

ATLANTIC CITY MUNICIPAL UTILITIES AUTHORITY
BOARD OF DIRECTORS MEETING

- - -

DATE: Wednesday - November 18th, 2020

COMMENCING AT 10:00 a.m.

ATLANTIC CITY MUNICIPAL AUTHORITY

401 NORTH VIRGINIA AVENUE

ATLANTIC CITY, NEW JERSEY 08404

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1 Computer-aided transcript of the Board
2 of Directors meeting, taken stenographically in the
3 above-entitled matter before Dominique R. Caputo.

4
5 BOARD MEMBERS:

6 JOHN DEVLIN, Chairman

7 GARY L. HILL, Vice Chairman/Secretary

8 PATRICIA BAILEY, Board Member

9 NYNELL LANGFORD, Board Member

10 MILTON L. SMITH, Board Member

11 WILLIAM CHEATHAM, Alternate Board Member

12
13 ALSO PRESENT:

14 Stella Johnson, Executive Secretary
Atlantic City Municipal Utilities Authority

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16 Fred Bor, Solicitor
Atlantic City Municipal Utilities Authority

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18 Andrew Weber, Labor Counsel
Atlantic City Municipal Utilities Authority

19
20 Michael Riley, Counsel
Atlantic City Municipal Utilities Authority

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22 Claude Smith
Atlantic City Municipal Utilities Authority

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24 Vince Polistina

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PROCEEDING

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THE CHAIRMAN: November 18, 2020 opening statement. Adequate notice of this meeting has been provided as required by law by mailing to the Press of Atlantic City a list of all the regularly scheduled meetings for November 18th, 2020 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 Meetings Law. Fred.

MR. BOR: Mr. Cheatham.

MR. CHEATHAM: Here.

MR. BOR: Roll call. Thank you. Ms. Bailey.

MS. BAILEY: Here.

MR. BOR: You should have been first, Ms. Bailey.

MS. BAILEY: That's okay.

MR. BOR: Mr. Cheatham is second. Mr. Hill.

1 MR. HILL: Here.

2 MR. BOR: Mr. Smith.

3 MR. SMITH: Here.

4 MR. BOR: And then Ms. Langford will be
5 calling in at some time during the meeting.
6 And then lastly, Mr. Devlin.

7 THE CHAIRMAN: Yes.

8 MR. BOR: Flag salute.

9 THE CHAIRMAN: Yes.

10 - - -

11 (Whereupon the Pledge of Allegiance was
12 recited.)

13 - - -

14 THE CHAIRMAN: Thank you.

15 MR. BOR: Okay. The members of the board
16 have received copies of the minutes.

17 THE BOARD MEMBERS: Yes.

18 MR. BOR: And if they have, can we have a
19 motion? Let's hear it.

20 THE CHAIRMAN: Motion.

21 MR. SMITH: Second.

22 MR. BOR: Ms. Bailey.

23 MS. BAILEY: Yes.

24 MR. BOR: Mr. Cheatham.

25 MS. BAILEY: We're doing a vote for the

1 minutes.

2 MR. CHEATHAM: Yes.

3 MR. BOR: Mr. Hill.

4 MR. HILL: Abstain.

5 MR. BOR: Mr. Smith.

6 MR. SMITH: Yes.

7 MR. BOR: And Mr. Devlin.

8 THE CHAIRMAN: Yes.

9 MR. BOR: The executive minutes have been
10 approved. Executive director's report.

11 THE CHAIRMAN: Mr. Smith.

12 MR. SMITH: Do you want to go into this or
13 do you want to actually bring Mike in first?

14 THE CHAIRMAN: Yes. Do you guys want to
15 do your presentations?

16 MR. SMITH: Presentations first.

17 MR. RILEY: Yes, sure. I have a couple of
18 things I wanted to talk to you guys about. One
19 I am going to start with the FAA. Okay. You
20 are not in that one or you are in that one?
21 PFAS.

22 THE BOARD MEMBERS: PFAS, yes.

23 MR. RILEY: As I have been reporting to
24 you on and off for the past couple of months
25 there's been obviously a lot of discovery going

1 on. Now they are beginning to focus very
2 pointedly at certain areas of the respective
3 cases. I had a conversation with our
4 colleagues from California-- a couple
5 conversations last weekend and yesterday.

6 And there is a new discovery demand that's
7 being placed upon us by the court. I'm getting
8 the information now and I'm going to handle it
9 like I handled the first batch of discovery.
10 Go out to the plant, talk to Claude and get the
11 information together so we can provide the
12 required discovery. The reason I'm mentioning
13 that is because things are beginning to pick up
14 in terms of speed and complexity.

15 As you guys know from civil cases, earlier
16 discovery stuff is kind of slow and tedious.
17 But now it is getting more pointed and more
18 directed and cases are beginning to be looked
19 at separately, particularly the water provider
20 cases.

21 The second thing I want to bring your
22 attention to is the judge now is setting the
23 criteria for the Bellwether cases. And if you
24 remember what that means, that was the cases
25 that are going to be selected to go first, all

1 right? This is a critical time for us because
2 we want to be as far out with it as possible.

3 So that is requiring some extra work on
4 our part both with those guys and with me to
5 get to that point where we can meet those
6 criteria and be in a position to get as close
7 to the front of the line as possible. Anyone
8 have any questions about the FAA stuff and the
9 legal? Okay.

10 Second thing I want to talk to you about
11 and this is kind of interesting-- actually,
12 it's very interesting. You all remember the
13 issue solar-- the solar contract. All right.
14 Just to recap a little bit, back in 2018 there
15 was a contract that was entered into by the MUA
16 and a company known as the ACMUA, LLC, remember
17 that? And that was the contract that obligated
18 us to the deal with this ACMUA, LLC as our
19 contractor to do this Floating Solar project.
20 Turns out that ACMUA, LLC was not properly
21 formed as a corporation.

22 So in other words, the MUA entered into a
23 contract for that and that's a deed that
24 doesn't legally exist. You can see the
25 problems that will come from that. It is

1 unknown to me as a lawyer how that happened
2 because when you engage in any contract with a
3 fictitious person, i.e. a corporation or
4 partnership, there is always a certification of
5 some sort that says this fictitious corporation
6 has been-- and fictitious is not a-- it's a
7 term of-- not a term of (inaudible) allegation.
8 Okay? That this fictitious corporation is
9 properly formed pursuant to the laws of the
10 state where it was formed. That was never in
11 any of the (inaudible.)

12 So somehow or another the MUA entered into
13 an agreement with a corporation that didn't
14 legally exist. And that's a problem. So at
15 some point about six months or so after this
16 happened somebody spotted it and they went
17 through a process called novation.

18 Novation is a term that is used-- well,
19 lawyers that do contract work. Essentially it
20 means the parties that are engaged in the
21 initial contract agree that they are going to
22 basically obviate the first contract and enter
23 into a new contract. This time ACMUA, LLC was
24 now a properly formed corporation. So it's
25 like a do over.

1 Now that-- that's just when it changed.
2 And I think some of you may remember this. I'm
3 not sure. Because there was a little bit of
4 confusion there. The first contract helped
5 purely with the Floating Solar project almost
6 exclusively.

7 The second contract that was entered into
8 with-- with the rejuvenated ACMUA, LLC dealt
9 with solar, but also dealt with the ground
10 mounted panels. Okay? It went through the
11 process. The resolutions were filed and
12 everything was properly done within the board
13 given the information that you have.

