

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

DATE: THURSDAY - JANUARY 18, 2018
COMMENCING AT 10:00 A.M.

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Computer-aided transcript of the Board of
Directors Meeting, taken stenographically in the
above-entitled matter before Lynda R. Gamon
Snelgrove, License No. 30XI0135300, a New Jersey
Certified Court Reporter and U.S. Registered
Professional Reporter, held at the Atlantic City
Municipal Utilities Authority, Conference Room, 401
N. Virginia Avenue, Atlantic City, New Jersey, on
Thursday, January 18, 2018, commencing at 10:00 a.m.,
there being present:

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BOARD MEMBERS PRESENT:

MILTON L. SMITH, Chairman
GARY L. HILL, Vice Chairman/Secretary
JOHN McGETTIGAN, Treasurer
EDMUND J. COLANZI, Board Member
WILLIAM LEA, Board Member
PATRICIA BAILEY, Board Member-Alternate 1
WILLIAM CHEATHAM, Board Member-Alternate 2

COUNSEL PRESENT:

FRED BOR, ESQUIRE
Attorney for the Atlantic City
Municipal Utilities Authority

ANDREW WEBER, ESQUIRE
Labor Counsel for the Atlantic City
Municipal Utilities Authority

ALSO PRESENT:

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

GARTH MOYLE, Deputy Executive Director
Atlantic City Municipal Utilities Authority

KELLY WILLIAMS, Executive Secretary
Atlantic City Municipal Utilities Authority

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(Time noted: 10:00 a.m.)

CHAIRMAN SMITH: Okay. It's ten o'clock, let's get started, please.

MR. WARD: Yes, it is 10.

CHAIRMAN SMITH: 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 January 18th, 2018, at 401 North Virginia Avenue, Conference Room, Atlantic City, New Jersey.

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

Roll call.

MR. BOR: Mr. Cheatham?

MR. CHEATHAM: Present.

MR. BOR: Ms. Bailey?

MS. BAILEY: Present.

MR. BOR: Mr. Lea?

MR. LEA: Here.

MR. BOR: Colanzi?

MR. COLANZI: Here.

1 MR. BOR: McGettigan?

2 MR. McGETTIGAN: Here.

3 MR. BOR: Hill.

4 MR. HILL: Here.

5 MR. BOR: Smith.

6 CHAIRMAN SMITH: Here.

7 MR. BOR: We have a quorum.

8 Is there a motion on the minutes
9 assuming everybody's read them?

10 CHAIRMAN MILTON: No objection.

11 Move them.

12 MR. HILL: Second.

13 MR. BOR: Mr. Lea?

14 MR. LEA: Yeah.

15 MR. BOR: Colanzi?

16 MR. COLANZI: Yeah.

17 MR. BOR: McGettigan?

18 MR. McGETTIGAN: Yes.

19 MR. BOR: Hill?

20 MR. HILL: Yes.

21 MR. BOR: Smith?

22 CHAIRMAN SMITH: Yes.

23 MR. BOR: Mr. Director.

24 MR. WARD: Flag salute.

25 Mr. Chairman, would you lead us,

1 please.

2 (The Pledge of Allegiance is
3 recited.)

4 CHAIRMAN SMITH: Okay.
5 Mr. Executive, you got the floor.

6 MR. WARD: Good morning, board
7 members, members of the public, staff, and happy new
8 year.

9 This morning I would like to
10 introduce Ms. Lynda -- what's your name?

11 THE REPORTER: Snelgrove.

12 MR. WARD: Ms. Snelgrove is serving
13 in the temporary capacity for our stenographer
14 services. Jacqueline Zarrillo, who was our
15 contracted stenographer, had to resign immediately as
16 a result of her health and an injury to her hands.
17 So we have in today's agenda a resolution to submit
18 and circulate an RFP for the continuation of those
19 services.

20 With regard to the mail, we have a
21 memorandum that is coming from the Metropolitan
22 Business & Citizens Association, and there is a
23 luncheon coming up.

24 MR. HILL: A developers luncheon,
25 January 24th, at Golden Nugget, all the major

1 developers of Atlantic City.

2 MR. WARD: The 24th. And, of
3 course, I'm feeling the excitement as many of you are
4 with respect to the news of the former Revel Casino
5 Hotel coming online --

6 MS. BAILEY: Yes.

7 MR. WARD: -- alongside the Hard
8 Rock.

9 I'd like to also mention
10 that that -- and I haven't had a conversation with
11 them -- but I think that solidifies Atlantic City
12 Laundry as long as that business is coming in because
13 they were threatened with a loss of volume, and, you
14 know, they do have assets in Pleasantville --

15 MS. BAILEY: Right.

16 MR. WARD: -- that they could have
17 moved out. So that's all well and good news.

18 CHAIRMAN SMITH: Well, are they
19 contemplating coming in in the summer along with the
20 Rock?

21 MR. HILL: Yeah.

22 MR. WARD: I think everybody wants
23 to be open in the summer.

24 CHAIRMAN SMITH: Yeah. That's what
25 I assume, yeah.

1 MR. WARD: Oh, yes, everybody wants
2 to get it. They're really working hard on the Hard
3 Rock, and I understand that the Colorado people are
4 talking about spending 175 million internally to
5 refigure and reconstruct some things inside what is
6 going to be called the Ocean Resort Casino.

7 MR. BOR: Ocean Casino Resort.

8 MR. WARD: Welcome aboard. And
9 that, with, of course, the installations up on Albany
10 Avenue for the Richard Stockton University and the
11 South Jersey Gas Company, we have a considerable
12 amount of excitement, and the Boraie project, which is
13 coming along quite well.

