

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, April 20, 2023 @5:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, April 20, 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:

Linda L. Moore
Steven Kurs

The following Members were present via zoom:

Marc Lippman
Leonard Millner
Marc Platizky
Mike Shifman

Also present:

David Klemm, Mott Mac Donald
Richard Brand, Executive Director
Ron Ghrist, Finance Officer
Susan Pretz, Board Secretary

Also present via zoom:

Ryan Scerbo Esq., DeCotiis, Fitzpatrick, Cole & Giblin, LLP

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, April 11, 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, April 14, 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, asked for approval of Resolution 2023-19 to update the Rules and Regulations Chapter IV and the FOG Policy. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

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

**RESOLUTION TO APPROVE THE AMENDING OF THE RULES AND
REGULATIONS, LIMITATIONS ON WASTEWATER DISCHARGERS
(LOCAL LIMITS)**

Resolution # 2023-19

WHEREAS, the East Windsor Municipal Utilities Authority deemed it necessary due to the potential growth of commercial and industrial users to update the rules and regulations, specifically the unpermitted discharge of Fats, Oil, and Grease and other harmful unpermitted discharges; and

WHEREAS, the East Windsor Municipal Utilities Authority ("EWMUA") owns and operates a Water Pollution Control Plant ("WPCP"), also known as a Publicly Owned Treatment Works ("POTW"); and

WHEREAS, East Windsor Municipal Utilities Authority Water Pollution Control Plant ("EWMUA WPCP") is designed to treat 4.50 million gallons per day (MGD) of wastewater on a monthly average basis. The EWMUA manages a tributary sewer system for the EWMUA WPCP. The EWMUA WPCP is an advanced treatment system which includes a bar screen, grit removal, primary clarifiers, bio-aeration/oxidation, anoxic chambers, final clarifiers (and flocculation), sand/gravity filters and ultraviolet disinfection system. The sludge from the primary and secondary clarifiers is collected in sludge holding and thickener tanks prior to disposal offsite. The effluent from the EWMUA WPCP is discharged to the Millstone River. The sludge is transported offsite to the Stony Brook Regional Sewerage Authority (SBRSA) for incineration, with disposal by land application as a backup option. The EWMUA WPCP is regulated by the New Jersey Department of Environmental Protection ("NJDEP") under a NJPDES permit, NJ0023787; and

WHEREAS, EWMUA Local Limits were established to regulate the introduction of pollutants from non-domestic sources into the POTW. POTW's are generally designed to treat domestic wastewater and wastes compatible with the domestic waste. However, generally

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wastewater of non-domestic nature generated at industrial and/or commercial sites are also discharged to a POTW along with the domestic wastewater. The Federal General Pretreatment Regulations, 40 CFR 403, were developed to protect a POTW from discharge of industrial or commercial wastewaters which may interfere or are incompatible with the operation of a POTW; and

WHEREAS, these regulations are established to regulate non-domestic dischargers to the WPCP and to prevent introduction of pollutants which may pass-through the treatment works; prevent damage to the infrastructure; prevent backups or overflows into basements or into the environment which end up in our streams and rivers; prevent introduction of pollutants to the POTW which may interfere with the operation, including interference with use or disposal of its municipal sludge; improve opportunities to recycle and reclaim municipal and industrial wastewater and sludge's; and

WHEREAS, after review of the Local Limits section and Chapter IV, "Application for sewer service"; the EWMUA Executive Director felt it was necessary for the Authority to protect itself from unpermitted discharges that has caused damages to EWMUA conveyance system and township roadways: and

WHEREAS, the EWMUA relied on three strategies to control wastewater discharges of non-domestic nature to the WPCP, the Prohibited Discharge Standards: stated in the General Pretreatment Regulations 40 CFR 403.5; National Categorical Standards: industry-specific effluent limitations developed by USEPA; and Local Discharge Limitations: enforceable local discharge requirements developed by the POTW to protect the POTW and which are addressed under local regulations.; and

WHEREAS, the unpermitted discharges, especially Fats, Oil and Grease have increased over 100% the last 3 years which has taken staff away from other duties and increased EWMUA disposal and labor cost; and

WHEREAS, in 2021, the East Windsor Municipal Utilities Authority updated its Fats, Oil and Grease policy (FOG) to better educate the business community in the removal of Fats, oil and grease from the domestic wastewater conveyance system and enforce the Rules and Regulations governing these discharges; 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. Chapter IV, Categorization of Commercial/Industrial User – Significant Major User section 4-4.0202(d) be amended to appendix III and the body of the text reflect the new location of the local limits (page 408, Rules and Regulations).
3. Table 2, be amended to appendix III and the body of the text reflect the new location of the local limits.

