

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, February 16, 2023 @5:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, February 16, 2023 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 5:30 p.m.

The following Members were present via zoom:

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

Absent:

Also present via zoom:

David Klemm, Mott Mac Donald
Ryan Scerbo Esq., DeCotiis, Fitzpatrick, Cole & Giblin, LLP
Richard Brand, Executive Director
Ron Ghrist, Finance Officer
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 February 7, 2023. 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, February 10, 2023. Chairperson Moore then asked the Secretary 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 tonight's agenda. Hearing no one Chairperson Moore closed the public portion of the meeting.

Chairperson Moore turned the meeting over to Mr. Brand to begin the reorganization portion of the meeting. Mr. Brand declared the nominations open for chairperson. Mr. Platizky nominated Linda Moore for Chairperson, A motion to approve and adopt the appointment of chairperson was made by Mr. Lippman, seconded by Mr. Kurs. and carried with the following vote:

AYES: Mr. Lippman, Mr. Platizky, Mr. Kurs, Mr. Millner, Mr. Shifman and Ms. Moore.
NOES: None ABSENT:

Linda Moore was declared Chairperson 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 2024.

Mr. Brand then turned the meeting back over to Chairperson Moore to continue the nomination of Board members and the reorganization.

Chairperson Moore declared the nominations open for Vice Chairperson. Mr. Platizky nominated Marc Lippman for Vice Chairperson, A motion to approve and adopt the appointment of Vice Chairperson was made by Mr. Platizky, seconded by Mr. Millner, and carried with the following vote:

AYES: Mr. Lippman, Mr. Millner, Mr. Platizky, Mr. Kurs, Mr. Shifman and Ms. Moore.
NOES: None ABSTAIN: None

Marc Lippman was declared Vice Chairperson 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 2024.

Chairperson Moore declared the nominations open for Secretary of the Authority. Mr. Kurs nominated Mr. Platizky for Secretary, A motion to approve and adopt the appointment of Secretary was made by Mr. Lippman, seconded by Mr. Shifman, and carried with the following vote:

AYES: Mr. Lippman, Mr. Millner, Mr. Platizky, Mr. Kurs, Mr. Shifman and Ms. Moore.
NOES: None ABSTAIN: None

Marc Platizky was declared Secretary 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 2024.

Chairperson Moore declared the nominations open for Treasurer of the Authority. Mr. Kurs nominated Mr. Millner for Treasurer, A motion to approve and adopt the appointment of Treasurer was made by Mr. Lippman seconded by Mr. Platizky, and carried with the following vote:

AYES: Mr. Lippman, Mr. Millner, Mr. Platizky, Mr. Kurs, Mr. Shifman and Ms. Moore.
NOES: None ABSTAIN: None

Mr. Millner was declared Treasurer for a Term to run until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2024.

Chairperson Moore declared the nominations open for Assistant Secretary/Treasurer of the Authority. Mr. Millner nominated Mr. Kurs for Assistant Secretary/Treasurer, A motion to approve and adopt the appointment of Assistant Secretary/Treasurer was made by Mr. Lippman, seconded by Mr. Platizky, and carried with the following vote:

AYES: Mr. Lippman, Mr. Millner, Mr. Platizky, Mr. Kurs, Mr. Shifman and Chairperson Moore.

NOES: None ABSTAIN: None

Steve Kurs was declared Assistant Secretary/Treasurer 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 2024.

Chairperson Moore started the nominations 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.

The Board awarded and Approved the following professional services for 2023-2024; **Consulting Engineer** was awarded to Mott McDonald Resolution#2023-02; **Consulting Pool Engineers** (consisting of 16 Engineers) Resolution #2023-03 was TABLED; **Auditor** Resolution# 2023-04 was TABLED; **Legal Service Attorney** Resolution# 2023-05 was TABLED; **Labor Attorney** was awarded to Hatfield, Schwartz Resolution #2023-06; **Conflict Attorney** Resolution#2023-07 was TABLED; **Bonding Attorney** was awarded to McManimon, Scotland & Baumann Resolution#2023-08. A motion was made by Mr. Lippman to accept the nominations for a term to run until the reorganization meeting in February 2024, seconded by Mr. Kurs and unanimously carried with the following vote:

AYES: Mr. Platizky, Mr. Kurs, Mr. Millner, Mr. Lippman, Mr. Shifman and Chairperson Moore.

