

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Minutes of Regular Meeting

Thursday May 21, 2020 @ 7:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday May 21, 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 Tuesday May 12, 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 May 15, 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 asked for approval of Resolution #2020-21 Extension of contract, lease to Crown Castle. Mr. Millner made the motion, seconded by Mr. Lippman and unanimously carried.

EAST WINDSOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

RESOLUTION #2020-21

**A RESOLUTION OF THE
EAST WINDSOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

CERTIFICATION

I, Marc Platizky, Secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the forgoing is true and correct copy of a resolution adopted by the East Windsor Municipal Utilities Authority at a meeting held on May 21, 2020.

Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution #2020-22 Hold Harmless Agreement-Mark Outs Services. Mr. Brans explained that the agreement is for Georgetown, Rivera and Windsor Mills areas. Mr. Millner made the motion, seconded by Mr. Lippman and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION NO. 2020 -22

**A RESOLUTION OF THE
EAST WINDSOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING A FORM OF MARK OUT SERVICES AND INDEMNIFICATION AND HOLD
HARMLESS AGREEMENT**

WHEREAS, the East Windsor Township Municipal Utilities Authority (the “Authority”) owns and operates a potable water supply system and a wastewater collection and treatment system servicing the residents and businesses of East Windsor Township (the “System”); and

WHEREAS, the System provides service to certain privately-owned developments and water and wastewater infrastructure contained therein; and

WHEREAS, the Authority often receives requests from owners of privately-owned water and wastewater facilities to, on behalf of said private owners, locate and properly mark-out said facilities prior to the private owner or the private owner’s contractor excavating; and

WHEREAS, the Authority desires to assist owners of privately-owned water and wastewater facilities by providing utility location and mark-out services; and

WHEREAS, the Authority desires to develop and utilize a form of Mark-Out Services and Indemnification and Hold Harmless Agreement (“Agreement”) that can be implemented to ensure that the Authority is properly protected and indemnified for providing utility location and mark-out services to owners of private water and wastewater facilities; and

WHEREAS, the Authority has developed a form of Agreement set forth in **Exhibit A**; and

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

1. That the form of Agreement attached hereto as **Exhibit A** be and is hereby adopted as the form of agreement to be utilized by the Authority in connection with providing utility location and mark-out services to owners of privately owned water and wastewater facilities.
2. That the Executive Director be and is hereby authorized and directed, working with General Counsel, to enter into mark-out services and indemnification and hold harmless agreements with private entities in a form substantially consistent with the terms set forth in **Exhibit A**.
3. This Resolution shall take effect immediately.

Dated: 05/21/2020

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 May 21, 2020.

Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution #2020-23 Revision of Personnel Policy. Mr. Brand told the board he will have the final copy available next week for everyone. Mr. Lippman made the motion, seconded by Mr. Kurs and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION NO. 2020 -23

Amendment to East Windsor Municipal Utilities Authority Personnel Policy Manual

WHEREAS, the East Windsor Municipal Utilities Authority (“EWMUA”) created a Personnel Policy Manual (“Manual”), originally adopted in October, 1993 and subsequently revised in April 2013 and September 2018; and

WHEREAS, the Manual sets forth personnel policies and procedures for its employees; and

WHEREAS, the laws and expectations have changed over the years; and

WHEREAS, the revision to the Manual is also a requirement of the insurance carrier; and

NOW, THEREFORE, BE IT RESOLVED that to comply with the changes in the laws, expectations, and to update the policies and procedures, the EWMUA has amended its Personnel Policy Manual; and

BE IT FURTHER RESOLVED that these amendments to the Personnel Policy Manual shall be enforceable and effective immediately.

Dated: 05/21/2020

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 May 21, 2020.

Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution #2020-24 Furnish and Deliver Water/Sewer Maintenance Materials. Mr. Platizky made the motion, seconded by Mr. Kurs and unanimously carried

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER, STATE OF NEW JERSEY

**RESOLUTION AWARDING CONTRACTS FOR
FURNISHING AND DELIVERY OF WATER/SEWER MAINTENANCE MATERIALS**

RESOLUTION NO. 2020-24

WHEREAS, East Windsor Municipal Utilities Authority went to public notification to accept bids for Furnishing and Delivery of Water/Sewer Maintenance Materials on March 20, 2020; and

WHEREAS, in accordance with a properly advertised Notice to Bidders, three (3) bidders submitted bids for Furnishing and Delivery of Water/Sewer Maintenance Materials, which were received on April 7, 2020; and

WHEREAS, after review of the bids submitted:

