

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

MEETING MINUTES

APRIL 18, 2024

The Regular Meeting of The Southeast Morris County Municipal Utilities Authority (“SMCMUA” or the “Authority”) was held on April 18, 2024, at 7:00 PM prevailing time in the Board Room at the offices of SMCMUA at 19 Saddle Road, Cedar Knolls, New Jersey.

The Chairman called the meeting to order at 7:00 PM and read the attached statement of Public Notice (Sunshine Law) and caused same to be entered into the minutes of the meeting.

ROLL CALL

PRESENT: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando and Webster

ABSENT: Member Loughman

Also present were the following: Drew Saskowitz, Executive Director; Charles Maggio, Chief Financial Officer; Nicholas Buono, IT Director; Sophia Dyer, Engineering Manager; Heather Brandao, HR Manager; Alexis Bozza, Executive Administrative Assistant; and James Parisi, Esq., Murphy McKeon.

PUBLIC COMMENT

Chairman Marucci stated the next portion of the meeting was set aside for public comment.

A resident of Morris Plains addressed the Members and made the following comment:

My name is Albert Capuzzi. I live at 101 Glenbrook Road in Morris Plains. I am a professional engineer in the state of NJ.

Public health of customers should always be #1 priority of water utility.

There is Significant scientific evidence to indicate partial lead service line replacements cause an increase in lead for a period of time from six months to 2 years.

This led regulators and government agencies like EPA CDC and NJ DEP to discourage its use. The original law in NJ stated, “A public water system shall not, except during emergencies such as a water main or service line break, conduct a partial replacement of a lead service line.” EPA - The weight of evidence indicates that PLSLR often causes tap water lead levels to increase significantly for a period of days to weeks, or even several months.” The Center for Disease Control (CDC) study, Lead in Drinking Water and Human

Blood Lead Levels in the United States, states "Partial lead service line replacement has been associated with short-term increases in lead levels in drinking water."

In spite of this SMCMUA is planning partial lead service replacements.

Why would SMCMUA knowingly subject customers to unsafe lead levels? Lead is known to cause permanent cognitive deficits in children. The mitigation of pitcher filters is suspect. It is like giving someone a poison and providing the antidote. Why not just not give the poison?

EPA states there is no safe limit for lead. The goal is 0.

SMCMUA has the obligation to handle this properly and safely and has not.

SMCMUA has not completed the inventory of the service line materials. Other utilities are canvassing neighborhoods – doing door to door in home inspections, conducting soft digs to determine where the lead or galvanized is located.

SMCMUA has not done this. Your plan for Glenbrook Road, Bangiola Court and Keenan was to determine the material during construction and then provide pitcher filters and notify the customer of their need to replace their side. Drew, your Executive Director, emailed my neighbor to state "If the customer owned portion of the service line is found to be constructed of lead or galvanized materials, the customer will be given additional information regarding lead including language instructing them that they should replace their portion of the service line."

The work is scheduled to start on Monday, 4/22.

SMCMUA has not given customer ample notification for them to plan and do a full-service notification. The law requires "In all instances, the public community water system shall make a good faith effort to replace the entire lead service line and shall conduct a partial replacement only as a last resort. "

Other systems are approaching this differently – they have dedicated programs to remove the public and the private aide and are funding it though rates: Trenton, Newark, PVWSC.

By law, all lead or galvanized services need to be replaced in 10 years. It is most cost effective to do the replacements at the same time as the public side while the contractor is there.

The main on Glenbrook needs to be replaced – due to the frequency of main breaks – I advocated for the replacement. But the work needs to be done safely; this is not a safe plan.

I urge you to do the full replacement and cover the costs through rates like other systems are doing.

If you refuse to cover the costs in rates, those customers with lead or galvanized should at least be offered the opportunity to replace it at the same time as the utility side.

I urge you to offer monthly testing to all customers on lead levels using the 1st and 5th liter samples and provide pitcher filters/replacement cartridges until the lead drops to below action levels however long that takes to below 10 ug/l, the new LCRI lead limit.

I contacted the specialist who completed the corrosion control study for SMCMUA. She indicated the calcium in the water will not reduce the partial lead impacts.

Given safer alternatives, I do not think a water system should knowingly provide lead tainted water.

Your priority should always be the safety of water – especially – for children. In this case it appears SMCMUA is motivated by other factors.

A second resident of Morris Plains made the following comment:

I am Samantha Kelly. I live at 8 Glenbrook Road. I am curious, piggybacking on what he said, the law states that this would be the last resort. What sort of measures have you taken to conclude that you have to do a partial replacement instead of a full line replacement? No one has ever come to my house to inspect what my line is made out of. I have never gotten the impression that there was any effort to do a full lead line replacement.

Chairman Marucci reminded the members of the public that this portion of the meeting is not intended for questions and answers but rather an opportunity for the public to make comments.

Mr. Saskowitz stated that he has had conversations with the Mayor of Morris Plains, and the Authority is going to contact the homeowners within this project area to identify positively what type of service line material those customers have on the customers' side.

Ms. Kelly added:

The conversation I had with the Mayor this morning, he seemed to be in favor of you doing full lead line replacement.

Mr. Saskowitz offered his business card to discuss further after the meeting.

A third resident of Morris Plains made the following comment:

My name is Matthew Dolce. I live at 8 Bangiola Court. It's a little alarming that I just got this letter as they stated, and we're supposed to understand if we have this galvanized lead piping prior to you starting on Monday. It feels like it should have been given to us quite a long time ago, so we could've had a real plumber come and take a look. I just don't think that that's right that we're having such a short amount of time and that the

owner would have to make the assumption if they have to get it changes out and pay for all of that so if there's other options I do think they should be explored.

Mr. Capuzzi added:

We recognize that you said you don't respond to questions, but it's never been addressed. I brought this up last year. It's never been addressed how this decision was made to not do full lead service replacements. I know what your policy is, but you never explained why you're not doing full lead service replacements, why you're doing the partials. Other communities are doing them. They're finding a way to pay through rates, but you have decided not to. Are you able to explain why you've taken this approach that ends up spiking lead levels in the water? What's the reason for it?

Member Marucci did not know that was accurate information adding that he was unable to answer questions during this portion of the meeting. He added that all comments would be taken into consideration and discussed among the Board and Executive Director.

Mr. Dolce added, understanding the portion of the meeting was not intended for question and answers:

Since it wasn't in the letter, I am curious how long this will most likely take. And when the items in the letter (i.e., testing kit, filters, etc.) would be provided to the customers?

Mr. Saskowitz stated that the Authority's contractor is scheduled to commence work next week. He added that the work will begin on the main line only. At the time when the contractor makes the connection to the portion owned by the customer, that customer will be given a pitcher to remove lead, a filter supply for six months, a sample bottle to test for lead within 72 hours of the service connection being made, information on flushing instructions to decrease any lead level within the home, and six months later, the customer will be given sample bottles again to analyze for lead content. Mr. Saskowitz stated that the samples would not be done inhouse and will be sent out and analyzed by Eaton Analytical. SMCMUA will be paying for the initial 72-hour test and the second at six months. Any additional testing may be scheduled through the Authority, but the customer would be charged at the Authority's rate for the test.

