

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, February 16, 2017

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, February 16, 2017 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 Platizky
Steven Kurs
Leonard Millner
William Lawler
Michael Shifman

Absent: Marc Lippman

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 called the meeting to order and read the Public Notice statement announcing that the notice and agenda of this meeting were mailed to the Windsor Hights Herald, Trenton Times and Trentonian on February 10, 2017. 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, 2017. A roll call was taken and Chairperson Moore asked if any Member had an objection to holding this meeting as advertised. No one objected.

Chairperson Moore turned the meeting over to Mr. Brand to begin the reorganization. Mr. Brand requested a nomination for Chairperson and Mr. Miller nominated Linda Moore for Chairperson. Mr. Kurs made the motion to accept and approve the nomination of Ms. Moore as Chairperson. The motion was seconded by Mr. Platizky and unanimously carried.

Mr. Platizky nominated Mr. Lippman for Vice Chairman and Mr. Kurs made a motion to accept and approve the nomination. The motion was seconded by Mr. Platizky and unanimously carried.

Mr. Lawler nominated Mr. Platizky for Secretary and made the motion to accept and approve the nomination. The motion was seconded by Mr. Miller and unanimously carried.

Mr. Millner was nominated for treasurer. A motion was made by Mr. Kurs to accept and approve the nomination, seconded by Mr. Platizky and unanimously carried

Mr. Kurs was nominated for assistant secretary/treasurer. Mr. Millner made a motion to accept and approve the nomination, seconded by Mr. Platizky and unanimously carried.

Before Chairperson Moore started the nomination for professional consultants, she noted that each of the professional consultants had submitted an RFP for the position and Mr. Brand had reviewed the submittals and made recommendations for award. Chairperson Moore nominated Mott MacDonald for the position of Consulting Engineer. A motion was made by Mr. Platizky to accept the nomination of Mott MacDonald for consulting engineer for a term to run until the reorganization meeting in February 2018, seconded by Mr. Millner and unanimously carried.

RESOLUTION #2017-1

Resolution Appointing Hatch Mott MacDonald as Consulting Engineers

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Engineering services for 2016; 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 EWMUA's web site; and

WHEREAS, two proposals for these services were received, from Mott MacDonald and Suburban Consultant Engineers 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 Mott MacDonald for 2017; and

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 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 Mott MacDonald is hereby appointed as Authority Engineer until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2018.
3. 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 Mott MacDonald for engineering services for the Authority.

5. This resolution shall take effect immediately and notice of this contract award will be published as required by law.

Chairperson Moore made the nomination of Mercadien Group to serve as the Authorities auditors for a term to continue until the reorganization meeting in February 2017. Mr. Lawler made a motion to accept the nomination, seconded by Mr. Platizky and unanimously carried.

RESOLUTION #2017-2

Resolution Appointing Mercadien Group as Auditors

WHEREAS, N.J.S.A. 40:14A-7.1 requires that every utilities Authority shall cause an annual audit of the accounts of the Authority to be made by a registered municipal accountant or certified public account 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, one proposal for these services was received, from The Mercadien Group, 3625 Quakerbridge Road, Hamilton, NJ 08619 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 \$15,100.00 and funds are available in the Operating Account No. 01-201-6201 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, 2017 to the annual reorganization meeting to be held in February, 2018.
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. This Resolution will take effect immediately and notice of this contract award will be published as required by law...

Chairperson Moore made the nomination of Mason, Griffin & Pierson to serve as the Authorities consulting attorney for a term to continue until the reorganization meeting in February

2018. A motion to accept the nomination was made by Mr. Kurs, seconded by Mr. Millner and unanimously carried.

RESOLUTION #2017-3

Resolution Appointing Mason, Griffin & Pierson as Authority Attorney

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Legal services for 2016; 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 2017; and

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. 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, 2018.
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. This resolution shall take effect immediately and notice of this contract award will be published as required by law.

Chairperson Moore requested a motion to approve PACO Officer. A motion was made by Mr. Kurs to appoint Tod Fryer as Public Agency Compliance Officer (PACO) for a term to run until the reorganization meeting in February 2018. A second was made by Mr. Millner and unanimously carried.