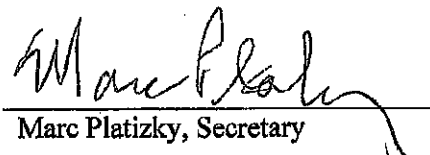
The Authority Chairperson and Secretary are hereby authorized and directed to sign any necessary documents, and the Authority staff and professionals are authorized and directed to undertake all action's necessary, to effectuate the terms and intent hereof.

Dated: 4/20/23.


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 April 20, 2023.


Marc Platizky, Secretary

Chairperson Moore, asked for approval of Resolution 2023-20 to the addition of titles in the Salary Guide. 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 TO APPROVE THE ADDITIONAL TITLES FOR THE SALARY
GUIDE FOR 2020 - 2025**

Resolution # 2023-20

WHEREAS, East Windsor Municipal Utilities Authority Board ("Authority") has a fiduciary responsibility to its rate payers and staff; and

WHEREAS, the Authority realizes that salary levels are a crucial element when it comes to attracting and retaining the best people; and

WHEREAS, the Authority is committed to maintaining a highly skilled, educated, and licensed staff; and

WHEREAS, the salary guide, well-establishes pay ranges and titles that provide a framework for personnel to know their position in the organization and ensures them an opportunity for growth; and

WHEREAS, the Authority would like to add additional titles to the salary guide; and

WHEREAS, the Authority realizes to increase growth of its staff within the departments, promotions to staff are necessary to increase motivation, dedication, and loyalty among staff and allows staff to strive for a critical career path; and

NOW THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority ("MUA" or "Authority") and in consideration of the mutual understandings and Agreements contained herein, the parties agree to the salary guide 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 Executive Director is authorized and directed to undertake all action's necessary, to effectuate the terms and intent hereof.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date indicated above for the purpose herein expressed.

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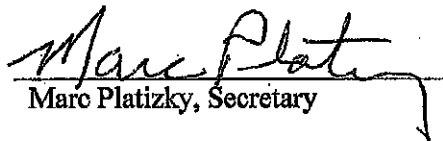
The Authority Chairperson and Secretary are hereby authorized and directed to sign any necessary documents, and the Authority Executive Director is authorized and directed to undertake all action's necessary, to effectuate the terms and intent hereof.

Dated: 4/20/23


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 April 20, 2023


Marc Platizky, Secretary

Chairperson Moore, asked for approval of the 2023 Authority Auditor Resolution 2023-04. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

Resolution No. 2023-04

Resolution Awarding Contract for Professional Auditing Services

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

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

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

WHEREAS, in accordance with the legal requirements for the Fair and Open Process, the proposal for these services was posted on the Authority's web site and 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, one proposal for these services were received, **The Mercadien Group**, 3625 Quakerbridge Road, Hamilton, NJ 08619, the Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for the Authorities Annual Audit to **The Mercadien Group and Financial Services**; and

WHEREAS, the maximum amount of the contract is **\$20,500.00** to **The Mercadien Group** for the Annual Audit and **\$345.00** per hour for principal and **\$210.00** per hour for Senior for all other Financial Services, adequate funds are available in the Operating Account No. 01-201-6202-2 entitled Basic Contract - Auditor as evidenced by the Chief Financial Officer's Certification.

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

1. That the Chairperson and Secretary are hereby authorized to award this agreement for annual audit service with **The Mercadien Group**, registered municipal accountants in the State of New Jersey, for the period of **February 17, 2023** to the annual reorganization meeting to be held in **February 2024**.

2. 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.

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

4. It is hereby directed that notice of the award of a contract be published once in the official designated newspaper of the Authority within ten (10) days of the date hereof.

5. This Resolution will take effect immediately.

Dated: 4/20/2023


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 April 20, 2023.

