

TO: Lisa Duffner, Board Secretary
Atlantic County Utilities Authority

FROM: Honorable Dennis Levinson, Atlantic County Executive

RE: Minutes of Meeting – February 20, 2025

I. The Minutes of the above referenced meeting were submitted pursuant to N.J.S.A 40:41A-37 et seq. on February 21, 2025.

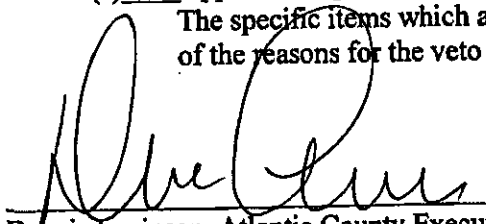
- (a) ☐ by the end of the fifth business day following the meeting.
- (b) ☐ as soon as practicable following the meeting where emergency action has been taken.
- (c) ☐ beyond the statutory period for submission.

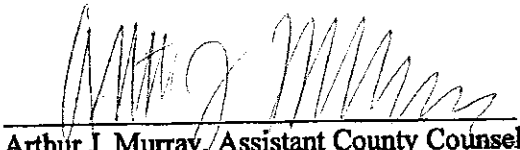
II. I hereby return the Minutes of the above referenced meeting to the Authority and to the Board of County Commissioners, on the date set forth above, which is

- (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


Arthur J. Murray, Assistant County Counsel
Approved as to Form and Entry

Date: 2/25/25
cc: Tara Silipena, Clerk to the Atlantic County Board of County Commissioners
ATTACHMENTS: ☒ Minutes
☐ Veto Message

ATLANTIC COUNTY UTILITIES AUTHORITY

February 20, 2025 – 3:00 PM

6700 Delilah Road, Egg Harbor Township, NJ

PRESENT FOR THE AUTHORITY

Marvin Embry	Chair
Fred Akers	Member
Andrew Berenato	Member - Zoom
Frank Formica	Member
Judy Ward	Member - Zoom
Laura Pfrommer	Member
Maria Mento	Member
Matthew DeNafo	President
Joseph Pantalone	Vice President Wastewater
Gary Conover	Vice President of Solid Waste
Linda Bazemore	Vice President of Administration & Finance/CFO
Thomas Ganard	Chief Engineer
Oren Thomas	Procurement & Contracts Manager
Brittany Poplawski	Senior Systems Analyst
Lisa Duffner	Executive Assistant/Board Secretary
Sonia Chowdhury	Executive Assistant/Assistant Board Secretary
Kalel _____	Member of the Public

ALSO PRESENT

Keith Davis, Esq.	Nehmad, Davis & Goldstein
Stephanie E. Farrell, Esq.	Nehmad, Davis & Goldstein - Zoom
Arthur J. Murray, Esq.	County Counsel – Zoom
James Bertino, Liaison	Atlantic County Board of Commissioners - absent

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 January 27, 2025, 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	present - Zoom
Frank Formica	present
Judy Ward	present - Zoom
Laura Pfrommer	present
Maria Mento	present

APPROVAL OF THE MINUTES OF THE BOARD MEETING ON January 16, 2025 – 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 25-2-36: Authorizing award of an alternate method contract for Professional Legal Services-General Counsel to Nehmad, Davis & Goldstein, P.C. Amount is not to exceed \$195,000.00, for the contract term March 1, 2025, to February 28, 2026.

Explanation: Annual agreement for General Counsel Services.

Mr. Davis thanked the ACUA Board of Commissioners.

Resolution 25-2-38: Authorizing award of a professional services contract to Acacia Financial Group, Inc., for Financial Advisory Services. Amount is not to exceed \$10,000.00, for the contract term March 1, 2025, to February 28, 2026.

Explanation: Annual agreement for financial advisory services.

Ms. Mento abstained from the vote.

Resolution 25-2-48: Authorizing an agreement between the Atlantic County Utilities Authority and Tropicana Atlantic City Corp., d/b/a Tropicana Atlantic City, for Inspection of Grease Recovery Units. Estimated revenue to the Authority is \$8,200.00. Contract term is April 1, 2025, to March 31, 2027.

Explanation: Inspection services of nine (9) grease recovery units.

Ms. Pfrommer asked if the cost is based on the size of what is being inspected because they are all different prices and there is no one set price for this. Mr. Pantalone responded by stating that the price is based on the number of units that are inspected as well as the time it actually takes for the inspection which can vary.

Resolution 25-2-54: Authorizing a contract amendment to contract with MXI Environmental Services, Bid 2024-SW-01, for Household Hazardous Waste Collections. Amount of increase is \$373,730.00.