14 Now, we are now in a situation. We are
15 now-- now we are contractually obligated to
16 ACMUA, LLC. What's happened now-- and you will
17 remember Claude and I have been in front of you
18 guys probably about four or five times saying,
19 look, we engaged in AC-- Atlantic City Electric
20 to do a survey. We can't go further-- any
21 further with our contract responsibilities and
22 they can't either unless we get the survey
23 done.

24 There is a possibility that the survey may
25 come back and say our project is not sufficient

1 for them. We have all talked about that.

2 THE BOARD MEMBER: Right

3 MR. RILEY: Okay. And Claude-- Claude has
4 been on them to do something. Don't just sit.
5 They are not doing anything. It turns out we
6 got a letter. Was it last week, Claude?

7 MR. SMITH: Yes. It was last week.

8 MR. RILEY: We got a letter from their
9 lawyer. It says in that letter that they are
10 not going to be able to meet their contractual
11 obligations to us right now. And the reason
12 they can't do that right now is because of
13 what's known as a force majeure clause in the
14 contract. Anybody take French? All right.

15 Force majeure is a French term that means
16 we can't complete the contract because of
17 incidents beyond our control. Okay. Force
18 majeure essentially means superior force. That
19 can be government action. That can be weather.
20 It can be all kinds of different things. And
21 that allows them to be-- to be excused from
22 their obligations in the contract. That's
23 essentially what it says.

24 Now, they said to us that because of this
25 force majeure situation which is the Covid

1 situation which I'm going to talk to you about
2 that in a minute-- but the Covid situation--
3 now, Claude and I talked about this and it was
4 kind of like, you know, we just can't roll over
5 and say we are going to suspend any obligations
6 to do this contract because you claimed forced
7 majeure.

8 So what they say in the letter is they
9 remind us the contract provides that in the
10 event we wish to-- I know this is boring to
11 some of you-- if we attempt to get out from our
12 obligations of the contract they can then sue
13 us for all their costs and expenses that they
14 put out up to this point which I suspect is
15 probably a significant amount of money. So we
16 are in a position now where we have to make a
17 decision what we are going to do.

18 Now they also are throwing in DEP. They
19 say because ACE electric and DEP we can't go
20 forward. We have a choice-- a couple choices.
21 First choice is just roll over and say okay,
22 we'll wait. Okay, that's one.

23 The other choice is no, we don't agree
24 there is a force majeure. We want to excuse
25 ourselves from the obligations under the

1 contract. That's a other extreme.

2 Now, the latest-- the one I just mentioned
3 to you, it would cost the MUA potentially a lot
4 of money. You are running risks. And the
5 risks are if they are successful in proving
6 this force majeure they can go after us for
7 their expenses, we pull out. Claude and I
8 talked about this either it was yesterday or
9 Friday.

10 MR. SMITH: Yesterday.

11 MR. RILEY: What I would like to suggest--
12 and I want to get guidance from you folks-- is
13 this; not roll over for them obviously.
14 Because frankly, to be honest with you, I have
15 never seen a company that's as shady as this
16 company. Because how do you go into a business
17 and get into a major contract with a
18 corporation that just doesn't exist? I have
19 never gotten over that. But I couldn't get
20 over that.

21 So we have a choice. And we talked about
22 it. And we can simply say to them no, we are
23 not accepting your statement of force majeure.
24 You have to prove it to us that you can't
25 perform. What about this Covid situation and

1 the impact that it has on Atlantic City
2 Electric? How is that keeping you from doing
3 your survey?

4 Think about it. They have engineers that
5 are going to go do the survey that work under
6 the same roof as their other-- their own
7 people. They are not getting outside
8 consultants to come in and do it. What are
9 they saying to us? Either they don't want to
10 do it or they want to stall it.

11 The other extreme is to basically say we
12 want our-- we want to get out and, you know,
13 deal with it that way. I don't recommend that.
14 And the reason I don't recommend it is because
15 I'm not sure how they claimed this force
16 majeure. And the only way to find out what it
17 is is to push back and say we are not accepting
18 it on its face. We want specifics. Tell us
19 why can't Atlantic Electric meet their
20 obligations to do that survey and get back to
21 us and tell us where we stand. I would like to
22 do that.

23 Secondly, directly to DEP, why can't you
24 go forward and give us the permits that we need
25 and get it directly from them? And then we can

1 make a decision at that point what we are going
2 to do. Force majeure are things-- it's a
3 concept that is-- in most construction
4 contracts it doesn't happen very often. But
5 when it happens it gets retention because
6 everything-- if we just roll over on this which
7 I don't recommend we do, we can be sitting here
8 for another six months.

9 MR. HILL: They never stated-- they are
10 just using this.

11 MR. RILEY: Yes.

12 MR. HILL: And we don't know the reason.

13 MR. RILEY: Anybody that's been dealing
14 with state agencies lately, you'll see that
15 they are claiming we can't do our job because
16 we are not allowed in our office, I'm working
17 from my car and all this stuff. Come on.

18 MR. HILL: Maybe-- at engineering
19 committee last week Anthony told us there was
20 somebody working-- remember? Did we figure out
21 who that was?

22 MR. SMITH: No. We haven't gotten any
23 feedback in regards to--

24 MR. HILL: Because I was wondering if it
25 was the surveyor? Was it-- you know what I'm

1 saying?

2 MR. SMITH: And it could have been a
3 surveyor that was actually there.

4 MR. HILL: That's what I was wondering.

5 MR. SMITH: But we didn't get any feedback
6 in regards to who was actually on the property.

7 MR. RILEY: This is in reference to what
8 Claude and I had talked about the other day was
9 an employee or someone was--

10 MR. HILL: Somebody was out there.

11 MR. RILEY: -- at the building. What we
12 are talking about is in that letter from the
13 lawyer he also throws in that employees of, I
14 guess, ACMUA, LLC were out at the site. And in
15 the encounter one of our employees who told
16 them allegedly that you can't build here
17 because we are going to build a building here.

18 Well, that sends these guys into a
19 tailspin, okay? So we got a couple balls in
20 the air at the same time. But I think any
21 delay on our part shows weakness and a lack of
22 fortitude.

23 THE CHAIRMAN: Agreed 100 percent. I'm
24 just trying to grasp this. Somebody came on
25 MUA property and was challenged by a MUA

1 employee?

2 MR. RILEY: Yes. So far I think that's
3 correct.

4 THE CHAIRMAN: How did they get on there?

5 MR. RILEY: I have no idea.

6 MR. SMITH: Well, you have to speak to the
7 plant manager or the assistant plant manager in
8 regards to how and who they allow on the
9 property. As a matter of fact, at the
10 engineering meeting we were not aware of that.

11 We were informed at the engineer meeting
12 that someone was on the property doing some
13 form of a survey and we were never informed.

14 THE CHAIRMAN: All right. I don't want to
15 beat a dead horse too bad, but since I've been
16 on this board I have preached, and I got a lot
17 of push back from a lot of different people,
18 about putting more security at that building.
19 We spoke about a wide range of different things.
20 But I mean, anybody can come on that building
21 anytime they want.

22 I was there with you. You know, we drive
23 right on. There was no gates. There is no--
24 you know, we spoke about it. But I'm just
25 saying we have to think about the future a

1 little bit, guys. I mean, I know I've had the
2 cop hat on. I'm not a cop anymore, but I think
3 that's a very vital piece of what we do here.
4 And just let any idiot who wants to run on
5 there and flash a badge, I got an issue with
6 that, guys.

