

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY  
Minutes of Regular Meeting  
Thursday, March 21, 2024 @6:00 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, March 21, 2024 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 6:00 p.m.

The following Members were present:

Linda Moore  
Marc Platizky  
Steve Kurs

The following Members present via zoom:

Marc Lippman

Absent: Leonard Millner  
Michael Shifman

Also present:

Richard Brand, Executive Director  
Susan Pretz, Board Secretary  
Ron Ghrist, CFO

Also present via zoom:

David Klemm, Mott Mac Donald

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 March 12, 2024. 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 15, 2024. 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 2024-17 Approving continuation of contract for the Provision of Roadway Material 2024-2025 from American Asphalt to Earl Holding Company LLC. Mr. Kurs made the motion second by Mr. Platizky and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY**

**COUNTY OF MERCER,**

**STATE OF NEW JERSEY**

**RESOLUTION APPROVING CONTINUATION OF CONTRACT FOR THE  
PROVISION OF ROADWAY MATERIAL 2024 – 2025 FROM AMERICAN ASPHALT  
TO EARLE HOLDING COMPANY LLC**

**RESOLUTION NO. 2024-17**

**WHEREAS**, East Windsor Municipal Utilities Authority went to public notification to except bids for the purpose of Roadway Material on September 20, 2023; and

**WHEREAS**, on September 20, 2023, 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**, on November 16, 2023, The Authority Board approved the Roadway Material Contract, specifically asphalt, with American Asphalt Company; and

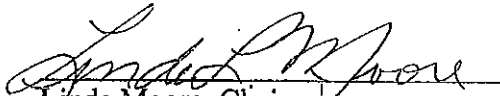
**WHEREAS**, on November 30, 2023, Earle Operating Holding Company Inc. acquired American Asphalt; and

**WHEREAS**, Earle Operating Holding Company Inc., will continue to honor the terms and conditions of the agreement between the Authority and American Asphalt; 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 Roadway Materials for one (1) year with the option to extend for up to two (2) one (1) year extensions for their respective bid line item specifically Asphalt.
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 any and all actions necessary, to effectuate the terms and intent hereof.

Date: March 21, 2024

  
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 21<sup>st</sup> day of March, 2024.

  
Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution 2024-03. Awarding contract for Professional Engineering Services. Mr. Kurs made the motion second by Mr. Platizky and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY**

**COUNTY OF MERCER,**

**STATE OF NEW JERSEY**

**Resolution No. 2024-03**

**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 **2024**; 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 **December 21, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 11:00 a.m. on Thursday, **January 16, 2024** 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 **2024**; 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, a blended hourly rate of **\$210.00** per hour for routine Engineering 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.

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: 3/21/2024

  
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 21, 2024**

Dated: 3/21/2024

  
Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution 2024-04. Awarding contract for Professional Auditing Services. Mr. Kurs made the motion second by Mr. Platizky and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY**

**COUNTY OF MERCER,**

**STATE OF NEW JERSEY**

**Resolution No. 2024-04**

**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 **December 12, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at **11:00 a.m. on Tuesday, January 16, 2024** 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 **\$22,000.00** to **The Mercadien Group** for the Annual Audit and **\$400.00** per hour for principal and **\$245.00** 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, until a successor is appointed at the annual reorganization meeting to be held in **February 2025**

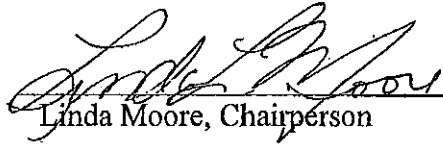
2. The Authority hereby specifically determines that the procedures followed in connection with the award of this contract were in full compliance with the Fair and Open process for awarding such contracts, as set forth in N.J.S.A. 19:44A-20.5.

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: 3/21/2024

  
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 21, 2024**

Dated: 3/21/24

  
Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution 2024-05. Awarding contract for Professional General Counsel Legal Services. Mr. Kurs made the motion second 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**

**Resolution # 2024-05**

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for General Counsel Legal services for **2024**; 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 Hights Herald, Trenton Times and Trentonian the official designated daily newspaper of the Authority on **December 12, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at **11:00 a.m. on Tuesday, January 16, 2024** 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 **Tyler, Aversano & Krantz** for **2024**; 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.

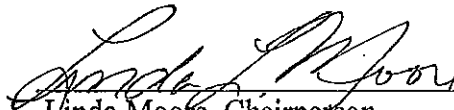
2. **Tyler, Aversano & Krantz** is hereby appointed as the General Counsel for the Authority until a successor is appointed at the annual reorganization meeting of the Authority to be held in **February 2025**.

3. **Tyler, Aversano & Krantz** 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 **Tyler, Aversano & Krantz** for General Counsel legal services for the Authority.

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

Dated: **03/21/2024**

  
\_\_\_\_\_  
Linda Moofe, 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 21, 2024**.

