

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Minutes of Regular Meeting

Thursday, October 14, 2014

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, October 14, 2014 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 7:30 p.m.

The following Members were present:

Linda L. Moore
Marc Lippman
Marc Platizky
Steven Kurs
Leonard Millner
William Lawler
Michael Shifman

Absent: None

Also present:

Edwin Schmierer, Esq., of Mason Griffin & Pierson
James Farry, of Hatch Mott MacDonald
Ronald Ghrist, Finance Officer
Richard Brand, Executive Director
Clark Wolverton, Wastewater Superintendent
Skip Lovejoy, Water Superintendent
Dolores Borosko, Board Secretary

Chairperson Moore requested that the Public Notice be read. The secretary read the statement stating that the agenda for this meeting was mailed to the Windsor Hights Herald, Trenton Times and Trentonian on October 8, 2014. An agenda was posted on the official bulletin board of the Authority and delivered to the Township Clerk for posting on the bulletin board at the East Windsor Township Municipal Complex on October 8, 2014. Chairperson Moore then asked for a roll call after which she asked if any Member had any objection to holding this meeting as advertised. No one objected.

Chairperson Moore asked if there was anyone in the audience that would like to discuss a matter which was not on tonight's agenda and hearing no one Chairperson Moore moved to the first item on the agenda a resolution approving Gov Deals as an option to sell off surplus items as needed. Mr. Brand informed the Board that passing this resolution would give the Authority an option for disposing of old unused equipment. Mr. Brand stated that using Gov Deals would also give the Authority more exposure and better prices. All surplus items are sold as is and the Authority would have the right to accept or reject any bids submitted. The Board asked if they

would have an opportunity to review the list of items to be auctioned and Mr. Brand replied that the Board would have the opportunity to review. Mr. Kurs made a motion to approve the resolution, seconded by Mr. Platizky and unanimously carried.

Resolution 2014-35 Approving Gov Deals as an Authorized Public Auction for the Sale of
Surplus Property

WHEREAS, the East Windsor Municipal Utilities Authority is the owner of certain surplus property which may no longer be needed for public use; and

WHEREAS, the East Windsor Municipal Utilities Authority may be desirous of selling said surplus property in an “as is” condition without express or implied warranties.

NOW THEREFORE, be it RESOLVED by the East Windsor Municipal Utilities Authority in the Township of East Windsor, County of Mercer, as follows:

- (1) The sale of the surplus property may be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the East Windsor Municipal Utilities Authority.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) All sales will be conducted pursuant to Local Finance Notice 2008-9.
- (4) All sales will be pursuant to N.J.S.A. 40A:11-36 of the New Jersey State Public contracts Law.
- (5) A list of the surplus property to be sold will be identified
- (6) All surplus property identified, shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (7) The East Windsor Municipal Utilities Authority reserves the right to accept or

reject any bid submitted.

The Authority Chairperson and Secretary are hereby authorized and directed to sign any necessary documents, and the Authority staff and professionals are authorized and directed to undertake any and all action's necessary, to effectuate the terms and intent hereof.

Chairperson Moore moved to a discussion of the resolution approving a capacity allocation agreement with Conair. Mr. Brand stated that this item should be tabled for the next meeting. Mr. Brand informed the Members that staff had a meeting scheduled to discuss the options Conair was considering. In an agreement from 2004 Conair agreed to extend the line to the end of their property but Conair is now considering looping the line which would provide better water quality and give them a reduction in cost for fire insurance.

Mr. Brand informed that Board that when staff went to perform maintenance on the altitude valve on the Twin Rivers Tank they found that the gate valves would have to be replaced. Mr. Brand stated that we had to go out to bid for two reasons the cost of the valves and the location of the valves. Mr. Brand added that the tank would be shut down right after the hydrant flushing was completed. It would take the contractor approximately 2 days to replace the equipment. A motion to approve the resolution for emergency repairs for replacement of gate and altitude valves at Twin Rivers Standpipe was made by Mr. Lippman, seconded by Mr. Platizky and unanimously carried.