7 MR. SMITH: Well, they have-- more than
8 likely they have to go through a sign-in
9 process to get on the property. So someone had
10 to--

11 THE CHAIRMAN: More than likely or did
12 that happen, Claude?

13 MR. SMITH: Well, like I said to you in
14 regards to what we were told at the meeting, we
15 were inquiring in terms of what company and who
16 were they that were actually on the property.
17 And at the time the plant manager could not
18 respond to us in regards to letting us know who
19 was on the property. But they had to go
20 through a process to get onto the property. I
21 just don't know--

22 THE CHAIRMAN: You sure they went through
23 a process?

24 MR. SMITH: They had to.

25 THE CHAIRMAN: Or they just drove on?

1 MR. SMITH: No, they had to.

2 THE CHAIRMAN: So why--

3 MS. BAILEY: Are you expecting an answer
4 from the plant manager? Is he researching to
5 let you know how they got on there?

6 MR. SMITH: Yes. That's what we were
7 told, correct.

8 MR. BOR: I thought the plant manager said
9 that he observed somebody conducting as if they
10 were doing a survey. He didn't know who it
11 was. And I believe--

12 MR. HILL: He wasn't even there.

13 MR. SMITH: He wasn't there at the time--

14 MR. HILL: He wasn't even there, Fred. It
15 was the assistant manager.

16 MR. BOR: You're right. Correct.

17 MR. HILL: He wasn't even there, the plant
18 manager.

19 MR. BOR: But I don't believe that anybody
20 even questioned the person doing the survey.

21 THE CHAIRMAN: Can you guys just tell me
22 this; is there a sign-in process? Because I'm
23 ignorant to it.

24 MR. SMITH: Yes. There's a sign-in
25 process. If you come into the plant within the

1 front driveway or driveway section and the
2 parking lot, prior to entering into the
3 building of course you have to be buzzed in.
4 The individual has to go upstairs, state the
5 purpose actually there. And at the same time
6 they have to sign that book. There is a book
7 at the front they have to sign in.

8 More than likely they have either been
9 familiar with this individual because of the
10 fact that it seems like this individual was
11 there before. And of course, that individual
12 should be escorted to the location on the
13 property to do whatever particular work that
14 they are supposed to be doing.

15 Apparently Anthony was not there at the
16 time when the person came on property. So more
17 than likely I think Ed Jones was the individual
18 that actually allowed him on the property.
19 It's just that it happened he did not know who
20 that particular company was when they were
21 there.

22 THE CHAIRMAN: So, again, I agree that's
23 good. But I mean, to investigate that it
24 shouldn't be too hard. You guys have a log-in
25 book. Like you know, if you come into the

1 police station you have a log-in book, who you
2 are, you have to show some form of-- just like
3 here.

4 MR. SMITH: Sure.

5 THE CHAIRMAN: Is that how they do that
6 that? I mean, that would take out the
7 skepticism of like who is this person.

8 MR. SMITH: Correct. And that's what I'm
9 saying. There is a log in and there should
10 have been a log in. I have not checked back
11 with Anthony in regards to who the company was.
12 But at the same time that's something that
13 would be just a regular phonecall or
14 communication back and forth.

15 THE CHAIRMAN: So-- and I'm going to go
16 back a little bit. And I am going to shut up
17 after this. So we had a person here that did a
18 little risk management for us. And just-- I
19 think he did a Pro Bono. But he warned us. He
20 is a retired FBI guy. He warned us. He was
21 like-- he goes, "I snuck onto the property."
22 He goes, "If I wanted to I could park down the
23 street and walk under the fence."

24 Like we are on a slippery slope. And I
25 wouldn't feel good if I just waited through a

1 meeting like this and not said anything. We
2 have to make sure that-- I mean, we put some
3 kind of challenges in place. Let's put a gate
4 out there. I know we talked about the camera.
5 I did my due diligence. I went out there and--

6 MR. SMITH: Cameras are up. Cameras have
7 been going up.

8 THE CHAIRMAN: There's cameras up so we
9 know who comes on and off right now or is it
10 going up?

11 MR. SMITH: It is still in the process of
12 going up, correct. Yes.

13 THE CHAIRMAN: I really think-- I know
14 that--

15 MR. SMITH: I realize that security is a
16 big issue in regards to your feelings in
17 regards to the plant. And there are definitely
18 loopholes in regards to how people probably can
19 get onto the property. It does and it will
20 take some extensive assessment in regards to
21 how to--

22 THE CHAIRMAN: And it's expensive. I get
23 that.

24 MR. SMITH: Absolutely. And it's not like
25 as if, you know, we are not listening in

1 regards to what's being said. But we are
2 taking steps. Unfortunately--

3 MR. SMITH: I was under the impression
4 that cameras are working over there.

5 MR. SMITH: Who told you that, Mr. Smith?

6 MR. SMITH: I was told a few years ago.

7 MR. SMITH: A few years ago?

8 MR. SMITH: Yes.

9 MR. SMITH: Cameras have not been working
10 in several years. We are installing new
11 cameras. We are installing--

12 MR. SMITH: Is that the place in--

13 MR. SMITH: I think you have two different
14 locations mixed up.

15 THE CHAIRMAN: That was here. Look, I
16 won't be difficult because we have a thousand
17 other things. But we have to have a plan
18 moving forward, guys.

19 MR. SMITH: And I think we are probably
20 moving in the right direction. I think it's
21 just a matter of time in regards to how we are
22 going to get there. And like you said, it is
23 going to be costly. And it is something that
24 we are going to have to look at in regards to
25 that particular expense.

1 THE CHAIRMAN: It's something and I think
2 everybody would sleep good at night if we look
3 at-- you know, at least let's cover that gate.
4 If we don't have security anymore-- I mean,
5 these are the reasons we have checks and
6 balances. We don't want just any-- how about
7 this; a company goes on there and a guy gets
8 hurt on our property. We are liable. That's
9 hundreds of thousands of dollars.

10 And guess what? Yeah, we do have to spend
11 hundred, thousand dollars for a camera system.
12 But the liability alone that we are presenting
13 to ourselves-- I'll be quite. I mean, I would
14 feel better--

15 MR. SMITH: Yeah, point taken. Point
16 taken.

17 THE CHAIRMAN: --if we speak in the future
18 regarding spending--

19 MR. RILEY: With regard to that particular
20 thing, one of the aspects of the--

21 THE CHAIRMAN: Sorry.

22 MR. RILEY: -- no, that's all right-- of
23 the letter is to ask him for specifics as to
24 what he is talking about being told by an
25 employee that don't build anything, we are

1 going to build a building there. It was very
2 specific in the letter. So he must have
3 something he can point to. I'm going to ask
4 him straight up. Like, I'm going to ask him
5 about the other stuff, what are you talking
6 about, give us some facts.

7 THE CHAIRMAN: I'm good with that.

8 MS. BAILEY: What is your proposal moving
9 forward?

10 MR. RILEY: My proposal is we don't show
11 weakness. Because there is too much
12 vacillation and there is too much reliance on
13 this Covid thing. Every time it's oh, I can't
14 do that because Covid. I can't do that because
15 Covid. We are not in a position to wait around
16 because this thing has been sitting too long.
17 And we should have had that survey back a
18 couple months ago.