14 MR. HILL: Those are all my
15 speakers.

16 MR. WARD: Yes, okay.

17 MR. HILL: You just named my whole
18 program.

19 MR. WEBER: The luncheon, right.

20 MR. WARD: And the veto by Christie,
21 we got a new governor now, so we can bring this back.

22 MR. BOR: Christie's veto?

23 MR. WARD: Yeah, on the --

24 MR. BOR: The development zone at
25 the airport?

1 MR. WARD: Mh-hmm. We'll talk about
2 that later with the new governor.

3 The Moody's Investor Services sent
4 an update on our credit analysis. For the most part,
5 we have credit strengths independent of the city.
6 And the city is in detriment in many cases again.
7 It's a four or five page, very small typed report. I
8 had a good talk with them, and, in fact, it came out
9 before the actual closing of Revel.

10 MS. BAILEY: Okay.

11 MR. WARD: So if they did an update,
12 I would think the update would even be a little bit
13 more positive in terms of the city with that
14 installation coming up.

15 If anyone wants a copy of it,
16 certainly make sure you get it.

17 MS. BAILEY: So our bond rating does
18 stand separate from the city's?

19 MR. WARD: It stands separate but
20 there is a statement which talks about the
21 interdependence.

22 MS. BAILEY: Okay.

23 MR. WARD: There is a statement of
24 the interdependence because, of course, the
25 possibility of dissolution, you know, if the finances

1 are in a critical stage.

2 So then we can proceed to personnel
3 committee meeting minutes. Any questions?

4 And we have financial report, any
5 questions? And shutoffs, which we cannot do at this
6 time.

7 MS. BAILEY: I have a question.

8 MR. WARD: Yes.

9 MS. BAILEY: The personnel committee
10 meeting, in that -- and maybe it should not --
11 address the letter that we all received in the mail,
12 or should we just put that to the side and we discuss
13 this in closed session?

14 CHAIRMAN SMITH: I'll do that.

15 MR. WARD: The attorney is going to
16 speak to you.

17 CHAIRMAN SMITH: I don't have a
18 problem with the personnel. We are going to discuss
19 it in closed session, but it wasn't signed.

20 MS. BAILEY: Right.

21 CHAIRMAN SMITH: The letter I
22 received wasn't signed, so to me it was unfounded.
23 Because as far as I know we did everything correctly.
24 And I turned it over to the attorney.

25 MS. BAILEY: Okay.

1 CHAIRMAN SMITH: I mean short and
2 sweet, but we can discuss it in closed session.

3 MS. BAILEY: Okay.

4 MR. WARD: Yeah, we're going to
5 discuss it in detail in closed session.

6 MS. BAILEY: Very good.

7 MR. WARD: Number 6, Director's
8 Forum.

9 MR. HILL: I -- I'm sorry, go ahead.

10 CHAIRMAN SMITH: I want to just --

11 MR. HILL: You know what I'm going
12 to say, I bet.

13 CHAIRMAN SMITH: Oh, I don't. I
14 just want to congratulate the people --

15 MR. HILL: Yup.

16 CHAIRMAN SMITH: -- the whole body
17 of employees during the cold session. This is the
18 most I've seen the water breaks. And I've been here
19 20 years. This is the worst I've seen it. But they
20 did a great job.

21 MR. HILL: Yes.

22 CHAIRMAN SMITH: They kept us
23 afloat, so I want to give them a "that a boy" on it.

24 MR. HILL: That's exactly what I was
25 going to say, and you and I spoke about that. The

1 staff did an amazing job. I mean, wow. They had
2 their hands full between businesses and residents and
3 churches and streets, so congratulations to the
4 staff.

5 MR. WARD: Sorry, I overlooked,
6 there is a list of breaks. We were going day by day,
7 status by status. And, you know, of course, being
8 local with my cell phone quite known since council
9 and solicitor, I was getting calls directly to me --
10 can I please put people ahead of other people.

11 And, you know, we had a policy with
12 operations that we have to address the most severe
13 breaks first, and then following that, in terms of
14 residential, we were going to go in the order of the
15 event. But staff did an excellent job.

16 Okay. Director's Forum, any others?
17 Public participation? Mr. Charles.

18 MR. GOODMAN: Mr. Ward, hi. I
19 concur it was a great job.

20 MR. WARD: Good morning, good to
21 hear from you and hear your voice. Your voice is
22 coming back.

23 MR. GOODMAN: It's coming back.
24 Thank the good Lord, it's back.

25 MR. WARD: Yes.

1 MR. GOODMAN: And I guess you had a
2 great time up in Trenton yesterday.

3 MR. WARD: I skipped Trenton. I
4 went straight to the MetLife Stadium.

5 MR. GOODMAN: Okay, I gotcha. First
6 of all, good morning to everyone and thanks for the
7 opportunity to speak. Actually, I speak on two
8 issues.

9 One, February 23rd, we're having an
10 appreciation reception at the -- there's three
11 names -- Noyes, Stockton, The Wave, The Garage,
12 whatever name you want to call it, right there at
13 Baltic, and what's that, Mississippi?

14 MR. HILL: Yeah.

15 MR. GOODMAN: Appreciation of those
16 that were involved in carrying the water issue to its
17 fruition as we see it now. We still don't know;
18 okay? I was at the -- the week before, with Chris's
19 swearing in, and down on the floor Mr. Norcross was
20 going by shaking everybody's hand on both sides of
21 the aisle, and he's owed a lot of favors.

