

**Willingboro Municipal Utilities Authority
Regular Meeting Minutes
January 17, 2024**

The meeting of the Willingboro Municipal Utilities Authority was held on Wednesday, January 17, 2024, via Zoom Webinar. Chair Lindsay-Harvey called the meeting to order at 6:03 PM and requested that everyone pledge allegiance to the flag.

Roll Call

| Title, Name | Present | Absent |
|---|---------|--------|
| Chair Patricia Lindsay-Harvey | X | |
| Vice Chair Kevin McIntosh | X | |
| Commissioner Carl Turner | X | |
| Commissioner Darvis Holley | X | |
| Commissioner James Boyer | | X |
| Commissioner, 1 st Alternate, William Weston | X | |
| Commissioner, 2nd Alternate, Diallyo Diggs | X | X |

Commissioner Boyer was not in attendance. Chair Lindsay-Harvey called upon First Alternate, William Weston, to stand in as a voting member.

Others Attending as Panelists

James Mackie, Executive Director
 Sharon Anderson, Board Secretary
 Rhonda Gigliotti, Director of Finance
 Kara Weekly, Director of Operations & M
 Jim Lallo, Water Trtmt Plant Superintendent
 Rich Linke, Acting Sewer Superintendent
 Chris Felthaus, System Maintenance Supt.
 Eric Williams, Temp. S-3 Licensed Operator
 Jason Holt, CSG Law, Solicitor
 Kevin Kinsella, DeCotiis, Special Solicitor

Michael Oppici, DeCotiis, Labor Counsel
 Richard Alaimo, Alaimo Engineering
 Lionel Galipot, Alaimo Engineering
 Ben Weller, Environmental Resolutions
 Tom Lisse, Pennoni
 Jennifer Barrett, Schneider Electric
 Bryan McGair, Schneider Electric
 Greg Rosario, Schneider Electric
 Mark Moore, PCH Technologies

Open Public Meetings Act Reading

The Secretary read:

This meeting which conforms with the provisions of the Senator Byron M. Baer Open Public Meetings Act, P.L. 1975, Chapter 231, adequate notice having been given to the public, is an official regular meeting of the Willingboro Municipal Utilities Authority. Notices of this meeting have been filed, posted, or published in excess of forty-eight hours prior to the meeting in the following manner:

- A. Posting written notice on the official bulletin board of the Authority building.

- B. Mailing written notice to the Municipal Clerks of Willingboro and Westampton Townships; the Secretary of the Edgewater Park Sewerage Authority and the Executive Director of the Mount Laurel Township Municipal Utilities Authority.
- C. Publishing a Public Notice in two newspapers - the Burlington County Times and Courier-Post.
- D. Posting notice of the meeting on the WMUA website.
- E. Directing the Secretary to enter this public announcement into the minutes of this meeting.

The public may participate in this meeting. Formal action may be taken by the WMUA.

Chair's Statement Regarding Well 5A PFOS Status

In compliance with the New Jersey Department of Environmental Protection, the WMUA is obligated to send their customers frequent notification regarding the same November 2021 incident, previously reported.

The notices received are only for the status at that time and not the current status since that incident.

Since the latest notification, there has been no additional findings of PFOS contamination above the New Jersey Maximum Contaminant Level in the water being delivered to customers.

Public Comment - Agenda Items Only

Administration

Executive Director's Report

ED Mackie summarized the written report. He congratulated Rich Linke who attained his S-3 license. Awaiting the state to formally issue a license with a license number. This typically takes 1 – 3 weeks. Tonight's resolution for a contracting company provides for interim coverage. The contract allows termination when we officially have an S-3 operator. ED Mackie recommended joining the New Jersey Utility Authority Joint Insurance Fund which will result in considerable savings and provide safety training for our employees. The winter moratorium for shut offs is over March 15. The search for office space continues with further conversation with the Township regarding JFK. There will be a two-week delay in the flow from Well 5A due to a delayed piece of electrical hardware. Our attorneys are coordinating with DEP for legal compliance to go along with physical compliance. The well is expected to flow in mid-February. A mailer will go to the public one week in advance with a robo-call to follow. Current tests show that PFOS is not detectable at Well 5A. A meeting has been requested with DEP to ensure an approved process if agreed upon and implemented. A Board Commissioner will be included in the meeting.

Personnel Committee

Cmmr. Weston summarized the recommendations. For the professional services RFQs, each Board member will be asked to review and score three of the competitive RFQs and the sole respondents. As requested by the board, the committee considered RFQs for recruiters for the engineer and administration positions. It is recommended that this proceed and that positions, including the office assistant, be put on the website. ED Mackie had mentioned a possible internal promotion. There is no

timeline. Discussion of yearly adjustment for non-union employees was deferred to Executive Session. There will be an office walk through on January 26 hoping a reduction in clutter will provide sufficient space for new employees. The applications for Personnel Director have been compiled. ED Mackie's next step is to contact the applicants. A decision needs to be made about how the Board will participate in the process. Interviews for an accountant are underway. The Chief Engineer position is officially announced with Civil Service with a closing on January 24th.

