

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY  
Minutes of Regular Meeting  
Thursday, February 16, 2012

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, February 16, 2012 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 8:00 p.m..

The following Members were present:

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

Absent: Leonard Millner

Also present:

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

Chairperson Moore requested that the Public Notice be read. The Board Secretary read the statement announcing that the notice and agenda of this meeting were mailed to the *Windsor Herald*, *Trenton Times* and *Trentonian* on February 10, 2012. 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 February 10, 2012. Chairperson Moore then asked for a roll call after which she asked if any Member had an objection to holding this meeting as advertised. No one objected.

Since this is the annual reorganization meeting, Chairperson Moore appointed Mr. Brand as Chairman Pro-tem. Mr. Brand declared the nominations open for the post of Chairperson. Mr. Lippman nominated Linda Moore, seconded by Mr. Kurs. The Chairman Pro-tem called the roll for the election of Linda Moore as Chairperson of the Authority with the following results:

AYES:  
Steven Kurs  
Marc Lippman  
Marc Platizky  
William Lawler  
Linda Moore

NOES:  
None

There being 5 ayes and 0 noes, Linda Moore was declared elected Chairperson of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2013.

Mr. Brand then turned the meeting over to Chairperson Moore who announced that nominations were open for Vice-Chairman of the Authority. Mr. Lawler nominated Marc Lippman for Vice-Chairman, seconded by Mr. Platizky. The Chairperson then called the roll for the election of Marc Lippman as Vice-Chairman of the Authority with the following results:

AYES:  
Steven Kurs  
Marc Platizky  
William Lawler  
Linda Moore

Marc Lippman

NOES: None

There being 5 ayes and 0 noes, Marc Lippman was declared elected Vice-Chairman of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2013.

The Chairperson then announced that nominations were open for Treasurer of the Authority. Mr. Platizky nominated Leonard Millner for Treasurer, seconded by Mr. Kurs. The Chairperson then called the roll for the election of Leonard Millner as Treasurer of the Authority with the following results:

AYES: Marc Platizky  
William Lawler  
Steven Kurs  
Michael Shifman  
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Leonard Millner was declared elected Treasurer of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2013.

The Chairperson then announced that nominations were open for Secretary of the Authority. Mr. Platizky nominated Steven Kurs for secretary, seconded by Mr. Lippman. The Chairperson then called the roll for the election of Steven Kurs as Secretary of the Authority with the following results:

AYES: Marc Platizky  
Marc Lippman  
William Lawler  
Linda Moore  
Steven Kurs

NOES: None

There being 5 ayes and 0 noes, Steven Kurs was declared elected Secretary of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2013.

The Chairperson then announced that nominations were open for Assistant Secretary/Treasurer of the Authority. Mr. Kurs nominated Marc Platizky for Assistant Secretary/Treasurer, seconded by Mr. Lawler. The Chairperson then called the roll for the election of Marc Platizky as Assistant Secretary/Treasurer of the Authority with the following results:

AYES: Steven Kurs  
William Lawler  
Marc Lippman  
Linda Moore  
Marc Platizky

NOES: None

There being 5 ayes and 0 noes, Marc Platizky was declared elected Assistant Secretary/Treasurer of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2013.

Chairperson Moore then announced that nominations were opened for the position of Consulting Engineer of the Authority. After a brief discussion Mr. Kurs nominated James Farry

of Hatch Mott MacDonald as Consulting Engineer with a rate for meeting attendance of \$3,000.00 and consulting fees to be negotiated, seconded by Mr. Platizky. The Chairperson then called the roll for the appointment of James Farry of Hatch Mott MacDonald as Consulting Engineer of the Authority and adoption of the following resolution:

AYES:        Marc Platizky  
              Marc Lippman  
              Steven Kurs  
              Michael Shifman  
              Linda Moore

NOES:        None

There being 5 ayes and 0 noes, James Farry of Hatch Mott MacDonald was appointed Consulting Engineer of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2013.

Resolution 2012-12

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Engineering services for 2012; and

WHEREAS, the Authority is awarding this contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20 et seq.; and

WHEREAS, in accordance with the legal requirements for the Fair and Open Process, the proposal for these services was posted on the EWMUJA's web site; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 2:00 p.m. on Thursday, February 9, 2012 at the Authority offices, and

WHEREAS, two proposals for these services were received, from Hatch Mott MacDonald and from Van Clef Engineering Associates, and the Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for engineering service to Hatch Mott MacDonald for 2012; and

WHEREAS, funds are available in the Operating Account No. 01-201-6205-2 entitled Basic Contract - Engineering as evidenced by the Chief Financial Officer's Certification.