A. Core & Main LP, 61 Gross Avenue, Edison, NJ 08837 was the lowest bidder for bid line items #: 1.05; 1.09-1.14; 1.22-1.29; 1.31-1.45; 2.03; 2.08-2.10; 3.05-3.08; 3.14-3.18; 3.23; 3.25-3.32; 3.34-3.38; 4.02-4.05; 5.02; 5.04; 5.04b; 5.05-5.06; 5.11-5.13; 5.17-5.20; 5.24; 5.27; 6.01-6.28; 9.14; 9.17-9.19; 9.61-10.01; 12.01-12.07; 14.01-14.07; 14A.01-14A.05; 16.01-16.17; 17.03-17.06; 18.01 (galv); 18.02-18.10; 19.02-19.06; 19.09; 19.12; 19.13-19.22; 19.24A-19.26A; 19.28-19.31; 27.01-27.05; 29.01-29.03; 29.05; 29.07-29.08; 29.13-30.03;

B. Ferguson Enterprises LLC, 190 Oberlin Avenue N., Lakewood, NJ 08701 was the lowest bidder for bid line items #: 1.01-1.04; 1.06-1.08; 1.15-1.20; 2.01-2.03 (AYM); 2.08-3.04 (AYM); 3.09-3.13 (AYM); 3.20 (AYM); 3.22-3.27 (AYM); 3.29-3.30 (AYM); 3.32-3.38 (AYM); 4.01; 4.06; 4.07-4.09 (AYM); 5.04b (AVK); 5.04c-5.04d; 8.01-9.13; 9.20-9.22; 9.24; 9.26-9.50; 14A.01-14A.05 (AVK); 14B.01-14C.07; 19.09-19.12 (AYM); 19.32; 25.03-25.42;

C. Raritan Group, Inc., 301 Meadow Road, Edison NJ 08817 was the lowest bidder for bid line items #: 1.21-1.22; 1.25; 1.27; 1.30; 2.01-2.02; 2.04-2.07; 3.01-3.04; 3.09-3.13; 3.19-3.22; 3.24; 3.33; 3.39-3.42; 4.07-4.09; 4.12-5.01; 5.07-5.10; 5.21-5.23; 5.25; 5.28; 5.33-5.40; 5.42-5.54; 9.23; 9.25; 9.51-9.60; 10.02-11.07; 15.01-15.05; 17.01-17.02; 18.01; 19.10-19.11; 19.23-19.27; 19.27A; 20.01-21.42; 21.44-21.49; 21.51-21.67; 21.80-22.06; 22.08-22.12; 22.14-22.18; 22.20-22.29; 24.01-24.05; 26.01-26.05; 28.01;

WHEREAS, it is the recommendation of the Executive Director that Core & Main LP, Ferguson Enterprises LLC, and Raritan Group, Inc. be awarded contracts for Furnishing and Delivery of Water/Sewer Maintenance Materials for two (2) years with the option to extend for up to two (2) one-year extensions for their respective bid line items; and

WHEREAS, the Financial Officer has certified that sufficient funds are available for the award of these contracts;

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority ("MUA" or "Authority") as follows:

1. The preamble to this Resolution shall be incorporated herein as if fully restated.
2. The contracts for Furnishing and Delivery of Water/Sewer Maintenance Materials be awarded to Core & Main LP, Ferguson Enterprises LLC, and Raritan Group, Inc. for two (2) years with the option to extend for up to two (2) one-year extensions for their respective bid line items. The products and unit prices to be included in the contracts are as set forth on the bid tabulation attached hereto and made a part hereof.
3. 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.

Dated: 05/21/20

Linda Moore, Chairperson

CERTIFICATION

The undersigned, Secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the foregoing Resolution was considered and adopted by said Authority at its regular meeting held on this May 21, 2020.

Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution #2020-25 Authorizing Hardship Consideration during Covid-19 Pandemic. Mr. Brand said this will be on a case by case basis and he will make the determination. Mr. Platizky made the motion, seconded by Mr. Millner and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION NO. 2020 -25

**RESOLUTION AUTHORIZING HARDSHIP CONSIDERATION DURING THE COVID-19
PANDEMIC**

WHEREAS, the East Windsor Municipal Utilities Authority (hereinafter referred to as “Authority”) is a duly-organized Municipal Utilities Authority under N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, the Authority holds the exclusive right and franchise to provide sewer and water service to the lands within its district; and

WHEREAS, due to the COVID-19 Pandemic, some Authority customers may experience a loss of income causing financial hardship; and

WHEREAS, on a case-by-case basis a customer may request consideration in paying their water and/or sewer bill; and

WHEREAS, the customer will be required to provide proof of hardship acceptable to the Authority; and

WHEREAS, the customer will be required to enter into a payment plan with definitive timeframes in which the Authority can expect the water and/or sewer bill to be paid; and

WHEREAS, the Authority’s Customer Service and Billing staff will be authorized to extend payment deadlines and/or waive interest as necessary to assist the affected customers; and

WHEREAS, the Executive Director and the Finance Department are recommending the aforementioned COVID-19 Pandemic Hardship Consideration.