Policy Committee

Chair Lindsay-Harvey summarized the report. Discussion ensued regarding the procedures that would be used to implement the recommended resolution about change orders. Commissioners expressed concern about the risk of change orders, each under the threshold but exceeding the threshold when taken together. Attorney Holt explained the resolution tracks the NJ Administrative Code for moving change orders forward. It allows for change orders of \$7,500 or less to be done by the ED with the approval of the Chair. All other change orders would come before the Board. Change orders are also limited by a state rule that if change orders exceed 20% of the contract, additional steps must be followed. Discussion ensued and Board members inquiries were satisfied.

The other recommendation from the Policy Committee relates to reinstating tax sales on late water and sewer accounts.

Finance and Budget

Treasurer's Report

Director Gigliotti summarized the written report. Projected revenue for 2023 slightly exceeded the projected \$17 million. Expenses are below expectation at 83% of the \$11 million. Notification from DCA came today approving our 2024 Adopted Budget.

Finance Committee

Commissioner McIntosh indicated that a written report for January and February will be submitted next month due to the short time between their meeting and the report due date. The Committee is looking into the Cost of Service Study. Also wondering about the status of Edgewater Park sewer service billing is capturing all customers. The committee requested billing information regarding the Township pools so the Board could decide what to do about possible billing. There are questions about the hospital bill comparing current to previous years. The Finance Committee recommends joining the New Jersey Utility Authority Joint Insurance Fund as presented in a resolution for tonight's meeting.

Resolution 2023-12-20-01

Approval of Payment of Bills

Moved: Cmmr. Turner Seconded: Cmmr. McIntosh Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Finance Continued

ED Mackie added that Township bills were printed the day of the meeting. The bills for the period since billing was approved (October) is Country Club \$0, and Pennypacker Pool, \$429.61. The intention was to send the statements to the Township along with the other bills. Commissioner Diggs noted that the Finance Committee had previously asked that the bills and total charges for the year be shown to the Commissioners before sending any pool bills to the Township. The Finance Committee plans to review and make a recommendation to the Board as to whether to charge the town or approve a credit in an offsetting amount. ED Mackie will not include the bills in the packet of 20 October bills that go to the Township regularly. The Finance Committee is looking for numbers including the active summer months. ED Mackie will provide a spreadsheet of past usage and 2023 report to the Finance Committee.

Operations and Management Department Report

Our staff is doing a phenomenal job in these weather conditions, especially when they must work out in such extreme temperatures. Thank you to Mount Laurel, to Chuck and his staff, for sharing their belt filter press information. CBL-B licensing continued. The apprentice program has begun with four in the first cohort and seven expected in the second cohort starting in March. Thank you to the mentors. The Director of Operations and Management Weekly invited questions.

Operations Committee

Cmmr. Turner congratulated the staff, supervisors, and administration for completing nearly 40 tasks, 8 of which were assigned mid-year. More than 51% are completed with another 30%-40% near completion.

Two projects have been held up. One is how to fund Red Zone efforts. Should it come out of the WMUA capital fund? The Committee suggested the ED consult professional advisors for a plan on how to fund. Well 5A is in the final stages of coming back online. The Committee recommends a meeting including a board member and counsel to make sure appropriate processes are being followed.

The camera has come back. Chris Felthaus reported that there is still no delivery date on the Mason dump truck as there are many people ahead of us. Architectural plans for 24 Medallion will be distributed next Wednesday. Board members are encouraged to drive by to see how close the building will be to the neighboring home and the street.

Environmental Committee

The Committee did not meet however the members did provide input on the PFOS notice that will be going to residents.

Consulting Engineers Report - Alaimo

Mr. Galipot summarized the written report. All parts for the grid canopy have arrived. Next step is to schedule Quad for the construction. Well 5A has been tested without any issues. The contracts have been executed for the Edge Lane tank. The next step is scheduling.

No other questions.

Consulting Engineers Report - ERI

Jennifer Harris summarized the written report. Six of the primary and secondaries are functional, and the repairs to the cross collectors are underway. Red Zone work has been delayed due to the weather.

Consulting Engineers Report - Pennoni

There's been no more progress on the parking lot repaving project. They are out of compliance with the contract, finalizing a notice of violation to send to the contractor to get a response on why they haven't completed the work. The Notice to Proceed was issued on Nov. 20 with a 30-day contract time. At this point, they are beyond the 30-day contract time. Liquidated damages will be pursued. Pennoni will follow up with Attorney Holt regarding the possibility of replacing the contractor. No bids were received on the original bid for the dehumidification project. The project is out for rebid to open on February 6th. The Country Club pool bid documents are going to be published on January 24.

