

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

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DATE: WEDNESDAY - APRIL 18, 2018
COMMENCING AT 10:00 A.M
ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
401 North Virginia Avenue
Atlantic City, New Jersey 08404

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1 Computer-aided transcript of
2 the Board of Directors Meeting, taken
3 stenographically in the above-entitled
4 matter before Molly A. Alber, License Number
5 30X1 00240100, New Jersey Certified
6 Shorthand Reporter.

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10 BOARD MEMBERS PRESENT:

11 MILTON L. SMITH, Chairman

12 GARY L. HILL, Vice Chairman/Secretary

13 JOHN McGETTIGAN, Treasurer

14 WILLIAM LEA, Board Member

15 EDMUND COLANZI, Board Member

16 PATRICIA BAILEY, Board Member/Alt 1

17 WILLIAM CHEATHAM, Board Member/Alt 2

18
19 - - -

20
21 ALSO PRESENT:

22 G. BRUCE WARD, Executive Director,
23 Atlantic City Municipal Utilities Authority

24 GARTH MOYLE, Deputy Executive Director,
25 Atlantic City Municipal Utilities Authority

1 FRED BOR
Atlantic City Municipal Utilities Authority

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3 KELLY WILLIAMS, Executive Secretary
Atlantic City Municipal Utilities Authority

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5 CHARYL MCINTOSH,
Atlantic City Municipal Utilities Authority

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P R O C E E D I N G S

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CHAIRMAN SMITH: Let's get started please, come to order.

Adequate notice of this meeting has been provided as required by law by mailing to The Press a list of the regularly scheduled meetings of the Board of Directors, including the notice of the regular meeting scheduled for April 18, 2018 at 401 North Virginia Avenue, Atlantic City, New Jersey.

A copy of said notice was sent to City Clerk to be posted. All of the aforesaid complies with Chapter 231 of the laws of 1975 known as Open Public Meeting Law.

Role call.

MR. BOR: Mr. Cheatham?

Present.

MR. BOR: Ms. Bailey.

MS. BAILEY: Here.

MR. BOR: Mr. Lea.

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1 MR. LEA: Here.

2 MR. BOR: Mr. Colanzi?

3 MR. COLANZI: Here.

4 MR. BOR: McGettigan.

5 MR. McGETTIGAN: Here.

6 MR. BOR: Hill.

7 MR. HILL: Here.

8 MR. BOR: Smith.

9 CHAIRMAN SMITH: Here.

10 Please lead us, Mr. Cheatham.

11 (Whereupon, the Pledge of

12 Allegiance is recited.)

13 MR. WARD: Good morning, board
14 members, staff and guests. I think we want
15 to adjust the agenda and move to new
16 business. We have 9(a)(1) Angeloni's
17 present for necessary to appear for Account
18 Number 539601-0, an abatement in the amount
19 of \$2,322.96.

20 Mr. Angeloni, can you state
21 your name for the record?

22 MR. ANGELONI: Alan Angeloni.

23 MR. WARD: That's Mr. Angeloni,
24 okay.

25 This is a first abatement and

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1 there's a note that his repaired pipe was
2 under the kitchen.

3 Anything you want to put on the
4 record, Mr. Angeloni?

5 MR. ANGELONI: We didn't
6 realize it until you guys came around and
7 told us that we had a leak. And it took the
8 plumber quite a while to find it and it was
9 under the craw space -- I don't even know
10 how they got to it, that's how far back it
11 was under the building. But it was a broken
12 pipe and they took care of it.

13 MR. HILL: I'll move it.

14 CHAIRMAN SMITH: Second.

15 MR. BOR: Mr. Lea.

16 MR. LEA: Yes.

17 MR. BOR: Colanzi.

18 MR. COLANZI: Yes.

19 MR. BOR: McGettigan.

20 MR. McGETTIGAN: Yes.

21 MR. BOR: Hill.

22 MR. HILL: Yes.

23 MR. BOR: Smith.

24 CHAIRMAN SMITH: Yes.

25 MR. WARD: We have 9(a)(2)

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1 which is a property --

2 I'm sorry, your abatement has
3 been approved. I should have said that, I'm
4 sorry.

5 MR. ANGELONI: Thank you.

6 MR. WARD: So your abatement
7 has been approved and you'll get notice,
8 okay?

9 MR. ANGELONI: Thank you so
10 much. Appreciate it, thank you. Have a
11 great day.

12 MR. WARD: 9(a)(2) is for 148
13 South Westminster Avenue, a property owned
14 by Schultz & Hill, water account 3979801-0
15 in the amount of \$879.43. This is a second
16 abatement. The first being by resolution
17 Number 73, April 1916. The reason, a
18 repaired pipe under the building.

19 We have Mr. Schultz. Mr.
20 Schultz, anything you wish to add on the
21 record, sir?

22 MR. SCHULTZ: Good morning
23 everyone. This property is an old property
24 and this will be the second leak we've had
25 there. Unfortunately, we give the property

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1 for cost to the Atlantic City Ballet to stay
2 there when they're in town. Sometimes they
3 go out of town for two weeks, and when they
4 went out of town the same pipe broke again.

5 Mr. Randall, thank goodness, he
6 called us and told us we have a surge of
7 water. Then we went back to the property,
8 there was no one there. We found the leak,
9 fixed it. This time we insulated the pipes.
10 It's an old building; been there since the
11 turn of the century.

12 Anyway, we figured we have the
13 whole thing pretty well solved now. I
14 appreciate the second abatement. We'll pay
15 the first abatement and the second
16 abatement -- first abatement was \$141. I
17 didn't want to do it, but we did it. I
18 appreciate, especially Mr. Randall --

19 MR. HILL: Randolph.

20 MR. SCHULTZ: Yes. If it
21 wasn't for that, might still be leaking. I
22 appreciate your consideration in this
23 matter.

