer
12 versus actually making an offer. So I would prefer to
13 go ahead and at least put it out there in terms of
14 making the offer. Again, like I said, I can't
15 guarantee that the person is going to accept it, but
16 the only thing we can actually do is make an offer.

17 MR. MILTON SMITH: M. Smith, Personnel
18 Committee. The Chairman was notified that Mr. Wagner
19 was offered this position. We had someone that
20 already applied for the position but never were
21 contacted.

22 CHAIRMAN DEVLIN: I was never given the
23 name. We just discussed --

24 MR. MILTON SMITH: I was under the
25 impression that we had someone over at the plant that

1 was eligible for this position and he hasn't been
2 contacted.

3 MR. CLAUDE SMITH: I'm not sure exactly
4 what you're talking about. (Inaudible) The eight
5 individuals that applied for the position were all
6 interviewed. We only interviewed individuals that
7 applied for the position. We can't offer a position
8 to a person that did not apply for it.

9 MR. MILTON SMITH: I'm not saying he
10 applied for it. He has not been notified the way I
11 understand it. I may be wrong. He's an employee over
12 at the plant, and he asked for the position and never
13 got contacted. I'm just saying I want our employees
14 that work here to have the opportunity to have that
15 position. Because I was Chairman when I started this
16 position, and I had someone with no college, someone
17 with very little experience, and after he left, we had
18 someone else that had no college and was in the
19 position for four or five years. I'm not saying what
20 you're doing is wrong, but what we have here, we have
21 an opportunity to --

22 CHAIRMAN DEVLIN: Mr. Weber.

23 MR. WEBER: Claude, was this position
24 posted?

25 MR. CLAUDE SMITH: Absolutely.

1 (Inaudible)

2 CHAIRMAN DEVLIN: It was in-house as
3 well as advertised. (Inaudible) The last conversation
4 on personnel we had is that you guys were interviewing
5 candidates that I believe Mr. Mancuso spoke about.
6 You were looking for somebody that had a proper
7 license? (Inaudible)

8 THE SPEAKER: I have a letter, just got
9 it yesterday. (Inaudible)

10 MS. BAILEY: I have a question. The
11 position, did it require licensing? The previous
12 holder of the position, did it require that they have
13 licensure?

14 MR. CLAUDE SMITH: When the position was
15 actually posted, it was posted that licensing is
16 required.

17 MS. BAILEY: But the previous holder of
18 the position, there was no license required?

19 MR. CLAUDE SMITH: Yes.

20 THE SPEAKER: The people in this
21 position prior to this, none of them had a license and
22 did an excellent job because we had no kickback.
23 Because we had no kickback. That was overlooked.
24 (Inaudible)

25 MS. BAILEY: From what I understand, the

1 job description was changed, Mr. Weber? Are you aware
2 that the job description was changed to require a
3 license?

4 MR. MANCUSO: If I may, the question at
5 hand is, is the license required for the assistant
6 manager position, and the answer is no because we had
7 two assistant managers in the past. One was licensed,
8 one was not. This is the way it's kind of always been
9 done. But now we are doing everything we can with a
10 minimal amount of employees. There will only be one
11 assistant manager for distribution, not two in the
12 future. Therefore, we have to require that license
13 for that manager.

14 MR. MILTON SMITH: The previous two
15 people that held that position did not have a license.

16 MR. MANCUSO: You are correct with the
17 two individuals that held that position, but, once
18 again, there was another distribution assistant
19 manager that did hold a license. So not to name
20 employees, but yes, Dale Archie and Willy Norman did
21 not have a license, and also Charles Martin.

22 (Inaudible) But Mike Migella (Phonetically), myself
23 are the assistant managers that did hold that license.
24 So by keeping MUA protected license-wise, historically
25 the Distribution Deputy Executive Director or the

1 distribution manager has been the licensed operator
2 and the assistant manager has always been the backup
3 to the licensed operator, hence, Garth and Mike
4 Magella, Kevin Jordan and myself. So we need to
5 protect ourselves going forward and have a backup
6 licensed operator. That's what this position will
7 fill. When we need to move forward and get away from
8 COVID-19, and the budget comes backs a little more
9 healthy, we will definitely have another assistant
10 manager position that will not require the license,
11 just as we've done it historically.