The Chairman thanked the residents for their comments adding that all would be taken into consideration. No additional members from the public were present. The Chairman then closed the public comment portion of the meeting.

MOTION APPROVING MINUTES OF MARCH 21, 2024

Copies of the minutes of the meeting held on March 21, 2024, were distributed to the Members prior to the meeting for review and comment. Member Rotando moved that the minutes be adopted as presented. Members Clarke and Webster abstained. Member Huber seconded the motion which was duly adopted by the remaining Members.

RESOLUTION – APPROVING CLOSED SESSION MINUTES OF MARCH 21, 2024

Copies of the closed session minutes of the meeting held on March 21, 2024, were distributed to the Members prior to the meeting for comment and approval. Member Rotando moved to approve the closed session minutes and offered the following resolution:

RESOLUTION NO. 36-24

RESOLUTION APPROVING CLOSED SESSION MINUTES OF MARCH 21, 2024

“COPY ANNEXED”

Member Chumer seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Huber, Kiracofe, and Rotando

NOES: None

ABSTAINS: Members Clarke and Webster

RESOLUTION – APPROVAL OF APRIL 2024 LIST OF BILLS

Copies of the bill list for April 2024 were distributed to the Members prior to the meeting for comment and approval. Member Kiracofe moved to approve the list of bills and offered the following resolution:

RESOLUTION NO. 37-24

RESOLUTION AUTHORIZING PAYMENT OF LIST OF BILLS FOR APRIL 2024

“COPY ANNEXED”

Mr. Parisi stated that, for this resolution and for all resolutions included on this evening’s agenda authorizing contracts or payments, the Treasurer has provided certifications confirming adequate funds for each such purpose in the 2024 budget. To the extent the resolution anticipates payments beyond 2024, any and all such anticipated payments will be subject to approval and inclusion by the Authority in such future years’ budgets. Member Huber seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Huber, Kiracofe, and Rotando

NOES: None

ABSTAINS: Members Clarke and Webster

OTHER BUSINESS

- A. Resolution Authorizing Application to Board of Public Utilities for Approval of Conversion of Current Bulk Water Service to Florham Park Customers to Retail Sales

The Authority is party to a Water Supply Agreement with the Borough of Florham Park (the "Borough") dated January 21, 1977, pursuant to which the Authority provides bulk water service to certain customers in Florham Park (the "1977 Agreement"). The Borough has requested that the 1977 Agreement be revised to convert the current bulk service of water to customers in the Borough to retail service. The Borough has adopted a resolution authorizing the execution of an Amendment to the 1977 Agreement under which the current bulk services would be converted to retail service. NJSA 40:14B-20 of the Municipal and County Utilities Authorities Law requires the Authority to obtain the approval of New Jersey's Board of Public Utilities ("BPU") as a predicate to executing the proposed Amendment and converting said service from bulk to retail. Member Huber moved and offered the following resolution:

RESOLUTION NO. 38-24

RESOLUTION AUTHORIZING APPLICATION TO BOARD OF PUBLIC UTILITIES FOR APPROVAL OF CONVERSION OF CURRENT BULK WATER SERVICE TO FLORHAM PARK CUSTOMERS TO RETAIL SALES

"COPY ANNEXED"

Member Webster seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando and Webster

NOES: None

- B. Resolution Approving License Agreement with the Township of Hanover Police Department for Use of Baird Place Tank in Hanover Township

The Authority has been negotiating with the Hanover Township Police Department ("HTPD") for use of the Authority's Baird Place Tank Property in the Township of Hanover for the purpose of housing and maintaining equipment in conjunction with the HTPD's transmission antennas that are located on the water tank. The terms of the proposed use is set forth in a draft of proposed License Agreement, a copy of which was reviewed by the Members. Member Rotando moved and offered the following resolution:

RESOLUTION NO. 39-24

RESOLUTION APPROVING LICENSE AGREEMENT WITH THE TOWNSHIP OF HANOVER POLICE DEPARTMENT FOR USE OF BAIRD PLACE TANK IN HANOVER TOWNSHIP

“COPY ANNEXED”

Member Huber seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando and Webster

NOES: None

C. Resolution Authorizing Award of a Professional Service Contract for Engineering Services in connection with the Jones Woods 2 MG Tank Project

The Authority requested a proposal from Mumford-Bjorkman Associates, Inc. (“MBA”) for professional engineering services in connection with the Jones Woods 2MG Tank Project. The proposal dated April 8, 2024, in the not to exceed amount of \$130,400.00, was reviewed by the Engineering Manager as set forth in a memorandum dated April 8, 2024, a copy of which was reviewed by the Members. The Contract was being awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law). Member Chumer moved and offered the following resolution:

RESOLUTION NO. 40-24

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR
ENGINEERING SERVICES IN CONNECTION WITH THE JONES WOODS 2 MG TANK PROJECT

“COPY ANNEXED”

Member Webster seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando and Webster

NOES: None

D. Resolution Authorizing Award of a Professional Service Contract for Engineering Services in connection with Hydraulic Modeling Services using Bentley WaterGEMS

The Authority requested a proposal from Larson Design Group (“LDG”) for professional engineering services in connection with Hydraulic Modeling Services using Bentley WaterGEMS. The proposal dated April 3, 2024, in the not to exceed amount of \$100,000.00, was reviewed by the Engineering Manager as set forth in a memorandum dated April 8, 2024, a copy of which was reviewed by the Members. The Contract was being awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law

(N.J.S.A. 40A:11-1 et seq.) and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law). Member Huber moved and offered the following resolution:

RESOLUTION NO. 41-24

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR
ENGINEERING SERVICES IN CONNECTION WITH HYDRAULIC MODELING SERVICES USING
BENTLEY WATERGEMS

“COPY ANNEXED”

Member Chumer seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando
and Webster

NOES: None

E. Resolution Authorizing Award of a Contract for Groundskeeping Services

The Authority has advertised and received bids for groundskeeping services on April 4, 2024. The Executive Director reviewed the bids and set forth his recommendation for award of a contract in a memorandum dated April 8, 2024, a copy of which was reviewed by the Members. The award recommendation was for a two-year contract to LTI, Inc., in the total not to exceed amount of \$95,505.00 per year, for a total contract value of \$191,190.00, in accordance with its bid. Member Chumer moved and offered the following resolution:

RESOLUTION NO. 42-24

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR GROUNDSKEEPING SERVICES

“COPY ANNEXED”

Member Rotando seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando
and Webster

NOES: None

F. Resolution Authorizing Award of a Professional Service Contract for Professional
Legal Services in connection with Labor Law, Human Resources and Related
Matters

SMCMUA has a need for professional legal services in connection with labor law, human resources and related matters. The law firm of PEM Law, LLP, submitted a proposal for such

professional services dated March 22, 2024. The Executive Director recommended award of a contract to PEM Law, LLP. The cost of such services to be performed during the 2024 calendar year is estimated not to exceed the total amount of \$30,000.00. The contract was being awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.). Member Chumer moved and offered the following resolution:

RESOLUTION NO. 43-24

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR PROFESSIONAL LEGAL SERVICES IN CONNECTION WITH LABOR LAW, HUMAN RESOURCES AND RELATED MATTERS

“COPY ANNEXED”

Member Rotando seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando and Webster

NOES: None

G. Report of the Finance Committee

The Members reviewed a report of the Finance Committee meeting held on March 21st.