NOES: None ABSTAIN: None

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

Resolution No. 2023-02

Resolution Awarding Contract for Professional Engineering Services

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Engineering services for **2023**; 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 the official designated daily newspaper of the Authority on **January 3, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 2:00 p.m. on Thursday, **February 1, 2023** at the Authority offices, and

WHEREAS, the Authority received 8 request 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 authority engineer service to **Mott MacDonald LLC, 111 Wood Ave. South, Iselin, NJ 08830** for **2023**; 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 blended rate charge is **\$192.50** per hour for routine legal services 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.

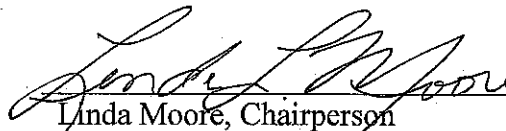
2. to **Mott MacDonald LLC** is hereby appointed as the Authority Engineer for the Authority until a successor is appointed at the annual reorganization meeting of the Authority to be held in **February 2024**.

3. to **Mott MacDonald 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 services agreement with to **Mott MacDonald LLC** for Authority Engineer services for the Authority.

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

Dated: **2/16/2023**

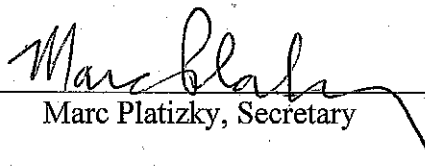


Linda Moore, Chairperson

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 **February 16, 2023**

Dated: **2/16/2023**



Marc Platizky, Secretary

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

Resolution #2023-06

Resolution Awarding Contract for Professional Legal Services-Labor Law Attorney

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Labor Attorney services for **2023** 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 3, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 2:00 p.m. on Thursday, **February 1, 2023** at the Authority offices, and

WHEREAS, three proposals 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 **Hatfield Schwartz**, 240 cedar Knoll Rd, Suite 303, Cedar Knolls, NJ 07927 for **2023**; 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 **Hatfield Schwartz** is hereby appointed as Labor Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in **February 2023**.

3. **Hatfield Schwartz** 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 **Hatfield Schwartz** Attorney service for the Authority.

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

Dated: **02/16/2023**




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 **February 16, 2023**

Dated: **02/16/2023**



Marc Platizky, Secretary

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

Resolution Awarding Contract for Professional Legal Services-Bonding Attorney

Resolution #2023-08

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Bonding Attorney's services for **2023** 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 3, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 2:00 p.m. on **Wednesday, February 1, 2023** at the Authority offices, and

WHEREAS, four proposals 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**, 75 Livingston Ave, Second Floor, Roseland, NJ 07068, for **2023**; 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 2024**.

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.

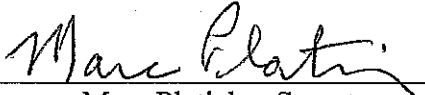
Dated: 02/16/2023


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 **February 16, 2023**.

Dated: 02/16/2023


Marc Platizky, Secretary

The Board awarded and Approved the following professional services for 2023-2024; **Public Agency Compliance Officer (PACO)** to Mr. Brand Resolution #2023-09; **Insurance Agents of Record** to Rue Insurance and Don Gallo, Jr. of Gallo Benefits Consulting Resolution #2023-10; **Depositories** to Wells Fargo, Fulton Bank, Lakeland Bank and Bank of New York Resolution #2023-11; **Official Newspaper** to Trenton Times and Cranbury Press-Windsor Hights Herald Resolution #2023-12; **Risk Management Consultant Agreement-Chas E Rue & Son, Inc t/a Rue Insurance** Resolution#2023-14 A motion was made by Mr. Lippman to accept the nominations for a term to run until the reorganization meeting in February 2024, seconded by Mr. Platizky and unanimously carried with the following vote:

AYES: Mr. Platizky, Mr. Kurs, Mr. Millner, Mr. Lippman. Mr. Shifman and Chairperson Moore.

NOES: None ABSTAIN: None

Chairperson Moore made the nomination to approve the **Regular Meeting Dates** Résolution# 2023-13 for a term to run until the reorganization meeting in February 2024. A motion was made by Mr. Kurs, seconded by Mr. Platizky and unanimously carried with the following vote:

AYES: Mr. Platizky, Mr. Kurs, Mr. Lippman, Mr. Millner, Mr. Shifman and Chairperson Moore.