19 So you can't tell me that Atlantic City
20 Electric is not capable of going out and doing
21 the survey because it is all going to be
22 engineering stuff. And they probably have
23 different ways of testing the efficacy of a
24 particular system to see if it fits into the
25 contract.

1 I don't see why we should wait around. I
2 really don't. Because if we start waiting now
3 with these numbers-- Covid numbers going up,
4 people are going to be under an obligation for
5 the next six or eight months.

6 MS. BAILEY: Okay. So your suggestion is
7 that we move forward. We are putting them on
8 the hot seat--

9 MR. RILEY: Yeah, I think--

10 MS. BAILEY: -- to prove to us--

11 THE BOARD MEMBER: If everybody is good
12 with that, that's all.

13 MS. BAILEY: Okay.

14 THE CHAIRMAN: And just to piggyback a
15 little bit. I presented the same thing to
16 Bruce when he was here. And I think you
17 remember that.

18 MR. SMITH: Yeah. Like I said, I do
19 understand your concern in regards to security
20 at the plant. We have made at least some moves
21 in regards to complying with some of those in
22 regards to security. It's not an easy and
23 quick process. But it is something that is
24 progressing.

25 MR. HILL: And we did discuss it at

1 engineering also, gate replacements, door
2 replacements. We are working on certain-- just
3 to make that clear.

4 MR. SMITH: Absolutely.

5 THE CHAIRMAN: When we were there-- when I
6 was there I did a walk through of the plant.
7 And I think it was that Jones told me that they
8 were working and they turn around and there's a
9 guy in the building. He slipped in one of the
10 doors. It was like a homeless guy. But, I
11 mean, they documented it. He told me that.

12 I mean, look-- I don't know. I think we
13 just better start showing a little bit more
14 concern for risk management, safety concerns
15 and maybe a little bit of security. But
16 continue. Vince.

17 MR. POLISTINA: So just a couple updates
18 on our end on this. We had a very good
19 engineering meeting as you heard already. I
20 discussed some of these topics with Gray and
21 Claude and Fred and Nick Mancuso.

22 We did do some followup testing on our
23 well system just to see if the results were
24 consistent with what we had gotten previously
25 because obviously the FAA stopped using the

1 materials or hopeful over time it would
2 attenuate. But the results we got are
3 consistent with what we had gotten previously.
4 So no attenuation so far. It would happened
5 over time, but we don't know how long that will
6 take.

7 Secondly, there is a-- as I mentioned last
8 month, there is a company H2M which is a
9 nationally recognized company who does a lot of
10 quality engineering who just went through a--
11 the design and installation of a treatment
12 facility for PFAS in another community, had
13 just gone through the process with the DEP.

14 So we have been talking to them. We have
15 gotten some communication with them going. And
16 they-- the best thing for this in the
17 short-term period year is for them to work
18 directly with me in establishing and reviewing
19 the data we have, establishing communication
20 with the DEP because they just had gone through
21 it on behalf of another community.

22 And so, we can have them engaged to both
23 analyze what we have and start the
24 communication we need with the DEP. So I have
25 talked to them since the engineered committee

1 meeting. We are underway with that process.
2 And hopefully, within the next month they will
3 be fully up to speed and we will be engaging in
4 communication with the DEP on the issue and
5 where we are going.

6 So that's the update on our end. We will
7 continue to work on it. And we are making some
8 progress.

9 THE CHAIRMAN: Thank you.

10 MR. HILL: Just one other comment. We
11 also are going to move forward in an
12 engineering meeting next month. We hope we are
13 going to add an engineering meeting just to
14 keep on top of the situation.

15 We are scheduling a special engineering
16 meeting next month just to keep up so we don't
17 let this thing go.

18 MR. SMITH: Just to add onto that because
19 we had a discussion in regards to how to
20 approach this particular situation with going
21 or following through with our design or
22 following through with how we are going to
23 combat the PFAS situation that we have here.

24 And after a lengthy discussion we decided
25 that this would be the best direction and the

1 best way to approach it because it shortens our
2 timeframe of how we can actually get started in
3 regards to doing design work or even looking at
4 any potentials on how we can, you know, address
5 it exactly.

6 So with Mr. Polistina actually teaming up
7 with H2M that will give us an opportunity to
8 start looking further into the PFAS situation
9 and a lot quicker as well too. So this is
10 being expedited.

11 MR. BOR: Claude, can I address the board
12 about the MOA?

13 MR. SMITH: Yes, you can.

14 MR. BOR: Okay. All of us remember--
15 believe it or not it was in June of 2018 that
16 the incident occurred on the Albany Avenue pipe
17 two years ago. During these two years, myself
18 and the executive director with Nick's help
19 also, we have been negotiating back and forth.
20 And it has been a hard, long struggle.

21 In the last six months the activity has
22 picked up I think because the DOT sent it over
23 to another administrator who seem more anxious
24 to resolve it.

25 The good news is in the past six months we

1 have had about five different drafts of an MOA
2 that I had lead on. But of course, Mr. Smith
3 has had a good impact regarding modification.
4 But the good news is we've reached an agreement
5 on an MOA. And just a couple highlights are it
6 will be repaired at no cost to the MUA. And we
7 believe work is going to start on it promptly
8 after this MOA is signed. It's going to be
9 signed by Claude today and then sent up to the
10 state.

11 Also after negotiations they also agreed
12 to share the costs of restoration efforts once
13 it's together. And very importantly on the
14 repair verification that Claude and I both
15 insisted upon, the MOA is going to include that
16 when work is completed the DOT will have its
17 contract present with our folks there when we
18 turn it on to make sure it really works without
19 any leaks. That was an important add-on that
20 we managed to negotiate.

21 So as a result it does not need board
22 approval. But I wanted to bring to the board's
23 attention the efforts and the conclusion that
24 is all favorable. We know how important the 36
25 incher is to the city. And now, finally, at no

1 cost to us it is going to me repaired.

2 THE BOARD MEMBER: Thank you.

3 MR. SMITH: The only thing we don't know
4 is pretty much when they are going to actually
5 mobilize-- when they are going to mobilize and
6 actually start doing work.

7 MR. BOR: His answer to me was promptly.

8 THE CHAIRMAN: How long did it-- what's
9 the duration?

10 MR. BOR: How long until they start
11 repairing it?

12 THE CHAIRMAN: No. How long until it's
13 done?

14 MR. SMITH: It might be a month. It
15 depends on what conditions they are actually
16 faced with and pretty much the difficulty or
17 not having a difficult time actually doing the
18 repair work. So I would say probably a maximum
19 of a month.

20 MR. BOR: The important thing is when they
21 are completed we are there with the contractor
22 and we have to confirm once the pressure is
23 turned on that there's no leaks, there's no
24 problems. That was an item they never agreed
25 to until very recently.

1 MS. BAILEY: Quick question, Claude.
2 While they are in that repair mode, because of
3 the pressure going down on the time that it was
4 broken, is that something we need to prepare
5 the public for that while they are fixing it
6 there may be some water pressure--

7 MR. SMITH: No. You will not and should
8 not have any pressure loss there because right
9 now we are still actually servicing that
10 particular region of the city with the initial
11 36-inch that we have that's in service at that
12 location.

13 MS. BAILEY: Okay.

14 MR. SMITH: So no. Just to let you know
15 that we are going to have to coordinate the
16 disinfection, cleaning and the pressurize-- and
17 they are putting the pipe back into service
18 with them working there. So right now we
19 haven't got a timeframe of when they are going
20 to start. So now we are going to have to start
21 contacting them.