24 CHAIRMAN SMITH: Move it.

25 MR. McGETTIGAN: Second.

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1 MR. BOR: Mr. Lea.
2 MR. LEA: Yes.
3 MR. BOR: Colanzi.
4 MR. COLANZI: Yes.
5 MR. BOR: McGettigan.
6 MR. McGETTIGAN: Yes.
7 MR. BOR: Hill, abstains.
8 Mr. Smith.
9 CHAIRMAN SMITH: Yes.
10 MR. BOR: Approved.
11 MR. SCHULTZ: Thank you very
12 much.
13 MR. WARD: Thank you, sir.
14 MR. WILLIAMS: Hard Rock water
15 service agreement, 9(f)(1).
16 MR. MOYLE: We paid everything,
17 it's all good.
18 Move it.
19 MR. HILL: Second.
20 MR. BOR: Mr. Lea.
21 MR. LEA: Yes.
22 MR. BOR: McGettigan.
23 MR. McGETTIGAN: Yes.
24 MR. BOR: Hill.
25 MR. HILL: Yes.

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1 MR. BOR: Smith.

2 CHAIRMAN SMITH: Yes.

3 MR. BOR: Carries.

4 MR. WARD: Back to the regular
5 agenda. As far as the executive director's
6 report, I was not sure -- oh, no, you want
7 to do that?

8 MR. BOR: Yeah. Notice a
9 little different format for the agenda.
10 I'll explain it a little later.

11 Number four is going to be
12 approval of the regular executive session
13 minutes. Is there a motion on that,
14 assuming everyone has gotten their
15 transcript?

16 MR. HILL: Move it.

17 MR. McGETTIGAN: Second.

18 MR. BOR: Mr. Lea.

19 MR. LEA: Yes.

20 MR. BOR: Colanzi.

21 MR. COLANZI: Yes.

22 MR. BOR: McGettigan.

23 MR. McGETTIGAN: Yes.

24 MR. BOR: Hill.

25 MR. HILL: Yes.

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1 MR. BOR: Smith.

2 CHAIRMAN SMITH: Yes.

3 MR. BOR: Going forward, be a
4 little different format that I'm working on
5 as a result of a suit I'll discuss in closed
6 session. It will be a very easy format
7 before the board, that's why you see a
8 little different addenda and going to be a
9 little different procedure. But I'll make
10 sure we follow exactly what the Court wants
11 us to.

12 Number four has been approved.

13 MR. WARD: Down to the
14 executive director's report. There's
15 correspondence that Mr. Bor will go over
16 with the board in closed session. That's
17 (a)(1). Your personal committee meeting
18 notes, engineering committing meeting,
19 financial reports and shut offs are
20 attached.

21 Any questions?

22 Directors' forum. Directors?

23 CHAIRMAN SMITH: I want to
24 congratulate Mr. Hill for his appointment of
25 five more years on the board.

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1 MR. McGETTIGAN: Yes,
2 congratulations.

3 (Whereupon, all board members
4 congratulated Mr. Hill.)

5 MR. HILL: Thank you.

6 MR. WARD: So we're down to
7 8(a) Old Business. Accepting bids for
8 Virgin and Custom Reactivated Carbon, that
9 would be resolution 8(a)(1).

10 MR. MOYLE: What happened was
11 this thing was bid two ways. It's all
12 Virgin Carbon, that's one bid. Or the other
13 bid, which we usually accepted, heck of lot
14 cheaper, is you bring in one load Virgin
15 Carbon the first year, the load that you
16 took out gets reactivated. And that comes
17 back in the first year and replaces the
18 other one. That goes back and it just keeps
19 going. A load of Customer -- excuse me,
20 Virgin Carbon is over 80 grand. Reactivated
21 is 50,000 and change.

22 Now, the bid we're going to
23 accept, Calgon was the second low bidder.
24 And over the course of three years they were
25 about, I think it was \$14,000 more.

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1 The bid spec is clear, says
2 we're free too ask questions and they have
3 to answer them. So since we've never dealt
4 with other group, which is Carbon Activated,
5 whatever they call themselves, we need about
6 five happy satisfied customers we can talk
7 to see how it's working removing the
8 chemical of interest for fluorinated
9 compounds.

10 The answer we got was -- first
11 of all, I don't know if they even have any
12 that are currently using it, number one.
13 But the guy said it was confidential, ask
14 Calgon. We got at least three to five, all
15 people in Ridgewood, other places, they say
16 they work with them, they're great. So on
17 the strength of that the plant manager,
18 Anthony Polombi (ph), said he didn't -- for
19 the first company you didn't meet the spec,
20 you didn't give us the information.

21 Calgon did meet the spec, you
22 did give us the information we wanted, the
23 happy satisfied customers we could discuss
24 this with, and that's it.

25 If you guys want to accept it,

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1 again, the bid spec is clear, you have to
2 provide the information we ask for. If you
3 don't, you'll be rejected.

4 MR. McGETTIGAN: I think Calgon
5 is proven here.

6 MR. MOYLE: Yes, this is the
7 one we've been using removing this stuff.
8 This is something you really don't want to
9 play around with too much because of the
10 threat of the DEP actually adopting -- use
11 another word, but let's call it silly
12 standard of 27 parts per trillion for the
13 FOS and the PFOA combined. As opposed to
14 somebody who might actually know something,
15 the USEPA, who put it at 70 parts per
16 trillion. Which again is an incredibly
17 small amount of anything.

18 I mean, when you do the math,
19 if you drank the recommended two liters of
20 water over the course of 90 years every day,
21 we did the -- well, we did it, I have the
22 pictures, but they're hard to see. I can't
23 show them now. A very incredible, just a
24 small dusting lodged in a weigh thing, about
25 that big. Just a very small dusting.

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1 The one from DEP is -- you can
2 notice it's a little bit less, but it too is
3 just -- but they know best.

