

BRUNSWICK REGIONAL WATER & SEWER H2GO

EMERGENCY BOARD MEETING

MONDAY, DECEMBER 4, 2017

CALL TO ORDER:

Commissioner Gerken stated that the Rules and Procedures of the North Brunswick Sanitary District state that any two members may at any time call an emergency meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. Rule 5, dealing with the office of Chairman and Vice-Chairman, states that the Vice-Chairman shall preside in the absence of the Chairman. If the Chairman and the Vice-Chairman are absent, the Board shall select one of its members to preside. Commissioner Trombley moved to set aside the rules of procedure and assign Jeff Gerken to facilitate the meeting. Commissioner Beer seconded the motion. Commissioner Gerken called for a vote on the motion, and it passed with three votes in favor and no votes opposed. The assembly was then led in the Pledge of Allegiance.

MEMBERS PRESENT:

Present from the Board of Commissioners were members Jeff Gerken, Trudy Trombley, and Bill Beer. Present from H2GO was Bob Walker, Executive Director. Stephen Coble, attorney to the Board was in attendance.

DISCUSSION OF AGENDA:

Commissioner Beer moved to approve the agenda. Commissioner Trombley seconded the motion. Commissioner Gerken called for a vote on the motion, and it passed with three votes in favor and no votes opposed.

TEMPORARY RESTRAINING ORDER:

Commissioner Gerken read the Temporary Restraining Order that had been granted by Superior Court Judge Thomas Lock on December 1, 2017 at 11:20 a.m. and filed in Brunswick County Superior Court at 2:22 p.m. that same day. Commissioner Gerken then read a Resolution of Brunswick Regional Water and Sewer H2GO, as follows:

WHEREAS, Brunswick Regional Water & Sewer H2GO (the "District") operates a public water distributions system and a public sanitary sewer collection system (collectively the "Water and Sewer Systems"):

NOW, THEREFORE, be it resolved by the District, in a meeting duly noticed and assembled, as follows:

That all Brunswick Regional Water and Sewer H2GO employees are directed to read and comply with the Temporary Restraining Order filed with Brunswick County on Friday, December 1, 2017 against the District, and furthermore staff is directed to post the Temporary

Restraining Order in conspicuous places at Brunswick Regional Water and Sewer H2GO facilities and the Temporary Restraining Order shall be transmitted in electronic form, via email, to all employees before 10:00 a.m. on Monday, December 4, 2017, and alternative notice shall be provided to and all employees who are reasonably unlikely to receive it by email, and staff is hereby notified, and directed to further notify all other employees, that all employees that fail to comply with the Temporary Restraining Order are subject to discipline, including possible termination.

This the 4th day of December, 2017.

Commissioner Beer moved to approve the resolution. Commissioner Trombley seconded the motion. Commissioner Gerken called for a vote on the resolution and it passed with three votes in favor and no votes opposed.

RESOLUTIONS AND AGREEMENTS:

Commissioner Gerken read the following resolution:

RESOLUTION OF THE BRUNSWICK REGIONAL WATER AND SEWER H2GO

WHEREAS, Brunswick Regional Water and Sewer H2GO (the “District”) operates a public water distributions system and a public sanitary sewer collection system (collectively the “Water and Sewer Systems”):

NOW, THEREFORE, be it resolved by the District, in a meeting duly noticed and assembled, as follows:

That the District declares the Resolution and Agreements approved at the November 28, 2017 meeting of the Brunswick Regional Water and Sewer H2GO, titled “Resolution of the Brunswick Regional Water and Sewer H2GO”, “Agreement for the Operation and Maintenance of the Water and Sewer Systems”, “Agreement to Convey Water and Sewer Systems”, and “Assignment and Bill of Sale”, and other documents related to these matters, null and void, declares that they could not be lawfully accepted by the Town of Belville, and declare them withdrawn.

This the 4th day of December, 2017.

Commissioner Beer moved to approve the resolution. Commissioner Trombley seconded the motion. Commissioner Gerken called for a vote on the resolution and it passed, with three votes in favor and no votes opposed.