22 And there was a couple of upset.
23 This young man up in Middle Township, \$4 million he
24 put into that, and you know what he put up against
25 Chris, so we very have our eyes wide open, trust me.

1 But, anyway, the February 23rd date
2 is the appreciation of everyone that were volunteers.
3 We had volunteers come in from Massachusetts,
4 Washington, New Brunswick trying to gather
5 signatures.

6 I'm soliciting some type of
7 donation. Now, let me tell you, through this effort,
8 Mr. Ward, and I don't know whether he has a generous
9 like card that you all give him, the black card,
10 because I saw the black card, I think it has the
11 water department's name on it, but anyway --

12 MR. WARD: I don't know.

13 MR. GOODMAN: -- Mr. Ward helped us
14 out on each weekend buying pizzas, waters, coming
15 through and being very helpful to us. That's the
16 only donations we got. We had four lawyers, not a
17 dime. We didn't have an account.

18 Your lawyer, I kept trying to get
19 him involved, and he said until he got \$8,000 he was
20 not even going to talk because I wanted to get some
21 of his knowledge. So we could not ask for anything
22 from anyone.

23 MS. BAILEY: Mr. Goodman --

24 MR. GOODMAN: Yes.

25 MS. BAILEY: -- I just want to

1 clarify something you had raised. When you say "we,"
2 you're talking about the NAACP?

3 MR. GOODMAN: No, I'm not talking
4 about them. I'm here -- excuse me, I got my Atlantic
5 City Against the State Takeover (indicating). NAACP
6 was a participant amongst others -- ACLU, Corporate
7 Accountability, Appleseed. These were all people we
8 reached out. One thing led to another to another to
9 another.

10 You guys don't realize, your issue
11 was nationwide. And I went to a conference in
12 Chicago; frankly, to the sole effort that I got to
13 speak. Actually, I called Mr. Ward from Chicago to
14 ask him information. And I was on a panel, and it
15 was all about Atlantic City. And there was a lady
16 next to me from Flint, and then this lady from
17 Oklahoma with the same issues. So your, your issue
18 has reverberated throughout the country, there's no
19 doubt about it.

20 But getting back to the point, so
21 the 23rd, we are soliciting some type of donations to
22 help us with the reception to say thank you, and
23 obviously all your staff that was involved because
24 Mr. Ward did have staff that was going out collecting
25 signatures as well.

1 CHAIRMAN SMITH: Okay. Not to cut
2 you off --

3 MR. GOODMAN: Yeah.

4 CHAIRMAN SMITH: -- what are you
5 looking for? What kind of donation are you looking
6 for? What do you need?

7 MR. GOODMAN: Well, the reception is
8 going to cost us somewhere between 6 or \$700 that we
9 want to do it right.

10 CHAIRMAN SMITH: Six or seven
11 hundred dollars?

12 MR. GOODMAN: Yeah, that's the cost
13 of the entire reception. We got -- it was six and
14 change that Mr. Hough (phonetic) gave us for
15 everything.

16 CHAIRMAN SMITH: Well, if the
17 members of the board concur with me on this, I would
18 suggest that we pay for that for what they did, if
19 it's legal.

20 MR. BOR: I don't see anything wrong
21 with it. We've donated to Little League; we've
22 donated to public activities --

23 CHAIRMAN SMITH: Well, we don't
24 normally make any donations, but in this particular
25 case --

1 MR. BOR: A unique situation.

2 CHAIRMAN SMITH: Yes, as far as I'm
3 concerned. It was something that they did and they
4 did a great job. But I still don't understand, what
5 is the organization's name?

6 MR. GOODMAN: The organization that
7 we did to support this effort was Atlantic City
8 Against the State Takeover, that was our name.

9 CHAIRMAN SMITH: When you say \$700,
10 is that --

11 MR. McGETTIGAN: Is it a registered
12 company?

13 MR. GOODMAN: Mr. Hough (phonetic),
14 yesterday we met with him, he's the one that runs the
15 garage, we were like six and change. That's why I
16 say between six and seven.

17 MR. McGETTIGAN: Like I said,
18 legally is it a registered company?

19 MR. HILL: It's a vendor.

20 CHAIRMAN SMITH: I'm just saying I
21 want to get the opinion of the solicitor.

22 MR. McGETTIGAN: A 501(c), are you a
23 nonprofit?

24 MR. GOODMAN: Yes, we did that.
25 We're not a company.

1 MR. McGETTIGAN: No, I understand
2 that, but you're a registered 501(c)?

3 MR. GOODMAN: Yeah, absolutely.

4 MR. BOR: Oh, he is a 501(c).

5 MR. HILL: That's good.

6 MR. GOODMAN: Yes, I believe. I'll
7 ask the lawyers, but I believe we did that.

8 But even through Food and Water
9 Watch, Food and Water Watch because they are.

10 CHAIRMAN SMITH: During the break,
11 bring it before the executive director with the
12 legalities, I think the board will help you with
13 that.

14 MR. HILL: Sir, and the time?

15 MR. GOODMAN: Yes, 5:30 to 8:30.

16 MR. WARD: 5:30.

17 MR. GOODMAN: And, Mr. Hill, what is
18 the proper name for that, The Wave, The Garage?

19 MR. HILL: The Noyes or Arts Wave
20 Garage.

21 MR. GOODMAN: Okay, so it's all of
22 them.

23 MR. HILL: You got it all right
24 there.

25 MR. GOODMAN: Right, I understand

1 that.

2 MR. HILL: Amazing job.

3 MR. GOODMAN: And then I have one
4 other issue. This I am going to put my NAACP on.
5 This is regarding one of your vendors that was
6 eliminated, GQ Maintenance.