Resolution 2014-38 Approving Emergency Repairs for the Replacement of the Altitude Valve and Isolation Valves at Twin Rivers Standpipe

WHEREAS, on or about September 10, 2014, the East Windsor Municipal Utilities Authority ("Authority") maintenance staff was dispatched to repair a leaking Altitude Valve on the Twin Rivers Water Tank; and

WHEREAS, said maintenance staff was unable to get the valve to work correctly and was unable to turn off the water supply to said tank and make the necessary tank repairs; and

WHEREAS, the Twin Rivers Water Tank is in the process of being drained so that it can be repainted and for the safety of those working on the tank it is imperative that the water supply to the tank be shut down; and

WHEREAS, immediately upon learning of the problem with the tank repair, the Authority staff solicited and received three quotations for the purchase and installation of a new Altitude Valve; and

WHEREAS, the lowest quotation was submitted by Harper Control Solutions,, Inc. in the amount of \$19,865.00 for the Clay Valve required for said water tank; and

WHEREAS, the Authority Executive Director has certified that an Emergency Contract is required to prevent the tank from overflowing and causing a safety issue; and

WHEREAS, the Executive Director of the Authority has signed a certification setting forth the reasons for the award of an emergency contract to Harper Control Solutions, Inc. as authorized by the New Jersey Local Public Contracts Law, *N.J.S.A.* 40A:11-6.

NOW THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority as follows:

1. The Chairperson and Secretary of the East Windsor Municipal Utilities Authority is hereby authorized and directed to execute an agreement with Harper Control Solutions, Inc. for the purpose of purchasing on an emergency basis the Clay Valve necessary to undertake and complete safety repairs to the Twins Rivers Water Tank. The invoice for the purchase of said valve totaling \$19,865.00 is on file in the office of the Authority Secretary and may be inspected during regular office hours.

2. A certified true copy of this resolution together with said invoice and the "Emergency Procurement Report" prepared by the Authority's Executive Director shall be filed with the Director of Local Government Services, the New Jersey Department of Community Affairs, 101 South Broad Street, Trenton, New Jersey, 08625.

Mr. Brand explained to the Board that due to what was deemed as a conflict of interest the township had contracted ACT Engineering to perform inspections on development projects. In the past the MUA has also worked with the township contracted engineers for inspection on new development. Following the same procedures the MUA had agreed to have ACT Engineering start work on the sewer and water construction inspection of the Magnolia Ridge residential subdivision. The Board asked if the MUA had to go to bid for the service and Mr. Brand responded that East Windsor Township did the bidding and we would be working off township bid. A motion to approve the resolution was made by Mr. Platizky, seconded by Mr.

Lippman and unanimously carried.

Resolution 2014-37 Approving ACT Engineering as Engineering Consultants

WHEREAS, there exists a need for the services of an engineering consultant on an as-needed basis in the event of needed back-up or conflict, for projects involving the East Windsor Municipal Utilities Authority (“Authority”); and

WHEREAS, the Township of East Windsor also requires the services of an engineering consultant on an as-needed basis in the event of needed back-up or conflict; and

WHEREAS, the Township solicited and received three proposals to provide said engineering consulting services for the Township; and

WHEREAS, the Authority wishes to retain the same engineering consultant on an as-needed basis in the event of needed back-up or conflict; and

WHEREAS, the provisions of the New Jersey Local Public Contracts Law, *N.J.S.A.* 40A:11-5(1)(a)(i) permits the award of a contract for “professional services” without competitive bidding and the contract itself must be available for public inspection.

NOW THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority as follows:

1. The Chairperson and Secretary of the East Windsor Municipal Utilities Authority is hereby authorized and directed to execute an agreement with ACT Engineers, 1 Washington Boulevard, Suite 3, Robbinsville, New Jersey, 08691 to serve as engineering consultants to the Authority on an as-needed basis in the event of needed back-up or conflict. The agreement authorized by this resolution is on file in the office of the Authority Secretary and may be inspected during regular office hours.

2. This contract is being awarded without competitive bidding as a “professional services”

contract in accordance with the provisions of the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-5(1)(a)(i)* for services to be performed by a person authorized by law to practice a recognized profession that is by law regulated.

3. A notice of this action shall be published in a newspaper of general circulation within the Township of East Windsor within 10 days of its passage as required by law.

Mr. Brand informed the Board that Metro PCS, who leases cell tower space on one of our towers, has been sold to T-Mobile. T-Mobile already leases space in the area and has no need for Metro PCS space. In a letter Metro PCS requested the return of any security deposit but none had been paid. Metro PCS also stated that they highly valued the relationship established with the MUA and would like the opportunity to contact us in the future should their network or business requirements change.

During the general discussion portion of the meeting Mr. Brand notified the Board that both the AEA and the League of Municipalities conventions were in November and anyone interested in attending should let him know as soon as possible.

Mr. Millner asked if there had been any progress on posting information on the website. Chairperson Moore answered yes there had been progress hydrant flushing notices, the budget, agendas, minutes, the audit and Board meeting dates have all been added.