H. Report of the Ad Hoc Lead and Service Line Regulation Committee

The Members reviewed a report of the Ad Hoc Lead and Service Line Regulation meeting held on April 2nd.

REPORTS

- A. Engineering Division – March 2024
- B. Finance Division – March 2024
 - 1. Human Resources – March 2024
- C. Information Technology Division – March 2024
- D. Operations Division – March 2024
- E. Operations Risk Management Division – March 2024
- F. Water Quality Division – March 2024

RESUMPTION OF OTHER BUSINESS

A. Resolution Authorizing Closed Session Discussions

Chairman Marucci had been advised by Counsel that the following item on the agenda may be excluded from the portion of the meeting open to the public pursuant to the exception set forth in the Open Public Meetings Act. He then moved the following resolution:

Resolved that the discussion of current and potential litigation and compensation of management personnel be held in closed session pursuant to subsections 7 and 8 of Section 12b of the Open Public Meetings Act (NJSA 10:4-6 et seq.); and

Be it further resolved that since the discussion is to be conducted in closed session as permitted by the Act and is to involve questions of attorney/client privilege, it is not known at this time when, or if, the contents of the discussion may be disclosed.

RESOLUTION NO. 44-24

RESOLUTION AUTHORIZING CLOSED SESSION DISCUSSIONS

“COPY ANNEXED”

Member Huber seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Chumer, Clarke, Huber, Kiracofe, Rotando and Webster

NOES: None

[ENTER CLOSED SESSION.]

[RESUMPTION OF PUBLIC SESSION.]

B. Resolution Approving Salary Compensation for Management Personnel for 2024

Member Kiracofe moved and offered the following resolution:

RESOLUTION NO. 45-24

RESOLUTION APPROVING SALARY COMPENSATION FOR MANAGEMENT PERSONNEL FOR 2024

“COPY ANNEXED”

Member Webster seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Marucci; Members Clarke, Huber, Kiracofe, Rotando and Webster

NOES: None

ABSTAINS: Member Chumer

ADJOURNMENT

There being no further business, Member Rotando moved that the meeting be adjourned. Member Huber seconded the motion which was duly adopted by the Members. The meeting adjourned at 8:54 PM.

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

Alexis Bozza

ALEXIS BOZZA

Assistant Secretary

SUNSHINE LAW STATEMENT

Adequate notice of this meeting has been provided in accordance with the provisions of the “Open Public Meetings Act”, in the following manner:

1. By posting a copy of the Annual Notice of SMCMUA’s regular meetings on the Bulletin Board at SMCMUA’s offices at 19 Saddle Road, Cedar Knolls, New Jersey, and by delivering copies of such notice for posting at similar public places in the municipal buildings of the Town of Morristown, the Townships of Hanover and Morris and the Borough of Morris Plains on February 5, 2024; and
2. By providing copies of the Annual Notice to the clerks of the Townships of Chatham, Harding, Mendham, Randolph and Parsippany-Troy Hills, the Boroughs of Florham Park, Madison and Wharton, and the County of Morris on February 5, 2024; and
3. By providing copies of the Annual Notice for publication to the Daily Record and the Star Ledger on February 5, 2024.



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- (973) 326-6864
- customerservice@smcmua.org
- smcmua.org

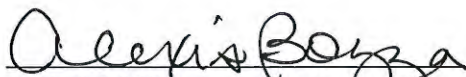
Resolution No. 36-24

RESOLUTION APPROVING CLOSED SESSION MINUTES

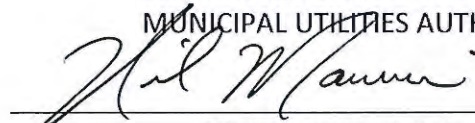
RESOLVED that the attached minutes of the Closed Session Meeting held on March 21, 2024, be and the same are hereby approved but withheld from public inspection and insertion in the regular Minute Book pending release for public disclosure pursuant to the provisions of the Open Public Meetings Act; and

BE IT FURTHER RESOLVED that the minutes be inserted in the Closed Session Minute Book of the Authority pending such disclosure.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


NICOLA MARUCCI, Chairman

Dated: April 18, 2024

Board Members

Morristown:
Arthur Clarke
Max Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

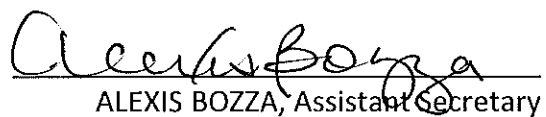
Hanover Township:
Nathan Kiracofe
Nicola Marucci

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



- 📍 19 Saddle Road
Cedar Knolls, NJ 07927
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- 📞 (973) 326-6864
- ✉️ customerservice@smcmua.org
- 🌐 smcmua.org

Resolution No. 37-24

RESOLUTION AUTHORIZING PAYMENT OF APRIL 2024 LIST OF BILLS

BE IT RESOLVED that authorization is hereby granted to make payment of the following list of bills:

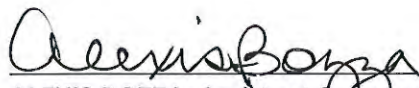
OPERATING FUND

Total Salary and Wages	\$	388,059.14
Total Operating Fund Checks and Wire Transfers	\$	717,486.28

CAPITAL FUND

Total Capital Fund Expenditures	\$	<u>749,413.24</u>
TOTAL OF APRIL 2024 LIST OF BILLS	\$	1,854,958.66

ATTEST:



 ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



 NICOLA MARUCCI, Chairman

Dated: April 18, 2024

Board Members

Morristown:
Arthur Clarke
Max Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

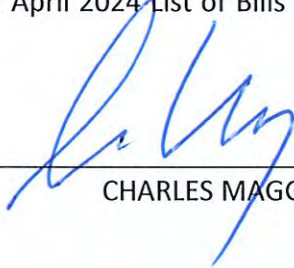
Hanover Township:
Nathan Kiracofe
Nicola Marucci

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available (\$1,854,958.66) for payment of the resolution entitled Resolution Authorizing Payment of April 2024 List of Bills in SMCMUA's 2024 Budget.

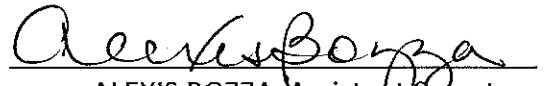


CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

CERTIFICATION

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ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



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Resolution No. 38-24

RESOLUTION AUTHORIZING APPLICATION TO BOARD OF PUBLIC UTILITIES SEEKING APPROVAL OF CONVERSION OF CURRENT BULK WATER SERVICE TO FLORHAM PARK CUSTOMERS TO RETAIL SALES

WHEREAS, the Authority is party to a Water Supply Agreement with the Borough of Florham Park (the "Borough") dated January 21, 1977, pursuant to which the Authority provides bulk water service to certain customers in Florham Park (the "1977 Agreement"); and

WHEREAS, the Borough has requested that the 1977 Agreement be revised to convert the current bulk service of water to customers in the Borough to retail service; and

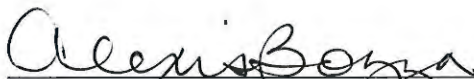
WHEREAS, the Borough has adopted a resolution authorizing the execution of an Amendment to the 1977 Agreement under which the current bulk services would be converted to retail service; and

WHEREAS, N.J.S.A. 40:14B-20 of the Municipal and County Utilities Authorities Law requires the Authority to obtain the approval of New Jersey's Board of Public Utilities ("BPU") as a predicate to executing the proposed Amendment and converting said service from bulk to retail.