7 As NAACP -- let me give you an
8 overview. People come in all the time. We have a
9 complaint sheet that they put out -- that we put out.
10 They fill it out. There's a committee, an executive
11 committee goes over, looks over it, makes sure it's
12 in Atlantic City because we've had complaints from
13 Ocean City and all. So it's vetted, the whole issue
14 is vetted, and if we see some credibility to the
15 issue, then we bring it forth.

16 Mr. Turner came to us and said that
17 his contract was stopped, and, obviously, I know you
18 have rules in terms of a low bid. According to him,
19 his bid was close and you have the discretion to
20 because of his experience and what he has done, you
21 have the discretionary to pick one or the other, as
22 necessary. It doesn't necessarily have to be the
23 lowest bidder.

24 Also, in our vetting, we did go out
25 to Pleasantville. I'm not going to tell you who we

1 talked to, and there was issues as to the
2 difference -- I'll just -- without going into detail,
3 the difference in the job he did and the job that's
4 being done.

5 So -- and from what I understand, he
6 came here and you guys were giving some answers. So
7 obviously that's executive session, but I want to put
8 it out there that he gets a legitimate answer and
9 then we get a response to what he feels as though is
10 a blatant disregard --

11 CHAIRMAN SMITH: Make it short and
12 sweet, please. What is his objection? What is his
13 problem?

14 MR. GOODMAN: His objection was --
15 well, when you gave the new contract for the
16 maintenance to the new person, that new person hasn't
17 followed all the rules. He's been spending two hours
18 out there -- this is what we were told from other
19 people that work there -- instead of your, your
20 required at least minimum of four hours or something.

21 So there's a big out what the job
22 that he's doing, the job this new person is doing
23 does not come nowhere near the job that Mr. Turner
24 was doing.

25 MR. BOR: We dealt with this last

1 month.

2 CHAIRMAN SMITH: This is under
3 investigation now, isn't it?

4 MR. HILL: Yeah.

5 MR. GOODMAN: Well, he said that you
6 were going to give him a response.

7 CHAIRMAN SMITH: We haven't made a
8 determination on that as of yet.

9 MR. GOODMAN: Okay.

10 MS. BAILEY: Well, wait. We made a
11 determination. I think Mr. Turner is saying maybe we
12 haven't gotten back to him with any closure, so to
13 speak.

14 CHAIRMAN SMITH: A determination was
15 made? I can't remember.

16 MR. BOR: It was on the wording in
17 the contract.

18 MS. BAILEY: Yes, it was. Yes, we
19 did.

20 CHAIRMAN SMITH: And what was the
21 determination? Can anybody tell me what's the
22 determination?

23 MR. WARD: Let me say, number one,
24 Mr. Goodman, in an RFP, an RFP is price
25 determinative. So Mr. Turner's application was more

1 expensive than the competitor.

2 MR. GOODMAN: Understood that.

3 MR. WARD: And there's no
4 discretion --

5 MR. GOODMAN: Right.

6 MR. WARD: -- in an RFP. So there
7 is no discretion. There's discretion on an RFQ, but
8 not on an RFP.

9 MS. BAILEY: Right.

10 MR. WARD: Now, Mr. Turner did make
11 a complaint to this board, came in and spoke to the
12 board.

13 MR. GOODMAN: Right.

14 MR. WARD: As a result of that, I
15 was charged with an investigation. So I did the
16 investigation which concluded what Mr. Turner was
17 saying was basically accurate because I had the time
18 sheets from the plant that while the contract said a
19 minimum of four hours, the subsequent contractor was
20 providing two hours or less.

21 MR. GOODMAN: Okay.

22 MR. WARD: So I brought that back to
23 the board, had it on as a discussion item of old
24 business. The new contractor came to the meeting.
25 He was here with his mother, and they talked about

1 the wage compression of what people were making and
2 how hard it is and so forth and so on, and the board
3 decided to allow an amendment to the contract to
4 allow this company to complete its work in two hours.

5 And that's on the record. And our
6 records are on the Internet, and if Mr. Turner wants
7 to read it and have any further discussion, the board
8 did actually amend the contract to allow this company
9 to do its work in two hours.

10 Do you recall?

11 CHAIRMAN SMITH: Yeah, I remember
12 some of it, but I don't remember...

13 MR. GOODMAN: There's a big
14 difference from four hours to two hours. That's
15 almost like a cost overrun.

16 MS. BAILEY: Well, no, if I remember
17 correctly, it wasn't a minimum. I think it was more
18 to the clarification. That's what I spoke of. I'm
19 sure the minutes will reflect that it had to do with
20 a clarification of what was the difference between
21 saying that they had to be on site for four complete
22 hours and the statement of being here to do their job
23 within a four-hour period of time. There is a
24 differentiation, and that was the discussion that I
25 remember. It had to do with clarification of the

1 language of the contract where one person may have
2 understood that they had to be physically on site
3 four hours, \$10 an hour, and another person looked at
4 is as a job being done within that four-hour period
5 of time. That was the clarification. Am I --

6 MR. BOR: No, that's right.

7 MR. GOODMAN: So the job performance
8 that you say was done in four hours can be done in
9 two hours. Is that what you're saying?

10 MS. BAILEY: Yes.

11 MR. GOODMAN: And there's sufficient
12 job performance?

13 CHAIRMAN SMITH: They got the job?
14 The got the contract?

15 MR. BOR: Yeah.

16 MS. BAILEY: If he was waiting for
17 an answer, that's something different.

18 MR. GOODMAN: Yes, he was waiting
19 for an answer because that was one of the things that
20 he came to me with.

21 MS. BAILEY: Okay.

22 MR. GOODMAN: All right. Well, let
23 me ask you this: When do you have the opportunity to
24 revisit this issue to find out if that job
25 performance can in the two hours be done?