Dated: 4/20/23


Marc Platizky, Secretary

Chairperson Moore, asked for approval of 2023 Authority Attorney Resolution 2023-05. 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 Contract for Professional Legal Services

Resolution # 2023-05

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for General Counsel Legal 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 Cranbury Press Windsor Heights Herald, Trenton Times and Trentonian 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 General Counsel legal service to Decotils, FitzPatrick, Cole & Giblin, LLP, 61 South Paramus Road, Paramus, NJ 07652 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 \$175.00 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. **Decotiis, FitzPatrick, Cole & Giblin, LLP** is hereby appointed as the General Counsel for the Authority until a successor is appointed at the annual reorganization meeting of the Authority to be held in **February 2024**.

3. **Decotiis, FitzPatrick, Cole & Giblin, 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 with **Decotiis, FitzPatrick, Cole & Giblin, LLP** for General Counsel legal services for the Authority.

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

Dated: 04/20/2023


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 **April 20, 2023**.

Dated: April 20, 2023


Marc Platizky, Secretary

Chairperson Moore, asked for approval of 2023 Authority Conflict Attorney Resolution 2023-07. Mr. Lippman made the motion, seconded by Mr. Millner and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

Resolution # 2023-07

Resolution Awarding Contract for Professional Legal Services-Conflict Attorney

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Conflict 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 Wednesday, February 1, 2023 at the Authority offices, and

WHEREAS, four 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: **Cleary, Giacobbe, Alfieri, Jacobs, LLC, 169 Ramapo Valley Road, Oakland N.J. 07436** for 2023; and

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

WHEREAS, the hourly rate charge of \$ 175 / 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 **Cleary, 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 2023**.

3. **Cleary, 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 **Cleary, 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: **04/20/2023**




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 **April 20, 2023**.

Dated: **04/20/2023**



Marc Platizky, Secretary

Chairperson Moore, asked for approval of the Emergency Repairs to Well#7 Aerator Rise Pipe- Resolution 2023-21. Mr. Shifman made the motion, seconded by Mr. Platizky and unanimously carried.

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

**RESOLUTION AWARDING
EMERGENCY REPAIR FOR WELL 7 AERATOR RISER PIPE**

RESOLUTION NO. 2023-21

WHEREAS, East Windsor Municipal Utilities Authority went to public notification to accept bids for the purpose of Water/Sewer Main Emergency Repair Services on August 20, 2021; and

WHEREAS, on or about September 23, 2021, 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*, in which Waters and Bugbee and J. Fletcher Creamer were awarded the Bid; and

WHEREAS, the emergency repair contract expires on September 21, 2023; and

WHEREAS, On or about March 20, 2023, well 7 raw water main (Riser) going to the Aerator broke; and

WHEREAS, the Authority staff requested quotes from both of our emergency contractors in which, J. Fletcher Creamer was the lowest bidder (attached); and

WHEREAS, it is the recommendation of the Executive Director that J. Fletcher Creamer be awarded the contract for the repair of the raw water line riser to the aerator repair for Eighty-Eight Thousand, Six Hundred and Fifty-Eight Dollars (\$88,658.00); and

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

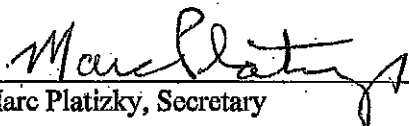
NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority ("MUA" or "Authority") as follows:

1. The preamble to this Resolution shall be incorporated herein as if fully restated.
2. The Emergency repair for the raw water line riser be awarded to J. Fletcher Creamer, for Eighty-Eight Thousand, Six Hundred and Fifty-Eight Dollars (\$88,658.00).
3. 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 all actions necessary, to effectuate the terms and intent hereof.


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 20th day of April, 2023.



Marc Platizky, Secretary

Chairperson Moore asked for update on the new water treatment plant Well#10. Mr. Brand said the contractor was mobilizing to drill the 2nd well at well#10 site. Everything is moving along.

Chairperson Moore asked for update on the Architect design for the Administration Building and Maintenance Building. Mr. Brand said we received all the Architect plans. He will now contact the Planning Board Secretary to see how many copies are needed. Hopefully we will get in for review shortly.

Chairperson Moore asked for update on Well#6 addition. We are waiting for the contractor to get back to us we need the performance bond. We might have to go with someone else if there is an issue.

Chairperson Moore requested a motion to approve the Bill List for April 20, 2023. Mr. Millner made the motion, seconded by Mr. Kurs and unanimously carried.

Chairperson Moore requested a motion to accept the Operating Report for March 2023. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

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

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

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

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

Chairperson Moore asked for approval of the March 16, 2023 Minutes. Mr. Kurs 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