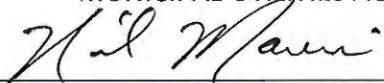
NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Authority hereby authorizes and directs that an application be submitted to the BPU seeking approval and authorization to Amend the Authority's 1977 Agreement with the Borough to convert the current bulk sale of water for customers served within the Borough to the retail sale of water to such customers.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


NICOLA MARUCCI, Chairman

Dated: April 18, 2024

Board Members

Morristown:
Arthur Clarke
Max Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

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CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



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Resolution No. 39-24

RESOLUTION APPROVING LICENSE AGREEMENT WITH THE TOWNSHIP OF HANOVER POLICE DEPARTMENT FOR USE OF BAIRD PLACE TANK IN HANOVER TOWNSHIP

WHEREAS, the Authority has been negotiating with the Hanover Township Police Department (“HTPD”) for use of the Authority’s Baird Place Tank Property in the Township of Hanover for the purpose of housing and maintaining equipment in conjunction with the HTPD’s transmission antennas that are located on the water tank; and

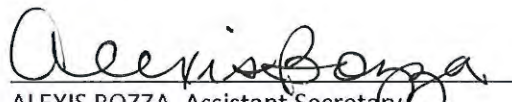
WHEREAS, the terms of the proposed use is set forth in a draft of proposed License Agreement, a copy of which is annexed hereto as Exhibit “A” and made part hereof; and

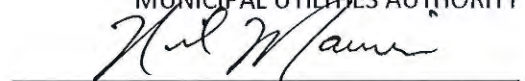
WHEREAS, the proposed License Agreement is deemed to be in the best interest of the Authority and the Water System and will not be detrimental to the Water System;

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. The proposed License Agreement by and between the Authority and HTPD be and the same are hereby approved substantially in the form annexed hereto together with such revisions as shall be approved by the Chairman or Vice Chairman with the advice of General Counsel; the execution of such Agreement by the Chairman or Vice Chairman with any such revisions to be conclusive proof of such approval.
2. The Chairman or Vice Chairman and Secretary or Assistant Secretary be and they are hereby authorized and directed to execute and deliver the License Agreement, with any such revisions as provided above, on behalf of the Authority in the manner provided by law.
3. The officers, employees and consultants of the Authority be and they are hereby authorized and directed to execute such further documents and take such further action as may be necessary or desirable to implement the provisions of this Resolution.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

NICOLA MARUCCI, Chairman

Dated: April 18, 2024

Board Members

Morristown:
Arthur Clarke
Max Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe
Nicola Marucci

Executive Director: Drew Saskawitz

Chief Financial Officer: Charles Maggio

BAIRD PLACE LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into this 5th day of April, 2024, by and between The Southeast Morris County Municipal Utilities Authority with offices at 19 Saddle Road, Cedar Knolls, New Jersey 07927 ("Licensor") and Township of Hanover Police Department, with its offices located at 1000 NJ-10, Whippany, New Jersey 07981 ("Licensee").

WHEREAS, the Licensee is currently a non-exclusive user of the Licensor's Baird Place water storage tank and surrounding property located at Lot 6, Block 7702 on the Hanover Township Tax Map (the "Property"); and

WHEREAS, the Licensor and Licensee desire to memorialize said use through the execution of this License Agreement.

NOW, THEREFORE, for valuable consideration given, the Parties hereby agree as follows:

1. Grant of License. Licensor hereby grants to Licensee a non-exclusive right to use Licensor's water storage tank and surrounding property located at the above referenced Property.
2. Use.
 - a. Licensee may use the Property for the sole purpose of housing and maintaining equipment ("Communications and Surveillance Equipment") in conjunction with the Licensee's transmission antennas that are located on the water tank at the Property.
 - b. Licensee shall provide notice to Licensor at least three (3) business days prior to performing any work at the Property. Such notice shall include a description of and/or any plans that may relate to such work. If emergency work is needed at the Property, Licensee shall provide notice of same as required herein as soon as is practicable at the time of or immediately following such emergency. In the event access is needed to the interior of the tank, such access may only be provided by Authority personnel due to required confined space compliance. In the event such tank access is needed on an emergency basis, Licensor shall provide such access within one (1) hour of being provided notice by Licensee of such need.
 - c. Licensee shall provide to Licensor a written inventory identifying all equipment located by the Licensee at the Property and shall update said inventory when and as equipment changes, additions or removals take place in order that the inventory remain current. When equipment inventory changes, all obsolete equipment and/or cable shall be removed from the Property.

3. Term of License. This License shall take effect upon the date stated above and shall continue for a term of five (5) years. Unless a Notice of Termination is provided by either party to the other no less than one (1) year prior to the end of the initial term or any renewal term thereafter, this Agreement shall automatically renew for four (4) additional five (5) year terms on the same terms and conditions. Any such Notice of Termination shall be delivered to the opposite party by overnight courier or hand delivery.

4. Electric Power. It is intended that the Licensee's Communications and Surveillance Equipment shall be independent of the Licensor's equipment, including all electric, telephone, fiber optic and other utilities. Therefore, the Licensee shall on or before January 1, 2026, arrange for and obtain a separate electric utility account to be paid by Licensee to power and serve Licensee's equipment at the Property. All such Communications and Surveillance Equipment that has been or is currently powered, and included within the Licensor's utility bill, shall be transferred to Licensee's utility account by said date.

5. Temporary Removal or Relocation of Equipment. Licensee agrees at the direction of the Licensor, for good cause, to temporarily remove or relocate to an equal elevation on the tank, at its cost and expense, the Communications and Surveillance Equipment (including non-Licensor installed third party equipment required for the operation of the Licensee's equipment) as may be reasonably required to permit Licensor, its agents, employees or contractors to paint, repair or otherwise maintain Licensor's water tank and facilities. Licensor agrees to provide Licensee not less than twelve (12) months written notice of any such work which may require the temporary removal or relocation of Licensee's Communications and Surveillance Equipment (except in the case of an emergency—in which case reasonable notice shall be given). Following its receipt of such notice, Licensee shall make the necessary arrangements to remove or relocate its Communications and Surveillance Equipment. Any and all costs associated with the temporary relocation or removal, maintenance and housing of said equipment shall be paid by Licensee. In exercising its rights herein to require the removal or relocation of Licensee's equipment, Licensor shall make all reasonable efforts to minimize any interruption or interference with the operation of Licensee's equipment.

6. Licensor Costs and Expenses. Any and all costs incurred by the Licensor that would not otherwise be incurred by the Licensor but for the Licensee's use or continued use of the Property shall be promptly reimbursed to the Licensor by the Licensee following written notice of such expense being provided to Licensee.