4 I fought with them for years.
5 Again, that's one of the reasons I'm
6 retiring, I'm sick of them. They don't know
7 what they're doing; they really don't. The
8 DEP has no clue, they've never done anything
9 in this industry except sit in a cubical and
10 make up regulations to keep their jobs. But
11 that's where we are.

12 MS. BAILEY: Calgon is at
13 417,000 and Carb Activated at 432 --

14 MR. MOYLE: That's the first
15 option which is all getting fresh carbon in
16 each load. The option we're really
17 accepting is option two. Well, they're 14.5
18 more.

19 MS. BAILEY: Okay.

20 MR. MOYLE: If you're accepting
21 the one that's another hundred and twenty
22 some thousand dollars, but we're not
23 accepting that.

24 MR. McGETTIGAN: I'll make a
25 motion to accept Calgon.

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1 MR. HILL: Second.
2 MR. BOR: Mr. Lea.
3 MR. LEA: Yes.
4 MR. BOR: Mr. Colanzi.
5 MR. COLANZI: Yes.
6 MR. BOR: McGettigan.
7 MR. McGETTIGAN: Yes.
8 MR. BOR: Mr. Hill.
9 MR. HILL: Yes.
10 MR. BOR: Smith.
11 CHAIRMAN SMITH: Yes.
12 MR. BOR: Carries.
13 MR. MOYLE: I'll get off my
14 soapbox. Everybody happy? I know I am.
15 MR. McGETTIGAN: Been waiting
16 25 years for that statement.
17 MR. WARD: Okay. Ladies and
18 gentlemen, we're at Resolution 8(b)(1).
19 This is to accept a request for
20 qualifications and proposals for annual
21 engineering report and other services. The
22 successful bidder is Buchart Horn. It's
23 \$12,350. This is for the annual report and
24 other services, engineering services.
25 MR. HILL: Mr. Smith, Buchart

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1 Horn, we worked with them so much in the
2 past, so we're good with them, right?

3 MR. CLAUD SMITH: Sorry?

4 MR. HILL: The engineering
5 report?

6 MR. CLAUD SMITH: Yes. We have
7 worked with them in the past, they've done
8 tremendous work for us. We have no issues
9 with them.

10 CHAIRMAN SMITH: Move it.

11 MR. HILL: Second.

12 MR. BOR: Mr. Lea.

13 MR. LEA: Yes.

14 MR. BOR: Colanzi.

15 MR. COLANZI: Yes.

16 MR. BOR: McGettigan.

17 MR. McGETTIGAN: Yes.

18 MR. BOR: Hill.

19 MR. HILL: Yes.

20 MR. BOR: Smith.

21 CHAIRMAN SMITH: Yes.

22 MR. BOR: Carries.

23 MR. WARD: 9(b)(3) and (4) we
24 can do together. These are abatements
25 unnecessary to appear.

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1 CHAIRMAN SMITH: Move it.

2 MR. McGETTIGAN: Second.

3 MR. BOR: Mr. Lea.

4 MR. LEA: Yes.

5 MR. BOR: Colanzi.

6 MR. COLANZI: Yes.

7 MR. BOR: McGettigan.

8 MR. McGETTIGAN: Yes.

9 MR. BOR: Hill.

10 MR. HILL: Yes.

11 MR. BOR: Smith.

12 CHAIRMAN SMITH: Yes.

13 MR. WARD: 9(c)(1), this is a
14 contract to begin engineering for Ventnor
15 Avenue project. The City of Atlantic City
16 has undertaken their plans to repave
17 portions of Ventnor Avenue. And it is in
18 the best interest of the Authority to take
19 out old piping and replace it while this
20 project is underway, savings to the
21 Authority of \$300,000 in re-pavement costs.
22 This is a project that we are coordinating
23 with the city so that there's the least
24 disruption in the final improved
25 infrastructure in that location. It's

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1 \$26,200. This would be for the engineering
2 from Buchart.

3 CHAIRMAN SMITH: Move it.

4 MR. McGETTIGAN: Second.

5 MR. BOR: Mr. Lea.

6 MR. LEA: Yes.

7 MR. BOR: Colanzi.

8 MR. COLANZI: Yes.

9 MR. BOR: McGettigan.

10 MR. McGETTIGAN: Yes.

11 MR. BOR: Hill.

12 MR. HILL: Yes.

13 MR. BOR: Smith.

14 CHAIRMAN SMITH: Yes.

15 MR. WARD: 9(d)(1) and (2).

16 We're at the point that we have to solicit
17 bids for janitorial services. Let's be
18 mindful that at a certain juncture in 2017
19 there was a dispute about whether the
20 services were being provided on a per
21 contract basis. I think the Authority
22 modified the amount of time for the plant,
23 but did not adjust for the administration.

24 At this point what we're
25 prepared to do is go out for the bid specs

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1 as we have in the past for the entire time
2 period. But I'd like to have any feedback
3 from the board if you wish to change the
4 specs in any way.

5 MS. BAILEY: I just have a
6 question. When you clarified the specs the
7 last time, I can't remember what it was,
8 within the four-hour period, can we talk
9 about that?

10 MR. WARD: What I think the
11 board finally adjusted was that if the work
12 can get done in two hours, then that's fine.
13 Although the contract specified that the
14 vendor be on property four hours.

15 I end up being in the middle of
16 this because I have complaints coming from
17 employees, staff, so forth and so on.
18 Again, if it calls for the vendor being on
19 property for four hours and a spill happens
20 at hour number 2 and 15 minutes, then we're
21 stuck with asking staff member to address a
22 janitorial issue.

23 The reason why we have janitors
24 is, again, to specialize in that area. So
25 I'm at the point where I'd like to see the

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1 contracts flow as stated and attract a
2 vendor that is going to be consistent with
3 the contract. But again, I have to accept
4 what the board's pleasure is.