NOES; None. ABSTAIN: No

Chairperson Moore asked for approval of Resolution#2023-15 awarding Contracts for the provision of Drilling and Construction of a Test/Production Well#10 for Geophysics Soil analysis and Water Quality analysis for the New Water Treatment Plant site location. Mr. Kurs made the motion seconded by Mr. Platizky and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

Resolution #2023-09

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 the said mandate with the appointment of Richard Brand, 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 **Richard Brand**, to act as liaison to the Affirmative Action Office of the New Jersey Department of the Treasury as Public Agency Compliance Officer for **2023** until a successor is elected at the annual reorganization meeting of the Authority to be held in **February 2024**.
2. This Resolution shall take effect immediately


Dated: 02/16/23


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 **February 16, 2023**

Dated: 2/16/23


Marc Platizky, Secretary

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

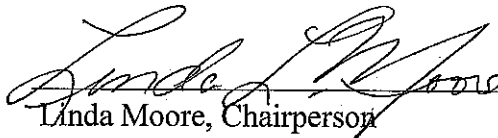
Resolution #2023-10

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 **2023**, until the reorganization meeting **February 2024**, and

1. This resolution shall take effect immediately

Dated: **2/16/2023**




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 the meeting held on **February 16, 2023**

Dated: **2/16/2023**



Marc Platizky, Secretary

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY


Resolution #2023-11

Resolution Awarding Contract for Depository Services

BE It RESOLVED, by the East Windsor Municipal Utilities Authority that **Wells Fargo, Fulton Bank, Lakeland Bank and the Bank of New York** hereby are, appointed as the depositories for the funds of the East Windsor Municipal Utilities Authority for **2023**, until the reorganization meeting in **February 2024**, and

1. This Resolution will take effect immediately

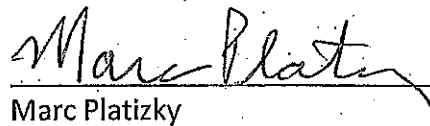
Dated: **2/16/2023**



Linda Moore, Chairperson

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 by the East Windsor Municipal Utilities Authority at a meeting on **February 16, 2023**

Dated: **2/16/2023**



Marc Platizky

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

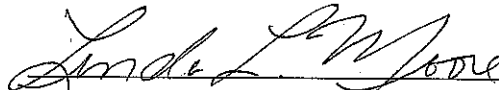
Resolution #2023-12

Resolution Appointing the Official Newspaper for the East Windsor Municipal Utilities Authority

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that the Trenton Times and the Cranbury Press Windsor-Hights Herald, hereby are, appointed as the official newspapers for **2023**, until the reorganization meeting on **February 2024**, and

1. This resolution shall take effect immediately,

Dated: **2/16/2023**


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 the resolution adopted by the East Windsor Municipal Utilities Authority at a meeting held on **February 16, 2023**.

Dated: **2/16/2023**


Marc Platizky, Secretary

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER, STATE OF NEW JERSEY

RESOLUTION APPROVING RISK MANAGEMENT CONSULTANT'S AGREEMENT

RESOLUTION NO. 2023-14

RISK MANAGEMENT CONSULTANT'S AGREEMENT

THIS AGREEMENT entered into this 1st day of January, 2023, between the East Windsor Municipal Utilities Authority (hereinafter referred to as AUTHORITY) and Chas E. Rue & Son, Inc. t/a Rue Insurance (hereinafter referred to as the CONSULTANT).

WHEREAS, the CONSULTANT has offered to the AUTHORITY professional risk management consulting services as required in the bylaws of the New Jersey Utility Municipal Joint Insurance Fund, and;

WHEREAS, the AUTHORITY desires these professional services pursuant to the resolution adopted by the governing body of the AUTHORITY at a meeting held on **February 16, 2023** and;

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:


1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - a) Assist the AUTHORITY in identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk or loss.
 - b) Assist the AUTHORITY in understanding the various coverages available from the New Jersey Utility Authority Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund.
 - c) Review with the AUTHORITY any additional coverages that the CONSULTANT feels should be carried but are not available from the FUND and subject to the AUTHORITY's authorization, place such coverages outside the FUND.
 - d) Assist the AUTHORITY in the preparation of applications, statements of values, and similar documents requested by the FUND, it being understood that this Agreement does not include any appraisal work by the CONSULTANT.
 - e) Review Certificates of Insurance from contractors, vendors and professionals when requested by the AUTHORITY.
 - f) Review the AUTHORITY's assessment as prepared by the FUND and assist the AUTHORITY in the preparation of its annual insurance budget.
 - g) Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Also, attend no less than one (1) authority safety committee meeting per annum to promote the safety objectives and goals of the AUTHORITY and the FUND.
 - h) Assist where needed in the settlement of claims, with the understanding that the scope of the CONSULTANT's involvement does not include the work normally done by a public adjuster.