Mr. Platizky inquired about online billing for customers and Mr. Brand responded that was being looked into and expected it would be available by the end of 2015.

Mr. Platizky requested that some action be taken to get the Board meeting minutes up to date. Mr. Brand stated that we would work on that and as soon as the minutes are approved they will be posted on the website.

Chairperson Moore informed the Members that Mr. Brand's evaluation scheduled for tonight was being postponed until the November meeting. Mr. Brand had not had the time to gather all the information that the Board had requested.

Mr. Kurs made a motion to approve the operating bills in the amount of \$270,428.31; Payroll 9/17/14 in the amount of \$70,403.24; Payroll 10/01/14 in the amount of \$74827.63. Mr. Millner made the second and the operating bills were unanimously approved.

Mr. Millner made a motion to approve the Operating Report for September. Mr. Millner questioned the higher water flow for the last few months. Mr. Brand stated that it is probably related to the various water main breaks and some possibly due to the fact that McGraw has closed their well and is now completely on our system. There being no other questions on the report a second for Mr. Millner motion was made by Mr. Kurs and unanimously carried.

Mr. Lippman made the motion to approve the Development Report for October, seconded by Mr. Platizky and unanimously carried.

Mr. Platizky made the motion to approve the Finance Officer's Report for September, seconded by Mr. Millner and unanimously carried. Chairperson Moore stated she noticed that the accounts receivable was higher and Mr. Millner asked how finances were looking. Mr. Ghrist stated that he would not know until after the year ended.

Mr. Kurs made the motion to approve the Attorney's Report for September, seconded by Lippman and unanimously carried.

Mr. Platizky made the motion to approve the Engineer's Report for October, seconded by Mr. Millner and unanimously carried.

The April 17, 2014 Regular Meeting Minutes and Executive Session Minutes were approved on a motion made by Mr. Millner, seconded by Mr. Platizky and unanimously carried with a correction to the missing resolution number for Waters and Bugbee.

Chairperson Moore asked Mr. Brand to give a brief report on the problem in Twin Rivers on Friday night October 10th. The MUA had been working on a main break on Huntington. They had used the VAC Truck to suction out dirt and water in the hole. But they still had to do some digging to reach down to the water main which was partially obstructed by a storm drain. There was a lot of water coming into the hole from the lake and of course from the broken main. A portion of the dirt caved in the gas line moved and began to leak. The police, rescue squad, fire department and electric company were all notified. A couple of apartment/condo units had to be evacuated for approximately 2 hours. The EWMUA crew continued to repair the main until 6:00 am on Saturday October 11th.

Mr. Brand noted that a couple of the streets in the Twin Rivers area will need to be replaced due to the corrosiveness of the soil. These pipes have shown signs of corrosion. Mr. Platizky asked if the Twin Rivers Trust was aware of the situation and Mr. Brand responded that they were not. Mr. Platizky requested that the Trust be notified. Mr. Brand added that the MUA would have to do some major capital improvements in Twin Rivers to repair the lines. Mr. Ghrist stated that money had been set aside in the budgets for the next couple of years to do these Twin Rivers water main repairs.

There being no other items to discuss in the regular portion of the Board meeting Chairperson Moore than announced that the Board would move into executive session and requested a motion to approve the resolution. Mr. Kurs made the motion, seconded by Mr. Millner and unanimously carried.

Resolution

WHEREAS, Section 7 of the Open Public Meetings Act, ("Act") C. 231, P.L. 1975 the

(N.J.S.A. 10:4-12B) permits the exclusion of the public from a meeting of the East Windsor Municipal Utilities Authority ("Authority") under certain circumstances; and

WHEREAS, the Authority is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from that portion of the meeting in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority, in the county of Mercer, State of New Jersey, as follows:

1. The public shall be excluded from discussion and action upon the specified subject matter as set forth in Exhibit "A" attached hereto and made a part hereof.
2. The general nature of the subject matter to be discussed as set forth in Section 7b of the Act (N.J.S.A. 10:4-12b) is set forth next to the subject matter in the attached Exhibit "A".
3. It is anticipated at this time that the stated subject matter will be made public on or about the time set forth next to the subject matter in attached Exhibit "A".
4. This Resolution shall take effect immediately.

Exhibit "A"

<u>General Subject Matter</u>	<u>Basis Under For Exclusion of Public</u>	<u>Anticipated Date when Discussion Will Be Disclosed to Public</u>
Personnel	Attorney/Client Privilege	Certain information at the discretion of the Board tonight. Other information will remain confidential.

Respectfully submitted,

Marc Platizky