5 MS. BAILEY: For me, my only
6 clarification is making sure that it says
7 that the business must be on site for the
8 entire four hours, that's all.

9 MR. McGETTIGAN: I'd like to
10 know, do you think we can just tie it all
11 into one contract and have this bid out
12 properly rather than have two separate
13 contracts? Just to clean it up, why not
14 have one contract for both buildings?

15 MR. MOYLE: There's kind of
16 separate descriptions for the work done at
17 both sites. They are different. I don't
18 really see where you could -- but you could,
19 I guess.

20 MR. McGETTIGAN: I thought we
21 were at one time.

22 MR. MOYLE: Again, we'll see
23 what happens with these bids.

24 MR. McGETTIGAN: Strictly
25 janitorial.

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1 MR. WARD: But staffing-wise
2 for the Ventnor there's a different time
3 module. So the staffing for the plant was
4 in the morning, staffing for administration,
5 the staff comes in at 4:30, 5 o'clock. The
6 question is whether a vendor can manage that
7 range of personnel.

8 MS. BAILEY: Shift work I guess
9 you could.

10 MR. WARD: I don't know. Those
11 are one of the dynamics of that.

12 MR. CHEATHAM: Would that be
13 the vendor's responsibility?

14 MS. BAILEY: If we merge them
15 it would be.

16 MR. WARD: We've had one single
17 vendor do both which is what you have now.
18 We do have a single vendor doing both.

19 MR. McGETTIGAN: That's why,
20 because it's the same vendor that wins both
21 usually. Just to clean it up, it's not
22 necessary.

23 MR. MOYLE: It's not expertise,
24 but you have different descriptions of the
25 buildings -- I mean, I guess you could

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1 combine them into one huge bid.

2 CHAIRMAN SMITH: What I'd like
3 to suggest is let the director evaluate the
4 vendors and if they're competent, make the
5 decision. Otherwise, if not doing what you
6 want them to do, have to get a new company
7 to come in. Because you're here and your
8 employees are over at the other place,
9 should be able to direct you to if they're
10 competent or not. Unless you have better
11 idea.

12 MR. WARD: Again, we want this
13 thing to work smoothly. We want the vendor
14 to be satisfied, we also want our staff to
15 be satisfied.

16 CHAIRMAN SMITH: More so our
17 staff.

18 MR. WARD: Have staff come in
19 and say their restroom is not up to par.
20 And we've had a real change over at the
21 plant in terms of the vendor's assigned
22 person. That's taking on a life of itself.
23 I think in one day they bleached the floor
24 with bleach and they had to almost evacuate
25 the building for the smell. So it's all

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1 over the place.

2 Again, I'd like some uniformity
3 in terms of the amount of time per contract.
4 I'd really like to not have an adjustment at
5 one area where you're only got to be there
6 two hours, but over here it's four hours on
7 the same contract and getting paid the same
8 amount for a different expenditure of staff
9 time.

10 MS. BAILEY: For clarification,
11 we're talking about two separate contracts
12 and four hours on site.

13 CHAIRMAN SMITH: That's why I
14 said --

15 MR. MOYLE: The price will have
16 to go up if they're going to really approach
17 that. Again, it is what it is. When you're
18 charging \$845 for essentially 80 hours of
19 work a month, you do the math. That's
20 nothing.

21 So again, as I said before and
22 LaQuay (ph) got all twerked out and came
23 here and reamed me. And I told him the
24 truth. There were plenty of complaints when
25 he was cleaning, too. It's not a magic

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1 bullet if he gets it back. Still get
2 them --

3 CHAIRMAN SMITH: Thing is you
4 guys are here at this building and you have
5 boys over at the plant. They have to be
6 satisfied. So use your discretion -- I
7 think it's a minor issue myself, as long as
8 we get our buildings cleaned and they do the
9 work that's suppose to be done.

10 MR. MOYLE: Here, here. You
11 can't please all these people all the time.

12 CHAIRMAN SMITH: Exactly right.

13 MR. MOYLE: That's the real
14 bottom line.

15 MR. McGETTIGAN: I think we
16 should go forward and examine it.

17 MR. BOR: Two separate ones?

18 MR. HILL: Two separate.

19 CHAIRMAN SMITH: Rely on the
20 people at the plant. Not satisfied, do what
21 we have to do.

22 MR. McGETTIGAN: If the bids
23 are written separately and differently.

24 MR. MOYLE: I guess, yeah,
25 there is a little difference to them, I

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1 believe. Especially since they're not going
2 to be here from eight in the morning,
3 between eight and noon so.

4 MR. CLAUD SMITH: Can I add
5 something to that?

6 CHAIRMAN SMITH: Yes.

7 MR. CLAUD SMITH: In the past
8 we've actually -- excuse me. When we've
9 actually had these same particular type of
10 bids go out and the vendors actually have
11 bid on this over the years have been
12 extremely more money than what we're
13 actually seeing now in regards to the
14 services that they're providing.

15 These two -- LaQuay pretty much
16 has been the prominent person over the last
17 several years in terms of doing the work.
18 And of course, you've just had this new
19 contract, or new vendor come in the last
20 couple of years and try to challenge it for
21 the pricing in regards to bidding.

22 You're probably not going to
23 get any additional vendors because of the
24 fact that they don't see the worth of
25 actually coming here to do that different

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1 type of work for the price that you're
2 seeing either one of these vendors.

3 So, yes, you might put it out,
4 might still get the same two individuals.
5 And maybe that's all you're going to get
6 because that's the cheapest that they can
7 actually offer it.