LEGAL REPRESENTATION:

Commissioner Gerken read the following resolution:

RESOLUTION OF THE BRUNSWICK REGIONAL WATER AND SEWER H2GO

WHEREAS, Brunswick Regional Water and Sewer H2GO (the “District”) operates a public water distributions system and a public sanitary sewer collection system (collectively the “Water and Sewer Systems”):

NOW, THEREFORE, be it resolved by the District, in a meeting duly noticed and assembled, as follows:

That the District terminates the representation of Brunswick Regional Water and Sewer H2GO by Ward and Smith, directs Ward and Smith to file a notice of withdrawal of representation of Brunswick Regional Water and Sewer H2GO in any pending matters before close of business on Monday, December 4, 2017, directs that they are to make no filings on behalf of Brunswick Regional Water and Sewer H2GO opposing injunctive relief regarding the null and void resolutions and agreements, and states that Brunswick Regional Water and Sewer H2GO does not waive any conflicts with Ward and Smith.

This the 4th day of December, 2017.

Commissioner Beer moved to approve the resolution. Commissioner Trombley seconded the motion. Commissioner Gerken called for a vote on the resolution and it passed, with three votes in favor and no votes opposed.

Commissioner Gerken requested that Board attorney Stephen Coble notify Ward and Smith that their services had been terminated, and Mr. Coble agreed that he would do so.

DIRECTION TO STAFF:

Commissioner Gerken read the following resolution:

RESOLUTION OF THE BRUNSWICK REGIONAL WATER AND SEWER H2GO

WHEREAS, Brunswick Regional Water and Sewer H2GO (the “District”) operates a public water distributions system and a public sanitary sewer collection system (collectively the “Water and Sewer Systems”):

NOW, THEREFORE, be it resolved by the District, in a meeting duly noticed and assembled, as follows:

That the District directs the Executive Director to do the following things and notifies him that he will be terminated for cause if he fails to do so:

- (a) immediately cease and desist all efforts to proceed with the illegal and void transfer and take all necessary steps to ensure that all Brunswick Regional Water and Sewer H2GO employees also cease and desist all efforts to proceed with the illegal and void transfer.
- (b) prepare a full, comprehensive and complete written accounting of the following things within 24 hours and deliver it to the Brunswick Regional Water and Sewer H2GO commissioners:
 - (i) all knowledge he has regarding the events and circumstances leading up to, and all persons involved in, the Resolution and Agreements that were approved on November 28, 2017, and
 - (ii) all knowledge he has regarding any steps that have been taken to effectuate the illegal and void transfer and who was involved in taking those steps

(c) before noon on Monday, December 4, 2017, demand the return of any property that was wrongfully transferred to the Town of Belville under the illegal and void Resolution and Agreements that were approved on November 28, 2017.

(d) provide to the Brunswick Regional Water and Sewer H2GO commissioners, on a daily basis and in writing, a reporting of:

(i) his schedule, all meetings and calls, with a summary of items discussed; and

(ii) a summary of any major activities he has undertaken in the course of his employment.

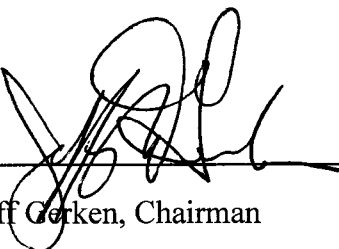
(e) do not discuss, or allow other staff to discuss, any matters of the sanitary district with the media, and to direct all media inquiries regarding Brunswick Regional Water and Sewer H2GO to Commissioner Jeff Gerken.

This the 4th day of December, 2017.


Commissioner Beer moved to approve the resolution. Commissioner Trombley seconded the motion. Commissioner Gerken called for a vote on the resolution and it passed, with three votes in favor and no votes opposed.

ADJOURNMENT:

Commissioner Trombley moved that the meeting be adjourned. Commissioner Beer seconded the motion. Commissioner Gerken called for a vote on the motion to adjourn, and it passed with three votes in favor and no votes opposed, at which point Commissioner Gerken declared the meeting adjourned.



Jeff Gerken, Chairman



Bill Beer, Secretary

1-25-2018

Date of Approval