1 MS. BAILEY: One year, it's a
2 one-year contract with an option of another year, so
3 I guess at the end of the year we'll be able to --

4 MR. HILL: Around April of last
5 year; right? Wasn't it around April of last year?

6 MR. WARD: Yeah. So, I mean, we can
7 revisit and put the whole matter back out.

8 MS. BAILEY: After April.

9 MR. WARD: And we can take a look at
10 the contract terms which historically have not
11 changed probably in the last 13, 14 years. We can
12 take a look at the contract terms, perhaps tighten up
13 the contract terms so that we can get a more
14 competitive opportunity to have vendors compete in a
15 meaningful way.

16 MR. GOODMAN: Thank you. Thank you
17 for your time.

18 MS. BAILEY: You're welcome.

19 MR. GOODMAN: I appreciate the
20 opportunity, and I appreciate, Mr. Director, I will
21 get to you --

22 CHAIRMAN SMITH: Yes, contact
23 Mr. Ward.

24 MR. GOODMAN: Okay. Thank you so
25 much.

1 MR. WARD: Thank you, Mr. Goodman.

2 MR. BOR: That was Public.

3 MR. WARD: Okay. So we're at Old
4 Business. 8a(1), Accept Proposals/Qualifications for
5 Authority Solicitor. It's Resolution 8a(1), the
6 appointment of Mr. Bor.

7 MR. HILL: I will move it.

8 MR. McGETTIGAN: 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. BOR: Hill?

16 MR. HILL: Yes.

17 MR. BOR: Smith?

18 CHAIRMAN SMITH: Yes.

19 MR. BOR: Thank you, gentlemen.

20 MR. WARD: Congratulations.

21 8a(2), labor counsel, Mr. Weber.

22 CHAIRMAN SMITH: Move it.

23 MR. HILL: Second.

24 MR. BOR: Mr. Lea?

25 MR. LEA: Yes.

1 MR. BOR: 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. WEBER: Thank you very much.

10 MR. WARD: 8b(1) Rules, Rates, and
11 Regulations for effectiveness January 1, 2018 --
12 2018, yeah, this year.

13 MR. McGETTIGAN: To accept?

14 MR. WARD: To accept.

15 MS. THAPA: I'm sorry, if I may,
16 about the connection fee. I did do the formula again
17 as we've been using and I sent you the E-mail. I
18 didn't get to respond yet, but the formula we've been
19 using is by law and we've been using for years. So
20 I'm recommending to raise the connection fee to
21 whatever the formula we got, 20.6060.

22 I know the last year the Board has
23 not decided to raise the connection fee. So, you
24 know, they want to -- you guys wanted to keep the
25 same 15 point --

1 (Incoming cellular communication for
2 the Chairman.)

3 MS. THAPA: I'm just recommending
4 the connection fee to increase to 20.6060 just
5 because of this new New Jersey Water Quality Act --

6 MR. HILL: Right.

7 MS. THAPA: -- because that --
8 because of that, the capital expenditure even be --
9 go higher. Even with the Stockton, Revel, if they
10 come back, their water use is not going to be the
11 same, and we can't recoup the water uses we did -- we
12 lost from the New Jersey American Water. So even
13 next year the connection fee maybe go -- possibly go
14 down, but our capital expenditure is going to go up.
15 So that that formula we still have to use it. So for
16 that reason I'm still recommending to increase the
17 fee to 20.6060.

18 I don't know if Mr. Ward has --

19 MR. WARD: If the Board wants to
20 table this for at least a month, we will have bond
21 counsel on board. And I'm -- I want to have
22 discussion with bond counsel as to how we can fashion
23 our normal capital expenses and bring on some new
24 dollars to, number one, address our responsibilities
25 under the Water Quality Act and at the same time

1 assist us in some of our normal capital.

2 We may have to adjust the connection
3 fee, but if I can have that discussion with bond
4 counsel, I would like to see what advice we could get
5 to get us through 2018.

6 Now, number one, we don't anticipate
7 a lot of connections this year. There's no big
8 projects on the horizon that --

9 MR. MOYLE: The minimart, that's it.

10 MR. WARD: That's it; right?

11 MR. MOYLE: That's it, and houses.
12 I mean, you know, again, they're already -- 15 times
13 225, do that math, that's over -- that's what, 3500
14 bucks, 3600 hundred bucks for a house. You know, if
15 you're going to go to -- you're over four grand, 4500
16 or something at 20 bucks. We're only hurting anybody
17 who is building a house this year.

18 MR. McGETTIGAN: So Revel and Hard
19 Rock are not --

20 MR. MOYLE: So, again, the only
21 thing saving us, we -- if they had actually stayed
22 over for more than 15 minutes, you know, we'd be
23 looking to give them back money. So, you know,
24 again, luckily the clock will restart, I guess, when
25 they reopen for -- what it is, three or four years

1 they have to be open before they get any money back
2 or taking more money --

3 MR. McGETTIGAN: Yeah.

4 MR. MOYLE: -- depending on the
5 water usage.

6 MR. McGETTIGAN: Well, right now
7 they just -- they buy water through regular
8 connected. They use water, so they're active
9 accounts.

10 MR. MOYLE: They're going to have to
11 go back to larger meters. They can't be using -- I
12 forget what our buddy had. They were two inch at one
13 time. They should be a lot larger than that.