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

1. Subject to confirmation of legal compliance by the Authority’s Legal Counsel, the Authority hereby authorizes the above referenced COVID-19 Hardship Consideration on a case-by-case basis.
2. Upon adoption of the within Resolution, the Executive Director, or his designee, shall forward copies to the Authority’s Legal Counsel and to any other interested parties.

3. This Resolution shall take effect from March 19, 2020

Dated: 05/21/2020

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 May 21, 2020.

Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution #2020-26 Approval for Change order #1- Watermain replacement section H. Mr. Brand explained this change order is for the section from Twin Rivers Drive to Iverson Place where a line ruptured. Mr. Kurs made the motion, seconded by Mr. Millner and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION NO. 2020-26

CHANGE ORDER #1 WATER MAIN REPLACEMENT "H SECTION"

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") has determined through its long term planning and Asset Management Plan that the 20 year water main replacement project was budgeted to begin in 2016; and

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") has determined the water

mains located in the Twin Rivers section, specifically the “H section” is in need of replacement; and

WHEREAS, on or about June 18, 2019, bids were solicited to undertake and complete this work as required by the provisions of the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS, in soliciting bids for said work, the Authority followed the Fair and Open process in accordance with *N.J.S.A. 19:44A-20.4*; and

WHEREAS, having reviewed said bids, the Authority had determined that the lowest responsible bidder was Reivax Contracting Corporation and awarded said contract on July 18, 2019; and

WHEREAS, on May 11, 2020, East Windsor MUA staff requested a quote for a change order to replace approximately 100 Linear Feet of 4” (inch) water main from Twin Rivers Drive to Iverson Place; and

WHEREAS, on May 18, 2020, while work was being performed in the vicinity of the replacement pipe, said pipe broke which required a pressure reduction of 30 townhouses until a temporary valve could be installed to restore water pressure; and

WHEREAS, due to the closing of the looped line, water quality in that area is limited; and

WHEREAS, under the Local Public Contracts Law N.J.A.C. 5:30 – 11.1 et seq., an unforeseeable emergency had occurred which would have delayed the project and cost under our emergency repair contract would have been substantially more and disruptive to the residents; and

WHEREAS, the cost does not exceed 20 percent limitation under N.J.A.C. 5:30-11.3(a) 9 of the contracted amount;

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

1. The East Windsor Municipal Utilities Authority (EWMUA) hereby authorized and confirms the actions taken by the EWMUA’s Executive Director to preserve the public health, safety and welfare of the public to

authorize change order #1 with Reivax Contracting Corporation to undertake and complete the specified replacement of Ductile Iron Pipe with High Density Poly Ethylene pipe between Iverson Place and Twin Rivers Drive and remove three (3) valves and tees for a sum not to exceed Seventy Thousand Dollars (\$70,000.00).

2. The East Windsor MUA Board authorizes change order #1 to Reivax Contracting Corporation pursuant to N.J.A.C. 5:30 – 11.1 et seq. for the replacement of damaged pipe.

BE IT FURTHER RESOLVED that authorization from the East Windsor MUA Board for this Change Order #1 take effective immediately.

Dated: 05/21/2020

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 the 21st day of May, 2020.

Marc Platizky, Secretary

Mr. Brand gave an update on the new water treatment plant location. They are going to drill two test wells one at 250 feet and one at 150 feet to see if we get the same readings. Mr. brand also said another option he is looking into is running a water line from well 5 (our location now) to the new location. The projected cost would be around \$800,000.00.

Twin Rivers Drive Section H water main replacement is near completion. All their services are connected, all watermains are in. They are finishing up the landscaping and curbs. All should be completed in about a month.

The Solar project is moving very quickly and should be done in about a month. We are looking at a savings of \$300,000 to 350,000. Mr. Brand asked if anyone wants to see the progress, he will take them out there. The gates are open from 7:00am to 3:00pm.

Mr. Brand shared with the board the news that two employees are retiring. Todd Fryer is retiring on May 31st 2020 after 31 years of service, and our Lab manager Henni Krawtschenko is retiring June 30th 2020 after 45 years of service. They will be missed and we wish them all the best.

Chairperson Moore asked for approval of the Bill list for May 21, 2020. Mr. Millner made the motion seconded by Mr. Platizky and unanimously carried.

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

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

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

Chairperson Moore asked for a motion to approve the Attorney's report for April 2020. Mr. Kurs made the motion, seconded by Mr. Platizky and unanimously carried.

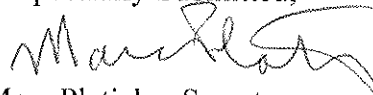
Chairperson Moore requested a motion to approve the Engineer's report for April 2020, Mr. Millner made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for a motion to approve the minutes from March 19, 2020. Mr. Kurs made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore asked for a motion to approve the minutes from April 16, 2020. Mr. Platizky made the motion, seconded by Mr. Millner and unanimously carried.

Having nothing further to discuss Chairperson Moore adjourned the meeting.

Respectfully Submitted,



Marc Platizky, Secretary