Dated: **3/21/2024**

  
\_\_\_\_\_  
Marc Platizky, Secretary



Chairperson Moore asked for approval of Resolution 2024-06. Awarding contract for Professional Legal Services-Labor Law Attorney. Mr. Platizky made the motion second by Mr. Lippman and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY**

**COUNTY OF MERCER,**

**STATE OF NEW JERSEY**

**Resolution #2024-06**

**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 **2024** 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 **December 12, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at 11:00 a.m. on Thursday, **January 16, 2024** 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 Labor Attorney service to **MS&B, McManimon, Scotland & Baumann** 75 Livingston Ave, 2<sup>nd</sup> Floor, Roseland, NJ 07028 for **2024**; 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 **\$215.00/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 **MS&B, McManimon, Scotland & Baumann** is hereby appointed as Labor Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in **February 2025**.

3. **MS&B, McManimon, Scotland & Baumann** 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 **MS&B, McManimon, Scotland & Baumann** Attorney service for the Authority.

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

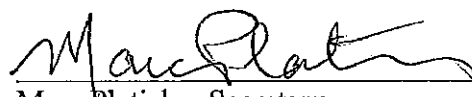
Dated: 03/21/2024

  
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 21, 2024**

Dated: 03/21/2024

  
Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution 2024-07. Awarding contract for Professional legal Services-Conflict Attorney. Mr. Kurs made the motion second by Mr. Platizky and unanimously carried.

**EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY**

**COUNTY OF MERCER,**

**STATE OF NEW JERSEY**

**Resolution # 2024-07**

**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 2024; 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 **December 12, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at **11:00 a.m. on Tuesday, January 12, 2024** at the Authority offices, and

WHEREAS, five 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 conflict Attorney **MS&B, McManimon, Scotland & Baumann**, 75 Livingston Ave, 2<sup>nd</sup> Floor, Roseland, NJ 07068, 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 **\$215.00/ 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.

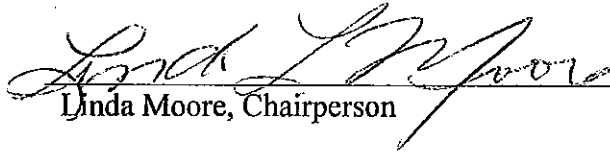
2. That the Law Firm of **MS&B, McManimon, Scotland & Baumann** are hereby appointed as Authority Conflict Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in **February 2024**.

3. **MS&B, McManimon, Scotland & Baumann** 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 **MS&B, McManimon, Scotland & Baumann** for Conflict Attorney services for the Authority.

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

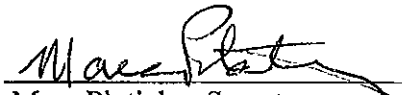
Dated: **03/21/2024**

  
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 21, 2024**.

Dated: **03/21/2024**

  
Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution 2024-08. Awarding contract for Professional Services- Bonding Attorney. Mr. Platizky made the motion second 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-Bonding Attorney**

**Resolution #2024-08**

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Bonding Attorney's services for 2024 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 **December 12, 2023**; and

WHEREAS, proposals received in response to the web site notification were opened and publicly read at **11:00 a.m. on Tuesday, January 12, 2024** 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; **MS&B, McManimon, Scotland & Baumann**, 75 Livingston Ave, 2<sup>nd</sup> Floor, Roseland, NJ 07068 for **2024**; 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 **MS&B, McManimon, Scotland & Baumann** is hereby appointed as Bonding Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in **February 2025**.

3. **MS&B, McManimon, Scotland & Baumann** 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 **MS&B, McManimon, Scotland & Baumann** Attorney services for the Authority.

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


Dated: **3/21/2024**

  
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 21, 2024**.

Dated: **03/21/2024**

  
Marc Platizky, Secretary

Chairperson Moore asked Mr. Brand to discuss the FOG (Fats, Oil and Grease) issues in the collection system. Mr. Brand said that the grease dumping is a serious issue. Mr. Brand would like to meet with Condo associations to discuss how to educate their residents on the proper way to dispose of grease. We are also going to start inspections on business to insure they are in compliance and properly disposing of their grease.

Chairperson Moore asked Mr. Brand if there were any updates on the Administration Building. Mr. Brand said we are still waiting on DEP as of yet nothing to report.

Chairperson Moore asked for an update on Well 6 addition. Mr. Brand said we are making progress. Things are moving quickly and should be completed in the next 3 to 4 weeks.

Chairperson Moore requested a motion to approve the March 21, 2024 Payment of the Bills. Mr. Kurs made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to accept the Operating Report for February 2024. Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for a motion to approve the Development Report for March 2024. Mr. Platizky made the motion seconded by Mr. Kurs and unanimously carried.

Chairperson Moore asked for a motion to approve the Finance Officers Report for February 2024. Mr. Lippman made the motion, seconded by Mr. Kurs and unanimously carried.

Chairperson Moore asked for a motion to approve the Attorney's Report for February 2024 - March 2024. Mr. Platizky made a motion to table the attorney report, after a discussion, it was agreed to table the attorney report until further notice, seconded by Mr. Kurs and unanimously carried.

Chairperson Moore asked for a motion to approve the Engineer's Report for February 2024. Mr. Platizky made the motion, seconded by Mr. Kurs and unanimously carried.

Chairperson Moore asked for approval of the February 15, 2024 Minutes. 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