12 MR. CLAUDE SMITH: (Inaudible) We
13 actually have been trying to be more efficient with
14 less as well, too, and I'm not saying that the
15 situation that we're currently working with is
16 probably the best scenario of us actually being able
17 to accomplish all we need to do. The licensing is a
18 situation that we need to move forward and in that
19 particular direction as opposed to not having
20 individuals with licenses. As I stated before, if
21 we're requiring our employees to now become more
22 interested in actually getting licenses and not have
23 it, if you want to call it top tier in terms of
24 assistant managers or your managers not having
25 licenses, then, therefore, what exactly are we putting

1 out there for individuals that are actually vying for
2 that particular position are trying to get that
3 position. Yes, in the past there were individuals
4 that did not have the licenses, and that was something
5 that was done by the Authority. That was in the past.
6 We're now trying to move forward in the future to make
7 ourselves a much better company.

8 MS. LANGFORD: My question is, since
9 we're on the subject of licenses for employees, this
10 position that's now being offered or considered, is it
11 from an employee that's in-house or outside?

12 MR. CLAUDE SMITH: In regards to the
13 offer?

14 MS. LANGFORD: Yes.

15 MR. CLAUDE SMITH: It's outside.

16 MS. LANGFORD: And do we have current
17 employees with those licenses that applied?

18 MR. CLAUDE SMITH: The license, the
19 minimum license that was actually required was a W-2.
20 Yes, we do have employees that have the W-2.

21 MS. LANGFORD: So the question for me
22 is, if we have employees that have the licenses, why
23 are we --

24 MR. CLAUDE SMITH: It's not just about
25 the licensing. It's about the experience and what the

1 person has to offer in regards to the distribution
2 department, and the knowledge, and the experience and
3 the technicality that the individual has to offer. We
4 can't just look at, quote unquote, just the licenses
5 in regards to hiring an individual. That's one
6 criteria. There's more than one criteria in regards
7 to offering an individual or any individual a position
8 or position that's been advertised.

9 MS. LANGFORD: Because I think that's
10 where we're running into a brick wall. Nynell Langford
11 again. Because if we're looking on paper and it's
12 saying licenses required, and I have a license and I'm
13 an employee, and then I look at someone coming in from
14 the outside, and what you're saying is there's more
15 than the license. As a current employee, I'm now
16 looking at, I have the license, I've applied, but
17 here's someone coming from the outside. You said that
18 was here? I don't know.

19 MR. HILL: He's a former employee.

20 MS. LANGFORD: So it's almost you get
21 out of the line to get back in the line and get in
22 front of the line. I'm just saying that's the
23 appearance of it.

24 MR. CLAUDE SMITH: That might be the
25 perception per se, and it could have been anyone,

1 except for the fact, like you said, it might be
2 someone that might have been a former employee. But
3 at the same time, like I said, if you're going to
4 follow certain criteria in regards to propelling this
5 company to be more efficient and effective and at the
6 same time meet the criteria of the State as well, too,
7 it's not just about the licenses. That is not the
8 only criteria. It's one of the criteria.
9 Unfortunately, we're kind of focusing in terms of the
10 license of the individual in regards to the
11 specifications of the job, and that should not be the
12 case.

13 MS. LANGFORD: And that's only because
14 that's what's printed? When you applied for it, the
15 first thing you say, well, do I qualify, and if you
16 look at it and you see it and you say, okay, I have
17 this so I'm going to go for it. But if it's more than
18 that and it's not in writing, then, you know, what is
19 it. It's kind of gray for a person that's applying.

20 MR. CLAUDE SMITH: And that's why you
21 have interviews.

22 MS. BAILEY: How can you expect me to
23 meet the criteria if you're not offering me training?
24 You said it's important to have the experience. As an
25 employee, how do I grow in experience if you didn't

1 tell me ahead of time that I would need a license and
2 experience? Those are the things we need to start
3 communicating to the employees.

4 MR. CLAUDE SMITH: That's been
5 communicated to the employees because of the fact that
6 there's training programs that have been offered to
7 the individuals, and also that's why the licenses or
8 the education aspect of it has been pushed or being
9 expressed to the individuals. It's not just about the
10 fact that when you say how does a person get the
11 experience, they get experience by working on the job.
12 Now, someone from the plant doesn't necessarily mean
13 that they actually (Inaudible) or actually morph into
14 the Distribution Department because of the fact that
15 they have a license. It's two different aspects of
16 two different animals. Someone from here going over
17 to the plant doesn't necessarily mean that they can do
18 that particular job. They have to learn that job or
19 we'll take the time for them to learn that particular
20 job. So, therefore, if you're looking for someone,
21 you're looking for someone for a specific department,
22 that person also has meet the criteria.

23 MS. BAILEY: So the only thing, license
24 and (Inaudible). Correct?

25 MR. CLAUDE SMITH: Experience

1 (Inaudible).

