

The MINUTES of the meeting of the DELAWARE TOWNSHIP MUNICIPAL UTILITIES AUTHORITY held on July 07, 2022 in the township Municipal Building at 7:30PM.

“Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Township of Delaware in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.

Members present:

Chairman	Dwain Floyd	PRESENT
Vice chairman	Steven Toy	ABSENT
Treasurer	Mario Russo	PRESENT
Executive Secretary	Anthony Abbatiello	PRESENT
Member	Jim Mathews	PRESENT
First Alternate	Tim Soltis	PRESENT
Second Alternate	Joe Vocke	PRESENT
Administrator	Dianne Rankin	PRESENT

Mr. Floyd led the Board in the Pledge of Allegiance. Open Public Record notice was cited. Rollcall was taken. Steve Toy was absent.

An Executive Session began early at 6:30PM and notice was published in the HC Democrat and posted in the Municipal Building.

Attorney Richard Cushing was present for the closed executive session to discuss the contract with our engineer and licensed operator. He introduced himself to the Board and presented an outline he prepared to help guide the Board through the contract and negotiation process and other issues before the Board tonight.

He advised the Board to make a motion to go into closed session so he could advise the Board, discuss contract issues and a potential conflict of interest. At 6:45PM MR. MATHEWS MADE A MOTION TO GO INTO CLOSED SESSION TO DISCUSS CONTRACT NEGOTIATIONS AND PLANT OPERATIONS. Mr. Russo seconded the motion. The motion passed and the Board went into closed session.

EXECUTIVE SESSION #1

Mr. Cushing discussed the licensed operator status with NSU and the reason for their recent letter of resignation was because of their ongoing dispute Mr. Schneider. He also briefly detailed the contract issue, the employee issue with Mr. Schneider, a potential conflict of interest and the Rice Act. Mr. Schneider has asked to appear in Open Session and Mr. Cushing reminded the Board that this is not a disciplinary action against Mr. Schneider. Mr. Cushing deferred discussion of a potential conflict of interest and the matter was not discussed.

The Board returned to open session at 7:05PM. Michael Schneider was present. He was given a Rice Notification and asked that the discussions be in public session so he could attend. Mr. Cushing explained to him that the session is not a disciplinary action. It is an economic based contract issue. He asked Mr. Schneider if he would like to speak to the issue and the work problems he was experiencing. Mr. Schneider said he has tried to work with NSU (licensed operator) but all they did was attack him. He said he tried to stay out of trouble but everything that happened was his fault. He said he didn't get a phone call for the recent well tower incident. Mr. Cushing explained that the DTMUA needs NSU to run its operations because of its licenses. Mr. Cushing reiterated that the Board does not fault Mr. Schneider.

Mr. Cushing then advised the Board to go into executive session again for further discussions on how to handle contracts and negotiations. MR. RUSSO MOVED TO GO INTO EXECUTIVE SESSION TO FURTHER DISCUSS WITH OUR ATTORNEY PLANT OPERATIONS, SEVERANCE PAY AND THE NSU CONTRACT. Mr. Mathews seconded the motion and the motion was passed. The Board went into a second closed executive session at 7:20PM.

EXECUTIVE SESSION #2

The matter of severance pay was discussed. Chairman Floyd suggested pay at their regular work schedule (3 hours/day) until the end of the month. Chairman Floyd spoke to Mr. Lee and asked him if he would like to continue on an as needed basis but he said he was not interested. Mrs. Rankin asked Mr. Cushing if legal notification by him was required to release the 2 employees. Mr. Cushing felt like it would only escalate things at this point and it wasn't necessary.

The Board then wanted to discuss why Mrs. Rankin's complaint was supposed to be discussed tonight but it wasn't. Mr. Cushing asked Mrs. Rankin to leave the room for this discussion. The following paragraph was prepared by Mr. Cushing in her absence.

"A brief discussion for the advice of attorney occurred as to the status of the claim by Mr. Rankin. He explained why her matter had been adjourned from this meeting. He provided a brief discussion of her claim and explained that the attorney for the Board assigned by the insurance company would attend the Board's meeting when the matter is discussed in the future. He asked that Mrs. Rankin return to the meeting."

At 7:50PM the Board returned to open session. Mr. Mathews told Mr. Schneider that his services and those of his co-worker Bruce Lee who was not present were no longer needed under the new NSU contract. He said they would be paid for their routine work duties for the month of July. He said the Board was not at all unhappy with their services and perhaps in the future if a need arises they can return. MR. RUSSO MOVED TO PAY MR. SCHNEIDER AND MR. LEE FOR THE MONTH OF JULY IN THE AMOUNT EQUAL TO THEIR REGULAR WEEKLY WORK SCHEDULE (9 hours per week for Mr. Schneider and 6 hours per week for Mr. Lee). Mr. Mathews seconded the motion. The motion was approved.

Mr. Cushing left the meeting and the meeting and the Board returned to its regular business.

Mrs. Rankin had prepared a draft letter to be sent to our users but Chairman Floyd asked that the discussion be tabled. He has called Mr. Powell at the county emergency management board to discuss the Reverse 911 procedure and how to better implement it.

Chairman Floyd discussed the incident at the water tower on Father's Day. They had to shut down the water system for several hours due to an excessive chlorine level. He feels the new chlorine ejection system in the plant is still not working right.

The Board addressed the NSU request for a Resolution to allow them to continue operating the plant 7 days a week beyond July 7 on a time and materials basis until negotiations resolve their future status with the DTMUA. MR. RUSSO MOVED TO CONTINUE WITH NSU AS OPERATORS OF OUR PLANTS THROUGH JULY 31 AND NEGOTIATE AMENDING OUR CURRENT CONTRACT FOR ONE YEAR. Mr. Mathews seconded the motion. The motion was approved. Resolution 100-2022 is a part of these minutes. A roll call vote was taken.

MR. RUSSO MOVED TO APPROVE THE BILL LIST THAT TOTALS \$26,464.75. Mr. Mathews seconded the motion. The motion was approved.

At 8:40PM MR. RUSSO MOVED TO ADJOURN THE MEETING. Mr. Soltis seconded the motion. The meeting was adjourned.

Respectfully submitted,

Dianne Rankin