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A11-1 et seq. authorizes the award of this contract without public bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals and are specifically exempted under N.J.S.A. 40A:11-5.

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

1. The Authority hereby specifically determines that the procedures followed in connection with an award of this contract were in full compliance with the Fair and Open Process for awarding such contracts, as set forth in N.J.S.A. 19:44A-20.5.
2. James Farry of Hatch Mott MacDonald is hereby appointed as Authority Engineer's until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2013.
3. Hatch Mott MacDonald is required to comply with the Affirmative Action requirements of N.J.A.C. 17:27.
4. The chairperson of the Authority is hereby authorized to execute a professional services agreement with Hatch Mott MacDonald for engineering services for the Authority.
5. Notice of this contract award shall be published as required by law.

Chairperson Moore than announced that nominations were opened for the position of Auditor for the Authority. Mr. Kurs nominated Mercadien Group, seconded by Mr. Lawler. The Chairperson then called the roll for the appointment of Mercadien Group as Auditors of the Authority and adoption of the following resolution.

AYES:            Marc Lippman  
                      Steven Kurs  
                      William Lawler  
                      Marc Platizky  
                      Linda Moore

NOES:            None

There being 5 ayes and 0 noes, Mercadien Group was appointed as Authority Auditors, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2013.

Resolution 2012-11

WHEREAS, N.J.S.A. 40:14A-7.1 requires that every utility's Authority shall cause an annual audit of the accounts of the Authority to be made by a registered municipal accountant or certified public accountant of New Jersey; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection; and

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) is awarding this contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20 et seq.; and

WHEREAS, in accordance with the legal requirements for the Fair and Open Process, the proposal for these services was posted on the Authority's web site; and

WHEREAS, two proposals for these services were received from The Mercadien Group and Withum Smith & Brown, and the Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for Financial Auditing Services to The Mercadien Group; and

WHEREAS, the maximum amount of the contract is \$14,500.00 and funds are available in the Operating Account No. 01-201-6202-2 entitled Basic Contract - Auditor as evidenced by the Chief Financial Officer's Certification.

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

1. That the Chairperson and Secretary are hereby authorized to award this agreement for annual audit service with The Mercadien Group registered municipal accountants in the State of New Jersey, for the period of February 16, 2012 to the annual reorganization meeting to be held in February 2013.

2. The Authority hereby specifically determines that the procedures followed in connection with an award of this contract were in full compliance with the Fair and Open process for awarding such contracts, as set forth in N.J.S.A. 19:44A-20.5.

3. The Mercadien Group is required to comply with the Affirmative Action Requirements of N.J.A.C. 17:27.

4. It is hereby directed that notice of an award of a contract be published once in the official designated newspaper of the Authority.

5. This Resolution shall take effect immediately.

Chairperson Moore then announced that nominations were open for the position of Attorney of the Authority. Mr. Platizky made a motion to nominate Mason, Griffin & Pierson as Attorney's for the Authority and adopt the following resolution, seconded by Mr. Kurs and approved by the following vote:

AYES: Steven Kurs  
Marc Lippman  
Marc Platizky  
William Lawler  
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Mason, Griffin & Pierson was appointed as Authority Attorney, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2013.

#### Resolution 2012-10

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Legal services for 2012; and

WHEREAS, the Authority is awarding this contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20 et seq.; and

WHEREAS, in accordance with the legal requirements for the Fair and Open Process, the proposal for these services was posted on the Authority's web site; and

WHEREAS, one proposal for these services was received, from Mason Griffin & Pierson, 101 Poor Farm Road, Princeton, New Jersey 08540, and the Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for legal service to Mason Griffin & Pierson for 2012; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-1 et seq. authorizes the award of this contract without public bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals and are specifically exempted under N.J.S.A. 40A:11-5.

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

1. The Authority hereby specifically determines that the procedures followed in connection with an award of this contract were in full compliance with the Fair and Open Process for awarding such contracts, as set forth in N.J.S.A. 19:44A-20.5.
2. Mason Griffin & Pierson is hereby appointed as Authority Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2013.
3. Mason Griffin & Pierson is required to comply with the Affirmative Action requirements of N.J.A.C. 17:27.
4. The chairperson of the Authority is hereby authorized to execute a professional services agreement with Mason Griffin & Pierson for legal services for the Authority.
5. Notice of this contract award shall be published as required by law.