Resolution #2017-4

Resolution Appointing Affirmative Action Officer (PACO)

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.

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 2017 until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2018.
 2. This Resolution will take effect immediately.
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A motion was made by Mr. Kurs, seconded by Mr. Millner to appoint Rue Insurance and Don Gallo, Jr. of Gallo Benefits Consulting as Insurance Agents for a term to run until the reorganization meeting in February 2018. The appointment for insurance agents was unanimously carried.

Resolution 2017-5

Resolution Appointing Insurance Agents of Record of the Authority

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that 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 for 2017, until the reorganization meeting February 2018, and

1. This Resolution will take effect immediately.
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Mr. Lawler made a motion to appoint Wells Fargo, Fulton Bank and Bank of New York Mellon as Depositories for a term to run until the reorganization meeting in February 2017. Mr. Millner seconded the motion which was unanimously carried.

Resolution 2017-6

Resolution Appointing Depositories for Funds of the Authority

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that the Bank of New York Mellon, Wells Fargo and Fulton Bank, hereby are, appointed as depositories for the funds of the East Windsor Municipal Utilities Authority for 2016, until the reorganization meeting February 2017, and

1. This Resolution will take effect immediately.
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Mr. Lawler made a motion appointing the Windsor Hights Herald and The Times of Trenton as the official newspapers of the Authority. A second was made by Mr. Platizky and unanimously carried

Resolution 2017-7

Resolution Appointing Official Newspapers for the Authority

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that The Times of Trenton and the Windsor Hights Herald, hereby are, appointed as the official newspapers for 2017, until the reorganization meeting in February 2018, and

1. This Resolution will take effect immediately.
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Mr. Millner made the motion to approve the meeting dates for the EWMUA Regular Meetings. A second was made by Mr. Kurs and unanimously carried.

Resolution 2017-8

Resolution Schedule of 2017/2018 Regular Board Meeting Dates

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 2017/2018 the Regular Meetings of the East Windsor Municipal Utilities Authority Board will be held at 7:30 P.M., in the Administration Building at 7 Wiltshire Drive, in accordance with the dates listed below.

February 16, 2017

March 16, 2017

April 20, 2017

May 18, 2017

June 15, 2017

July 20, 2017

August 17, 2017

September 28, 2017

October 19, 2017

November 16, 2017

December 21, 2017

January 18, 2018

February 15, 2018

2. This Resolution will take effect immediately.
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Mr. Brand spoke to the Board about a recently discovered problem with irrigation meters in residential houses. While working in a house the meter readers found a second meter not noted or billed in the customer account. While looking into the issue it was discovered that while the Township had issued permits for the meters, they had not notified the MUA. Mr. Brand spoke to the Township and they have agreed that the MUA will be notified when these permits are issued. Then the water department will inspect and the accounts will be entered into the system for billing.

Mr. Platizky made a motion to approve Operating Bills in the amount of \$229,102.65 ; Payroll in the amount of \$75,109.98 and Payroll in the amount of \$62,362.29 seconded by Mr. Millner and unanimously carried.

Mr. Platizky made a motion to approve the Operating Report for January, seconded by Mr. Millner and unanimously carried.

Mr. Lawler made the motion to approve the Development Report for February, seconded by Mr. Millner and unanimously carried.

Mr. Platizky made the motion to approve the Finance Officers Report for January, seconded by Mr. Millner and unanimously carried.

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

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

Chairperson Moore announced that there was no other business for discussion in the regular session and asked for a motion to approve the resolution for Executive Session. Mr. Millner made the motion to approve the resolution and enter into Executive Session, seconded by Mr. Platizky 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".

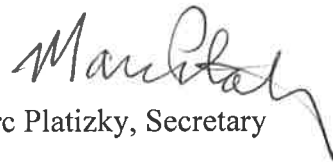
3. It is anticipated at this time that the stated subject matter will be made public on or about the time set forth next to the subject matter in attached Exhibit "A".

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>
Negotiations		Attorney/Client Privilege Certain information at the discretion of the Board tonight. Other information will remain confidential.

Respectfully submitted,



Marc Platizky, Secretary