7. Interference. In the event Licensee's Communications and Surveillance Equipment creates interference with the present frequency of any other occupants now on the premises, or interference with the radio, television or wi-fi reception of owners of premises in the area of the Property, Licensee agrees to promptly remedy same at its cost and expense. Licensor agrees to include this same non-interference clause in future license agreements for use of Licensor's Property

8. Indemnity and Hold Harmless. Licensee agrees to indemnify Licensor for, from and against any and all claims, liabilities, fines, penalties and/or damages, including reasonable attorneys' fees, for personal injury and/or property damage and/or regulatory violations that may be asserted or claimed against Licensor as a result of Licensee's use of the Property. Licensee shall further hold the Licensor harmless with respect to (a) any existing conditions at the Property, and (b) any damage or injury caused to Licensee's property or personnel as a result of the acts or activities of any third party at or on the Property.

9. Governmental Approvals. It is understood and agreed that Licensee's use of the Property is contingent upon it obtaining all certificates, permits and other approvals ("Governmental Approvals") that may be required by any federal, state or local authority at Licensee's sole expense including but not limited to required Federal Aviation Administration (FAA) permitting. The Licensor shall cooperate with Licensee in a reasonable manner in Licensee's efforts to obtain any such approvals (without incurring any expense in connection therewith). In the event any such application(s) should be rejected, or if the Licensee reasonably determines that such application(s) would be rejected, or any certificate, permit, license or approval issued to Licensee is canceled, expires, lapses or is otherwise withdrawn or terminated by a governmental authority so that Licensee is no longer able to use the Property for the purpose intended by this License Agreement, then either party shall have the right to terminate this Agreement upon written notice to the other. The Licensor additionally reserves the right to either terminate this Agreement or require the removal or refitting of any Communication Equipment if such equipment is found or determined to be in violation of any Governmental permits or regulations.

10. Surrender. Upon termination of this License for any reason, the Licensee shall remove its equipment from the Property and restore said Property to a condition similar to that which existed prior to the commencement of this Agreement, reasonable wear and tear excepted.

11. Environmental. Licensee acknowledges that the Water Tank may have been painted with lead-based paint in the past. Some residue containing lead may be present on the Property. To the best of Licensor's knowledge, the Property has never been subject to any contamination of hazardous conditions resulting in any environmental investigation, inquiry or remediation. Licensor and Licensee agree that each shall be responsible for their respective compliance with any and all environmental and industrial hygiene and/or safety laws or rules, including any regulations, guidelines, standards or policies of any governmental authorities having jurisdiction over the Property or the uses to which the Property is put.

12. Notice. Any notice to be sent by one party to the other shall be in writing and deemed to have been given upon personal delivery or delivery by overnight courier at the address set forth above.

13. Applicable Law. This License Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized representatives to execute this License Agreement as of the date first above written.

ATTEST:

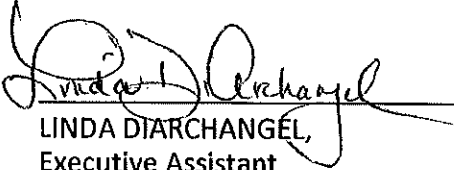
THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY,
LICENSOR

ALEXIS BOZZA, Assistant Secretary

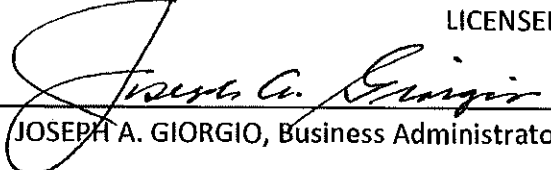
By: _____
NICOLA MARUCCI, Chairman

WITNESS:

TOWNSHIP OF HANOVER
POLICE DEPARTMENT,
LICENSEE



LINDA DIARCHANGEL,
Executive Assistant

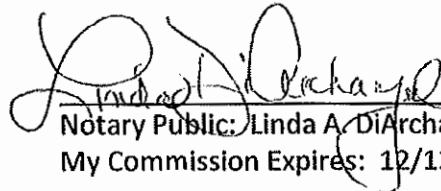
By: 

JOSEPH A. GIORGIO, Business Administrator

LICENSEE ACKNOWLEDGMENT

STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

On the 5th day of April, 2024, before me personally appeared Joseph A. Giorgio and acknowledged under oath that he is the Business Administrator of the Township of Hanover Police Department Licensee named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Township of Hanover.


Notary Public: Linda A. DiArchangel
My Commission Expires: 12/13/2026



LICENSOR ACKNOWLEDGMENT

LINDA A. DIARCHANGEL
Notary Public, State of New Jersey
Commission # 50179848
My Commission Expires December 13, 2026

STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

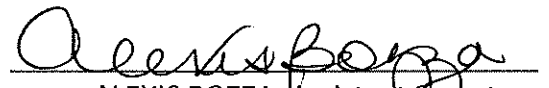
I CERTIFY that on _____, 2024, Nicola Marucci personally came before me and acknowledged under oath that he:

- (a) is the Chairman of The Southeast Morris County Municipal Utilities Authority, the Authority named in the attached instrument,
- (b) was authorized to execute this instrument on behalf of the Authority and
- (c) executed the instrument as the act of the Authority.

Notary Public: Alexis K. Bozza
My Commission Expires: 03/21/2026

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



- 19 Saddle Road
Cedar Knolls, NJ 07927
- (973) 326-6880
- (973) 326-6864
- customerservice@smcmua.org
- smcmua.org

Resolution No. 40-24

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT
FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH
THE JONES WOODS 2MG TANK PROJECT

WHEREAS, the Authority requested a proposal from Mumford-Bjorkman Associates, Inc. (“MBA”) for professional engineering services in connection with the Jones Woods 2MG Tank Project; and

WHEREAS, the proposal dated April 8, 2024, in the not to exceed amount of \$130,400.00, was reviewed by the Engineering Manager as set forth in a memorandum dated April 8, 2024, a copy of which is annexed hereto; and

WHEREAS, this Contract is being awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law); and

WHEREAS, MBA has completed and submitted Business Entity Disclosure Certifications which certify that they have not made any reportable contributions to any political or candidate committee in the Township of Hanover, Borough of Morris Plains, Town of Morristown and the Township of Morris in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Treasurer has determined and certified in writing that the value of the Contract will exceed \$17,500; and

WHEREAS, the Treasurer has certified that sufficient funds are available in the 2024 Budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the awarding of professional service contracts be printed once in a newspaper authorized by law to publish the Authority’s legal advertisement;

Board Members

Morristown:
Arthur Clarke
Max Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe
Nicola Marucci

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. That the proposal of Mumford-Bjorkman Associates, Inc., dated April 8, 2024, for professional engineering services in connection with the Jones Woods 2MG Tank Project, be and the same is hereby accepted and approved at a total not-to-exceed maximum amount of \$130,400.00.
2. The Executive Director be and is hereby authorized and directed to execute a Professional Service Contract on behalf of the Authority.
3. This contract is awarded without competitive bidding as a "Professional Service Contract" in accordance with the Local Public Contracts Law because the services to be rendered are professional services as therein defined; and
4. Copies of this Resolution shall be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Township of Hanover, the Township of Morris, the Town of Morristown and the Borough of Morris Plains, and notice of the award shall be printed once in the Daily Record in accordance with the Local Public Contracts Law.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


NICOLA MARUCCI, Chairman

Dated: April 18, 2024



MEMORANDUM

TO: SMCMUA Board
FROM: Sophia (Heng) Dyer, PE, Engineering Manager
RE: Recommendation of Award – Professional Services in Connection with Jones Wood Tank (2 MG) Improvements
DATE: 4/8/24
CC: Drew Saskowitz, LOR, Executive Director
Charles Maggio, CMFO, QPA, Chief Financial Officer
Alexis Bozza, QPA, Executive Administrative Assistant

Proposal from Mumford-Bjorkman Associates, Inc. (MBA) was received on 4/8/24 for professional services in connection with the Jones Wood Tank (2MG) Improvements.

