

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Minutes of Regular Meeting

Thursday March 19, 2020 @ 7:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday March 19, 2020 at the Administration Building on 7 Wiltshire Drive and called to order by Chairperson Moore at 7:30 P.M.

The following Members were present:

Linda Moore
Leonard Millner
Steve Kurs
Marc Platizky
Marc Lippman
Bill Lawler
Michael Shifman

Absent:

Also present: Ryan Scerbo, - of DeCotiis, FitzPatrick, Cole & Giblin, LLP
David Klemm, Mott Mac Donald
Ronald Ghrist, Finance Officer
Richard Brand, Executive Director
Susan Pretz, Board Secretary

Chairperson Moore requested that the Public Notice be read. The secretary read the statement stating that the agenda for this meeting was e-mailed to the Cranbury Press-Windsor Hights Herald and Trenton Times on Monday March 9, 2020. 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 Friday March 13, 2020. 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 present that would like to speak on any issue not on today's agenda. Hearing no one Chairperson Moore closed the public portion of the meeting.

Chairperson Moore made the nomination to appoint Weiner Law Group for the position of the Authorities Labor Law Attorney for a term to continue until the reorganization meeting in February 2021. A motion was made by Mr. Millner, seconded by Mr. Kurs and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
COUNTY OF MERCER, STATE OF NEW JERSEY**

**Resolution Awarding Contract for Professional Legal Services-Labor Law Attorney
Resolution #2020-06**

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Labor Attorney services for 2020 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 in the official designated daily newspaper of the Authority on January 4, 2020; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 2:00 p.m. on Thursday, January 30, 2020 at the Authority offices, and

WHEREAS, five proposal for these services were received. The Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for Labor Attorney service to Weiner Law Group, LLP for 2020; 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, and

WHEREAS, the rate charge is **\$160.00/hour** for Labor Law services for capital projects, and

WHEREAS, adequate funds are available in an amount sufficient to defray the expenditure of money as evidenced by the Financial Officer's Certification, and

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 the 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. That the Law Firm of Weiner Law Group, LLP is hereby appointed as Labor Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2021.
3. Weiner Law Group, LLP 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, Labor Attorney with **Weiner Law Group, LLP** Attorney service for the Authority.

5. Notice of this contract award will be published as required by law.

Dated: 03/19/2020

Linda Moore, Chairperson

CERTIFICATION

I, Marc Platizky, secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the East Windsor Municipal Utilities Authority at a meeting held on March 19, 2020.

Marc Platizky, Secretary

Chairperson Moore made the nomination to appoint Cleary, Giacobbe, Alfieri, Jacobs, LLC for the position of the Authorities Conflict Attorney for a term to continue until the reorganization meeting in February 2021. A motion was made by Mr. Platizky seconded by Mr. Lippman and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
COUNTY OF MERCER, STATE OF NEW JERSEY**

Resolution Awarding Contract for Professional Legal Services-Conflict Attorney

Resolution # 2020-07

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Conflict Attorney services for 2020; 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 in the official designated daily newspaper of the Authority on January 4, 2020; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 2:00 p.m. on Thursday, January 30, 2020 at the Authority offices, and

WHEREAS, nine proposal for these services were received. The Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for conflict Attorney legal services to: Clery, Giacobbe, Alfieri, Jacobs, LLC, 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436, for 2020; 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, and

WHEREAS, the hourly rate charge of **\$180.00/hour** is for routine legal services and for litigation and capital projects, and

WHEREAS, adequate funds are available in an amount sufficient to defray the expenditure of money as evidenced by the Financial Officer's Certification, and

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 the 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. That the Law Firm of Clery, Giacobbe, Alfieri, Jacobs, LLC, are hereby appointed as Authority Conflict Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2021.
3. Clery, Giacobbe, Alfieri, Jacobs, LLC, 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 service agreement, Conflict Attorney Clery, Giacobbe, Alfieri, Jacobs, LLC, for Conflict Attorney services for the Authority.
5. Notice of this contract award will be published as required by law.

Dated: 3/19/2020

Linda Moore, Chairperson

CERTIFICATION

I, Marc Platizky, secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the East Windsor Municipal Utilities Authority at a meeting held on March 19, 2020.

Marc Platizky, Secretary

Chairperson Moore made the nomination to appoint McManimon, Scotland & Baumann for the position of the Authorities Bonding Attorney for a term to continue until the reorganization meeting in February 2021. A motion was made by Mr. Lippman seconded by Mr. Platizky and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
COUNTY OF MERCER, STATE OF NEW JERSEY**

Resolution Awarding Contract for Professional Legal Services-Bonding Attorney

Resolution #2020-08

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Bonding Attorney's services for 2020 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 in the official designated daily newspaper of the Authority on January 4, 2020; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 2:00 p.m. on Thursday, January 30, 2020 at the Authority offices, and

WHEREAS, five proposal for these services were received. The Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for Bonding Attorney Legal services to **McManimon, Scotland, & Baumann** for 2020; 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, and

WHEREAS, adequate funds are available in an amount sufficient to defray the expenditure of money as evidenced by the Financial Officer's Certification, and

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 the 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. That the Law Firm of **McManimon, Scotland and Bauman for Bonding** is hereby appointed as Bonding Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2021.