8 MR. McGETTIGAN: It's a very
9 low price, isn't it?

10 MR. BOR: It is.

11 MR. McGETTIGAN: Continue on
12 director.

13 MR. BOR: You want to vote them
14 both together?

15 MR. McGETTIGAN: Yes.

16 MR. BOR: Is there a motion to
17 solicit (b)(1) and (2?)

18 MR. McGETTIGAN: Second.

19 MR. BOR: Mr. Lea.

20 MR. LEA: Yes.

21 MR. BOR: Colanzi.

22 MR. COLANZI: Yes.

23 MR. BOR: McGettigan.

24 MR. McGETTIGAN: Yes.

25 MR. WARD: Hill.

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1 MR. HILL: Yes.

2 MR. BOR: Smith.

3 CHAIRMAN SMITH: Yes.

4 MR. WARD: We're onto (d) (3)

5 which is corrosion inhibitor chemical.

6 MR. McGETTIGAN: I'll make a

7 motion.

8 MR. HILL: Second.

9 MR. BOR: Mr. Lea.

10 MR. LEA: Yes.

11 MR. BOR: Colanzi.

12 MR. COLANZI: Yes.

13 MR. BOR: McGettigan.

14 MR. McGETTIGAN: Yes.

15 MR. WARD: Hill.

16 MR. HILL: Yes.

17 MR. BOR: Smith.

18 CHAIRMAN SMITH: Yes.

19 MR. WARD: Next is (4) which is

20 professional licensure compliance RFQ.

21 We have a situation where the

22 pool of individuals that have the

23 appropriate licensure for treatment is

24 declining. We have a situation where our

25 deputy executive director who holds the

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1 appropriate licensure is retiring.

2 In this regard we are left with
3 one individual who has a three but you
4 really need a four, correct?

5 MR. MOYLE: No, we're left with
6 Kevin Jordan is now a license holder for the
7 distribution system with a W4 which is fine.

8 MR. WARD: He has a four?

9 MR. MOYLE: Right. Then
10 there's two people with W2s, but nobody with
11 a W3. They will allow the backup to have a
12 W3, which is one step below a four. I was
13 hoping to be able to say you could go to a
14 two and get a year to get the W3, but they
15 won't do that, the DEP won't.

16 MR. WARD: So in a situation
17 where I see we need to be proactive, we need
18 to have the opportunity to go out into the
19 marketplace to, as necessary, if and when as
20 necessary, to engage either a qualified
21 firm, because there are few firms that have
22 individuals that have those licenses, and
23 you can contract with them for their license
24 overview for your needs as needed. And at
25 the same time starting -- we have to start

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1 to look for someone else. We can't just
2 simply rely on Kevin Jordan by himself. If
3 something happens, God forbid, to him, we're
4 out of compliance, day one.

5 MR. HILL: Right.

6 MR. WARD: So that's what this
7 resolution is, to give us the opportunity to
8 circulate for the level of licensure staff
9 either as a firm or an individual.

10 MR. BOR: During the time the
11 firm -- if we can engage a firm for the
12 interim, during that timeframe can our twos
13 work on getting a three?

14 MS. BAILEY: Someone is taking
15 the test in June.

16 MR. MOYLE: Yes.

17 MR. BOR: So Garth is telling
18 us someone is taking the test so this
19 engaging an outside firm may be temporary
20 hopefully, if he passes the test.

21 MR. WARD: I made sure I said
22 as an as needed basis.

23 MR. BOR: If we get a three,
24 all the better.

25 MR. WEBER: But it takes

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1 periods of time before you get from a two to
2 a three. Sometimes it's three years. The
3 deed actually requires you to have a three
4 for three years before you can even sit for
5 a four.

6 MR. MOYLE: Unless you have a
7 college degree, then it's a year and a half.

8 MR. McGETTIGAN: Garth is
9 saying the candidate is ready in June to
10 take the test.

11 MR. WEBER: It's tough out
12 there, though.

13 MR. MOYLE: Paperwork went in
14 there.

15 MS. BAILEY: Ready to go.

16 CHAIRMAN SMITH: I agree with
17 Bruce, you need a licensure so I say move
18 it.

19 MR. HILL: Second.

20 MR. BOR: Voting on number
21 four, professional licensure compliance RFQ.

22 Mr. Lea.

23 MR. LEA: Yes.

24 MR. BOR: Colanzi.

25 MR. COLANZI: Yes.

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1 MR. BOR: McGettigan.

2 MR. McGETTIGAN: Yes.

3 MR. BOR: Hill.

4 MR. HILL: Yes.

5 MR. BOR: Smith.

6 CHAIRMAN SMITH: Yes.

7 MR. WARD: Number (e), new
8 business which is investing. Both Capital
9 Bank and Fulton Bank have been reviewed by
10 Anita Thapa for checking and other banking
11 products. Like to have the opportunity to
12 work with those two organizations.

13 MR. McGETTIGAN: I'm going to
14 move that, if you're ready.

15 MR. WARD: Okay.

16 MR. McGETTIGAN: The investment
17 bank.

18 MR. WARD: You want to do them
19 both?

20 MR. McGETTIGAN: Yes.

21 MR. WARD: Capital and Fulton?

22 MR. McGETTIGAN: Yes.

23 CHAIRMAN SMITH: Second.

24 MR. BOR: Mr. Lea.

25 MR. LEA: Yes.

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1 MR. BOR: Mr. Colanzi.
2 MR. COLANZI: Yes.
3 MR. BOR: McGettigan.
4 MR. McGETTIGAN: Yes.
5 MR. BOR: Hill.
6 MR. HILL: Yes.
7 MR. BOR: Smith.
8 CHAIRMAN SMITH: Yes.
9 MR. WARD: Did you get all the
10 votes?
11 MR. BOR: Yes, it's been
12 approved.
13 We're up to (f)(2) I guess --
14 MR. WARD: (f)(1).
15 MR. BOR: We already approved
16 (f)(1).
17 MR. WARD: No, we didn't
18 approve (f)(1).
19 MR. BOR: Yes, we did.
20 MR. MOYLE: Yeah, that was
21 the --
22 MR. WARD: I'm sorry, I'm
23 seeing boardwalk. You're right.
24 (f)(2) is emergency
25 interconnection agreement with New Jersey

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1 American Water Company. This is as a result
2 of I think months of negotiation between our
3 deputy director and New Jersey American, and
4 was finally resolved. But basically this is
5 an emergency interconnection. If they need
6 water they would pay for it through the
7 meter. If we needed water, which is
8 probably unlikely, it would go either way,
9 back and forth.