22 They have given us a price and that's how
23 we came up with that 177. I think it is in
24 regards to what the shared cost will be because
25 that was the cost that we received at least a

1 year ago with regards to doing that particular
2 work.

3 So now we have to mobilize again in terms
4 of contacting them and making sure that they
5 can actually make--

6 MR. BOR: Disinfecting.

7 MR. SMITH: Disinfecting, cleaning and
8 disinfecting and pressurizing of the pipe and
9 putting it back into service.

10 MR. BOR: Yeah. That was a bill for
11 \$35,000 from (inaudible) I believe. And
12 frankly, we didn't think they would ever agree
13 to that, but they agreed to half. And we
14 thought that was acceptable. So they have
15 agreed to pay half of that bill.

16 Getting back to executive directors
17 report.

18 MR. SMITH: The financial reports, that's
19 part of the package. If there's no questions
20 on that-- as well as the cash management and
21 balance of adjustments I saw in your packets,
22 of course we are not doing any shutoffs or
23 anything of that particular nature at this
24 point.

25 Front desk replacement. We have the front

1 desk replacement because of Covid and also
2 because of security situations. We have the
3 front desk to be demolished this particular
4 Friday. So this Friday that front desk will be
5 demolished. And the new installation will
6 commence on Monday. The following Monday.

7 So next week Monday they will start
8 putting in that new front desk actually from
9 floor to ceiling. So that complete area will
10 be now closed off to the public at the same
11 time. It will be more secure as well to the
12 persons in the area. Okay.

13 If you want to table this particular
14 portion to discuss in closed session, I mean,
15 we can do so.

16 THE CHAIRMAN: For H?

17 MR. SMITH: H, yes.

18 THE CHAIRMAN: Yes, let's do that in
19 closed session.

20 MR. SMITH: Okay. And before I go on I
21 just want to make one particular comment
22 because of the fact that we are in a Covid
23 season and things are starting to go on the
24 uptake. And I just wanted to, you know, let us
25 kind of know that we expressed our concerns for

1 the health and safety and the wellness of our
2 employees.

3 This is a situation where things are
4 starting to look a bit grim overall for
5 everyone in all different aspects and
6 businesses as well too. But also, like, to say
7 that our two secretaries or executive
8 secretaries are out and of course you probably
9 did receive information on that. And Stella
10 had stepped in without any hesitation. She has
11 hit the ground running. And that's one of the
12 reasons why we are here today, we can actually
13 do this particular board meeting.

14 I think without Stella I don't know if
15 this would have been possible. And I just want
16 to complement Stella in regards to the job that
17 she has actually done for the short time period
18 that she has been here. Okay.

19 Now one of our secretaries is probably not
20 going to be back for at least a month.
21 Probably both of them at least for another
22 month. So yes. So we are-- this is one of
23 those challenging and difficult times that we
24 are faced with.

25 I have never in my years of being here had

1 both executive secretaries out at the same time
2 and for an extended period of time. Okay. So
3 I just want to let that be known to the board
4 that, you know, this is a situation that we are
5 now faced with.

6 So, of course, with Stella's help, I think
7 she will probably be here for at least another
8 month or maybe more. It depends because of the
9 fact that we don't necessarily know what the
10 conditions of the return of our employees or
11 executive secretaries will be at this time.
12 Okay.

13 THE CHAIRMAN: I also want to add, we did
14 the cleaning of the plant--

15 MR. SMITH: Yes.

16 THE CHAIRMAN: Did that go through?

17 MR. SMITH: Yes, we did that on Election
18 Day.

19 MR. BOR: Director's forum. Anybody have
20 any input for the board? I don't believe we
21 have any public participation.

22 THE CHAIRMAN: Well, where is the zoom at?
23 Can anybody zoom in?

24 MR. SMITH: No. We didn't receive any
25 calls or any emails in regards to anyone who

1 wanted to attend the meeting.

2 MR. BOR: And I guess the record should
3 reflect in accordance with instructions to me
4 as counsel, we allow people to either call in
5 telephonically or email any issues they have
6 directly to Claude. Claude is then required by
7 the DC to read out loud the concern and give a
8 response. But apparently there is neither for
9 this month.

10 MR. HILL: And just to comment, I don't
11 know anything other than-- some of the rules
12 could be possibly be changing very quickly in
13 regards to meetings and so forth as we all
14 know. And I don't know if the school board has
15 been approached, but at CRDA, we were
16 approached

17 MS. BAILEY: They reduced it to ten people
18 inside.

19 MR. HILL: Right. So what I'm just saying
20 for the future, even for the next month or two,
21 that could-- this could probably change again.
22 We were told this yesterday.

23 THE CHAIRMAN: Let's be prepared for that.

24 MR. HILL: Just so we know.

25 MR. BOR: Old business. Claude.

1 MR. SMITH: General Liability, Public
2 Officials Liability, this is the insurance
3 package that we have been up to before. We did
4 receive a proposal back from Siracusa that's in
5 your package.

6 THE CHAIRMAN: Just one?

7 MR. SMITH: Yes, just the one. Correct.
8 And you will see pretty much what the figures
9 are in regards to general liability and public
10 official and Cyber Security.

11 On the very last page there is a
12 spreadsheet that I did to make a comparison of
13 what the previous years costs have actually
14 been to the authority. And looking at 2020
15 into 2021 and if you look at the right you see
16 there is a cost and it says 2020 to 2021.

17 Like I said, if you look at the
18 spreadsheet this is a just a matter of a
19 comparison of the last couple years of prices
20 that we have actually received for the proposal
21 that we are now going to be looking at. And if
22 you look at 2020 and 20201 you will see what
23 those particular costs were.

24 And the difference between those two
25 particular costs, of course, for the 2021

1 coverage, we are talking about almost like a
2 \$20,000 increase in our insurance policy or
3 coverage I should say.

4 THE CHAIRMAN: Is that a lot or--

5 MR. SMITH: Well, it seems to follow suit
6 somewhat based on previous-- previous years.
7 This might be reduced some based on some
8 adjustments of vehicles or equipment that we
9 have.

10 So it's-- I can't say it's always typical
11 it's going to be that much. But we have always
12 seen an increase in regards to what the policy
13 coverage actually is.

14 THE CHAIRMAN: Welcome to New Jersey.

15 MR. SMITH: And like anything else, you
16 know, when you get newer vehicles the cost to
17 insure that is going to me more as well too.

18 So, you know, so there is a couple factors
19 in there that actually kind of dictates what
20 the increase will actually be. But I just
21 wanted to let you know that's what the
22 increases actually are. And you can look at
23 them and see pretty much, you know, where the
24 percentages actually are.

25 MR. HILL: So the resolution we are

1 looking at is for general, public and cyber
2 altogether?

3 MR. SMITH: It's all-- that's the whole
4 package. It's the whole package.

5 THE CHAIRMAN: Well, did we just add on
6 cyber? Because I remember last year we--

7 MR. SMITH: No, we did. No, we had cyber
8 on last year as well too. Yes, we did. We had
9 cyber--

10 THE CHAIRMAN: Do you remember when we had
11 that one meeting and Bruce had to go out to a
12 different vender?

13 MR. SMITH: Yeah, that was something
14 different.

15 THE CHAIRMAN: I thought that was cyber.

16 MR. SMITH: It was prior to cyber. Yes,
17 it was. But this particular coverage also
18 covers cyber whereas if you have a-- if you
19 have-- if someone actually, of course, taps
20 into your system, okay, then therefore it is
21 also covered as a part of cyber security as
22 well too.

