

ATLANTIC COUNTY UTILITIES AUTHORITY
February 16, 2023 – 3:00 PM
6700 Delilah Road, Egg Harbor Township, NJ

PRESENT FOR THE AUTHORITY

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| Marvin Embry | Chair |
| Fred Akers | Member |
| John Lyons | Member - Zoom |
| Judy Ward | Member - Zoom |
| Laura Pfrommer | Member |
| Maria Mento | Member |
| Richard Dovey | President |
| Gary Conover | Vice President of Solid Waste |
| Joseph Pantalone | Vice President Wastewater |
| Linda Bazemore | Vice President of Administration & Finance/CFO/Acting Board Secretary |
| Matthew DeNafo | Vice President of Centralized Maintenance & Asset Management |
| Thomas Ganard | Chief Engineer |
| Oren Thomas | Purchasing Manager |
| Herminio Roque | Senior Computer Analyst |
| Lisa Duffner | Executive Assistant |

ALSO PRESENT

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|----------------------------|----------------------------------|
| Keith Davis, Esq. | Nehmad, Davis & Goldstein |
| Stephanie E. Farrell, Esq. | Nehmad, Davis & Goldstein - Zoom |
| James Dugan, Esq. | County Counsel – Zoom |
| James DiNatale | |
| Joe Daily | |
| Jake DiNatale | |
| Eric Keys | Zoom |

Chairman Embry called the meeting to order at 3:00 p.m. and announced that the notice of the 2022-2023 Meeting Schedule was mailed to the Atlantic City Press, The Daily Journal, The Clerk of Atlantic County, and The Clerk of The Atlantic County Board of Commissioners on February 18, 2022, in compliance with the Open Public Meetings Act, NJSA 10:4-6, *et seq.* and it was posted on the bulletin board of the Atlantic County Utilities Authority in the administration building, and Notice of Live Streaming of this meeting was mailed to the Atlantic City Press, The Daily Journal, The Clerk of Atlantic County, and The Clerk of The Atlantic County Board of Commissioners on January 27, 2023, and both notices were posted on the bulletin board of the Atlantic County Utilities Authority in the administration building.

Flag Salute

Roll call was taken by Linda Bazemore, which reflected a quorum was present.

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| Chairman Embry | present |
| Fred Akers | present |
| Andrew Berenato | absent |
| John Lyons | present |
| Judy Ward | present |
| Laura Pfrommer | present |
| Maria Mento | present |

APPROVAL OF THE MINUTES OF THE BOARD MEETING ON JANUARY 19, 2023 – voted on and approved by all members.

BOARD COMMITTEE REPORTS: None.

PUBLIC AND BOARD COMMENTS ON AGENDA ITEMS: None.

NEW BUSINESS: None.

OLD BUSINESS: None.

ALL RESOLUTIONS APPROVED.

RESOLUTION COMMENTS:

Resolution 23-2-39: Electing Chair of the Atlantic County Utilities Authority.
Mr. Lyons voted no on this resolution.

Resolution 23-2-40: Electing Vice Chair of the Atlantic County Utilities Authority.
Mr. Lyons voted no on this resolution. Mrs. Ward abstained from voting.

Resolution 23-2-52: Authorizing the award of an alternate method contact to Gabel Associates for Energy Consulting Services. Amount is not to exceed \$50,000.00.
Mr. Lyons voted no on this resolution.

Resolution 23-2-62: Authorizing an amendment to the Inter-Local Shared Services Agreement between the ACUA and Buena Borough for Solid Waste Collection Services.
Ms. Mento asked if the Authority bid on the Solid Waste Collection Services for Buena Borough. Mr. Conover responded and stated that Buena Borough received no bids, and that this resolution is to correct a previous resolution, which stated that the contract was for one (1) year and it should have stated five (5) years. Mr. Dovey added that Buena Borough officially adopted a resolution back in January of 2023 with a five-year term.

PUBLIC AND BOARD COMMENTS:

James DiNatale stated that he has not seen any RFPs for Alternative Technologies, and he asked what the status of this was. Mr. Dovey began his response, however, Mr. DiNatale requested that Mr. DeNafo respond to his question. Mr. Davis stated that it is the Chairman's decision on who should answer the question. Chairman Embry advised that both Mr. Dovey and Mr. DeNafo should respond to Mr. DiNatale's question, with Mr. Dovey responding first. Mr. Dovey stated that the RFP for Alternative Technologies is currently being reviewed by the Authority's legal counsel, and they are preparing it to go out within the next couple of months. Mr. DiNatale then asked for a specific date as to when the RFP would be released. Mr. DeNafo responded and reiterated that the RFP is under attorney review currently. It will then go to the State Comptroller's Office for their review and should be released sometime in April 2023.