10 MR. MOYLE: The thing that was
11 the real sticking point was, if you remember
12 way back when when they wanted to reduce
13 their daily flow from a guaranteed one and a
14 half million to a half million, at the end
15 of that, thinking I was a moron, they stuck
16 on that they wanted to steal, and I'll use
17 that word, 3 million gallons of the ACMUA's
18 allocation, just have the DEP give that to
19 them.

20 For some reason, we're the --
21 what do you call it, the afflicted or
22 whatever, we're the ones that were getting
23 the jam job from that. They kept putting
24 this stupid statement in that neither one,
25 either the ACMUA or New Jersey American

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1 Water Company, would go after the other's
2 allocation.

3 So I took it out once. Sent it
4 back to them. They put it back in. So I
5 added, because this is who I am, that even
6 if a third party like the NJDEP offered the
7 allocation of the MUA to them, or vice a
8 versa, wouldn't accept it.

9 They took that out and put in
10 another stupid statement about the thing
11 they were trying to stick us with. I said
12 this is really not needed, it's useless, I
13 think I wrote. Just leave the part in that
14 says the reason we're doing this is because
15 of statute NJ, whatever it was. So we have
16 to do it and it's for mutual benefit. That
17 was the final statement.

18 I did that on the day before
19 Good Friday, which was what, March 30, I
20 guess, Thursday? And never heard another
21 word from them. So I always take that as
22 tacit agreement. So when you accept this,
23 we'll send them a couple of copies, I'll
24 also send it to friend Kevin Brown at
25 American Water by email after this meeting.

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1 Say, Hey, Kevin, Here's the copy approved by
2 the board. You'll get two copies --
3 originals to execute. Send one back to
4 ACMUA when done.

5 Again, when you get lawyers
6 involved -- and that's what it is. For some
7 reason they're stuck on this. We should be
8 the ones insisting even though it's useless.
9 We didn't ask for their water allocation.
10 They tried to take the ACMUA's.

11 But we do need -- we have an
12 existing 12-inch interconnection with them.
13 They have a 16. There's a law that says if
14 you have one, you need a contract, even if
15 it's just for emergency use. So we have to
16 do it and -- just don't trust them as far as
17 you can throw them.

18 MR. McGETTIGAN: Garth, if
19 there was an emergency situation, do we
20 control the actual physical opening of the
21 value?

22 MR. MOYLE: We do, for us
23 feeding them, yes.

24 MR. McGETTIGAN: They cannot
25 come in and arrest the water.

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1 MR. MOYLE: No, they can't come
2 in and just turn valves and the get water
3 from us.

4 MR. WARD: It's behind a gated
5 area. They can't get in.

6 MR. MOYLE: It's on the plant
7 site. Plus, now they're totally
8 disconnected from the system really. I had
9 to take all their junk out of those pump
10 stations. They have to come in and bring in
11 a pump because our pressure is lower than
12 there's. They run about 16, we run about
13 52. So they have to boost it. So they have
14 to bring in a diesel pump, hook it in and
15 pump. Whereas us, we can suck them dry.

16 CHAIRMAN SMITH: Have you
17 spoken to Kevin about this? Is he aware?

18 MR. MOYLE: This is out at the
19 plant, out at the treatment plant. They're
20 all up on it.

21 MR. McGETTIGAN: So they'll
22 have to come on our grounds to do work with
23 the pump.

24 MR. MOYLE: Yeah, they have to.
25 We could suck them -- they're pumping at 60

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1 and they're pumping into a diversion box
2 which is air pressure. So with a 12-inch,
3 if you open that thing up wide, geez,
4 whatever, several, six, 8 million.

5 And in the 27 years I've been
6 here we haven't taken any water from
7 American.

8 CHAIRMAN SMITH: No, they
9 usually purchase from us.

10 MR. BOR: Is there a motion on
11 that (f) (2)?

12 MR. McGETTIGAN: No economic
13 here at all, right?

14 MR. MOYLE: No.

15 MR. WARD: No, only if they
16 request use.

17 MR. McGETTIGAN: I'll move it.

18 MR. HILL: Second.

19 MR. BOR: Mr. Lea.

20 MR. LEA: Yes.

21 MR. BOR: Colanzi.

22 MR. COLANZI: Yes.

23 MR. BOR: McGettigan.

24 MR. McGETTIGAN: Yes.

25 MR. BOR: Hill.

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1 MR. HILL: Yes.

2 MR. BOR: Smith.

3 CHAIRMAN SMITH: Yes.

4 MR. WARD: (f) (3) U.S.

5 Geological Survey is a program of the United
6 States Department of Interior. And they are
7 doing some sort of a survey which includes
8 our Absecon Creek area. We do not have any
9 choice in this payment. This is an
10 assessment which we simply have to pay.

11 I held onto it for quite
12 awhile, got some threatening letters and got
13 an email from Garth that said you better
14 cave, so. \$21,700.

15 MR. MOYLE: It's a waste of
16 money but it is what it is. Again, we have
17 to maintain a stupid capacity flow at Mill
18 Road over that spillway. Even though the
19 seas are rising and Atlantic City is going
20 to be underwater in 75 years. They should
21 be telling us you can't have a capacity
22 flow, keep water out. So this is to monitor
23 it.

24 They say it's working, but the
25 first time they put this gauging station in

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1 it didn't work because it's tidal. If you
2 know right there at Mill Road where the
3 bridge is? It's tidal, they couldn't really
4 tell. Now they put in some kind of sensor
5 that's going to magically -- going to be
6 able to know.