Chairperson Moore announced that Tod Fryer would act as liaison to the Affirmative Action Office as Public Agency Compliance Officer (PACO). Mr. Kurs made a motion appointing Tod Fryer as Public Agency Compliance Officer (PACO) and moved to adopt the following resolution, seconded by Mr. Platizky. The Chairperson then called for a roll call vote for the appointment of Tod Fryer as PACO Officer with the following results:

AYES:

Steven Kurs  
Marc Platitzky  
William Lawler  
Marc Lippman  
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Tod Fryer was appointed as Public Agency Compliance Officer of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2013.

Resolution 2012-13

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) is a local government unit of the State of New Jersey; and

WHEREAS, all local government units are required to implement the Affirmative Action Rules, N.J.A.C. 17:27 et seq., promulgated pursuant to P.L. 1975, C.127; and

WHEREAS, pursuant to the Affirmative Action rules, each unit is to designate a person to serve as a Public Compliance Officer (PACO); and

WHEREAS, the Authority desires to comply with a said mandate with the appointment of Tod Fryer, as the Authority PACO Officer.

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

1. The Authority hereby appoints Tod Fryer, to act as liaison to the Affirmative Action Office of the New Jersey Department of the Treasury as Public Agency Compliance Officer for the Authority until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2013.

2. This Resolution will take effect immediately.

Chairperson Moore announced that Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting would serve as the Insurance Agents of Record for the Authority. Mr. Platitzky moved to appoint Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting and to adopt the following resolution, seconded by Mr. Lippman. Chairperson Moore called for a roll call vote to appoint the Insurance Agents of Record and adopt the following resolution.

AYES:

Marc Platitzky  
Marc Lippman  
Steven Kurs  
William Lawler  
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting, were appointed as the Insurance Agents of Record of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2013.

Resolution 2012-15

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting, hereby are, appointed as Insurance Agents of Record for the East Windsor Municipal Utilities Authority,

until the annual reorganization meeting of the Authority to be held in February 2013.

This Resolution shall take effect immediately.

The Chairperson announced that the Bank of New York, Wells Fargo and Fulton Bank of New Jersey be appointed depositories for the funds of the East Windsor Municipal Utilities Authority. Mr. Kurs made a motion to appoint the Bank of New York, Wells Fargo and Fulton Bank of New Jersey as depositories for the funds of the East Windsor Municipal Utilities Authority and to adopt the following resolution, seconded by Mr. Lawler. The Chairperson then called the roll for the appointment of the Bank of New York, Wells Fargo and Fulton Bank of New Jersey and to adopt the following resolution.

AYES: Steven Kurs

William Lawler

Marc Platizky

Marc Lippman

Linda Moore

NOES: None

There being 5 ayes and 0 noes, the Bank of New York, Wells Fargo and Fulton Bank of New Jersey, were appointed as the depositories for the funds of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2013.

Resolution 2012-14

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that the Bank of New York, Wells Fargo and Fulton Bank of New Jersey be, and hereby are, appointed depositories for the funds of the East Windsor Municipal Utilities Authority, until the annual reorganization meeting of the Authority, to be held in February 2013.

The Chairperson announced that the Trenton Times and Windsor Hights Herald be designated as the official newspapers of the Authority. Mr. Kurs moved to appoint the Trenton Times and Windsor Hights Herald as the official newspapers of the Authority and adopt the following resolution, seconded by Mr. Platizky. The Chairperson called the roll for the designation of the Trenton Times and Windsor Hights Herald as the official newspapers of the Authority and adopt the resolution.

AYES: William Lawler

Marc Lippman

Steven Kurs

Marc Platizky

Linda Moore

NOES: None

There being 5 ayes and 0 noes, the Trenton Times and Windsor Hights Herald, were designated as the official newspapers of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2013.

Resolution 2012-16

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that the Trenton Times and Windsor Hights Herald be designated as the official newspapers for the East Windsor Municipal Utilities Authority, until the annual reorganization meeting of the Authority, to be held in February 2013.

This Resolution shall take effect immediately.