- i) Perform any other risk management related services required by the FUND's bylaws.
- 2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:
 - a) The CONSULTANT shall be paid by the AUTHORITY a fee as compensation for services rendered, an amount equal to six percent (6%) of the AUTHORITY's annual assessment as promulgated by the FUNDS. Said fee shall be paid to the CONSULTANT within thirty (30) days of payment of the AUTHORITY's assessment.
 - b) For any insurance coverages authorized by the AUTHORITY to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee outlined in 2 (a).
 - c) If the AUTHORITY shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the AUTHORITY a fee at the rate of 0 per hour, in addition to actual expenses incurred.
- 3. The term of this Agreement shall be one (1) year. However, this Agreement may be terminated by either party at any time by mailing to the other written notice, certified mail return receipt, calling for termination at not less than thirty (30) days thereafter. In the event of termination of this Agreement, the CONSULTANT's fees outlined in 2 (a) above shall be prorated to date of termination.

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. The Authority is hereby authorized and directed to incorporate the Risk Management Agreement Dated **January 1, 2023**.
- 2. The Authority Chairperson and Secretary are hereby authorized and directed to sign any documents necessary, and the Authority staff and professionals are authorized and directed to undertake any and all actions necessary, to effectuate the terms and intent hereof.

Dated: 02/16/2023


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 16th day of **February, 2023**.

Dated : 02/16/2023


Marc Platizky, Secretary

ATTEST:

CONSULTANT:

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Notice of Annual Meetings for 2023

Resolution #2023-13

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

1. In compliance with the Open Public Meetings Act, P.L. 1979, c.231 (C10:4-6 et seq.), this notice shall serve as the Annual Meeting Notice of the **2023 Regular Meetings** of the Board of the East Windsor Municipal Utilities Authority pursuant to N.J.S.A. 10:4-18. In accordance with Governor Murphy's Executive Order 200 extending the Public Health Emergency first declared in Executive Order 103, and as authorized by N.J.S.A. 10:4-9.3 and in accordance with the Emergency Remote Meeting Regulations at N.J.A.C. 5:39.1 et seq., unless and until the **2024 Annual Meeting Notice** is revised by resolution of the Board and published in accordance with law, the meetings set forth below shall be conducted remotely and with limited in-person attendance.
2. During the year **2023/24** the Regular Meetings of the East Windsor Municipal Utilities Authority Board will be held at **5:30 p.m.**, in the Administration Building at 7 Wiltshire Drive, in accordance with the dates listed below:

February 16, 2023 (reorganization)

March 16, 2023

April 20, 2023

May 18, 2023

June 15, 2023

July 20, 2023

August 17, 2023

September 21, 2023

October 19, 2023

November 16, 2023

December 21, 2023

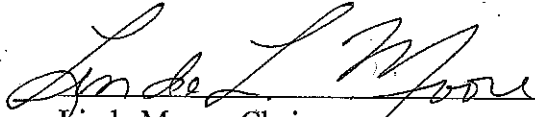
January 18, 2024

February 15, 2024 (reorganization)

Members of the public will be able to access and provide public comment at the meetings via computer, tablet or smartphone or telephonically by calling the telephone number and access code that will be posted on the MUA's website www.Eastwindsormua.com prior to each meeting.

3. Formal action may be taken at any of the above-listed meetings. Portions of all meetings may be held in executive session to the extent allowed by law.
4. This Resolution shall take effect immediately.

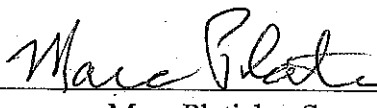
Dated: **02/16/2023**



Linda Moore, Chairperson

I, Marc Platizky, Secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the East Windsor Municipal Utilities Authority at a meeting on **February 16, 2023**.