Explanation: The Authority is exercising the option to extend the contract for a 12-month period beginning April 1, 2025, to March 31, 2026.

Ms. Pfrommer asked for a more detailed explanation of what MXI's services cover. Mr. Conover responded that the Household Hazardous Waste Collections are done five times per year. He said the ACUA bids this contract out. Ms. Pfrommer asked how participation was with people bringing items in. Mr. Conover replied that it has been high and consistent. Chairman Embry asked what does MXI Environmental do with the waste and if the ACUA has any liabilities on that. Mr. Conover replied that it is all manifested and the waste must be properly disposed of. Additionally Mr. DeNafo explained that each municipality has residents take advantage of this service that is provided at no cost to the municipality.

Resolution 25-2-62: Amending Rules and Regulations for Solid Waste Disposal at Atlantic County Utilities Authority Facilities.

Explanation: For use of the Solid Waste and Recycling Facilities for 2025.

Chairman Embry asked if this is with regard to the Host Community Fee. Mr. DeNafo stated that it is, but it is just for posting information which includes other information that changes each year. He then asked Mr. Conover to explain what the changes are. Mr. Conover stated that the changes include posting of this years hours of operation; dates of holidays; waste types; and tip fees.

Chairman Embry said the reason he asked if this had to do with a Host Community Fee was he was not sure if Ms. Pfrommer wanted to vote on this resolution, since she is the Mayor of Egg Harbor Township and it may be a conflict of interest. A discussion ensued, and it was decided that Ms. Pfrommer could vote on this resolution because it is in regard to just a posting of the rates.

Resolution 25-2-78: Authorizing the rejection of Request for Proposals for RFP No. 2025-RFP-04 for Broker of Record for Health Insurance and Prescription Benefits Services for the Authority.

Explanation: Proposals were received from four (4) brokers which did not meet proposal specifications as related to costs associated with services to be provided.

Chairman Embry asked Ms. Bazemore if this will hurt the ACUA with regard to a timeframe. Ms. Bazemore replied that it will not and the plan is to release a new request proposals right away and with some minor changes that will allow the Authority to better evaluate the proposals. Mr. DeNafo added that the four (4) RFPs that were received were very hard to evaluate. This was due to the fact that the RFPs did not provide costs in a consistent manner for the Authority to be able to evaluate which proposal would be better to go with. He also pointed out that this was the first time the Authority prepared an RFP for a Broker of Record for Health Insurance and Prescription Benefits Services. However, the Authority now has a structure for how it should ask for the pricing of certain things and will make sure everyone is consistent with their responses so the Authority can better evaluate them. Ms. Mento asked what the new dates will be for the RFPs. Ms. Bazemore replied the Authority is looking to release the new RFP on 2/25/25 and receive proposals by the deadline date of 3/13/25. Ms. Mento asked how the Authority notifies potential bidders. Mr. Thomas explained that potential bidders are registered and automatically notified of bids and RFPs. Ms. Mento asked if it is fairly common for companies to be registered. A discussion then ensued regarding this. Ms. Mento asked if there is a time period that the Authority would have to let State Health Benefits know, and Ms. Bazemore replied that it is sixty (60) days prior to the effective date of the new plan.

Resolution 25-2-89: Authorizing payment of certain expenditures: \$8,108,126.95

Ms. Mento recused herself from the vote regarding the Retiree State Health Benefits expenses and approved all other expenditures.

Mr. Formica recused himself from the vote regarding payroll and Active State Health Benefits expenses and approved all other expenditures.

PUBLIC AND BOARD COMMENTS:

Chairman Embry stated that the remains of Mrs. Idalia Mendez were found on 1/25/25. Mrs. Mendez had been missing since 7/5/23. He thanked James Rocco, Vice President of Centralized Maintenance & Asset Management; Johnny Henry, Facilities Group Leader; and Matthew DeNafo, President of the ACUA, who came to the ACUA on a Sunday morning to be with the investigators regarding Mrs. Mendez. Chairman Embry said he appreciates what they did, and he knows that Mrs. Mendez's family does as well.

Chairman Embry stated that John Carmen, who was previously on the ACUA's Board of Commissioners from 2013 to 2014, recently passed away. Chairman Embry also announced that Tanya Tartaglio, who worked for the ACUA for over 20 years and was the former Business Manager, passed away on 1/17/25. Chairman Embry then asked for a moment of silence in their memory. Ms. Mento added that Ms. Tartaglio's husband, Ray, works at the ACUA's Wastewater Facility.

