

ATLANTIC COUNTY UTILITIES AUTHORITY
July 17, 2025 – 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 - Zoom
Alex Marino	Member
Matthew DeNafo	President
Joseph Pantalone	Vice President Wastewater
Gary Conover	Vice President of Solid Waste
Linda Bazemore	Vice President of Administration & Finance/CFO/Acting Board Secretary
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

ALSO PRESENT

Stephanie E. Farrell, Esq.	Nehmad, Davis & Goldstein
Arthur J. Murray, Esq.	County Counsel – Zoom
Christopher Gibson, Esq.	Archer & Greiner, PC
Derek Dailey	Marsh McLennan Agency
Scott Rabenstein	Marsh McLennan Agency
John Barone	All American Waste
Mark Haskell	Member of the Public
Jason Burke	Member of the Public
Deborah (Last Name Unknown)	Member of the Public

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 2024-2025 Meeting Schedule was mailed to The Press of Atlantic City, The Daily Journal, the Clerk of Atlantic County, and the Clerk of the Atlantic County Board of Commissioners on February 25, 2025, 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 Press of Atlantic City, The Daily Journal, the Clerk of Atlantic County, and the Clerk of the Atlantic County Board of Commissioners on June 23, 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	absent
Judy Ward	present - Zoom
Laura Pfrommer	present
Maria Mento	present - Zoom
Alex Marino	present

APPROVAL OF THE MINUTES OF THE BOARD MEETING ON JUNE 19, 2025 – voted on and approved by all members.

BOARD COMMITTEE REPORTS: None.

Chairman Embry moved Resolution 25-7-162 authorizing an Executive Session, which was seconded by Mr. Marino. By a roll-call vote of 6-0-1, the Board unanimously agreed to enter into an Executive Session at 3:03 p.m.

The Board returned from Executive Session at 4:08 p.m.

PUBLIC AND BOARD COMMENTS ON AGENDA ITEMS: None.

NEW BUSINESS: None.

OLD BUSINESS: None.

ALL RESOLUTIONS APPROVED.

RESOLUTION COMMENTS:

Resolution 25-7-167: Authorizing a contract amendment to emergency contract with Lafayette Utility Construction Co., Inc. for Ventnor-Margate Force Main Emergency Repair on Wellington Avenue in Ventnor. Amount of increase is \$458,581.34. Not-to-exceed total to date is \$1,120,943.59.

Explanation: For payment of final invoice for emergency repair of Ventnor-Margate Force Main. This will close out the contract.

Ms. Mento abstained from the vote.

Resolution 25-7-171: Authorizing a contract amendment to contract with DeMaio's, Inc., for Aboveground and Underground Storage Tank Inspection Services, Bid No. 2024-WW-03. Amount of increase is \$9,100.00. (Aggregate amendment amount exceeds 20% limitation.)

Explanation: Additional funds are needed to cover the cost of the LSRP services required in June 2025, and the annual 2025 tank inspections.

Chairman Embry asked why "Aggregate amendment amount exceeds 20% limitation" needs to be in the description. Ms. Farrell and Mr. Thomas responded that this is required by the State of New Jersey and is a disclosure issue. Mr. DeNafo explained that in this case there was a small fuel spill at the fuel island, and the Authority had to get a Licensed Site Remediation Professional ("LSRP") to come out, perform an investigation and close out the project properly with the NJ DEP. Ms. Bazemore added that as part of the Authority's budget process, the Authority is required by the State to inform them of every contract that is bid and amended above 20%.

Resolution 25-7-172: Authorizing a contract amendment to professional services contract with Archer & Greiner, PC, for Special Counsel Services in the Arena of Environmental Law. Contract term is March 1, 2025, to February 28, 2026. Amount of increase is \$725,000.00. New total not-to-exceed amount is \$1,175,000.00.

Explanation: The increase is due to higher-than-anticipated fees for services related to discovery and depositions involving ACUA employees and expert witnesses.

Mrs. Pfrommer asked for an explanation as to why the amount of increase is so high.

Mr. DeNafo agreed that this change order is for a significant amount, and it also will not be enough to pay for the Authority's legal fees to the end of the year. He said the Authority is receiving significantly high bills due to the labor intensiveness of this litigation. The timeline for this lawsuit is very condensed, what might have been a 2-3 year process is condensed into a 7-8 month process by the court.

The month of June had a significant level of legal services; voluminous discovery and many depositions, which included six (6) ACUA employees. There has also been a large amount of time needed to process all of the request for documentation. Over 90,000 documents have been produced in just a few months. He said, currently, the litigation is moving into the experts' depositions phase. Therefore, the Authority anticipates that the bills for the months of July and August will also be costly. He also made clear that the court has decided on this timeframe and not the Authority. Mr. DeNafo is hopeful that some of the legal fees will be reimbursed through insurance. Mr. DeNafo stated that this legal matter is unfortunate because the time, money, and overall resources could be used for much more beneficial initiatives at the Authority that would result in a positive impact for our local communities and ratepayers.

Resolution 25-7-174: Authorizing payment of certain expenditures: \$7,424,015.45

Ms. Mento recused herself from the vote.

PUBLIC AND BOARD COMMENTS:

Chairman Embry asked if there were any public or Board comments. Mr. John Barone from All American Waste introduced himself. He asked if there were any updates on the Request for Proposals to develop a Solid Waste Conversion Facility. Mr. DeNafo responded and said there were two reviews made to the RFP by the State Comptroller's Office. The RFP then went back to the Comptroller's Office, and it is currently in their hands right now. Mr. DeNafo said that the Comptroller has a 30-day review period, and it has been approximately one (1) week since the Authority resubmitted the RFP to them. Once the Authority receives the Comptroller's approval, the RFP will be advertised.

Chairman Embry commented that the Authority's Annual Report is very good, and that the content and the quality of the report itself is great. On behalf of the Board, Chairman Embry thanked Amy Cook-Menzel, Sara Verillo, Ryan Mahoney, and Alexis Demitroff for all of their hard work in putting the report together.

Mr. Marino commented that the ribbon-cutting at the Ventnor-Margate Pump Station was very successful last week. Mr. DeNafo added it was a \$5.3 million investment into underground infrastructure, and he thanked everyone who attended, including officials from Atlantic County, Ventnor, Margate, Galloway and Egg Harbor City.

Chairman Embry asked if there were any further questions or comments. Since there were none, the meeting was adjourned at 4:36 p.m.

Respectfully submitted,

Lisa Duffner, Board Secretary