7 MR. McGETTIGAN: Is this an
8 annual fee?

9 MR. MOYLE: Oh, it's annual.
10 It's 20 some grand every year. Oh, yeah.
11 We've been paying this tribute, let's call
12 it a tribute, for I don't know, ten years.
13 Something ridiculous, these guys --

14 CHAIRMAN SMITH: It's mandated
15 by state?

16 MR. HILL: By federal
17 government.

18 MR. MOYLE: It's a moot point
19 we have to pay it, period.

20 MR. McGETTIGAN: Move it.

21 CHAIRMAN SMITH: Second.

22 MR. BOR: Mr. Lea.

23 MR. LEA: Yes.

24 Mr. Colanzi.

25 MR. COLANZI: Pass.

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1 MR. BOR: McGettigan.

2 MR. McGETTIGAN: Yes.

3 MR. BOR: Hill.

4 MR. HILL: Yes.

5 MR. BOR: Smith.

6 CHAIRMAN SMITH: Reluctantly,
7 yes.

8 MR. WARD: Number four, we have
9 three vehicles and a copier that we would
10 like to place for auction. Vehicles have
11 performed beyond their usefulness at this
12 point. This would go to government deals.

13 CHAIRMAN SMITH: Move it.

14 MR. HILL: Second.

15 MR. BOR: Mr. Lea.

16 MR. LEA: Yes.

17 MR. BOR: Colanzi.

18 MR. COLANZI: Yes.

19 MR. BOR: McGettigan.

20 MR. McGETTIGAN: Yes.

21 MR. BOR: Hill.

22 MR. HILL: Yes.

23 MR. BOR: Smith.

24 CHAIRMAN SMITH: Yes.

25 MR. WARD: Inspection of

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1 Doughty Pond and Kuehnle Pond Dams. We're
2 required to inspect the dams on a cyclic
3 basis. We are asking for approval of
4 Cherry, Weber and Associates. I remind you
5 that Cherry, Weber and Associates were not
6 the lowest bidder. The lowest bidder French
7 and Parello made changes and notations to
8 the insurance provisions.

9 I went over this with our
10 solicitor. I was not comfortable with
11 changes in insurance and neither was the
12 solicitor. So we're going with an
13 organization that is going to be able to do
14 the inspections and provide the level of
15 insurance coverage that we have specified.

16 CHAIRMAN SMITH: Have we used
17 these people before?

18 MR. HILL: No.

19 MR. CLAUD SMITH: No, never
20 used them before.

21 CHAIRMAN SMITH: What were the
22 other people that we used to use?

23 MR. CLAUD SMITH: French and
24 Parello has been the successful bidder for
25 the last several years.

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1 CHAIRMAN SMITH: And you
2 decided not to use them because of?

3 MR. CLAUD SMITH: The only
4 particular reasons because of the exemptions
5 that they made on their insurance
6 indemnification clause that we have in the
7 contracts.

8 CHAIRMAN SMITH: Understood,
9 got you.

10 MS. BAILEY: You're going with
11 Cherry, Weber?

12 MR. HILL: Yes. And we're okay
13 rejecting the lowest bid.

14 MR. WARD: I think so because
15 as the solicitor indicated, when they put
16 notations in red at the insurance
17 satisfaction level that became a counter
18 proposal.

19 MR. BOR: It became a rejection
20 of the original and a modification. If it's
21 of a material nature, which insurance is, it
22 becomes a new proposal.

23 MR. HILL: So then we're
24 covered.

25 CHAIRMAN SMITH: Engineering

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1 provisions are satisfied.

2 MR. WARD: Again, I'm just
3 trying to work on safe side. We're talking
4 dams --

5 MR. HILL: Agree with you.

6 CHAIRMAN SMITH: Understood.

7 MR. WARD: -- if something
8 happened, a split and a flood or something
9 like that, then when you go to the insurance
10 piece and you say, Wow, these guys changed
11 the insurance. Now you're in argument about
12 what their new meaning is and what our old
13 meaning is.

14 MR. BOR: The original
15 insurance piece was totally unsatisfactory.
16 Bruce did the right thing by rejecting that
17 portion and enforcing the counter.

18 MR. McGETTIGAN: Move it.

19 MR. HILL: Second.

20 MR. BOR: Mr. Lea.

21 MR. LEA: Yes.

22 MR. BOR: Colanzi.

23 MR. COLANZI: Yes.

24 MR. BOR: McGettigan.

25 MR. McGETTIGAN: Yes.

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1 MR. BOR: Hill.

2 MR. HILL: Yes.

3 MR. BOR: Smith.

4 CHAIRMAN SMITH: Yes.

5 MR. WARD: Legal fees/bond
6 counsel. We have proceeded with the water
7 quality accountability pack. Our
8 requirements as we have talked and as we
9 have set forth will require significant
10 resources to stay in compliance. So it's
11 our effort to go out for bond counsel which
12 we already did. We established bond counsel
13 and we did not set the upset fee because
14 bond counsel needed to do a preliminary
15 review and assessment of where we were in
16 order to figure out what was needed for the
17 rest of the year.

18 As a result of these
19 discussions and we've got also an attached
20 letter memorandum from bond counsel who has
21 had conversations to the New Jersey
22 Investment Bank and so forth and so on. We
23 are -- we're not investment grade at this
24 time as a result of the financial pressures
25 in the City. However, the DEP has indicated

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1 that it has a new measure that would support
2 us. So we have a number of things that we
3 have to go forward with, which are set forth
4 in the letter.