Mr. DeNafo stated that the Authority was recently notified of a potential leak in Ventnor, and he asked Mr. Ganard to explain to the Board what happened. Mr. Ganard said the Authority was notified by Ventnor on the morning of 2/18/25 that there was a possible leak. There were several rounds of sampling to determine if the leak was actually coming from one of the Authority's pipes. The Authority then contacted Lafayette Utilities, and they mobilized to the site on 2/19/25 and started digging on 2/20/25. Mr. Ganard stated that because it is a very wet environment, it is a slow process digging out there. Once they get down to the Authority's pipe, a determination will be made on what exactly is going on. Chairman Embry asked if the NJDEP had to come down to look at this, and Mr. Ganard said yes, they were notified right away, are aware of the leak, and they are on site today. Chairman Embry asked if there will be a fine regarding this, and Mr. Ganard said, no, there will be no fine since the Authority notified the NJDEP right away.

Mr. DeNafo gave a brief update on the lawsuit regarding Bel Aire Lakes. He stated that they are in the document-exploratory stage right now. There are expert reports currently being reviewed, and documentation is also being submitted on both sides. Subpoenas have gone out, and there is a lot of new documentation coming in. He added that there were a couple of deadlines that also needed to be met, which Stephanie Farrell, Esq. has been very helpful with. He said Ms. Farrell has a lot of institutional knowledge from the ACUA and assists in communicating with the attorneys at Archer & Greiner. He stated that the end of January was when the Authority had to meet a deadline to get all of their expert reports in. Also, there were interrogatories that needed to be answered and submitted. The next deadline is February 28, 2025. Mr. DeNafo stated that the Authority may be in court for a preliminary injunction in late spring/early summer. He said this is not definitive, however, as there are still quite a few documents that the Authority is waiting for from the plaintiffs. Ms. Farrell added that depositions will also be coming up. Mr. DeNafo stated that the Authority is trying to negotiate with the insurance company regarding reimbursement of legal fees and some progress has been made. He said Stephanie Farrell, Esq., and Janette Kessler, the Authority's Risk Manager, have really been helpful in working through this process.

Mr. Formica asked what the status is on odor complaints. Mr. DeNafo replied that odor complaints continue to be minimal since about April 2024 and continue to trend in this direction. In fact, he said the last two months are the lowest numbers that the Authority has seen in several years. He said the January 2023 numbers, which is before the Authority had any issues, there were approximately 28 odor complaints that came through. In 2024, there were 105 odor complaints. So far, in 2025, there have been 22. The Authority is also seeing what appears to be one person making a lot of the complaints. In February 2025, there are currently 9 complaints, but 6 of them appear to be from the same person. Chairman Embry asked how Mr. DeNafo knows this. Mr. DeNafo replied that in the NJDEP data miner site, you are not given the name or the address of the person who calls in to complain. However, you are given the text of what they report, and there are very specific terms that someone continues to use which are very unique. Mr. DeNafo said in November of last year, the Authority was collecting about 1,800 SCFM of gas. Currently, the Authority is collecting 3,400 -- almost double the collection volume of gas, which explains why the odor complaints are down. Mr. Formica stated that the Authority has a better collection system in place now than they did 14 months ago. Mr. DeNafo agreed and stated that to further validate these improvements are working, we are seeing these low numbers during the toughest month of the year for a landfill (December, January and February) which have to manage external factors that are conducive to causing offsite odor such as atmosphere conditions, temperature and wind.

Regarding the Landfill Permanent Cap Project, which is between 15 to 16 acres, Mr. DeNafo said there was a preconstruction meeting, and the Authority is looking at March 1st, 2025, as a kickoff date for the start of construction.

Ms. Pfrommer stated that there are people now living on Westcott Road. Mr. DeNafo said he is also aware of this as the Authority is getting bucket and collection requests.

Chairman Embry asked how the project with South Jersey Gas was coming along. Mr. DeNafo responded that it is going well, and they are "full-steam ahead". He said if someone was to look at the site, they would not recognize it. There are millions of dollars' worth of infrastructure being put in and it is amazing to see how much is being put in place on such a small area. There is also a large amount of people working there. Mr. DeNafo said that this will be a revenue-creator for the Authority once it is online. Mr. Ganard added that they are also hoping to start commissioning the whole plant in late May/early June for startup and testing because it takes a while to get a facility like that on line. Hopefully, by August 2025, there will be a ribbon-cutting ceremony. Mr. DeNafo said if anyone would like to take a ride back to see the site, he would be happy to give them a tour. Chairman Embry added that it is really worthwhile to go and visit the site.

Chairman Embry asked if anyone else had any further questions or comments. Since there were none, the meeting was adjourned at 4:06 p.m.

Respectfully submitted,


Lisa Duffner, Board Secretary