2 CHAIRMAN DEVLIN: Mr. Weber.

3 MR. WEBER: Andrew Weber. One of the
4 things that, and Claude you may be doing, is
5 succession, and I don't know where (Inaudible). We're
6 talking succession planning, and I think that what two
7 of the commissioners are raising is the ability to
8 have what's called successive (Inaudible), and that
9 goes along with, and I think that would help if people
10 knew in advance that something was going to be out
11 there in the future. Sometimes you don't know that.
12 People retire, people leave, whatever, and you're
13 stuck with that, but that may be something you might
14 want to think about.

15 MR. CLAUDE SMITH: Just to clarify, to
16 make sure that our employees have an opportunity to
17 advance and opportunity to --

18 MR. MANCUSO: We can't hear you now
19 guys.

20 (Technicality difficulty.)

21 (A brief recess was taken.)

22 MR. BOR: Fred Bor, Solicitor. If you
23 want to table it to the next personnel meeting, that's
24 fine. Let's table that and we're onto the next
25 Personnel Committee on the agenda.

1 CHAIRMAN DEVLIN: 5E will be remanded to
2 the Personnel Committee. (Inaudible)

3 MR. BOR: Let's move on.

4 MR. CLAUDE SMITH: Claude Smith
5 speaking. The next item on the agenda is Employee
6 Handbook Committee selection. At the last board
7 meeting, John, we were supposed to actually talk about
8 selecting board members to form a committee to review
9 the personnel handbook. We missed that opportunity,
10 but at the same time, because we talked about the
11 personnel, so if you would like to do so, I mean by
12 all means with that particular selection, but in order
13 for to us to at least move forward in regards to the
14 handbook, I think we need to form that committee as
15 soon as possible. (Inaudible)

16 MR. BOR: This is Fred Bor. 5F
17 regarding our Handbook Committee, it's the
18 jurisdiction of the Chair to appoint committees and he
19 will do so in due course.

20 (A brief recess was taken.)

21 MR. BOR: 5G.

22 MR. CLAUDE SMITH: (Inaudible) Claude
23 Smith speaking again. I actually gave you a handout.
24 That handout is what is my resolution that was passed
25 several years ago. Now, the scenario is that we do

1 have individuals that go out on leave every so often,
2 and the problem that we tend to see here is that as
3 individuals go out and they're out for an extended
4 period of time, the contribution by the employees are
5 not actually met. And we've seen in the past where
6 individuals might be out for a significant amount of
7 time, and the monies that is actually owed to the
8 Authority is not recouped because of the fact that the
9 employees don't pay, or they leave the company for
10 other reasons, and we're trying to see if we can cut
11 the fat on that. At the last personnel meeting we did
12 have a discussion about that. Mr. Weber did mention
13 he would assist us in coming up with a new policy
14 (Inaudible) that will actually be able to curtail some
15 of the issues that we have over the past for employees
16 actually not complying with their share in the medical
17 benefit payments.

18 CHAIRMAN DEVLIN: Mr. Weber.

19 MR. WEBER: I think this is a good
20 start. I would accept it. I think there are many
21 other issues, though, that we have to address on this,
22 but this is a good start.

23 MR. BOR: 5H, Clothing Allowance.

24 Mr. Weber. The clothing allowance for the employees.

25 MR. WEBER: I don't know, is this the

1 clothing allowance for the blue collar?

2 MR. CLAUDE SMITH: Blue collar.

3 MR. WEBER: Blue collar has a clothing
4 allowance per contract, so I'm not quite sure what the
5 clothing allowance issue is if it's already in the
6 contract.

7 MR. CLAUDE SMITH: I think their concern
8 is being compensated for it (Inaudible) allowance.

9 MR. MANCUSO: I don't know if you guys
10 can hear us, but we can't here you.

11 (Technical difficulties.)

12 MR. CLAUDE SMITH: Are you guys back?

13 MR. MANCUSO: I can hear you.

14 MS. PHAPA: I'm here.

15 MR. WEBER: Clothing allowance, as I
16 understand it, we are under a contract with the
17 clothing allowance. If the blues are asking for more
18 money, then they need to come to us and ask for more
19 money.

20 MR. MANCUSO: If I may, this is Nick
21 Mancuso speaking. Just for clarification,
22 historically we do not pay any clothing allowance or
23 any retroactive pay until the contract is signed, and
24 then everything goes back retro-wise. They're
25 requesting that the clothing allowance not be denied

1 to them. They're saying they always get clothing
2 allowance. So if we pay the clothing allowance, this
3 is one less thing we can retro when the contract is
4 signed.

5 CHAIRMAN DEVLIN: Andy, your response.

6 MR. WEBER: I didn't hear what he said.

7 CHAIRMAN DEVLIN: He's saying that in
8 the past, even when they were in contract
9 negotiations, that they still always got a clothing
10 allowance.