23 THE CHAIRMAN: Okay.

24 MR. SMITH: So we will actually be using
25 it if you are hacked, okay? Then therefore it

1 also is covered as a part of the system.

2 THE CHAIRMAN: So we got both of them
3 covered?

4 MR. SMITH: Correct, yes.

5 MS. BAILEY: So the \$8,000 increase is
6 basically a part of the cyber more than
7 anything else?

8 MR. SMITH: If you look-- if you look--
9 last year, if you look, there was-- there was--
10 cyber was actually 5,520. So one of them--
11 \$500. So now this year it is actually 6,000.

12 MR. HILL: I'll move 8 A 1.

13 THE CHAIRMAN: Second.

14 MR. BOR: Yes. Ms. Bailey.

15 MS. BAILEY: Yes.

16 MR. BOR: Mr. Cheatham.

17 MR. CHEATHAM: Yes.

18 MR. BOR: Mr. Hill.

19 MR. HILL: Yes.

20 MR. BOR: Mr. Smith.

21 MR. SMITH: Yes.

22 MR. BOR: And Mr. Devlin.

23 THE CHAIRMAN: Yes.

24 MR. BOR: Carries. Next on the budget,
25 hearing dates. Do we need a resolution on

1 that?

2 MR. SMITH: No, we don't. That's
3 information in regards to--

4 MR. BOR: It's informational.

5 MR. SMITH: We are going to be having the
6 budget hearing.

7 MR. BOR: So B 1, 2 and 3 are going to be
8 informational only.

9 MR. SMITH: Yes, correct.

10 MR. BOR: C, special counsel. Michael
11 already did his presentation.

12 MR. HILL: And we also did D. And we did
13 D.

14 MR. SMITH: If you want you can go to
15 abatements.

16 MR. BOR: Not necessary to appear. So 9 A
17 1, 2 and 3, for the board's pleasure, we can do
18 all three at the same time.

19 MS. BAILEY: Motion.

20 THE CHAIRMAN: Second.

21 MR. BOR: Ms. Bailey.

22 MS. BAILEY: Yes.

23 MR. BOR: Mr. Cheatham.

24 MR. CHEATHAM: Yes.

25 MR. BOR: Mr. Hill.

1 MR. HILL: Yes.

2 MR. BOR: Mr. Smith.

3 MR. SMITH: Yes.

4 MR. BOR: And Mr. Devlin.

5 THE CHAIRMAN: Yes.

6 MR. BOR: Now, on B, if I may, what has
7 happened with the special counsel issue on tax
8 exemptions, as the board knows we have been
9 working on this whole issue of exemptions for
10 our properties based on our statute. And we
11 think we're in the right. I then, on behalf of
12 the board, reached out to all the tax assessors
13 at the four municipalities. And two seemed
14 receptive and two seemed not receptive.

15 And the procedure is if the tax assessor
16 disagrees then you have to move onto the county
17 board and if they disagree, to the tax court.
18 The problem is that the response I got from the
19 tax assessors is they disagree. But disagree
20 doesn't mean a no on our application for the
21 exemption. So I insist they give us a no or
22 they give us a yes.

23 And the reason we didn't get either is
24 unfortunately Ms. Flower, I guess, at EHT
25 passed away when I kept asking her for her

1 answer. So God bless her, but she is gone. So
2 that delayed that. So at that point I
3 conferenced with Dan Gallagher. Dan Gallagher
4 has been doing tax work of a similar nature for
5 the city for the longest time. Because I'm
6 good with going to the county, but once it goes
7 to the tax courts it is out of my expertise.

8 So he agreed, if we approve him today, to
9 be special counsel just for the purpose of
10 fighting this tax exception. I should note to
11 the board they were looking at the \$100,000 a
12 year that we pay in property tax that both Dan,
13 myself and, I guess, Claude, we all agree by
14 the statute should be exempt in whole or in
15 significant part.

16 As a matter of fact, Anita did a runoff
17 from 2015 to 2019 and we were talking about
18 five-- six-- seven-- 800,000 to be paid. I
19 discussed this with Mr. Long personally.
20 Claude was with me.

21 THE CHAIRMAN: I read an email by Anita.
22 She said she is getting--

23 MR. BOR: Yeah, I'll review that right
24 now. I discussed this matter Mr. Long
25 directly. I guess Claude was with me on the

1 phone. He agreed that it is a worthwhile task
2 to pursue. He also asked me the same question
3 can you get the retroactive. I researched the
4 law and unfortunately, the answer is no.
5 Because once you get the exemption it's only
6 going forward. If we could ever get it back to
7 1978, we collected about \$50,000,000. But the
8 answer is no, you can't go backward.

9 So I discussed with Mr. Long bringing in
10 Dan Gallagher. I agreed to send his resume,
11 background. He said it's going to be a great
12 idea. Dan also is of the belief that you might
13 be able to jump right to the tax court because
14 of the nature of the issues seen of a summery
15 nature. And I believe that's what he is going
16 to do. If he is successful in that we will
17 move on with this thing real fast.

18 Mr. Long is very excited about this
19 because it's saying the rate payers-- therefore
20 the taxpayer of Atlantic City a lot of money--
21 I discussed with Rob Long as well as with Dan
22 whether we should hold an escrow the payments
23 that were due in November to the towns. And
24 Dan researched them and so did I.

25 And going in escrow for the taxes due

1 November 1st seemed like the appropriate thing
2 to do as long as the municipalities were on
3 notice of that and they know it wasn't just
4 being spent on something else but in escrow
5 pending the outcome.

6 So I also ran that by Mr. Long. And he
7 said that it seems appropriate. Unfortunately,
8 we just got notice for the towns delinquent.
9 So I called up Dan yesterday. And I said Dan,
10 please inform them it's not that we are
11 delinquent per se. We are holding it in escrow
12 because we believe our application for
13 exemption will be granted. So that's the
14 nature of that.

15 So what we are asking the board to do--
16 also I asked-- I indicated to Mr. Long we would
17 like to have a resolution which we need, of
18 course, to appoint Gallagher as special
19 counsel. I said is it okay because we are
20 approaching November 1st, is it okay if we
21 reach out to them to say we are not paying. We
22 are going to escrow. He said yes, as long as
23 the board recognizes under B that Gallagher is
24 approved and he started some initial leg work
25 prior to today.

1 His fee will be our 150 which is our
2 standard outside counsel fee not to exceed
3 15,000. And he has agreed if the board
4 approves that, he is in. And he has already
5 hit the ground running on it.

6 So the motion would be to appoint Daniel
7 Gallagher of Atlantic City as special counsel
8 for property tax exemption only at the fee of
9 150 not to exceed 15,000.

10 MR. SMITH: Move it.

11 MR. HILL: Second.

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: Mr. Smith.

19 MR. SMITH: Yes.

20 MR. BOR: And Mr. Devlin.

21 THE CHAIRMAN: Yes.

22 MR. BOR: I'll inform Mr. Gallagher.

23 MR. SMITH: The Emex Reverse Online
24 Auction is about-- actually, he is in the third
25 party to review electrical costs. We have been

1 doing this for several years. Normally we go
2 out at this time of the year to-- it's an
3 online auction meaning that we get a price from
4 several different companies, electrical
5 companies and we, of course, try to get the
6 best price that we can.