3. **McManimon, Scotland and Bauman for Bonding** 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 service agreement for Bonding Attorney with **McManimon, Scotland and Bauman for Bonding** Attorney services for the Authority.

5. Notice of this contract award will be published as required by law.

Dated: 03/19/2020

Linda Moore, Chairperson

CERTIFICATION

I, Marc Platizky, secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the East Windsor Municipal Utilities Authority at a meeting held on March 19, 2020.

Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution #2020-20-Recognizing a State of Emergency as Declared by the Governor and the County Executive and Authorizing Certain Actions by the Executive Director. Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
COUNTY OF MERCER, STATE OF NEW JERSEY**

Resolution Recognizing a State of Emergency as Declared by the Governor and the County Executive and Authorizing Certain Actions by the Executive Director

Resolution #2020-20

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) owns and operates potable water treatment and supply infrastructure as well as wastewater treatment and collection infrastructure (Systems) serving the residents and businesses of East Windsor Township; and

WHEREAS, the Systems provide critical and essential services to the residents and business of the Township; and

WHEREAS, the Governor has issued Executive Order 103, dated March 9, 2020, in response to Coronavirus Disease 2019 (COVID-19), declaring a Public Health Emergency and a State of Emergency in the State of New Jersey; and

WHEREAS, the Mercer County Executive issued Executive Order 2020-01, dated March 12, 2020, also in response to COVID-19, declaring a State of Emergency throughout Mercer County; and

WHEREAS, the Authority desires to act appropriately and in accordance with the Governor's and County Executive's Executive Orders to protect and health, safety and welfare of the residents and businesses of the Township as well as the employees of the Authority; and

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

1. The Executive Director is hereby authorized and directed to front load all sick and vacation time for all employees to assist employees in dealing with consequences stemming from the State of Emergency declarations and COVID-19.
2. The Executive Director is hereby authorized and directed to work with General Counsel to utilize all applicable emergency procurement and purchasing procedures authorized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1.1 et. seq., as well as any further authority granted by the Governor pursuant to any additional executive orders.
3. The Executive Director is hereby authorized and directed to work with General Counsel and Labor Counsel to develop a Continuity of Operations Plan, which shall among other things designate all essential employees of the Authority, and implement same; provided that once completed the Continuity of Operations Plan shall be distributed to the Board and shall be later ratified at the next regular meeting of the Board following its implementation.
4. The Executive Director is hereby authorized and directed to work with General Counsel and Labor Counsel to review and modify, as appropriate, the Authority's sick and vacation time policies to ensure that same responsibly respond to the current State of Emergency and comply with current and soon-to-be adopted State and Federal legislation. The Executive Director shall implement all policy modifications as soon as practical, provided same are distributed to the Board and later ratified by the Board at its next regular meeting following said implementation.
5. The Executive Director is hereby authorized and directed to work with General Counsel and Labor Counsel to develop and issue notifications to all Authority employees concerning any modification to sick and vacation time policies.
6. This Resolution shall take effect immediately.

Dated: 03/19/2020

Linda Moore, Chairperson

CERTIFICATION

I, Marc Platizky, Secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the East Windsor Municipal Utilities Authority at a meeting held on March 19, 2020.

Marc Platizky, Secretary

Mr. Brand gave an update on the new Water treatment plant location. They just did the well testing and the test came back not good. The gross alpha was above acceptable levels. They are going back out to retest the well site and we will take it from there once we see the results.

The Twin Rivers Watermain replacement section H project was on hold for a brief while, they were having difficulty getting saddles. They finally received them and work is resuming.

Chairperson Moore asked for approval of the Bill list for March 2020. Mr. Millner made the motion, seconded by Mr. Kurs and unanimously carried

Chairperson Moore asked for approval of the Operating report February 2020. Mr. Lippman made the motion, seconded by Mr. Millner and unanimously carried.

Chairperson Moore requested a motion to approve the Development report for March 2020, Mr. Millner made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore requested a motion to approve the Finance Officer's report for February 2020, Mr. Millner made the motion, seconded by Mr. Kurs and unanimously carried.


Chairperson Moore requested a motion to approve the Engineer's report for February 2020, Mr. Millner made the motion, seconded by Mr. Kurs and unanimously carried.

Chairperson Moore requested a motion to approve the minutes from February 20, 2020 meeting. Mr. Millner made the motion, seconded by Mr. Lawler and unanimously carried.

Chairperson Moore requested a motion to approve the minutes from March 11, 2020 Special meeting. Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried

Having nothing further to discuss Chairperson Moore adjourned the meeting.

Respectfully Submitted,


Marc Platizky, Secretary