11 MR. CLAUDE SMITH: Yes.

12 CHAIRMAN DEVLIN: He's asking you, even
13 if we're still in negotiations, will we give our
14 employees the clothing allowance that they normally
15 get.

16 MR. WEBER: They're under an existing
17 labor contract. Our labor contract remains in effect
18 until they are changed. So whatever our existing
19 labor contract is, they should get paid for those
20 labor or the clothing allowance. Did you get that,
21 Nick?

22 MR. MANCUSO: I understand. I agree.
23 Historically the MUA has not always done that.
24 (Inaudible)

25 MR. WEBER: We're going to do it now,

1 Nick.

2 MR. MANCUSO: Thank you.

3 MR. WEBER: You're welcome. Mr. Bor.

4 MR. BOR: 5I Customer Service,
5 Mr. Mancuso, do you want to talk on that?

6 MR. MANCUSO: What was that one again?

7 MR. CLAUDE SMITH: (Inaudible) Of course
8 we've been in -- I guess we've been actually hunting
9 for a contractor for a period of time. This was
10 actually being handled by Dale who was the assistant
11 manager prior to him leaving, and I took it over
12 pretty much after that time period. Now, we do have a
13 contractor that we were able to secure for doing this
14 particular type of work. They are part of the ESCNJ
15 which is the Education Service Commission of New
16 Jersey, so they are entitled to call up, so you don't
17 necessarily have to go up for a bid in regards to
18 doing this. I want to go back. We had several
19 contractors have actually come in here to try to
20 retrofit what they actually see at the front, and they
21 haven't had much of a success. But this particular
22 company, RI, which actually does the same thing as the
23 panels and so forth in conjunction with -- US -- I
24 mean it was US Goff I think, and they can actually do
25 the particular work. Now, again, this is about the

1 health and safety and security and safety of our
2 employees based on COVID and based on the fact that if
3 and when we do welcome them back, we actually make our
4 employees feel safe and secure. So this particular
5 new front desk or receptionist desk, it will be from
6 floor to ceiling and will be totally enclosed. We'll
7 have a slot for individuals to come in that can do
8 their transactions, and it's something that's actually
9 new. Is this costly? I'm not going to say it's a
10 cheap retrofit or cheap upgrade. We're talking about
11 almost \$18,000 to do this particular work. But,
12 again, this is something we've been talking about and
13 this is something definitely needed and I just know we
14 need to move forward with it.

15 CHAIRMAN DEVLIN: I think since I've
16 been on the Board and it always disturbed me coming in
17 here, because when we go back to our normal self,
18 there's money here. There's ladies here. We don't
19 have security. I know we're working on cameras, but
20 it always bothered me, (Inaudible). I know we never
21 wanted to spend the money, but I think this is money
22 worth spending. We have a lot of females here,
23 there's money here, and now on top of everything, the
24 COVID. Again, I don't know how the rest of the Board
25 feels, but I've always been an advocate of security.

1 And so at the end of the day, that doesn't sound like
2 a lot of money, for me anyway, to spend on something,
3 infrastructure for something that's going to be here
4 for a while and give us extra protection, and now also
5 due to COVID and who knows what's next down the line,
6 so I think it's money well spent. I don't like
7 spending any extra money just like anyone else does,
8 but I think this is a good investment.

9 MR. BOR: Do you have a resolution?

10 MR. CLAUDE SMITH: No. It's COLA. You
11 don't necessarily --

12 CHAIRMAN DEVLIN: You don't have to go
13 out for bid.

14 MR. CLAUDE SMITH: So it's just a matter
15 of informing the Board that this is something we're
16 looking to move forward with.

17 MR. BOR: Anybody have any issues with
18 it? Anybody wish to make any comments or
19 presentations?

20 Hearing none, with regard to public
21 participation, our notice in accordance with DCAM, the
22 law in New Jersey, in accordance with the regulations
23 and the law that we provided in our notice the option
24 for anyone in the public to either join or to send in
25 an e-mail to the Director with questions he may have

1 that we present to the Board. Mr. Devlin, have you
2 received any of the e-mails from the public.

3 CHAIRMAN DEVLIN: No.

4 MR. BOR: So we're in compliance with
5 the public participation provisions of both the
6 statute and the (Inaudible.) The matter being
7 resolved, 8 Old Business, 9 Abatements, the first two
8 are not necessary to appear (Inaudible). Does anyone
9 want to make a motion on 9A 1 and 2?