Dated: **02/16/2023**



Marc Platizky, Secretary

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

**RESOLUTION AWARDING CONTRACTS FOR THE PROVISION OF
DRILLING AND CONSTRUCTION OF A TEST/PRODUCTION WELL # 10 FOR
GEOPHYSICS SOIL ANALYSIS AND WATER QUALITY ANALYSIS FOR NEW
WATER TREATMENT PLANT SITE LOCATION**

RESOLUTION NO. 2023 - 15

WHEREAS, East Windsor Municipal Utilities Authority went to public notification to accept bids for the purpose of drilling a production well located at 146 Millstone Road also known as the Pollution Control Facility on **January 3, 2023**; and

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") has determined the need for a new water treatment plant and during the planning stage must drill a test (production) well to do a complete study by obtaining a full geophysics sampling of the soils, a complete water quality sampling of the aquifer, yield (capacity study) and monitor existing wells in the area for cone of influence; and

WHEREAS, in accordance with a properly advertised Notice to Bidders by the provisions of the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, two (2) bidders submitted bids for the provision of Test/Production Well #10 Boring which were received on **February 1, 2023**; 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, after review of the two (2) bids submitted there was one (1) low bidder:

- 1) **A.C. Schultes – 664 South Evergreen Avenue, Woodbury Heights, NJ 08097** - \$408,100.00 for the for the drilling of the Test well and Geophysics sampling of the soil. Alternate bid #1 - \$117,000.00 well pump equipment; Alternate Bid #2 - \$4,000.00 installation of well pump Alternate Bid #3 – 73,100.00 for installation of well piping and appurtenances for a total Bid of **\$602,200.00**; and

WHEREAS, it is the recommendation of the Executive Director that A.C. Schultes be awarded the contract for the provision of the Well #10 Construction and piping installation bid as the lowest responsible bidder; and

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

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: 2/16/23


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 February 16, 2023.


Marc Platizky, Secretary

Chairperson Moore asked for approval of resolution# 2023-16 awarding the Sludge Hauling contract for 2023-2025. 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 AWARDING CONTRACTS FOR THE PROVISION OF
SLUDGE HAULING SERVICE**

RESOLUTION NO. 2023-16

WHEREAS, East Windsor Municipal Utilities Authority went to public notification to accept bids for the purpose of Sludge Hauling Services on **January 17, 2023**; and

WHEREAS, in accordance with a properly advertised Notice to Bidders, **three (3) bidders** submitted bids for the provision of Sludge Hauling Service which were received on **February 15, 2023**; and

WHEREAS, pursuant to the AQuantities@ section on page PIB 9 of the Bid Specifications the East Windsor Municipal Utilities Authority may award a contract for one (1) or two (2) years; and

WHEREAS, after review of the bids submitted there was one (1) low bidder:

- 1) **Freehold Cartage.**, PO Box 5010, Freehold, N.J. 07728-5010 for the provision of Sludge Hauling Service from East Windsor MUA to Stony Brook RSA 2023 at \$0.0575 per gallon and \$0.0575 per gallon in 2024; and Somerset Raritan Valley Sewerage Authority in 2023-2024 for \$.079 per gallon.

WHEREAS, it is the recommendation of the Executive Director that **Freehold Cartage.** be awarded the contract for the provision of Sludge Hauling Service for **two (2) years** from East Windsor to Stony Brook RSA and from East Windsor to Somerset Raritan Valley Sewerage Authority as the lowest responsible bidder; and

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

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 bid of **Freehold Cartage.**, PO Box 5010, Freehold, N.J. 07728-5010 for the provision of Sludge Hauling Service from East Windsor MUA to Stony Brook RSA 2023 at \$0.0575 per gallon and \$0.0575 per gallon in 2025; and Somerset Raritan Valley Sewerage Authority in 2023-2025 for \$.079 per gallon are hereby accepted and the contract awarded for the two (2) years. This contract will end on February 20, 2025.

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.

The bid of **A.C. Schultes – 664 South Evergreen Avenue, Woodbury Heights, NJ 08097** - \$408,100.00 for the for the drilling of the Test well and Geophysics sampling of the soil. Alternate bid #1 - \$117,000.00 well pump equipment; Alternate Bid #2 - \$4,000.00 installation of well pump Alternate Bid #3 – 73,100.00 for installation of well piping and appurtenances for a total Bid of **\$602,200.00**; and


2. 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: **2/16/23**


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 **February 16, 2023**.