14 CHAIRMAN SMITH: The suggestion is
15 tabling it to the next month's meeting?

16 MR. WARD: Yeah, I would table it so
17 that I can have an opportunity to have discussion
18 with our finance team about what our opportunities
19 are on the bond market.

20 MR. MOYLE: Well, through some
21 fluke, somebody comes in, like these guys could come
22 in at any minute for the garage -- or, excuse me --
23 for the minimart, whatever it is, the gas station,
24 you need a number, and historically we've always had
25 it in January.

1 MS. THAPA: So that's what I mean,
2 our budget has already passed.

3 MR. MOYLE: So you already passed it
4 at 15 bucks and change or whatever it was.

5 MS. THAPA: No, that's just an
6 estimate because we always come back in January and
7 finalize.

8 MR. MOYLE: Again, beating up on
9 houses.

10 MR. McGETTIGAN: You're recommending
11 that --

12 MR. MOYLE: Again, we're not going
13 to make that much money off of this.

14 MS. THAPA: But by law are we
15 supposed -- I mean, can we --

16 MR. MOYLE: I know places that
17 haven't changed their connection fee in years. I
18 think Hamilton Township is one. They, they don't
19 change it.

20 MR. McGETTIGAN: Because it's all
21 residential. The minimart is not going to use a lot
22 of water, a lot of water.

23 CHAIRMAN SMITH: I thought it was
24 the statute that you had to have a certain fee --

25 MR. MOYLE: Well, that will use some

1 unless they're recycling.

2 MS. BAILEY: But just for
3 clarification for me, are you saying that there's
4 some type of change or law or formula that we must be
5 using?

6 MS. THAPA: Yes, that's by law we
7 have to use a formula, and that's what I've been
8 using -- we've been using.

9 MS. BAILEY: So the formula you gave
10 us, the 15 point what -- or the 20 that you're
11 proposing, which one?

12 MS. THAPA: The 20 is the new one,
13 not -- the 15 is the last year, 2017, fee. At the
14 last Board meeting the Board has decided to keep it
15 the same.

16 MS. BAILEY: Right.

17 MS. THAPA: But, you know, even the
18 formula that time was also 20 point something. It
19 did a little bit go down, but I don't know about the
20 statute. Do we have to follow that statute or...

21 MR. BOR: Yeah.

22 MR. HILL: It sounds like we do.

23 MS. BAILEY: It sounds like we do,
24 that's why I was clarifying.

25 MS. THAPA: But like the law says,

1 like if somebody come to me -- I don't know. I'm not
2 too sure.

3 MS. BAILEY: I just want to make
4 sure we're following the law.

5 MR. BOR: It's statutory.

6 MR. MOYLE: I mean, going up 33
7 percent for a connection fee for one year.

8 MR. WARD: I think when you talk
9 about statutes and Atlantic City and the Authority,
10 remember, we're under the Stabilization Act and that
11 provides some leverage to argue that --

12 MR. HILL: That's true.

13 MR. WARD: -- what we need to do is
14 significantly different from what's going on in the
15 rest of the state.

16 MR. BOR: Well, in that event, you'd
17 have to make application to the state folks because
18 they can supersede the statute --

19 MR. WARD: That's right.

20 MR. BOR: -- if they thought it was
21 in the best interest of the city.

22 MR. WARD: And I expect to have
23 those discussions shortly.

24 MR. McGETTIGAN: Good. Yeah, they'd
25 have to excuse us.

1 MS. THAPA: But like Garth says, we
2 do need a number.

3 MR. WARD: Well, if we go with the
4 15 number, we can always amend it if we needed to and
5 if we had to.

6 MS. THAPA: So there's two
7 resolutions then -- I mean for the same resolution
8 numbers.

9 MR. WARD: So if we need a number in
10 print now, we can go with the 15 and then find out
11 what our opportunities are on the bond market to
12 address some of the capital needs that we're going to
13 have, plus the Quality Assurance Act, and at the same
14 time we have an opportunity to revisit the connection
15 fee without necessarily harming, you know, small
16 residentials to start up a house and then all of a
17 sudden you have a \$4500 bill.

18 MR. MOYLE: And, again, I mean, you
19 know, as we said, we should have been raising our
20 rates a lot more this year. Sorry, it had to be
21 done. Somebody has got to pay the fiddler, no matter
22 if you bond or not.

23 MR. McGETTIGAN: The rate should
24 have gone up instead of the connection?

25 MR. MOYLE: Instead of two percent,

1 absolutely. I mean, you know, there's going to be --

2 CHAIRMAN SMITH: I thought we did
3 kick it up two percent.

4 MR. WARD: We kicked it up one
5 dollar. There's a real balance here. We've got a
6 crazy city which 40 percent, somewhere in the
7 neighborhood of 40 percent of the people living under
8 poverty.

9 MR. MOYLE: You can't have it
10 forever without paying the fiddler.

11 MS. THAPA: But even the bond, even
12 if we bond the money, the connection fee is not going
13 to go down because the cost is cost.

14 MR. MOYLE: No, it's not going to go
15 down. But as you say, I don't see -- there's nothing
16 being built of any size in this town. You know,
17 Revel is just going to come back on and start the
18 clock, and then we'll eventually in four or five
19 years give them money back.

20 MS. THAPA: I mean if by law, by
21 statute, if we can keep it, then I will recommend --

22 MR. BOR: Well, what I'm saying is
23 we can override the statute if the state folks want
24 us to. They can go either way; they can say ignore
25 or override.

1 So I think Mr. Ward is going to make
2 application or at least have a conversation about our
3 needs as compared to the actual statute, but we have
4 to either follow the statute or follow the direction
5 of the stabilization folks.