10 MR. MILTON SMITH: Motion.

11 CHAIRMAN DEVLIN: Second.

12 MR. BOR: So 9A both 1 and 2,

13 Ms. Bailey?

14 MS. BAILEY: Yes.

15 MR. BOR: Mr. Hill?

16 MR. HILL: Yes.

17 MR. BOR: Ms. Langford?

18 MS. LANGFORD: Yes.

19 MR. BOR: Mr. Smith?

20 MR. SMITH: Yes.

21 MR. BOR: Mr. Devlin?

22 CHAIRMAN DEVLIN: Yes.

23 MR. BOR: Passes. 9G is a request for a
24 proposal (Inaudible) municipal advisor. Any comments
25 on that Mr. Smith?

1 MR. CLAUDE SMITH: No.
2 MR. BOR: (Inaudible)
3 MR. HILL: Move.
4 MR. MILTON SMITH: Second.
5 MR. BOR: Second has been noted.
6 Ms. Bailey?
7 MS. BAILEY: Yes.
8 MR. BOR: Mr. Hill?
9 MR. HILL: Yes.
10 MR. BOR: Ms. Langford?
11 MS. LANGFORD: Yes.
12 MR. BOR: Mr. Smith?
13 MR. MILTON SMITH: Yes.
14 MR. BOR: Mr. Devlin.
15 CHAIRMAN DEVLIN: Yes.
16 MR. BOR: Solicit for bids, we need a
17 resolution on that.
18 MR. CLAUDE SMITH: There is a
19 resolution.
20 MR. BOR: Resolution to solicit for
21 bids?
22 MS. BAILEY: Motion.
23 MR. BOR: Ms. Bailey?
24 MS. BAILEY: Here.
25 MR. BOR: Mr. Hill?

1 MR. HILL: Yes.

2 MR. BOR: Ms. Langford?

3 MS. LANGFORD: Yes.

4 MR. BOR: Mr. Smith?

5 MR. MILTON SMITH: Yes.

6 MR. BOR: Mr. Devlin?

7 CHAIRMAN DEVLIN: Yes.

8 MR. BOR: Next item if I may just
9 identify the solicitor's report and go to number two
10 first. Again, a short discussion. The issue was
11 raised to be concerning whether or not we have a
12 property tax exemption on our four properties,
13 Pleasantville, Egg Harbor, Galloway and Absecon. It's
14 noted that our presence here in Atlantic City has
15 always had property tax exemption from 1978 to the
16 present, recognizing that we are a public entity. We
17 do use the property for public purpose, and,
18 therefore, are entitled to an exemption. So it came
19 to my attention, actually in a conference with Mr.
20 Long to at least inquire why we're paying taxes to
21 these other towns. Just to give some perspective, our
22 taxes to these other towns are approximately \$200,000
23 a year, and since 2015, we paid over \$600,000 to these
24 municipalities. I've done two things in furtherance
25 of this. I think this is a ridiculous situation

1 frankly. The first thing I did was make inquiry to at
2 least several other similarly situated authorities to
3 see if they paid a property tax. One of them was our
4 own Mr. Weber of (Inaudible) Willingboro, and he
5 indicates that his facilities out of the municipality
6 has not paid property tax? Correct?

7 MR. WEBER: Correct.

8 MR. BOR: And then just for curiosity
9 because of her background, I reached out to Linda
10 Bozmore of the ACUA and said Linda, for curiosity, do
11 you guys pay property tax on the land you use in Egg
12 Harbor? She said of course not. We're not supposed
13 to under the statute. So I did as a further research,
14 and now I made contact with the lawyer for both Egg
15 Harbor -- excuse me, Egg Harbor and Galloway, the same
16 lawyer, Mr. Smith, and the same lawyer for
17 Pleasantville and Absecon that's a representative of
18 Parker McCay. The representative from Egg Harbor said
19 you know what, Fred, I think you're right. After all,
20 we've gone swimming in your reservoir in Egg Harbor.
21 But legally, everyone should know, there's two
22 criteria. If a MUA -- this is by statute -- owns
23 property, we cannot own it just to acquire land for
24 future development of water or wells. In those
25 situations you have to pay tax. However, if we own