7 But I will say to you is that a cost-- the
8 kilowatt cost from last year was reduced by
9 .001 percent. It's not a whole lot, but at the
10 same time it's good that it actually did have a
11 reduction because of all that we are seeing
12 right now based on Covid. Things have actually
13 been increasing in cost.

14 The term of the contract will be for two
15 years. And I actually did this cost with Emex
16 and they did also discuss with consolation
17 (inaudible) about the fact if whether or not we
18 have a solar system installed whether or not
19 that would actually impact, okay, what the cost
20 that we are receiving and the-- the electrical
21 supply that they would be able to provide us.

22 And apparently that will not interfere
23 with any of this. So at this particular point
24 in time with us actually going into a two-year
25 term, the cost will be-- remain at that point.

1 MS. BAILEY: It will be frozen at that
2 rate?

3 MR. SMITH: I beg your pardon?

4 MS. BAILEY: So it will be frozen at that
5 rate?

6 MR. SMITH: Yes, it will be frozen at that
7 rate. It's .06950. That will be the kilowatt
8 rate at least for the next two years. And it
9 actually has worked for us because we have
10 actually seen savings throughout the years and
11 a reduction to our electrical cost. So that is
12 something, like we said, we have done over the
13 last several years.

14 The only thing we are doing differently
15 this particular time is because of the fact
16 that we have been so much in limbo with solar
17 for the last at least two or three years, we
18 have only gone out for a one-year term. But
19 because of the fact that the cost will be held
20 at the same rate for two years it is best that
21 we actually accept a two-year term.

22 So what I will be doing with this as the
23 resolution is, actually accept it for today, is
24 signing this particular contract and sending it
25 back to the company. And we have to operate

1 within a 24-hour period. And I'm sorry this is
2 something that they have to do on a consistent
3 basis. It has to be within a 24-hour period.
4 So we have to get this back to them in a timely
5 manner.

6 MR. HILL: I'll move it.

7 THE CHAIRMAN: Second.

8 MR. BOR: Ms. Bailey.

9 MS. BAILEY: Yes.

10 MR. BOR: Mr. Cheatham.

11 MR. CHEATHAM: Yes.

12 MR. BOR: Mr. Hill.

13 MR. HILL: Yes.

14 MR. BOR: Mr. Smith.

15 MR. SMITH: Yes.

16 MR. BOR: Mr. Devlin.

17 THE CHAIRMAN: Yes.

18 MR. BOR: It's not a litigation issue.

19 Can I get clearance from the board on what we
20 have decided to do with the auction of the
21 properties? It's not a litigation issue.

22 MR. SMITH: Can we talk about that in
23 closed section?

24 MR. BOR: Yeah.

25 THE CHAIRMAN: Do you need me to sign

1 something?

2 MR. SMITH: One second.

3 MR. BOR: Solicit bids on the Liquid
4 Sodium Hypochlorite.

5 THE CHAIRMAN: Motion.

6 MR. HILL: Second.

7 MR. BOR: Ms. Bailey.

8 MS. BAILEY: Yes.

9 MR. BOR: Mr. Cheatham.

10 MR. CHEATHAM: Yes.

11 MR. BOR: Mr. Hill.

12 MR. HILL: Yes.

13 MR. BOR: Mr. Smith.

14 MR. SMITH: Yes.

15 MR. BOR: Mr. Devlin.

16 THE CHAIRMAN: Yes.

17 MR. BOR: Service agreements. Mr. Smith,
18 you want to--

19 MR. SMITH: Yes. These are all service
20 agreements that Nick has actually done. These
21 are just service agreements with connections
22 that are going to be up and coming and the two
23 that he has mentioned here, these are service
24 agreements that Nicholas has actually provided
25 to us.

1 And these are service connections for
2 these particular-- these two locations that are
3 going to be installing or building something
4 within the next year or so or less than a year.

5 MR. HILL: What's the boathouse?

6 MS. BAILEY: I was going to say the same
7 thing.

8 MR. HILL: Yeah, what is the boathouse
9 thing? Because I thought Stockton was-- it's
10 not the same boathouse.

11 MR. SMITH: I don't think it's the same
12 boathouse that they are mentioning.

13 MS. BAILEY: Is it on Pacific Avenue?

14 MR. HILL: I'm just curious.

15 MR. SMITH: It's on the block that's 421
16 North Carson Avenue, block 556, lot 16. It's
17 within that area.

18 THE CHAIRMAN: Carson. That's down on--
19 off New Jersey Avenue. And you know what,
20 that's going to be Kammerman's--

21 MR. HILL: Could this be for the
22 Kammerman's Marina?

23 THE CHAIRMAN: It's a boathouse.

24 MS. BAILEY: It should be.

25 MR. HILL: Are they building something

1 there?

2 MS. BAILEY: Well, they had started--

3 THE CHAIRMAN: What about the unions
4 building?

5 MR. SMITH: Let's see. Let's see.

6 MR. HILL: They bought the bank on New
7 York Avenue on Pacific at a very good rate,
8 Ocean First when they consolidated.

9 MS. BAILEY: Oh, okay.

10 THE CHAIRMAN: Do we need a motion on
11 that?

12 MS. BAILEY: Motion.

13 MR. HILL: I'll second.

14 MR. BOR: Yeah, we need a motion on 9 E 1.

15 THE CHAIRMAN: Okay. Motion, Ms. Bailey.
16 Second, Mr. Hill.

17 MR. BOR: Ms. Bailey.

18 MS. BAILEY: Yes.

19 MR. BOR: Mr. Cheatham.

20 MR. CHEATHAM: Yes.

21 MR. BOR: Mr. Hill.

22 MR. HILL: Yes.

23 MR. BOR: Mr. Smith.

24 MR. SMITH: Yes.

25 MR. BOR: Mr. Devlin.

1 THE CHAIRMAN: Yes.

2 MR. BOR: And on 9 E 2. Is there a
3 motion.

4 THE CHAIRMAN: Yes, motion.

5 MR. SMITH: Move it.

6 MR. BOR: Ms. Bailey.

7 MS. BAILEY: Yes.

8 MR. BOR: Mr. Cheatham.

9 MR. CHEATHAM: Yes.

10 MR. BOR: Mr. Hill.

11 MR. HILL: Yes.

12 MR. BOR: Mr. Smith.

13 MR. SMITH: Yes.

14 MR. BOR: And Mr. Devlin.

15 THE CHAIRMAN: Yes.

16 MR. BOR: Monthly bills.

17 THE CHAIRMAN: Motion.

18 MR. HILL: Second.

19 MR. BOR: Ms. Bailey.

20 MS. BAILEY: Yes.

21 MR. BOR: Mr. Cheatham.

22 MR. CHEATHAM: Yes.

23 MR. BOR: Mr. Hill.

24 MR. HILL: Yes.

25 MR. BOR: Mr. Smith.

1 MR. SMITH: Yes.

2 MR. BOR: Mr. Devlin.

3 THE CHAIRMAN: Yes.

4 MR. BOR: I still haven't heard from Rob
5 on that still.

6 MR. SMITH: Yeah, we are going to have to
7 get on touch with him.

8 THE CHAIRMAN: Why won't this-- why won't
9 they pay-- why wasn't that paid?

10 MR. SMITH: What's that?

11 MR. BOR: The lawyer's bill?

12 THE CHAIRMAN: Yeah.

13 MR. BOR: Well--

14 MR. SMITH: For one-- I mean, Anita said
15 she did not receive an email.

16 THE CHAIRMAN: Okay.

17 MR. BOR: Yeah. On the monthly bills the
18 only two bills that haven't been paid are for
19 Mr. Weber and myself because apparently it is
20 indicated our invoices didn't come through
21 quickly enough. I thought mine did. But in
22 any event, we can still pay your lawyer today
23 if Mr. Long approves. I sent him a message. I
24 haven't heard from him.