5 And again, we're asking for a
6 \$35,000 not to exceed for the remainder of
7 2018 for bond counsel services.

8 CHAIRMAN SMITH: Move it.

9 MR. McGETTIGAN: Second.

10 MR. BOR: Mr. Lea.

11 MR. LEA: Yes.

12 MR. BOR: Colanzi.

13 MR. COLANZI: Yes.

14 MR. BOR: McGettigan.

15 MR. McGETTIGAN: Yes.

16 MR. BOR: Hill.

17 MR. HILL: Yes.

18 MR. BOR: Smith.

19 CHAIRMAN SMITH: Yes.

20 MR. WARD: We have extended
21 leaves of absence resolution 9(h)(1)(2)(3)
22 and (4. That would be Osvaldo Varela, Foday
23 Lamin, Kelley Williams, Craig Seymore.

24 CHAIRMAN SMITH: Move it.

25 MR. McGETTIGAN: Second.

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1 MR. BOR: Mr. Lea.
2 MR. LEA: Yes.
3 MR. BOR: Colanzi.
4 MR. COLANZI: Yes.
5 MR. BOR: McGettigan.
6 MR. McGETTIGAN: Yes.
7 MR. BOR: Hill.
8 MR. HILL: Yes.
9 MR. BOR: Smith.
10 CHAIRMAN SMITH: Yes.
11 MR. WARD: Monthly bills
12 resolution 10(a).
13 MR. HILL: Bill them.
14 MR. McGETTIGAN: Second.
15 MR. BOR: Mr. Lea.
16 MR. LEA: Yes.
17 MR. BOR: Colanzi.
18 MR. COLANZI: Yes.
19 MR. BOR: McGettigan.
20 MR. McGETTIGAN: Yes.
21 MR. BOR: Hill.
22 MR. HILL: Yes.
23 MR. BOR: Smith.
24 CHAIRMAN SMITH: Yes.
25 MR. WARD: 11, motion to enter

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1 executive session.

2 MR. BOR: New formality. I'll
3 explain it while we're doing it.

4 There's a motion to enter
5 executive session?

6 MR. McGETTIGAN: Move it.

7 MR. BOR: Is there a second?

8 CHAIRMAN SMITH: Yes.

9 MR. BOR: Mr. Lea.

10 MR. LEA: Yes.

11 MR. BOR: Mr. Colanzi.

12 MR. COLANZI: Yes.

13 MR. BOR: Mr. McGettigan.

14 MR. McGETTIGAN: Yes.

15 MR. BOR: Mr. Hill.

16 MR. HILL: Yes.

17 MR. BOR: Mr. Smith.

18 CHAIRMAN SMITH: Yes.

19 Take a five minute, 10 minute
20 break, please.

21 (Whereupon, a brief recess was
22 taken and subsequently executive session was
23 entered of the record.)

24 (Whereupon, a brief recess was
25 taken.)

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1 MR. WEBER: I'm suggesting that
2 there be an amendment to Resolution 180
3 dated December 20, 2017 to reflect that the
4 chairman abstained from the vote of this
5 particular resolution.

6 MR. HILL: I'll move it.

7 MR. BOR: Mr. Lea, second?

8 MR. LEA: Yes.

9 MR. BOR: Mr. Lea.

10 MR. LEA: Yes.

11 MR. BOR: Colanzi.

12 MR. COLANZI: Yes.

13 MR. BOR: McGettigan.

14 MR. McGETTIGAN: Yes.

15 MR. BOR: Hill.

16 MR. HILL: Yes.

17 MR. BOR: Chairman abstains.

18 CHAIRMAN SMITH: Abstain.

19 MR. BOR: I have also a motion
20 which was not on the regular agenda, but I'm
21 asking the board to consider it anyway.
22 There's been a resolution of the lawsuit of
23 Smith versus the Authority negotiated by
24 myself and my adversary and overseen by
25 Judge Nelson Johnson.

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1 There has been a consent order
2 if the board authorizes me -- that I passed
3 around, resolving the lawsuit and resolving
4 that going forward the Authority will modify
5 it's executive session minutes to be
6 approved by the board and be made available
7 to the public subject to my redactions, if
8 necessary.

9 So I'd like a motion to approve
10 the consent order and also a motion to
11 approve my adversary Mr. Doughty's fee of
12 \$4,727.69 which includes costs.

13 Also, after discussion with
14 Anita that the resolution include my
15 directing my adversary to submit an invoice
16 to the Authority and he'll be paid
17 thereafter without the necessity of waiting
18 to the next meeting. If that's approved,
19 I'll report to Judge Johnson today that the
20 lawsuit has been resolved and avoid a
21 hearing on Friday.

22 CHAIRMAN SMITH: Make a motion
23 to approve both motions.

24 MR. BOR: It a motion for the
25 consent and motion to pay fees.

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1 MR. HILL: Second.
2 MR. BOR: And I'll combine the
3 two together.
4 Mr. Lea.
5 MR. LEA: Yes.
6 MR. BOR: Colanzi.
7 MR. COLANZI: Yes.
8 MR. BOR: McGettigan.
9 MR. McGETTIGAN: Yes.
10 MR. BOR: Hill.
11 MR. HILL: Yes.
12 MR. BOR: Smith.
13 CHAIRMAN SMITH: Yes.
14 MR. BOR: Carries.
15 CHAIRMAN SMITH: What else do
16 you need?
17 MR. BOR: I have no other
18 motions.
19 MR. HILL: Motion to adjourn.
20 MR. BOR: Motion to adjourn.
21 Is there a second?
22 MR. HILL: Second.
23 MR. BOR: Mr. Lea.
24 MR. LEA: Yes.
25 MR. BOR: Colanzi.

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MR. COLANZI: Yes.

MR. BOR: McGettigan.

MR. McGETTIGAN: Yes.

MR. BOR: Hill.

MR. HILL: Yes.

MR. BOR: Smith.

CHAIRMAN SMITH: Yes.

(Whereupon, the proceedings
were concluded at 11:15 a.m.)

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CERTIFICATION

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the trial of the above cause and that this copy is a correct transcript of the same.

Molly A. Alber, RPR CSR

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

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