1 property that we actually use in furtherance of our
2 mission as a water authority, that should be tax
3 exempt. As a statute, because the law says you just
4 can't just buy land if you might use it in the future,
5 and all of our that we're applying for, we do either
6 have our well located in the municipality or pipes
7 starting from the reservoir in Egg Harbor, we had the
8 spill away and pipes that run through Absecon,
9 Galloway and eventually into Pleasantville. Indeed,
10 one of those (Inaudible) reservoir are located in
11 Absecon I guess. So with that resistance of two of
12 the four, and with the Board's permission, I'm going
13 to keep pursuing this. The next step would be to
14 reach out to the tax assessors to see if they agree
15 with the exemption. As I indicated, from Egg Harbor
16 and Galloway, he seems receptive to it, Tom Smith.
17 He's an experienced lawyer. He used to work for
18 Atlantic City. And from the other two municipalities
19 I'm getting resistance saying there's another statute
20 that says you can't, (Inaudible) and he can't seem to
21 accept my presentation that there's pipes running
22 under your land in Absecon. The reservoir is in
23 Absecon. But law firms sometimes disagree for a
24 multitude of reasons, so what I'm going to do next
25 with permission of the Board, since we're dealing with

1 hundreds of thousands of dollars a year, I'm going to
2 file applications with the tax assessor for the four
3 towns, because you have to do that first. If you're
4 denied there, then you go to the county tax board. If
5 I'm denied there, then you have to go to the tax
6 court. But based upon how we've paid hundreds of
7 thousands of dollars a year, I think it's worthwhile
8 that I pursue this avenue on these municipalities. So
9 if the Board agrees, I'll continue my diligence, file
10 the necessary papers and keep the Board informed of
11 where we are. And it would help me tremendously in
12 identifying what towns, how much we pay the towns.
13 Incidentally, one thing we should note is that
14 although this whole pursuit of a tax exemption was
15 started by me about a month ago, we've had tax bills
16 due in August, and I've indicated to Anita that we
17 should pay those because we haven't been granted our
18 exemption yet. And what I will do, if we're granted,
19 I'll hope that I can get some refunds of exemptions
20 that already -- of taxes already paid. So I'll report
21 back to the Board and to the Executive Director
22 Chairman where I'm going with these various pursuits.
23 And if anybody has any questions, I can only indicate
24 to the Board that these are issues that could save us
25 hundreds of thousands a year, and it's certainly

1 unfair that since 1978, no one has ever applied for
2 property tax exemption. Ironically, the only one
3 we've gotten is Atlantic City. We've never paid taxes
4 to them. So if there's no questions, we can move onto
5 DOT Water Main Resolution. Claude, do you want to
6 start discussing that?

7 I'm sorry. Everyone knows about the problems
8 we've had with Albany Avenue and the problems with the
9 pipes under Albany Avenue and the litigation we've had
10 with the contractor. Ironically enough, about several
11 weeks ago, the commissioner of DOT, Mr. Katrina I
12 believe it is, contacted both Claude and myself and
13 said let's try to work something out with completion
14 of the water main problem that runs through Albany
15 Avenue. That's a particularly important one of
16 course, because if one goes down and one is out of
17 shape and can't be used, that's the main water that
18 comes into the city. We never want to be in that
19 position. So a MOU has been presented to me. I
20 shared it with Nick and Claude to tweak it in a way
21 that was more favorable to us. The MOU came directly
22 from DOT, and it, of course, it favors a little bit
23 the State. We'd rather tweak it. So we're in the
24 process of having Claude, Nick and I present a
25 counteroffer to the DOT with the goal of completing

1 the project without any new costs to us. The most
2 important thing is we wouldn't have to pay for the
3 repairs. We just need some tweaking on when they're
4 going to do it, the circumstances and other items.
5 And once Claude, Nick and I work on the
6 counterproposal, we'll keep the Board advised.

7 MR. CLAUDE SMITH: We just have to work
8 on that in a timely manner, because this can go back
9 and forth for some time.

10 (Mr. Milton Smith leaves the Board
11 hearing.)

12 MR. BOR: If there's no questions on the
13 water main or my property tax exemption pursuit, and
14 the record should also reflect the fact that Mr. Smith
15 had to leave the meeting. Therefore, in terms of any
16 votes, that we have our alternate, Mr. Cheatham, here
17 who will participate on any other resolution that
18 needs ruling.

19 Next we have E1RHD1.

20 MR. CLAUDE SMITH: That's a water
21 service amendment that we just need approval on by the
22 Board. This was actually done -- Nick actually gave
23 us this agreement (Inaudible). Let's see if I have it
24 here.

25 MR. MANCUSO: The meeting was on

1 August 8th.

2 MR. CLAUDE SMITH: Nick, do you have
3 that paperwork in front of you? This is the agreement
4 for August 8th. It's a new service agreement or new
5 service that's actually been put in for a new
6 customer. The cost is \$30,780. They already repaid
7 that particular fee for doing that particular
8 installation, and we just need approval to ask for the
9 resolution to move forward in regards to the service.
10 This is a normal process that we actually go through.