Consultant Schneider ESIP Report

Mr. Rosario summarized the written report. Three contracts have been submitted to DEP for approval. Response is expected in 3 weeks.

A question about solar field was referred to Greg Rosario of Schneider Electric. Final engineering is being done for the inverters so that the equipment can be ordered. The projected date to have everything up and running is April. Updates will be provided to ED Mackie for distribution to the Board.

Unfinished Business

Resolution 2024-01-17-02: Adopting an Employee Handbook

No action taken pending review of final document by the Executive Director. Moved to the February meeting.

New Business

Resolution 2024-01-17-03: Ratifying and Authorizing the Extension of a Contract with Jersey Environmental Solutions to Provide S-3 Licensed Operator Services to the Pollution Control Plant on an Emergent Basis

Moved: Cmmr. McIntosh Second: Cmmr. Holley

Discussion: This is expected to be the last extension. Rich Linke has formal notification that he passed the S3 test. The state must issue the number that goes onto the license number. ED Mackie is concerned that nothing disrupts the licensing process given the violation. The Board would like to avoid the cost of weekly expenses of a third party. ED Mackie will follow up with DEP on the license number.

ED Mackie confirmed the JES contract provides for the termination of the services as soon as Mr. Linke has his license.

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Resolution 2024-01-17-04: Authorizing a Fair and Open Process for the Selection and Appointment of an S3 Sewage Treatment Operator

Moved: Cmmr. McIntosh Seconded: Cmmr. Weston

Discussion: the previous resolution was for current emergency coverage. This resolution is to meet procurement rules should rapid hiring be needed in the future.

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Resolution 2024-01-17-05: Authorization To Advertise Information Technology Request For Qualifications

Postpone for Executive Session

Resolution 2024-01-17-06: Establishing and Implementing a Fair and Open Process for the Selection of Treasurer

Moved: Cmmr. McIntosh Seconded: Cmmr. Turner Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Resolution 2024-01-17-07: Establishing and Implementing a Fair and Open Process for the Selection of Purchasing Agent Services

Moved: Cmmr. McIntosh Seconded: Cmmr. Holley

Discussion: Services are currently through a Shared Services agreement with the Township. They have not been informed of our going out to bid. A staff took some of the training but not the tests. They have made no further effort to get certified.

Postpone further discussion to Executive Session. Motion and second were rescinded.

Resolution 2024-01-17-08: Authorizing the Adoption of New Water and Wastewater Connection Fees

Moved: Cmmr. McIntosh Seconded: Cmmr. Holley

Discussion: Connection fee adjustments were the subject of a public hearing held at 5pm on the same day as this Regular meeting is being held. It was noted that nobody from the public chose to participate in the hearing. Counsel advised on the statutory requirements of the connection fee public hearing, including notice, participation by the Commissioners and the public, and the evidentiary standard by which fee adjustments are subject. Connection fee public hearings in recent years have been conducted separately from Regular and Special meetings and discussion ensued as to what extent Commissioners should be present when the public hearing is not conducted as part of a Regular or Special meeting and whether the hearing should be conducted as part of a Regular or Special meeting, to which quorum requirements would apply. The next connection fee public hearing is expected to be held in June or July 2024, after the completion of the 2023 audit.

The next connection fee hearing is due to be held after the completion of the 2023 audit. The Commissioners can then consider whether that hearing will be part of a Regular or Special meeting to which quorum requirements would apply.

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Abstain; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 4 affirmative, 1 abstention, 0 negative. Motion passed.

Resolution 2024-01-17-09: Authorizing The Execution Of An Amendment To The Energy Services Agreement With Schneider Electric All In Connection With The Authority's Energy Savings Improvement Program

Moved: Cmmr. Holley Seconded: Cmmr. Turner

Discussion: Extension is to extend the term of the contract through June 22, 2026. The original master contract for phases 1 and 2 required completion by February 1, 2023. While Schneider worked diligently to meet the contract deadlines, significant delays were encountered in financing through the New Jersey Infrastructure Trust and the associated review of documents by DEP.

Roll Call: Cmmr. Weston: Abstain; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 4 affirmative, 1 abstain, 0 negative. Motion passed.

Resolution 2024-01-17-10: To Join the New Jersey Utility Authority Joint Insurance Fund Subject to Approval of Assessment

Moved: Cmmr. Turner Seconded: Cmmr. McIntosh Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

7:56

Resolution 2024-01-17-11: Appointing a Fund Commissioner and Safety Representative to the New Jersey Utility Authority Joint Insurance Fund

Moved: Cmmr. McIntosh Seconded: Cmmr. Holley Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Resolution 2024-01-17-11 - Rescinded Vote

Moved: Cmmr. Weston Seconded: Cmmr. McIntosh

Discussion: Resolution as originally voted was missing information. Discussion ensued regarding the completing of the resolution, with the required information, and the parliamentary procedure necessary to complete the vote.