Mr. DiNatale asked about a company called "Global" regarding a project in Atlantic City next to the Wastewater Facility. He asked if the Authority had anything to do with this and, more specifically, a project involving Reverend Days. Mr. Dovey responded stating that they did not come to the County Solid Waste Advisory Council and did not submit a proposal. Mr. DiNatale said, "No one from the ACUA was there. I wonder why?" Mr. Dovey stated that the ACUA was never asked to attend and was not involved in this. Mr. DiNatale then asked, "So, you have no ties from a guy from Port Republic – a Mr. Gator?" Mr. Dovey again stated that the Authority has no ties with anyone involved with that project. The ACUA had heard about the project, and they had a discussion with attorney Jack Plackter last fall, but he did not identify who his client was. Mr. DiNatale again asked Mr. Dovey if the ACUA

was involved in this project and, again, Mr. Dovey stated that the Authority was never consulted. It was not until after the article appeared in the newspaper in the fall that Jack Plackter contacted the ACUA to let them know that he had a client who has a project. However, it was explained to Mr. Plackter that the Authority's RFP process would be coming sometime within the following year. Again, Mr. DiNatale asked if the ACUA had anything to do with the project and, again, Mr. Dovey responded by stating that the Authority was not involved in the project at all. Mr. DiNatale then asked Mr. Dovey if he knew Reverend Days. Mr. Dovey stated that he knows of him, but he does not know him personally.

Mr. DiNatale then asked Mr. Akers about his involvement with the Great Egg Harbor Watershed Association. Mr. Akers stated that he works for the association. Mr. DiNatale asked if the ACUA donates any monies to the organization. Mr. Akers stated that they do, and it is approximately \$100 per year. Mr. Dovey added that this is a yearly membership fee. Mr. DiNatale asked Mr. Akers if there was any way he could show the names of those that donate to the association because the Great Egg Harbor Watershed Association is a non-profit and cannot be investigated. Mr. Davis interjected and advised Mr. Akers that he did not have to answer Mr. DiNatale's question because he was attending today's Board meeting as a member of the ACUA. However, if he would like to answer the question, he was free to do so. Mr. Akers responded to Mr. DiNatale's question by stating that the association does not track its donors, but they do have several members.

Mr. DiNatale next questioned why the Authority had the same law firm representing them every year (Resolution #23-2-47). Mr. Dovey stated that the Authority has had the same law firm for approximately ten years. Prior to Mr. Davis, the attorney for the Authority was Sal Perillo, Esq. Mr. Dovey explained that Mr. Perillo left the firm, and the Board has continued to use the law firm of Nehmad, Davis & Goldstein. Mr. DiNatale then asked, "If you don't vet anybody else, how do we know if we're getting a good deal?" Mr. Dovey stated that it is incumbent upon the Authority to manage and recommend a firm. Mr. DiNatale said, "But we're changing the auditor all of the time, but not vetting the lawyers." Mr. Dovey advised Mr. DiNatale that the Authority is not required to change auditors, and there is no law or regulation regarding this. However, there is a County policy that recommends that every three years auditors should be changed.

Mr. DiNatale next questioned the numerous absences of Board Commissioner Andrew Berenato. Mr. DiNatale said he has attended the last three or four meetings, and Mr. Berenato has not attended any of them. He asked Chairman Embry if there was a policy stating how many times a Board member is allowed to miss meetings. Chairman Embry replied that he was unaware of any restrictions on how many meetings someone could miss or how many they need to attend. Mr. Dovey added that the ACUA Board is appointed by the County Executive and approved by the Board of County Commissioners. Therefore, it is under their purview. Also, the County Executive and Board of County Commissioners receive copies of the Authority's Minutes each month, so they are aware of who has attended and who has not.

Next, Mr. DiNatale questioned the contract amendment decrease (Resolution #23-2-59) regarding Dun-Rite Sand & Gravel, Co. He also stated that he has heard that individuals are calling the gas company up and complaining about the smell coming from the ACUA's landfill. He asked if the smell is due to not covering the landfill properly. Mr. Dovey stated that a resolution, which was passed last December, had an amount that was set higher than what was budgeted. Therefore, that amount has been reduced. Mr. DiNatale then asked, "So, you're putting less cover on?" Mr. Dovey replied, "No, the Authority is using the same required cover." Mr. Conover then added that the Authority augments their clean dirt with what is called "dirty-dirt". He reiterated that the amount in the December resolution was a mistake, and the current resolution is to correct that. Mr. DiNatale asked, "Then why does it smell so much?" Mr. Conover replied that the Authority is aware of the issue, and he explained the necessary steps that the Authority is taking to rectify the situation.