11 MS. BAILEY: Motion.

12 CHAIRMAN DEVLIN: I'll second.

13 MR. BOR: Ms. Bailey?

14 MS. BAILEY: Here.

15 MR. BOR: Mr. Cheatham?

16 MR. CHEATHAM: Yes.

17 MR. BOR: Mr. Hill?

18 MR. HILL: Yes.

19 MR. BOR: Ms. Langford?

20 MS. LANGFORD: Yes.

21 MR. BOR: Mr. Devlin?

22 CHAIRMAN DEVLIN: Yes.

23 MR. BOR: El passes. Cash Management
24 Fund.

25 MR. CLAUDE SMITH: If you want to read

1 some on that, you can do so. If not, it's actually
2 part of the package as well. This is just a request
3 for additional signatures by the board members.
4 Approval for other board members to be able to sign
5 off on the cash management fund.

6 MS. PHAPA: This is Anita by the way.
7 To let the other board members know that the amount
8 that we opened with the New Jersey State Tax
9 Management Fund is 3 million. The interest rate is
10 not better, but it's still better than our trustee
11 bank which is the Bank of New York, Mellon.
12 (Inaudible) I have to use my phone because the work
13 phone cut me off. So this resolution is just putting
14 all of the other board members as the authorized
15 signers under New Jersey Cash Management Fund.

16 MR. BOR: That's fine. Is there a
17 motion on F?

18 CHAIRMAN DEVLIN: Motion.

19 MR. HILL: Second.

20 MR. BOR: Ms. Bailey?

21 MS. BAILEY: Here.

22 MR. BOR: Mr. Cheatham?

23 MR. CHEATHAM: Yes.

24 MR. BOR: Mr. Hill?

25 MR. HILL: Yes.

1 MR. BOR: Ms. Langford?

2 MS. LANGFORD: Yes.

3 MR. BOR: And Mr. Devlin?

4 CHAIRMAN DEVLIN: Yes.

5 MR. BOR: (Inaudible) E passes, leave
6 of absence. We're up to G, Distribution under Rice
7 Notification. Mr. Weber will discuss.

8 MR. WEBER: I am requesting,
9 Mr. Chairman, that this be in closed session.

10 (Inaudible)

11 CHAIRMAN DEVLIN: Yes, but let's
12 continue.

13 MR. BOR: H, Leave of Absence.

14 MR. CLAUDE SMITH: Mr. Jeffries is
15 scheduled to return to work on September 3rd, 2020,
16 and Mr. Abdul Williams, we're not certain what's going
17 on with that individual. We know that his attorney
18 has filed for workers' comp for him. Again, don't
19 forget, this individual has only been with us about
20 four months when he developed an ailment and was out
21 of work. We tried on several occasions to be in touch
22 with him in terms of the personnel office, and we were
23 not very successful, but we asked for conversation in
24 a personal meeting on a number of occasions. It
25 was -- request was made in terms of why this

1 individual -- why did this individual actually apply
2 for workers' comp. So I think that's something that
3 he's probably pursuing at this time. We don't
4 necessarily know the full --

5 MR. BOR: Who asked that question?

6 MR. CLAUDE SMITH: In regards to
7 workers' comp?

8 MR. BOR: Yes.

9 MR. CLAUDE SMITH: Andy was one of the
10 individuals.

11 CHAIRMAN DEVLIN: In laymen's terms, we
12 discussed that just like a cop having a heart attack
13 on the job, it's workmen's comp. So this gentleman,
14 I'm no doctor, I don't think Mr. Regis is not on the
15 phone anymore, but if he has an ailment on the job
16 while he's working, I mean my past (Inaudible). I
17 mean we've had cops that had heart attacks on the job,
18 heat strokes, and it was always covered by workmen's
19 comp. So now I'm confused when we have an employee,
20 whether it happened on the job or whether you think it
21 had something to do with the job, it still happened
22 while he was here.

23 MR. CLAUDE SMITH: The scenario is he
24 never applied for workmen's comp, and when he went
25 out, we were expecting him to return to work. We did

1 not know what the full prognosis or diagnosis was or
2 what the situation was with the individual. Of
3 course, you know, trying to contact him and trying to
4 find out if he was actually planning on returning to
5 work, of course it lasted over a period of time. And
6 the question came up, why didn't the individual apply
7 for workers' comp. And I think since that particular
8 time frame, that individual took a position of
9 applying for workers' comp. We did not mention that
10 he could not apply for workers' comp, but, again, he
11 did not apply for workers' comp. We don't even have a
12 report as to what completely occurred. There was
13 nothing filed, nothing filed. We don't have anything
14 on file.

15 CHAIRMAN DEVLIN: Now that he has a
16 attorney, it can be litigated. Is that something that
17 you can reach out to his attorney and figure out?