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Resolution 2024-01-17-11: Appointing a Fund Commissioner and Safety Representative to the New Jersey Utility Authority Joint Insurance Fund – as amended

1. Fund Commissioner – Executive Director
2. Alternative Fund Commissioner – Chair of Board
3. Safety Delegate – Director of O and M

Moved: Cmmr. Turner Seconded: Cmmr. McIntosh

Discussion: The appointees will represent the WMUA in assuring the fund to be operating in accordance with their bylaws and regulations. Each member authority has one vote. This minimizes risk and assure adopted policies are consistent with minimum requirements for risk reduction.

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Resolution 2024-01-17-12: Powers, Duties, and Responsibilities for the Authorization and Approval of Change Orders

Postpone to after Executive Session

Comments From the Public – none

Commissioner Comments

Cmmr. Diggs: Thank you to workers who continue through the inclement weather.

Cmmr. Weston: Thankful to the public for attending. Congratulations to Rich Linke. Thank you to all workers.

Cmmr. Boyer: Appreciate the public who supported our meeting tonight. Appreciated the holiday dinner with employees.

Cmmr. Holley: Congratulations to Mr. Linke. Glad we are closer to Well 5A being online.

Cmmr. Turner: Mr Linke: Congrats and thank you. Appreciate working through this last year. Thank you to the Commissioners for your efforts on Board and in Committees. Thank you to the public. Wish we had more participation from the public.

Cmmr. McIntosh: Thank you to both commercial and residential customers, to fellow board members, employees, and administration. Congrats Rich Linke on S-3 license. Looking forward to continue to improve.

Chair Lindsay-Harvey: Congratulations Rich Linke. Thank you to employees, especially those working in cold weather.

Executive Session

Resolution 2023-12-20-13: Authorizing Executive Session for purposes of addressing pending or anticipated litigation, matters of personnel including evaluation of the Board Secretary, discussion of salary amendments, the Director of Personnel, and discussion on the RFQ for QPA.

8:27pm

Moved: Cmmr. McIntosh Seconded: Cmmr. Holley Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: No. 5 affirmative, 0 negative. Motion passes.

Executive Session – Litigation, Contract, and Personnel

James Mackie, Executive Director
Sharon Anderson, Board Secretary
Jason Holt, CSG Law, Solicitor

Kevin Kinsella, DeCotiis, Energy / Rate Solicitor
Mike Oppici, DeCotiis, Labor Solicitor
Steve Graham, PCH Technologies

Executive Session: 8:30 pm thru 10:05 pm

Motion to Exit Executive Session

Moved: Cmmr. McIntosh Seconded: Cmmr. Holley Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr. Boyer: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: No. 5 affirmative, 0 negative. Motion fails.

Resolution 2024-01-17-05: Authorization To Advertise Information Technology Request For Qualifications

Moved: Cmmr. McIntosh Seconded: Cmmr. Weston Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Resolution 2024-01-17-07: Establishing and Implementing a Fair and Open Process for the Selection of Purchasing Agent Services

Moved: Cmmr. McIntosh Seconded: Cmmr. Holley Discussion: None

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Abstain; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 4 affirmative, 1 abstention, 0 negative. Motion passed.

Resolution 2024-01-17-12: Powers, Duties, and Responsibilities for the Authorization and Approval of Change Orders

Moved: Cmmr. Turner Seconded: Cmmr. McIntosh

Discussion: With the addition of: Be it further resolved that there will be no more than four (4) total minor field site modifications per contract, and each shall be codified in the Executive Director's monthly report.

Roll Call: Cmmr. Weston: Yes; Cmmr. Turner: Yes; Cmmr. Holley: Yes; Cmmr. McIntosh: Yes; Chair Lindsay-Harvey: Yes. 5 affirmative, 0 negative. Motion passed.

Motion to Adjourn

Moved: Cmmr. Holley Seconded: Cmmr. Weston Discussion: None

Voice vote: Unanimous.

Meeting Adjourned 10:29 pm

Certification of Minutes

I hereby certify the above to be a true and correct copy of the approved Minutes of the January 17, 2024, Regular Meeting of the Willingboro Municipal Utilities Authority.

WMUA Regular Meeting Minutes of January 17, 2024
As Prepared by Board Secretary, Sharon Anderson

Sharon L. Anderson

Sharon L. Anderson
Secretary to the Board

APPROVED BY THE BOARD: March 20, 2024