Mr. DiNatale also asked for clarification on what an Alternate Method Contract and what "Pay-to-Play" is. Mr. Dovey explained that a contractor/vendor must declare whether they have given any political contributions.

Mr. DiNatale again asked if the Authority has had any involvement with Reverend Days. Again, Mr. Dovey responded that the ACUA is not involved with Reverend Days and has nothing to do with the project.

Joe Daily had a question regarding Resolution 23-2-46 in reference to the Authority's Cash Management Plan. Mrs. Bazemore responded and stated that, statutorily, the Authority is required to develop a Cash Management Plan on an annual basis, and the plan gives guidance as to the management of investments.

Mr. Daily asked how the Resolutions and Agenda are formulated, and how they are brought before the Board for the monthly meetings. Mr. Dovey explained the process, which involves the Authority's staff submitting what they would like on the Agenda, then a meeting with the Board's Committees is held, followed by a County Agenda Meeting. Mr. Dovey explained, in detail, the timeline that is also involved.

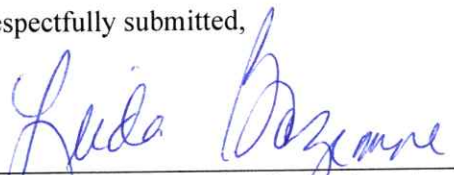
Mr. DiNatale commented that a lot of time and money is being spent regarding "lasering trash". He asked, "Where are you putting this? Where are you going to cool this? He continued, "There is not one of these in the whole country. Show me one." Mr. Dovey stated that the ACUA is not saying that there is one operating. He stated that Mr. DeNafo gave a very detailed presentation about this last fall. Mr. DeNafo commented that Mr. DiNatale was present for his presentation. He added that the ACUA must continue to look to the future, just like they did years ago with regard to CNG. Over the years, CNG has saved the Authority a tremendous amount of money. Mr. DiNatale then asked, "Well, what's the long-term plan? What's the five-year plan when the landfill is done?" Mr. Dovey stated that is a different question and that the ACUA intends to put out a bid to haul and dispose, and to replace the landfill, even in advance of it being filled. He added that Mr. DiNatale should be aware of this since he picked up the documents at the presentation. Mr. Dovey then gave a brief history of how the landfill came about. Mr. Dovey stated that the Authority is "not in a crisis mode" and has five years before the landfill closes.

Mr. DiNatale again asked Mr. Dovey if the Authority has had any involvement with Reverend Days. Chairman Embry replied that this question has already been answered.

Mr. Daily asked about the rate increase in Linwood, which he believed was a 62% increase. Mr. Dovey corrected him and said it is 30%. He went on to explain how Shared Services Agreements and contract renewals work and that Linwood was given notice of the increase. He also advised that the Authority gave Linwood an extension on their existing contract so that they would have time to go out and get bids to see if they can find another company who would be able to offer collection services for less cost.

The meeting was adjourned at 3:55 p.m.

Respectfully submitted,



Linda Bazemore, Acting Board Secretary

TO: Linda Bazemore, Acting Board Secretary
Atlantic County Utilities Authority

FROM: Honorable Dennis Levinson, Atlantic County Executive

RE: Minutes of Meeting – February 16, 2023

I. The Minutes of the above referenced meeting were submitted pursuant to N.J.S.A 40:41A-37 et seq. on February 17, 2023.

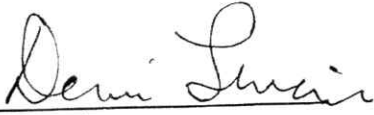
- (a) by the end of the fifth business day following the meeting.
- (b) as soon as practicable following the meeting where emergency action has been taken.
- (c) beyond the statutory period for submission.

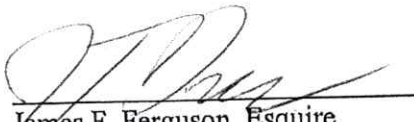
II. I hereby return the Minutes of the above referenced meeting to the Authority and to the Board of County Commissioners, on the date set forth above, which is

- (a) within ten days of delivery.
- (b) within twenty-four (24) hours of delivery where the action at the meeting was deemed by the Authority to be in response to an emergency situation.

III. The following action is taken on the Minutes:

- (a) Approved in all respects.
- (b) Vetoed in all respects. A written explanation of the reasons for the veto is attached.
- (c) Approved in part and vetoed in part.
The specific items which are vetoed and a written explanation of the reasons for the veto or vetoes is attached.


Dennis Levinson
Atlantic County Executive

FOR 
James F. Ferguson, Esquire
Approved as to Form and Entry

Date: 2/27/23

cc: Tara Silipena, Clerk to the Atlantic County Board of County Commissioners

ATTACHMENTS: Minutes
 Veto Message