Marc Platizky, Secretary

Chairperson asked for approval of resolution 2023-17 of the East Windsor Municipal Utilities Authority expressing its intention to reimburse itself for certain expenditures relating to the Authority's Capital Improvement Program out of the proceeds of bonds or other obligations to be hereafter issued by the Authority. 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 NO. 2023-17

RESOLUTION OF THE EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY EXPRESSING ITS INTENTION TO REIMBURSE ITSELF FOR CERTAIN EXPENDITURES RELATING TO THE AUTHORITY'S CAPITAL IMPROVEMENT PROGRAM OUT OF THE PROCEEDS OF BONDS OR OTHER OBLIGATIONS TO BE HEREAFTER ISSUED BY THE AUTHORITY

BACKGROUND

WHEREAS, The East Windsor Township Municipal Authority ("Authority") has determined to undertake a capital improvement program, consisting of the construction of a new water treatment plant (collectively, the "Project"), all as more particularly described in the information on file in the office of the Authority and the Authority's Consulting Engineer and available for inspection during normal business hours; and

WHEREAS, the Authority intends to incur expenditures for the costs of engineering, obtaining various permits and approvals, and preparation and design planning, acquisition and installation of the Project including, without limitation, expenditures to certain of its consultants, engineers, attorneys and others for services rendered in connection with the Project (collectively, the "Project Costs"); and

WHEREAS, The Authority intends to pay such expenditures using temporarily available funds in anticipation of reimbursing such expenditures the proceeds of bonds or other obligations hereafter issued by the Authority in the aggregate principal of up to **\$602,200.00** ("Project Debt Obligations"); and

WHEREAS, the Authority desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE RESOLVED BY THE EAST WINDSOR TOWNSHIP MUNICIPAL UTILITIES AND MEMBERS THEREOF, AS FOLLOWS:

Section 1. The Authority hereby declares its reasonable expectation to reimburse the expenditures paid by the Authority to pay the Project Costs prior to the date of issuance of the Project Debt Obligations including, without limitation, expenditures to certain of its consultants, engineers, architects, attorneys and others for services rendered in connection with the Project, out of the proceeds of the Project Debt Obligations which are to be issued by the Authority after the date of this Resolution.

Section 2. This Resolution is intended to be and hereby is a declaration of the Authority's official intent reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Authority, in accordance with Treasury Regulations s 150-2

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is **\$602,200.00**

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations 1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Debt Obligations used to reimburse the Authority for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations 1.148-1) of the Project Debt Obligation or another issue of Debt Obligation of the Authority other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations s 1.148- 1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations 1.150-2) or abandoned, but in no event than 3 years after the expenditure is paid.

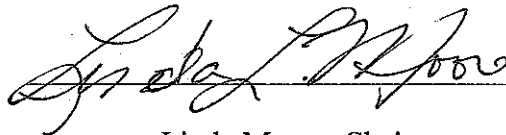
Section 7. This Resolution is to be retained by the Authority and made publicly available for inspection at the offices of the Authority from the date hereof through the date of issuance of the Project Debt Obligations.

Section 8. This Resolution shall take immediately upon adoption this 16th day of February, 2023.

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 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: 2/16/23

A handwritten signature in cursive script, appearing to read "Linda Moore", written over a horizontal line.

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 special meeting held on this **February 16, 2023**.

A handwritten signature in cursive script, appearing to read "Marc Platizky", written over a horizontal line.

Marc Platizky, Secretary

Chairperson Moore requested a motion to approve the February 16, 2023 Payment of the Bills. Mr. Kurs made the motion, seconded by Mr. Millner and unanimously carried.

Chairperson Moore requested a motion to accept the Operating Report for January 2023 Mr. Platizky made the motion, seconded by Mr. Shifman and unanimously carried.

Chairperson Moore asked for a motion to approve the Development Report for February 2023 and Mr. Shifman made the motion, seconded by Mr. Kurs and unanimously carried.

Chairperson Moore asked for a motion to approve the Finance Officers Report for January 2023 Mr. Platizky made the motion, seconded by Mr. Millner and unanimously carried.

Chairperson Moore asked for a motion to approve the Attorney's Report for January-February 2023. Mr. Kurs made the motion, seconded by Mr. Shifman and unanimously carried.

Chairperson Moore asked for a motion to approve the Engineer's Report for January 2023. Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for approval of the January 19, 2023 Minutes. Mr. Kurs made the motion seconded by Mr. Lippman and unanimously carried.

Respectfully submitted,



Marc Platizky, Secretary