Project Scope

The Jones Wood Tank (2MG) requires improvements to meet OSHA regulations and AWWA standards. The last capital project for the Jones Wood Tank (2MG) was in 1996. Professional services scope of work include design and bid phases consultation and full-time construction administration and observation by a AMPP (Association for Materials Protection and Performance) certified coatings specialists.

Project Driver

The Jones Wood Tank (2MG) has reached the end of its useful life.

Proposal Review and Recommendation for Award

It is recommended that a contract be awarded to MBA in the total not-to-exceed maximum amount of \$130,400. The Treasurer has certified that sufficient funds are available in the 2024 Capital Budget.

Table with 4 columns: Description of Account, Account, Budget Year, Amount. Row 1: Professional Services, CAPITAL: 02-00-500-488, 2024, \$130,400

CERTIFICATION OF VALUE IN EXCESS OF \$17,500 (PAY-TO-PLAY LAW)

The undersigned hereby certifies that the maximum amount of the contract to be awarded to Mumford-Bjorkman Associates, Inc., for professional engineering services in connection with the Jones Woods Tank 2MG Project exceeds \$17,500.



CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

TREASURER'S CERTIFICATION

I hereby certify funds are available in the Budget for payment of a professional service contract with Mumford-Bjorkman Associates, Inc., for professional engineering services in connection with the Jones Woods 2MG Tank Project. The total maximum amount of this contract will not exceed \$130,400.00. This item will be charged to Account No. 02-00-500-488.

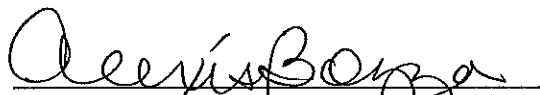


CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



- 19 Saddle Road
Cedar Knolls, NJ 07927
- (973) 326-6880
- (973) 326-6864
- customerservice@smcmua.org
- smcmua.org

Resolution No. 41-24

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT
FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH
HYDRAULIC MODELING SERVICES USING BENTLEY WATERGEMS

WHEREAS, the Authority requested a proposal from Larson Design Group (“LDG”) for professional engineering services in connection with Hydraulic Modeling Services using Bentley WaterGEMS; and

WHEREAS, the proposal dated April 3, 2024, in the not to exceed amount of \$100,000.00, was reviewed by the Engineering Manager as set forth in a memorandum dated April 8, 2024, a copy of which is annexed hereto; and

WHEREAS, this Contract is being awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law); and

WHEREAS, LDG has completed and submitted Business Entity Disclosure Certifications which certify that they have not made any reportable contributions to any political or candidate committee in the Township of Hanover, Borough of Morris Plains, Town of Morristown and the Township of Morris in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Treasurer has determined and certified in writing that the value of the Contract will exceed \$17,500; and

WHEREAS, the Treasurer has certified that sufficient funds are available in the 2024 Budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that notice of the awarding of professional service contracts be printed once in a newspaper authorized by law to publish the Authority’s legal advertisement;

Board Members

Morristown:
Arthur Clarke
Max Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe
Nicola Marucci

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. That the proposal of Larson Design Group dated April 3, 2024, for professional engineering services in connection with Hydraulic Modeling Services using Bentley WaterGEMS, be and the same is hereby accepted and approved at a total not-to-exceed maximum amount of \$100,000.00.
2. The Executive Director be and is hereby authorized and directed to execute a Professional Service Contract on behalf of the Authority.
3. This contract is awarded without competitive bidding as a "Professional Service Contract" in accordance with the Local Public Contracts Law because the services to be rendered are professional services as therein defined; and
4. Copies of this Resolution shall be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Township of Hanover, the Township of Morris, the Town of Morristown and the Borough of Morris Plains, and notice of the award shall be printed once in the Daily Record in accordance with the Local Public Contracts Law.

ATTEST:



ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



NICOLA MARUCCI, Chairman

Dated: April 18, 2024



MEMORANDUM

TO: SMCMUA Board
FROM: Sophia (Heng) Dyer, PE, Engineering Manager
RE: Recommendation of Award – Professional Services in Connection with Hydraulic Modeling Upgrades
DATE: 4/8/24
CC: Drew Saskowitz, LOR, Executive Director
Charles Maggio, CMFO, QPA, Chief Financial Officer
Alexis Bozza, QPA, Executive Administrative Assistant

Larson Design Group (LDG) submitted a proposal on 4/3/24 for professional services in connection with upgrades to the SMCMUA hydraulic model.

Project Scope

The scope includes integrating GIS into the hydraulic model, developing base hydraulic model in the WaterGEMS software, calibrating the model to real time operations, and in-office training.

Project Driver

The driver is to integrate GIS to WaterGEMS and create a digital twin to optimize operations performance in the field.

Proposal Review and Recommendation for Award

It is recommended that a contract be awarded to LDG in the total not-to-exceed maximum amount of \$100,000. The Treasurer has certified that sufficient funds are available in the 2024 Capital Budget.

Table with 4 columns: Description of Account, Account, Budget Year, Amount. Row 1: Professional Services, CAPITAL: 02-00-500-488, 2024, \$100,000

CERTIFICATION OF VALUE IN EXCESS OF \$17,500 (PAY-TO-PLAY LAW)

The undersigned hereby certifies that the maximum amount of the contract to be awarded to Larson Design Group for professional engineering services in connection with Hydraulic Modeling Services using Bentley WaterGEMS exceeds \$17,500.



CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

TREASURER'S CERTIFICATION

I hereby certify funds are available in the Budget for payment of a professional service contract with Larson Design Group for professional engineering services in connection with Hydraulic Modeling Services using Bentley WaterGEMS. The total maximum amount of this contract will not exceed \$100,000.00. This item will be charged to Account No. 02-00-500-488.