6 CHAIRMAN SMITH: What is the time
7 limit to have this to keep us in compliance is what
8 I'm saying. I don't understand what's the time
9 limit.

10 MR. WARD: We have, as opposed to a
11 time limit, there is a time window, and I think what
12 we could do is we could approve 8b(2), recognizing
13 that we've got some discussions with the state, we
14 also have some discussions with bond counsel, and
15 when we get further information, we can come back and
16 revisit a connection fee that is appropriate under
17 the circumstance.

18 MR. HILL: So we can temporarily
19 approve this?

20 MR. WARD: Well, you can approve it,
21 but you can always amend it.

22 MR. HILL: And then you can amend
23 it.

24 MR. WARD: Yeah.

25 MR. HILL: Okay.

1 MR. WARD: We don't have to call it
2 temporary. We can just call it the fee, the
3 connection fee, and then we can come back.

4 MR. McGETTIGAN: You'll come back
5 when approval from the state --

6 MR. MOYLE: That won't be fair. I
7 pay this lower one and then the next group pays the
8 high one.

9 MR. WARD: But we're under state
10 stabilization, and what's fair in Atlantic City and
11 state stabilization is kind of interesting when the
12 casinos are under a PILOT and they've got their taxes
13 flat forever, and if you put on your new porch, okay,
14 your taxes could go up. What's fair in Atlantic City
15 is not necessarily fair.

16 MR. HILL: Not necessarily.

17 MS. BAILEY: So next month you
18 will -- by that time you will have had an opportunity
19 to seek some more --

20 MR. WARD: And, again, I threw next
21 month out because I think that this new
22 administration will have itself a table that is set
23 with this agenda and we can come in and they're
24 organized and ready to address our needs. They just
25 started yesterday --

1 MS. BAILEY: Right, but --

2 MR. WARD: -- on the first day, so
3 you got to give them till --

4 MS. BAILEY: But until they get in
5 place, the statute that she speaks of still holds us
6 accountable. Am I correct?

7 MR. BOR: Yes.

8 MR. MOYLE: And I know the statute,
9 I didn't see where it says you must do this. That's
10 the formula. Where does it say you must follow this?

11 MS. THAPA: It doesn't say "must,"
12 but it still is the law.

13 MR. WEBER: Actually it does say
14 that's the maximum you can do. You can go up to
15 that.

16 MR. MOYLE: It doesn't say you must
17 use this formula.

18 MR. WEBER: It's just you can't go
19 beyond that.

20 MR. BOR: Yeah. Well, that's the
21 same thing.

22 MS. THAPA: Same thing he said.

23 MR. MOYLE: I read the thing. I
24 never saw "must."

25 MR. WEBER: No, I agree with you.

1 MR. MOYLE: Again, I, having heard
2 of people crying over 15 bucks, and we could really
3 discourage more building in the town. I don't know
4 if it really will, but, you know, again, when
5 you're -- if you're building a place like down here
6 at New Jersey and Pacific, that, that adds up in a
7 hurry, and that was a big connection fee. What was
8 that, a year or two ago, so.

9 MS. THAPA: Yeah, but then the next
10 year since we've been using the formula, so, I mean,
11 you know, even if we had to increase, it may not be
12 as high as 20, but it may be 18 or 19.

13 MR. MOYLE: You really got to start
14 spreading it out. You know, again, you got to start
15 hitting -- just like, just like the sewer company
16 did, they jacked their commercial -- you know, their
17 large meters. When these guys downsized, whatever
18 meters they put in, they jacked them really high.

19 MS. THAPA: And overall the usage
20 has been down. This month we're like, I guess, three
21 percent down. It's really down this January.

22 MR. MOYLE: Absolutely.

23 MS. THAPA: I mean like most of
24 the -- even the bigger casinos, they downsize the
25 meters. So obviously if we jacked up, I'm sure

1 they're going to downsize the meter.

2 MR. MOYLE: Well, they have to reach
3 some happy medium. They can't downsize, well, like
4 this clown did, to two-inch meters for these hotels.
5 But, yeah, they -- they'll finally rest in a spot.
6 They can't go any lower. And then look at it again.

7 But, you know, raising the
8 residential rates, I'll be on a fixed income soon,
9 but 50 bucks a quarter, that's unheard of.

10 MS. THAPA: It's 51.

11 MR. MOYLE: Yeah, this year, yeah,
12 whoop-de-do. I mean, people are paying 100 bucks a
13 month, but some of my neighbors water the hell out of
14 their lawns, but they're paying a hundred bucks a
15 month.

16 MR. BOR: All right. So we're
17 tabling b(1)(2)?

18 MR. WARD: I thought we were going
19 to go ahead and approve the 15.4352. There's two 8bs
20 for your consideration.

21 MR. BOR: Oh.

22 MR. WARD: But, you know, we jumped
23 ahead. We have not voted on 8b(1), which is the
24 rules and regulations. We need a motion on that.

25 MS. THAPA: The connection fee is in

1 that one there (indicating).

2 MR. HILL: The connection fee is
3 inside the rules, that's what she's saying.

4 MR. WARD: Yeah. Well, but it's a
5 separate resolution.

6 MR. HILL: So we can do one.

7 MR. WARD: We can do one.

8 MR. HILL: And then we could put
9 some language with two.

10 I'll move 8b(1).

11 CHAIRMAN SMITH: 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. WARD: Now to 8b(2), which would
23 be the first resolution of that number sequence --

24 MR. HILL: Right.

25 MR. WARD: -- at 15.4352 gallons per

1 day. Now, if you wanted to add "subject to review
2 pending discussion with bond counsel and the State
3 BCA" --

4 MR. BOR: Well, you almost have to
5 because our minutes are reviewed. If they don't like
6 what we're doing, they're going to do it anyway.

