

TO: Lisa Duffner, Board Secretary
Atlantic County Utilities Authority

FROM: Honorable Dennis Levinson, Atlantic County Executive

RE: Minutes of Meeting – August 17, 2023

I. The Minutes of the above referenced meeting were submitted pursuant to N.J.S.A. 40:41A-37 et seq. on 8/18/2023,

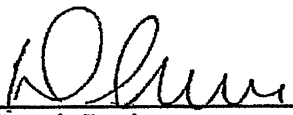
- (a) by the end of the fifth business day following the meeting.
- (b) as soon as practicable following the meeting where emergency action has been taken.
- (c) beyond the statutory period for submission.

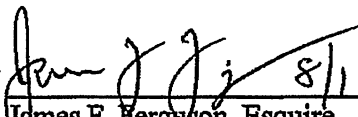
II. I hereby return the Minutes of the above referenced meeting to the Authority and to the Board of County Commissioners, on the date set forth above, which is

- (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

 8/18/2023
James F. Ferguson, Esquire
Approved as to Form and Entry

Date: 8/22/23

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

ATTACHMENTS: Minutes
 Veto Message

ATLANTIC COUNTY UTILITIES AUTHORITY
August 17, 2023 – 3:00 PM
6700 Delilah Road, Egg Harbor Township, NJ

PRESENT FOR THE AUTHORITY

Marvin Embry	Chair
Fred Akers	Member
Judy Ward	Member - Zoom
Laura Pfrommer	Member
Maria Mento	Member
Matthew DeNafo	President
Tom Ganard	Chief Engineer
Gary Conover	Vice President of Solid Waste
Joseph Pantalone	Vice President Wastewater
Linda Bazemore	Vice President of Administration & Finance/CFO
Greg Seher	Solid Waste Director
Kristi Aiken	Maintenance Resource Coordinator/Assistant Board Secretary
Brittany Poplawski	System Analyst
Lisa Duffner	Executive Assistant/Board Secretary

ALSO PRESENT

Keith Davis, Esq.	Nehmad, Davis & Goldstein
Stephanie E. Farrell, Esq.	Nehmad, Davis & Goldstein - Zoom
Mr. Andrew Parker	Atlantic County Commissioner
Sarah Kiamos	County Law Department – Zoom
Kathleen Spaeth	Linwood Resident

Chairman Embry called the meeting to order at 3:00 p.m. and announced that the notice of the 2023-2024 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 17, 2023, 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 July 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 Lisa Duffner, Board Secretary, which reflected a quorum was present.

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

APPROVAL OF THE MINUTES OF THE BOARD MEETING ON JULY 20, 2023 – voted on and approved by all members.

BOARD COMMITTEE REPORTS:

Treasurer's Report – None.

Personnel – None.

Finance/Audit - None.

Engineering – None.

Centralized Maintenance & Asset Management – None.

Solid Waste/Recycling – Mr. Akers stated that Gary Conover, Vice President of Solid Waste, is doing a great job managing the Solid Waste Division. He reported that activities for Solid Waste over the last month are basically business as usual. Mr. Akers commended Mr. DeNafo, as well as the ACUA's Engineering Department, for their continued efforts regarding the Research and Development Department. Mr. Akers said there are some advanced projects in the works. He said he is especially impressed with the Climate Resilience and Evaluation and Awareness Tool Risk Assessment Training.

Wastewater – None.

PUBLIC AND BOARD COMMENTS ON AGENDA ITEMS:

Linwood resident Kathleen Spaeth introduced herself to the Board. She asked for further explanation regarding the rejection of bids submitted for Bid #2023-SW-03, Transfer & Disposal of Solid Waste. Mr. DeNafo responded by stating that the ACUA is looking for options to extend the life of the landfill. One of these options is to ship waste out, which had previously been done, from 1991 through 1997. Mr. DeNafo stated that this bid also went out approximately one year ago, and the ACUA looked at a couple of different options then. At that time, the ACUA received feedback from some of the major vendors who bid. The vendors advised that the ACUA did not really provide guarantees or commit to the amount of tonnage that they would be sending out. Also, the ACUA was not committing for more than one year, which made it difficult for vendors to bid on the project. The ACUA then used this feedback, went back out to bid recently, and offered a couple of different options to try to get better bids. The ACUA did receive three bids from Waste Management, Republic, and R & B Debris, and all of these bids were very good. The ACUA then performed an analysis on shipping out a portion of the waste (500 tons) starting in 2025. This was done to try and evaluate where the operational savings would be. Because the ACUA's landfill has approximately 5-1/2 years left before it reaches its currently permitted capacity, and there would be only 500 tons of waste shipped out, it was determined that there would be no operational savings. Therefore, all bids were rejected. Mr. DeNafo went on to explain that if only a portion of the waste is shipped out, the ACUA's nighttime landfill operation (which is a multimillion-dollar operation) still must operate. Regarding the daytime landfill operation, the ACUA still would need equipment, gas, and staff to maintain the landfill for the bulk waste that comes in. Also, a lot of the staff that the ACUA would have used in the daytime shift would be transferred over to work at the Transfer Station where they would load trailers and get them out with the 500 tons of waste. Mr. DeNafo reiterated, although the bid numbers were actually very good, after the ACUA's evaluation, it just did not make sense to ship out a portion of the waste because there would be no savings, only an expense. Mr. DeNafo added, however, if the ACUA was two years out from when the landfill would be at capacity, the bids would make more sense because there would be more operational savings.

Ms. Spaeth asked if the ACUA looked at construction and debris (C & D) waste when they went out for bids. Mr. DeNafo responded by stating that the ACUA did strictly look at C & D waste. He added that bidding was open to private haulers, and the bids received were from private haulers. He said that another option would be that the ACUA could do an inter-local agreement with another public entity, which is still on the table. However, currently, it just does not make sense to do so.

NEW BUSINESS: None.

OLD BUSINESS: None.

ALL RESOLUTIONS APPROVED.

RESOLUTION COMMENTS:

Resolution 23-8-209: Authorizing a contract amendment to contract with Clean Energy Fuels, Corp. for Operation, Maintenance and Retail, Billing and Marketing Services for Compressed Natural Gas Fueling Station, Bid 2021-SW-08. Amount of increase is \$110,000.00.

Ms. Ward asked for clarification regarding this resolution. Mr. DeNafo responded by stating that Clean Energy Fuels, Corp. is the operator of the ACUA's CNG Fueling Station. In 2022, and the first-half of 2023, there was a higher use of the fueling station by ACUA vehicles, as well as from outside customers. He stated jitneys have been coming to the ACUA's station because the gas is approximately \$1.00 cheaper per gallon as compared to their jitney station. The jitney station is also owned by Clean Energy Fuels, Corp. In addition to jitneys, EarthTech, and Waste Management vehicles have also used the station. Mr. DeNafo said this contract amendment should get the ACUA to the end of 2023. He also pointed out that there is a revenue side to this; for every gallon of fuel that the ACUA sells to outside companies that use the fueling station, those funds are going to be revenue for the ACUA.

Resolution 23-8-213: Authorizing approval for amendments to Deferred Compensation Plan as related to Secure Act 2.0 approved legislation.

Ms. Mento recused herself from the vote.

Resolution 23-8-219: Authorizing payment of certain expenditures. \$6,828,757.51

Ms. Mento recused herself from the vote.

PUBLIC AND BOARD COMMENTS:

Ms. Spaeth thanked the ACUA for picking up many cardboard boxes where she volunteers at the food bank. She said she called Gary Conover, who immediately sent over ACUA recycling staff to pick up the boxes. Ms. Spaeth said she truly appreciates how responsive the ACUA was to the food bank. She also said she is appreciative of how responsive the ACUA is to the residents of Atlantic County.

Chairman Embry stated that Atlantic County Commissioner Andrew Parker, who is a liaison to the ACUA's Board, recently visited the ACUA's Wastewater Facility on Friday, August 4th, 2023. He said Mr. DeNafo, Mr. Pantalone, and Mr. Machotka gave Mr. Parker a tour of the facility, which lasted a few hours. Chairman Embry noted that Mr. Parker is also a teacher, and he suggested to Mr. Parker that he bring his students to the facility for a tour. Chairman Embry said that he hoped Mr. Parker will share the information he received with his committee and the other Board of Commissioners. He thanked Mr. Parker for his interest in the ACUA, how it operates and for sharing his enthusiasm to learn about the ACUA. He added that Mr. Parker is always welcome to attend the ACUA's Board Meetings, and it is appreciated when he does so.

The meeting was adjourned at 3:28 p.m.

Respectfully submitted,



Lisa Duffner, Board Secretary