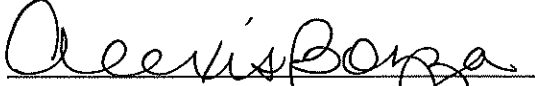


CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



- 19 Saddle Road
Cedar Knolls, NJ 07927
- (973) 326-6880
- (973) 326-6864
- customerservice@smcmua.org
- smcmua.org

Resolution No. 42-24

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR GROUNDSKEEPING SERVICES

WHEREAS, the Authority has advertised and received bids for groundskeeping services on April 4, 2024; and

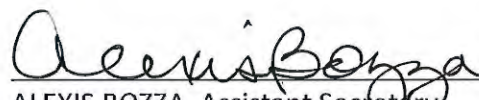
WHEREAS, the Executive Director has reviewed the bids and set forth his recommendation in a memorandum dated April 8, 2024, for award of a contract, said memorandum is attached hereto and made a part hereof; and

WHEREAS, the Treasurer has certified that there are sufficient funds available in the 2024 Budget for the portion to be expended in 2024; portions to be expended in 2025 and 2026 are subject to funds being available in the 2025 and 2026 Budgets respectively; and

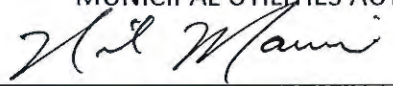
NOW, THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that a two-year contract for groundskeeping services be awarded to LTI, Inc., in the total not to exceed amount of \$95,505.00 per year, for a total contract value of \$191,190.00, in accordance with its bid submitted on April 4, 2024; and

BE IT FURTHER RESOLVED that the Executive Director and Assistant Secretary of the Authority be and they are hereby authorized and directed to execute the contract with regard to said services on behalf of the Authority in the manner prescribed by law.

ATTEST:



 ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
 MUNICIPAL UTILITIES AUTHORITY


 NICOLA MARUCCI, Chairman

Dated: April 18, 2024

Board Members

Morristown:
 Arthur Clarke
 Max Huber

Morris Township:
 Michael Chumer
 Matthew Loughman

Morris Plains:
 Ralph R. Rotando
 Patricia Webster

Hanover Township:
 Nathan Kiracofe
 Nicola Marucci

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio



MEMORANDUM

TO: SMCMUA Board
FROM: Drew Saskowitz, Executive Director *DS*
RE: Groundskeeping
DATE: April 8, 2024
CC: Charles Maggio, Chief Financial Officer

The Authority advertised and received bids for the above referenced contract on April 4, 2024. Bid packages were obtained by 12 companies where two companies submitted bids. A breakdown of the bids received is provided below in Table 1.

**Table 1
Bid Summary**

Bidder	Total Annual Cost
Custom Care Services, Inc.	\$134,545.00
LTI, Inc.	\$95,505.00

The Authority owns approximately 29 properties throughout the service area that require basic groundskeeping, including lawn and hedge maintenance type work and leaf, branch and debris removal, as well as gutter and downspout cleaning.

The Contractor shall provide facility groundskeeping services including turf mowing and turf edging, tree/hedge trimming and pruning, leaf and branch removal, and gutter and downspout cleaning or any services made applicable and outlined in bid specifications for the Authority's properties.

It is recommended that a two-year contract be awarded to LTI, Inc., for its low, responsive and responsible bid submitted on April 4, 2024, in the total not to exceed maximum annual amount of \$95,505.00.

The Treasurer has certified that sufficient funds are available in the 2024 Budget for the portion of the Contract to be expended in 2024; the portions to be expended in 2025 and 2026 will be subject to funds being allocated in those respective Budgets. Table 2 provides a summary of the account allocation for this Contract.

Table 2
Account Allocation

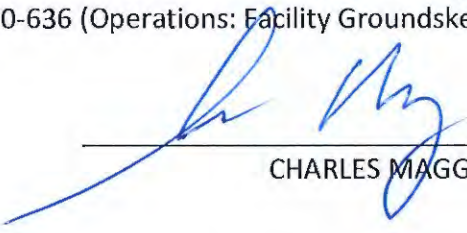
Budget Account	2024	2025	2026	Total
02-50-400-636 (OPERATIONS - Facility Groundskeeping)	\$47,752.50	\$95,505.00	\$47,752.50	\$191,010.00

TREASURER'S CERTIFICATION

I hereby certify funds are available for payment of a two-year contract with LTI, Inc., for groundskeeping services as follows:

1. In 2024, funds are available in the amount of \$47,752.50; and
2. In 2025, funds will be available in the amount of \$95,505.00, subject to the approval of the 2025 Budget; and
3. In 2026, funds will be available in the amount of \$47,752.50, subject to the approval of the 2026 Budget.

The total maximum amount of this two-year contract will not exceed \$95,505.00 per year. This item will be charged to Account No. 02-50-400-636 (Operations: Facility Groundskeeping).

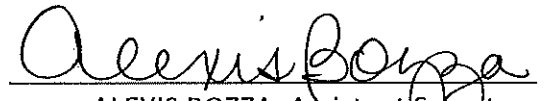


CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



- 19 Saddle Road
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- smcmua.org

Resolution No. 43-24

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR
PROFESSIONAL LEGAL SERVICES IN CONNECTION WITH
LABOR LAW, HUMAN RESOURCES AND RELATED MATTERS

WHEREAS, SMCMUA has a need for professional legal services in connection with labor law, human resources and related matters; and

WHEREAS, the law firm of PEM Law, LLP, has submitted a proposal for such professional services dated March 22, 2024, a copy of which is annexed hereto as Exhibit "A" (the "Proposal"); and

WHEREAS, the cost of such services to SMCMUA to be performed during the 2024 calendar year, as set forth in the Proposal, is estimated not to exceed the total amount of \$30,000.00; and

WHEREAS, this contract is being awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.); and

WHEREAS, PEM Law, LLP, has completed and submitted Business Entity Disclosure Certifications which certify that they have not made any reportable contributions to any political or candidate committee in the Town of Morristown, Township of Morris, Township of Hanover and the Borough of Morris Plains in the previous one-year period and that the contract to be awarded by this Resolution will prohibit it from making any such reportable contributions during the term of the contract; and

WHEREAS, the Treasurer has determined and certified in writing that the value of the Contract will exceed \$17,500; and

WHEREAS, the Treasurer has certified that there are sufficient funds available in the 2024 Budget; and

WHEREAS, the Local Public Contracts Law requires that notice of the award of professional service contracts be printed once in a newspaper authorized by law to publish SMCMUA's legal advertisements;

Board Members

Morristown:
Arthur Clarke
Mox Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotondo
Patricia Webster

Hanover Township:
Nathan Kiracofe
Nicola Marucci

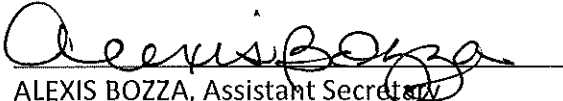
Executive Director: Drew Soskowitz

Chief Financial Officer: Charles Moggio

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. The Proposal of PEM Law, LLP, dated March 22, 2024, and annexed hereto as Exhibit "A" be and the same is hereby approved.
2. The Executive Director is hereby authorized to accept the Proposal on the part of SMCMUA.
3. This award is made without competitive bidding as a "Professional Service Contract" because the services to be provided are professional legal services as therein defined; and
4. Copies of this Resolution are to be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Town of Morristown, the Township of Morris, the Township of Hanover and Borough of Morris Plains; and Notice of the award shall be printed once in the Daily Record in accordance with the provisions of the Local Public Contracts Law.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


NICOLA MARUCCI, Chairman

Dated: April 18, 2024



Exhibit "A"

Jennifer Roselle, Esq.
Partner
jroselle@pemplawfirm.com

April 2, 2024

VIA ELECTRONIC MAIL

Drew Saskowitz
Executive Director
SE Morris County Municipal Utilities Authority
19 Saddle Road
Cedar Knolls, NJ 07927

RE: Proposal to serve as Labor Counsel

Dear Mr. Saskowitz:

As you know, I left my position at Genova Burns LLC on March 22, 2024, along with 7 of my Genova Burns partners, to open PEM Law LLP. Thank you for the opportunity to submit this proposal to serve as Labor Counsel to the Southeast Morris Municipal Utilities Authority ("Authority").

