

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

FROM: Honorable Dennis Levinson, Atlantic County Executive

RE: Minutes of Meeting – January 19, 2023

I. The Minutes of the above referenced meeting were submitted pursuant to N.J.S.A 40:41A-37 et seq. on 1/23/2023,

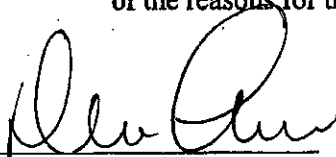
- (a) by the end of the fifth business day following the meeting.
- (b) as soon as practicable following the meeting where emergency action has been taken.
- (c) beyond the statutory period for submission.


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:

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

ATTACHMENTS: Minutes
 Veto Message

ATLANTIC COUNTY UTILITIES AUTHORITY
January 19, 2023 – 3:00 PM
6700 Delilah Road, Egg Harbor Township, NJ

PRESENT FOR THE AUTHORITY

Marvin Embry	Chair
Fred Akers	Member
John Lyons	Member - Zoom
Judy Ward	Member - Zoom
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
Greg Seher	Maintenance Resource Coordinator
Thomas Ganard	Chief Engineer
Sharon Hunt	Director of Human Resources
Oren Thomas	Purchasing Manager
Rebecca Turygan	Environmental Research Assistant
Michael Goloff, CPA	Certified Public Accountant
David Bennett	Wastewater Shift Supervisor
Herminio Roque	Senior Computer Analyst
Lisa Duffner	Executive Assistant

ALSO PRESENT

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

Chairman Embry called the meeting to order at 3:02 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 December 30, 2022, 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.

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

APPROVAL OF THE MINUTES OF THE SPECIAL BOARD MEETING ON DECEMBER 13, 2022 – voted on and approved by all members.

APPROVAL OF THE MINUTES OF THE BOARD MEETING ON DECEMBER 15, 2022 – voted on and approved by all members.

APPROVAL OF THE MINUTES OF THE SPECIAL BOARD MEETING ON DECEMBER 29, 2022 – voted on and approved by all members.

BOARD COMMITTEE REPORTS:

Sharon Hunt made a presentation to the Board regarding the ACUA's Accelerated CDL Training Program. Ms. Hunt stated that the program has been quite successful and interest in the program is still high internally.

PUBLIC AND BOARD COMMENTS ON AGENDA ITEMS: None.

NEW BUSINESS: None.

OLD BUSINESS: None.

ALL RESOLUTIONS APPROVED.

RESOLUTION COMMENTS:

Resolution 23-1-1: Adopting the 2023 ACUA Wastewater Division Budget.
Ms. Ward abstained from voting.

Resolution 23-1-2: Adopting the 2023 ACUA Solid Waste Division Budget.
Ms. Ward abstained from voting.

Resolution 23-1-3: Modification to schedule of Wastewater Fees, Rates and Charges.

Explanation: Hearing for modification of rates for inspection services as related to the care and maintenance of grease recovery units effective February 1, 2023.

Linda Bazemore testified that the rates for Inspection Services as related to the care and maintenance of grease recovery units, will be revised effective February 1, 2023. The INSPECTION FEES are currently set at \$85.00 for the first unit and \$10.00 for each additional unit. Effective February 1, 2023, the revised rates will be \$125.00 for the first unit, and \$20.00 for each additional unit. All other advertised fees, rates and charges remain unchanged. **Mr. Lyons** stated that he had received telephone calls from some Mayors and council members, mostly from the western part of Atlantic County, regarding the new rates. **Mr. Lyons** said that he advised them to contact the ACUA. **Mr. Lyons** asked if the ACUA had heard from anyone regarding rates. He also asked if the rates needed to be voted on at today's meeting. **Mr. Dovey** responded by stating that the rates had already been approved and adopted at the ACUA's Board Meeting, which was held on December 15, 2022. He added that what is on today's

Agenda is the approval of the budgets (not the rates), after the State has reviewed them. Regarding Mr. Lyons question if anyone has reached out to the ACUA management. However, Mr. Dovey said he had heard that the same comments were made to some County Commissioners. He stated that the ACUA had held face-to-face meetings with all municipalities regarding the Solid Waste/Wastewater rates and no one had voiced any issues/concerns regarding the rates.