25 So when we hear from him I'll indicate to

1 him that inadvertently the two lawyers' bills
2 weren't put on there and indicate-- ask him
3 whether he is okay with getting paid.

4 THE CHAIRMAN: That's fine.

5 MR. BOR: If so, we will have to get it to
6 the board members.

7 MR. SMITH: Yes, we will have to-- like
8 you said, we can actually do a prepay and add
9 it to the (inaudible.)

10 MR. BOR: We need the board members to
11 sign to it, right?

12 MR. SMITH: Yeah. It will be the same
13 process. It's just that it will be a prepaid
14 as opposed to it actually being on the--

15 THE COURT REPORTER: Do we still want this
16 on the record?

17 THE CHAIRMAN: Yes, we're still on the
18 record.

19 MR. BOR: No. we're--

20 THE CHAIRMAN: We're off the record?

21 THE BOARD MEMBER: I think we're off,
22 aren't we?

23 MR. BOR: Yes. Is there a motion to go
24 into executive session?

25 MR. SMITH: Move it.

1 THE CHAIRMAN: Second.

2 MR. BOR: Hearing and seeing no objection
3 by voice or by hand we will move into executive
4 session.

5 - - -

6 (Executive session began at 10:55 a.m.)

7 - - -

8 (Public session resumed at 11:37 a.m.)

9 - - -

10 MR. BOR: We are now going into open
11 session. And before we do, there is just two
12 items. As I indicated earlier, the bill list
13 did not include Mr. Weber and myself, just
14 inadvertent, I suppose documentation. So I
15 contacted Mr. Long. He said, "sounds fine, but
16 I will get back to you ASAP." Because he
17 usually has to call his colleague. So I guess
18 that will be--

19 I guess on the monthly bills we should put
20 on the record that it will include the
21 additional bills for the two counsel subject to
22 Mr. Long's approval. He said he will get back
23 to me ASAP.

24 And on the-- the other item the Board
25 already authored the-- authorized the proposal

1 of the payments schedule for the auction.
2 Okay. That's all I have.

3 MR. WEBER: And the other thing, do we
4 want to put on-- about my report on the
5 executive director.

6 MR. HILL: You should do a report, Andy,
7 for the record.

8 MR. WEBER: Yeah, okay. So I gave in
9 closed session-- I'm just going to briefly
10 summarize in open session that we have started
11 the search for executive director. A committee
12 has been formed. We have accepted applicants.
13 I have accepted applicants on behalf of the
14 committee. The committee has circulated the
15 names and that we are now in the process of
16 eliminating-- or limiting the names.

17 We are going to be starting the interview
18 process. The first interview is scheduled for
19 December 2nd. Oh, I'll remember that day.
20 December 2nd. And I will be keeping the state
21 advised on every step of the way.

22 MR. BOR: Also the other item, what's the
23 name of the--

24 MR. WEBER: Oh, yes. And that we have a
25 hearing for a disciplinary matter of an

1 employee that required a hearing officer. I
2 recommended the hearing officer of Primo Cruz,
3 Esquire. And that I would like authorization
4 to confirm that Primo will be the hearing
5 officer for a fee not to exceed \$1,000.

6 MR. BOR: 150 an hour not to exceed 1,000.

7 MR. WEBER: Right.

8 MR. BOR: I guess we have to vote on that.

9 MR. WEBER: Yes.

10 MR. BOR: Is there a motion to approve Mr.
11 Cruz as hearing officer?

12 THE BOARD MEMBER: Motion.

13 THE BOARD MEMBER: Second.

14 MR. BOR: Ms. Bailey.

15 MS. BAILEY: Yes.

16 MR. BOR: Mr. Cheatham, not here. And
17 then I guess we jump right to Mr. Langford.

18 MS. LANGFORD: Yes.

19 MR. BOR: Mr. Hill.

20 MR. HILL: Yes.

21 MR. BOR: Mr. Smith.

22 MR. SMITH: Yes.

23 MR. BOR: Mr. Devlin.

24 THE CHAIRMAN: Yes. I think during closed
25 session this is what-- we need a resolution to

1 vote on--

2 MR. BOR: Okay. It appears as if during
3 closed session the members of the board along
4 with Ms. Langford who joined in by telephone--
5 Mr. Cheatham already excused himself-- has
6 asked me to present a resolution regarding
7 labor counsel and solicitor.

8 And based upon the recommendations of the
9 personnel committee as well as the committee
10 sitting as a whole in closed session just now,
11 they are recommending Andy Weber to be labor
12 counsel. Is there a motion and a second?

13 THE CHAIRMAN: Motion.

14 MR. HILL: Second.

15 MR. BOR: Ms. Bailey.

16 MS. BAILEY: Yes.

17 MR. BOR: Mr. Hill.

18 MR. HILL: Yes.

19 MR. BOR: Ms. Langford.

20 MS. LANGFORD: Yes.

21 MR. BOR: Mr. Smith.

22 MR. SMITH: Yes.

23 MR. BOR: And Mr. Devlin.

24 THE CHAIRMAN: Yes.

25 MR. BOR: Upon recommendation of the

1 personnel committee as well as the board
2 sitting as a whole today with regard to
3 solicitor, the recommendation is Frederick Bor
4 once again be a solicitor to the ACMUA. And if
5 there's a motion.

6 THE CHAIRMAN: Motion.

7 MS. BAILEY: Second.

8 MR. BOR: Ms. Bailey.

9 MS. BAILEY: Yes.

10 MR. BOR: Ms. Langford.

11 MS. LANGFORD: Yes.

12 MR. BOR: Mr. Hill.

13 MR. HILL: Yes.

14 MR. BOR: Mr. Smith.

15 MR. SMITH: Yes.

16 MR. BOR: Mr. Devlin.

17 THE CHAIRMAN: Yes.

18 MR. BOR: Carries. Thank you, members of
19 the board.

20 THE BOARD MEMBER: Thank you.

21 MR. BOR: That's all the business.

22 THE CHAIRMAN: Is there a motion to close?

23 MS. BAILEY: Yes, motion.

24 THE CHAIRMAN: Second.

25 MR. BOR: Hearing no objection by voice,

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by hand, motion carries.

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Meeting concluded at 11:41 a.m.

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C E R T I F I C A T I O N

- - -

I, Dominique R. Caputo, Court Reporter and Notary Public, certify that the foregoing is a true and accurate transcript of the foregoing deposition, that the witness was first sworn at the time, place and on the date herein set forth.

I further certify that I am neither attorney nor counsel for, not related to, nor employed by any of the parties to the auction in which this deposition was taken; further, that I am not a relative or employee of any attorney or any counsel employed in this case, nor am I financially interested in this action.

Dominique R. Caputo
Court Reporter and
Notary Public

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