The Chairperson announced that the Schedule of the Regular Meetings of the Authority was set. Mr. Kurs made a motion to approve the schedule and adopt the following resolution,

seconded by Mr. Platizky. The Chairperson called for a vote to approve the schedule and adopt the resolution.

AYES:

Marc Lippman  
Marc Platizky  
William Lawler  
Steven Kurs  
Linda Moore

NOES:

None

There being 5 ayes and 0 noes, the Schedule of the Regular Meetings of the Authority, was approved, for a term to run until the new schedule is approved at the annual reorganization meeting of the Authority, to be held in February 2013.

#### Resolution 2012-17

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

1. During the year 2012/2013 the Regular Meetings of the East Windsor Municipal Utilities Authority Board will be held at 8:00 p.m., in the Administration Building at 7 Wiltshire Drive, in accordance with the dates listed below.

February 16, 2012  
March 15, 2012  
April 19, 2012  
May 17, 2012  
June 21, 2012  
July 19, 2012  
August 16, 2012  
September 20, 2012  
October 18, 2012  
November 15, 2012  
December 20, 2012  
January 17, 2013  
February 21, 2013

2. This Resolution shall take effect immediately.

Chairperson Moore asked for comments from the audience and seeing none moved to a discussion of the Award for Financial Software. Mr. Brand spoke about the limits of the current software and the differences in prices received from the three companies submitting bids/proposals. Three bids had been received from: B.S. & A. from Michigan for \$155,865.00, Edmunds for \$94,782.00 and Harris for \$34,372.00. Mr. Brand stated while Edmunds was a good product for the price he was recommending Harris which also offers a good financial package. Mr. Brand added that the MUA had experienced a very good working relationship with Harris over the years and has found them to be very responsive to our needs. Mr. Lippman asked with such a large spread in cost between Harris and Edmunds were we sure that we were comparing like products. Mr. Brand stated that we were comparing like products and Mr. Ghrist added that he felt that the reason Harris's price was lower was because for Harris it is more of an upgrade to the system then a new install. Mr. Ghrist reiterated that Harris has a good product and we have been happy with the company and the product for many years. A motion was made by Mr. Lawler, seconded by Mr. Lippman to award the contract to Harris. Chairperson Moore called for a vote and the award was made to Harris at a price of \$34,372.00.

#### Resolution 2012-18

(See attached)

During the General discussion/Topics from Board Members Chairperson Moore asked Mr. Brand to speak on the issue of McGraw Hill's Development agreement. Mr. Brand stated that he had been directed to send information to the Mayor prior to meeting with McGraw Hill. Mr. Brand's question to the Board was whether or not to send the information to just the Mayor



or to Mayor and Council. Mr. Lippman responded that the Mc Graw Hill information should be sent to Mayor and Council.

Mr. Platizky made a motion to pay Operating bills in the amount of \$267,975.08; three payrolls of \$61,497.42, \$30,107.19 and \$2,425.00; NJEIT Clean Water Loan Construction Fund, Requisition #35 for \$1,936.84; NJEIT Drinking Water Loan Construction Fund, Requisition #31 for \$4,200.00; and ARRA - Millstone Road Water Pollution Control Miscellaneous Improvements, Requisition #23 for \$65.22. The motion was seconded by Mr. Kurs and unanimously approved. Mr. Shifman asked about electric savings since the switch to Direct Energy and Mr. Ghrist stated that in a couple of months the Board would receive a summary of the electrical savings since the switch to Direct Energy.

Chairperson Moore requested a motion to accept the Operating Report. A motion to accept was made by Mr. Lawler, seconded by Mr. Kurs and unanimously approved.

A motion was made by Mr. Lawler, seconded by Mr. Lippman and after a brief discussion of the Americana expansion and the Route 33 Real Estate project the Development Report was unanimously approved.

Mr. Platizky made a motion to accept the Finance Report, seconded by Mr. Lippman and unanimously approved.

The Attorney's Reports were approved on a motion made by Mr. Kurs, seconded by Mr. Lippman and unanimously approved.

The Engineer's Report was approved on a motion made by Mr. Lawler, seconded by Mr. Platizky and unanimously approved.

Chairperson Moore questioned the Risk Management Agreement and asked if Board action was required and Mr. Brand stated that it just required a Board signature. Chairperson Moore signed the JIF Risk Management agreement and the meeting was adjourned.

Respectfully,



Steven Kurs, Secretary