Resolution 23-1-8: Authorizing execution of Settlement Agreement in The Matter of NJDEP v. ACUA. Amount of penalty is \$6,500.00.

Ms. Ward asked for clarification regarding the violations and fines. Mr. Pantalone explained that, in August, a small clamp at the base of one of the hypo tanks failed causing a leak on the tank into the containment. The containment did not hold and before it was noticed and pumped to the secondary well, a minimum amount (approximately 100 gallons) discharged in the stones. The NJDEP charged the ACUA a \$5,000 fine for this. In late 2021, the containment at the pump house did not hold the larger leak, and this was labeled as a second offense with a fine of \$2,000. The total amount in fines was \$7,000. However, the NJDEP offered a non-contested settlement agreement which reduced the fine to \$6,500.

Resolution 23-1-15: Authorizing a Rider to the Shared Services Agreement between the ACUA and the City of Ventnor for Solid Waste, Bulky Waste, Yard Waste and Recycling Collection Services.

Ms. Mento abstained from voting.

Resolution 23-1-19: Authorizing an Inter-Local Shared Services Agreement between the ACUA and Buena Borough for Solid Waste Collection Services.

Ms. Mento asked if Buena Borough went out to bid. Mr. Conover responded by stating that they had, but they did not receive any responses to their bid. Buena Borough then asked the ACUA for a contract renewal.

Resolution 23-1-23: Authorizing a Shared Services Agreement between the ACUA and the Hamilton Township MUA for IT services. Amount of revenue to the Authority is a not to exceed amount of \$25,000.00.

Mr. Lyons asked what the revenue would be for the ACUA for the IT services that would be provided to the Hamilton Township MUA. Mr. DeNafo explained that Hamilton Township has a third-party vendor who is providing them with IT services. However, they are not happy with that vendor and would like the ACUA to provide their IT services. Mr. Dovey added that the ACUA would be reimbursed for their IT services by the Hamilton Township MUA up to \$25,000. He also pointed out that the Hamilton Township MUA has been requesting IT services from the ACUA for the last few years, and this would be the first year for the ACUA to provide those services. Mr. Lyons asked if the Resolution could be amended with the language that there will not be any expense to the Authority and that the ACUA will be reimbursed for their IT services. Mr. Davis responded by stating that the Resolution should not be reworded or amended, since this is a Shared Services arrangement, and it is on an à la carte basis and as the Hamilton Township MUA needs services as they arise. Also, the Authority will not be hiring anyone new to provide this service, since there is existing staff in their IT department who will be providing IT services. Mr. Lyons said that he would vote to approve the resolution, but with the understanding that there will be no cost to the ACUA.

Resolution 23-1-30: Appointing Matthew DeNafo as President of the Atlantic County Utilities Authority and authorizing an employment contract for a contract term beginning April 1, 2023, through March 31, 2026.

Ms. Mento commented on how the selection process worked for the ACUA's Presidential search. She said all five of the final candidates (3 of them external and 2 of them internal), which the Canning Group vetted for the Authority, were excellent. She congratulated Mr. DeNafo on his new position. Chairman Embry said he agreed with Ms. Mento. He thanked both Mr. DeNafo and Mr. Pantalone for applying for the position. Mr. DeNafo thanked the Board and his colleagues for their time and support. He is looking forward to carrying on the legacy of the ACUA, as well as the new opportunities and challenges. Mr. Lyons abstained from voting. He explained that Mr. DeNafo serves on the Waterford

Township Board of Education, and Mr. Lyons said he serves on the Hammonton Board of Education. He stated that the two Boards have agreements and a number of other dealings, and the optics are not great.


Resolution 23-1-34: Amending Atlantic County Utilities Authority 2023 Salary Guide.

Ms. Ward asked if this is a new position. **Mr. Dovey** replied that it is not a new position. He explained that Gary Conover was appointed by the Board as the Vice President of Solid Waste. However, the Salary Guide had not been formally amended at that time.

PUBLIC AND BOARD COMMENTS: None.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,



Linda Bazemore, Acting Board Secretary