7 MR. WARD: So that's what I mean.

8 MR. BOR: They're going to modify
9 whatever we do anyway.

10 MR. WARD: Subject to, so that makes
11 it a temporary.

12 MR. BOR: Subject to oversight by
13 the municipal stabilization folks.

14 MR. WARD: Yeah, and discussion with
15 bond counsel.

16 MR. BOR: And discussion with bond
17 counsel.

18 MS. WILLIAMS: Frank, can you say
19 that again? I'm sorry.

20 MR. BOR: Yeah. It's subject
21 pending the discussion with bond counsel as well as
22 approval or disapproval of the minutes by the state
23 overseers.

24 CHAIRMAN SMITH: Move it as amended.

25 MR. HILL: Second.

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: Okay. I don't see any of
12 the Necessary to Appear. Michael Scanlon is not
13 here, so that's 9a will be held, 9a(1). And 9a(2)
14 will be held -- well, no -- yeah, 9a(2) is
15 unnecessary.
16 MR. HILL: Right.
17 MR. WARD: Right. So we need to
18 vote on 9a(2) for the abatement for John Anderson.
19 MR. McGETTIGAN: Move it.
20 MR. HILL: Second.
21 MR. BOR: Mr. Lea?
22 MR. LEA: Yes.
23 MR. BOR: Colanzi?
24 MR. COLANZI: Yes.
25 MR. BOR: McGettigan?

1 MR. McGETTIGAN: Yes.

2 MR. BOR: Hill?

3 MR. HILL: Yes.

4 MR. BOR: Smith?

5 CHAIRMAN SMITH: Yes.

6 MR. WARD: 9b(1) we're going to go
7 out for qualifications on transcript, stenographer
8 services will be 9b(1).

9 CHAIRMAN SMITH: Move it.

10 MR. HILL: Second.

11 MR. BOR: Mr. Lea?

12 MR. LEA: Yes.

13 MR. BOR: Colanzi?

14 MR. COLANZI: Yes.

15 MR. BOR: McGettigan?

16 MR. McGETTIGAN: Yes.

17 MR. BOR: Hill?

18 MR. HILL: Yes.

19 MR. BOR: Smith?

20 CHAIRMAN SMITH: Yes.

21 MR. WARD: 9b(2), Regular Inspection
22 of Doughty and Kuehnle Pond Dams, 9b(2).

23 MR. HILL: Move it.

24 MR. McGETTIGAN: Second.

25 MR. BOR: Mr. Lea?

1 MR. LEA: Yes.
2 MR. BOR: Colanzi?
3 MR. COLANZI: Yes.
4 MR. BOR: McGettigan?
5 MR. McGETTIGAN: Yes.
6 MR. BOR: Hill?
7 MR. HILL: Yes.
8 MR. BOR: Smith?
9 CHAIRMAN SMITH: Yes.
10 MR. WARD: 10a, Monthly bills
11 resolution.
12 CHAIRMAN SMITH: Pay the bills.
13 MR. HILL: Second.
14 MR. BOR: Mr. Lea?
15 MR. LEA: Yes.
16 MR. BOR: Colanzi?
17 MR. COLANZI: Yes.
18 MR. BOR: McGettigan?
19 MR. McGETTIGAN: Yes.
20 MR. BOR: Hill?
21 MR. HILL: Yes.
22 MR. BOR: And Smith?
23 CHAIRMAN SMITH: Yes.
24 MR. WARD: Five-minute break,
25 Executive Session.

1 (The board goes into Executive
2 Session at 10:40 a.m.)

3 (The board meeting resumes after
4 Executive Session at 11:21 a.m.)

5 CHAIRMAN SMITH: Okay. Let's get
6 rolling, please.

7 MR. WARD: Okay. We are back in
8 session from closed session. We had an
9 opportunity -- excuse me -- executive session.

10 We had an opportunity to discuss a
11 couple of labor issues, one of which is to result in
12 a resolution to search for director of distribution.
13 This comes on the heels of the planned resignation of
14 our executive director of operations.

15 MR. MOYLE: Retirement.

16 CHAIRMAN SMITH: Retirement.

17 MR. HILL: A big difference.

18 MR. MOYLE: One you get money, the
19 other one you don't.

20 MR. WARD: Retirement of our
21 esteemed executive -- Deputy Executive Director,
22 Mr. Garth Moyle. So we will be searching for a
23 director of development --

24 MR. BOR: Distribution.

25 MR. WARD: Distribution, I'm sorry,

1 director of distribution, and we will put together
2 the necessary resolution for that.

3 (Mr. Hill leaves the board meeting
4 at 11:23 a.m.)

5 MR. BOR: Anyone move that
6 resolution --

7 MR. McGETTIGAN: Move it.

8 MR. BOR: -- to search out for a
9 director of distribution?

10 MR. McGETTIGAN: Yes.

11 CHAIRMAN SMITH: 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: Smith?

19 CHAIRMAN SMITH: Yes.

20 MR. BOR: It carries.

21 MR. WARD: Okay. Other than that,
22 we have closed for the January board meeting. And do
23 I hear a motion?

24 CHAIRMAN SMITH: Motion to adjourn.

25 MR. WARD: Hearing no objection --

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CHAIRMAN SMITH: No objection, we're
adjourned.

(This board meeting was adjourned at
11:24 a.m.)

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R E P O R T E R ' S C E R T I F I C A T I O N

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