18 MR. WEBER: I would assume, that as I
19 understand it, he has sought a workers' comp attorney,
20 and that we'll probably hear something from the
21 workers' comp attorney.

22 CHAIRMAN DEVLIN: Let's not sit around
23 and wait for his attorney to reach out. He's not
24 going to reach out for us. That's how these lawyers
25 are. I mean can we reach out to them and say where

1 are we at with this? This has been going on a long
2 time, and I think he just applied for workmen's comp.
3 So let's get some kind of --

4 MR. CLAUDE SMITH: Well, like I said,
5 now that he's applied for workers' comp, now workers'
6 comp has to make a decision.

7 CHAIRMAN DEVLIN: In the meantime, we
8 have to -- we have to keep him on the books, right?

9 MR. CLAUDE SMITH: Well, he was never
10 necessarily taken off the books. This is one of the
11 individuals we're still actually paying his medical
12 bills. His benefit is still actually paid by the
13 Authority. So, again, we are in that situation where
14 an individual is not contributing but the Authority
15 still has to pay the medical benefits.

16 CHAIRMAN DEVLIN: When I was a cop and
17 injured on the job, the way the City of Atlantic City
18 does it, they continue benefits and they continue to
19 pay, and when they get workmen's comp --

20 MR. WEBER: Normally we would get a lien
21 against the workers' comp to reimburse us for the
22 expenses that we've incurred.

23 CHAIRMAN DEVLIN: And I realize he
24 hasn't been here long, but if he was injured on the
25 job, which we don't know, if he was on the clock, that

1 makes us obligated, correct? Yes or no? It's just
2 like a cop having a heart attack on the job.

3 MR. WEBER: It's still up to the
4 workers' comp judge, but they're pretty liberal when
5 it comes to that.

6 CHAIRMAN DEVLIN: Anything else?

7 MR. BOR: (Inaudible) We have to have a
8 resolution on the leave of absence. Is there a
9 resolution and a second?

10 CHAIRMAN DEVLIN: Motion by Mr. Devlin,
11 second by Mr. Hill.

12 MR. BOR: Ms. Bailey?

13 MS. BAILEY: Yes.

14 MR. BOR: Mr. Cheatham?

15 MR. CHEATHAM: Yes.

16 MR. BOR: Mr. Hill?

17 MR. HILL: Yes.

18 MR. BOR: Ms. Langford?

19 MS. LANGFORD: Yes.

20 MR. BOR: Mr. Devlin?

21 CHAIRMAN DEVLIN: Yes.

22 MR. BOR: Monthly bills, is there a
23 motion?

24 CHAIRMAN DEVLIN: Motion by John Devlin.

25 MS. BAILEY: Second by Ms. Bailey.

1 MR. BOR: Ms. Bailey?
2 MS. BAILEY: Yes.
3 MR. BOR: Mr. Cheatham?
4 MR. CHEATHAM: Yes.
5 MR. BOR: Mr. Hill?
6 MR. HILL: Yes.
7 MR. BOR: Ms. Langford?
8 MS. LANGFORD: Yes.
9 MR. BOR: Mr. Devlin?
10 CHAIRMAN DEVLIN: Yes.
11 MR. BOR: Is there a motion to go into
12 Executive Session?
13 CHAIRMAN DEVLIN: Motion by Ms. Bailey,
14 second by Mr. Devlin.
15 MR. BOR: Ms. Bailey?
16 MS. BAILEY: Yes.
17 MR. BOR: Mr. Cheatham?
18 MR. CHEATHAM: Yes.
19 MR. BOR: Mr. Hill?
20 MR. HILL: Yes.
21 MR. BOR: Ms. Langford?
22 MS. LANGFORD: Yes.
23 MR. BOR: And Mr. Devlin?
24 CHAIRMAN DEVLIN: Yes.
25 MR. BOR: Closed session.

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(This ACMUA Board hearing concluded at
11:38 a.m.)

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C E R T I F I C A T E

I, ELISA A. CIBOLDI, a Certified Court Reporter and a Notary Public of the State of New Jersey, do hereby certify that prior to the commencement of the examination, the witness was duly sworn by me.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the date, time and place aforementioned.

I DO FURTHER CERTIFY that I am neither a relative nor employee, nor attorney or counsel to any parties involved; that I am neither related to nor employed by any such attorney or counsel, and that I am not financially interested in the action.

Elisa A. Ciboldi



ELISA A. CIBOLDI, C.C.R.
Notary Public of the State of New Jersey
My Commission expires March 28, 2021

NJ C.C.R. License No. XI-01795

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