Our proposal is to provide services for the remainder of 2024 relating to labor and personnel counseling. More specifically, our proposal to provide services focuses on updating the existing handbook and assisting the Authority with labor relations matters as they arise. With respect to the handbook, we will work with your Human Resources department to ensure that your policies reflect current legal obligations and capture your current practice, while also recognizing that many of your employees are covered by a collective negotiations agreement. This proposal also includes provision of day-to-day support on labor issues, guidance regarding contract interpretation, grievances, arbitrations, should they arise, or any human resources challenges for which you require.

Our proposed fee structure for this engagement is on an hourly basis. As a public entity, we will provide services at a blended hourly rate (i.e. the same rate regardless of level of experience). Our proposed rate for the remainder of 2024 is \$250.00 per hour for partners, counsel, or associates. In the event paralegal services are required, we propose a rate of \$125.00 per hour. This proposed fee structure is capped at \$30,000.00 for the remainder of 2024. If you request legal services which will exceed the agreed upon contract limit, we will request express authorization and approval to perform the work on your behalf. We may also request a supplemental fee agreement. Please note that our free structure includes the following costs and expenses, if necessary: expert fees, court costs, filing fees, recording fees, accountants' fees, appraisers' fees, service fees, delivery charges, photocopying charges, supply charges, travel, and any other

Drew Saskowitz
Executive Director
April 5, 2024
Page 2 of 2



necessary costs and expenses that may be incurred. Expert fees will be discussed with you and approved by you prior to being incurred. We may require that expert(s) be retained directly by you, which means you would be responsible for payment.

Thank you again for giving me the opportunity to continue the relationship with the Authority. If you have any questions, please do not hesitate to contact me.

Very truly yours,

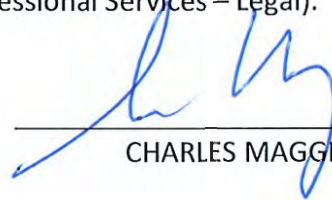
PEM LAW LLP

s/Jennifer Roselle
Jennifer Roselle

JR:dmc

TREASURER'S CERTIFICATION

I certify that there are sufficient funds available (\$30,000.00) in the 2024 Budget for payment of professional service contract with PEM Law, LLP, for professional legal services. This item will be charged to Account No. 02-10-400-602 (Professional Services – Legal).

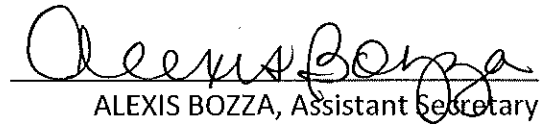


CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



19 Saddle Road
Cedar Knolls, NJ 07927
(973) 326-6880
(973) 326-6864
customerservice@smcmua.org
smcmua.org

Resolution No. 44-24

RESOLUTION AUTHORIZING CLOSED SESSION DISCUSSIONS

RESOLVED that the following discussions of:

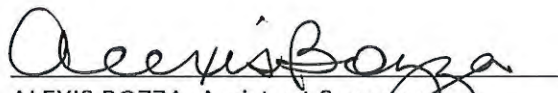
1. Current and Potential Litigation; and
2. Compensation of Management Personnel

be held in closed session pursuant to subsections 7 and 8 of Section 12b of the Open Public Meetings Act (NJSA 10:4-6 et seq.); and

BE IT FURTHER RESOLVED that since the discussions are to be conducted in closed session as permitted by the Act, and may involve questions of attorney/client privilege, it is not known at this time when, or if, the contents of the discussions may be disclosed.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


NICOLA MARUCCI, Chairman

Dated: April 18, 2024

Board Members

Morristown:
Arthur Clarke
Max Huber

Morris Township:
Michael Chumer
Matthew Laughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

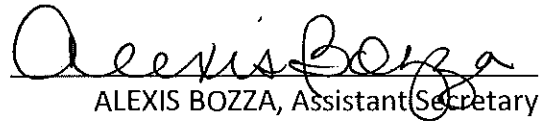
Hanover Township:
Nathan Kiracofe
Nicola Marucci

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024



19 Saddle Road
Cedar Knolls, NJ 07927
(973) 326-6880
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customerservice@smcmua.org
smcmua.org

Resolution No. 45-24

RESOLUTION APPROVING 2024 CLASSIFICATION AND
COMPENSATION PLAN FOR MANAGEMENT EMPLOYEES

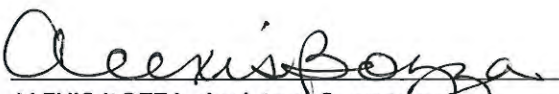
WHEREAS, The Southeast Morris County Municipal Utilities Authority (the "Authority") annually reviews its classification and compensation of Management Employees in consultation with the Human Resource Manager and Executive Director; and

WHEREAS, the recommendations of the Human Resource Manager and Executive Director with respect to Management Employee classification and compensation have been reviewed by the Authority's Personnel Committee for recommendation to the Authority for 2024; and

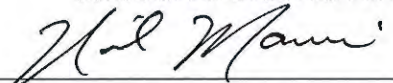
WHEREAS, the Authority Board has reviewed said recommendations with respect to classification and compensation of Management Employees for 2024 and determined the plan to be appropriate for approval.

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the 2024 Classification and Compensation Plan annexed hereto as Exhibit "A" be and is hereby approved and adopted.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


NICOLA MARUCCI, Chairman

Dated: April 18, 2024

Board Members

Morristown:
Arthur Clarke
Mox Huber

Morris Township:
Michael Chumer
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe
Nicola Marucci

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio

Exhibit "A"

2024 CLASSIFICATION AND COMPENSATION PLAN FOR MANAGEMENT EMPLOYEES

1. The following exempt and non-exempt management positions are established:

<u>Position</u>	<u>Position Classification</u>
Chief Financial Officer	Exempt
Customer Service and Billing Manager	Non-Exempt
Engineering Manager	Exempt
Engineering Services Supervisor	Non-Exempt
Executive Director	Exempt
Executive Administrative Assistant	Non-Exempt
Finance Office Supervisor 1	Non-Exempt
Human Resources Assistant	Non-Exempt
Human Resources Manager	Exempt
IT Director	Exempt
IT Infrastructure Supervisor	Non-Exempt
IT Infrastructure Assistant Supervisor	Non-Exempt
Operations Assistant Supervisor	Non-Exempt
Operations Supervisor	Non-Exempt
Operations Risk Manager	Exempt
Payroll and Benefits Administrator	Non-Exempt
Principal Engineer	Exempt
Revenue Integrity Operations Supervisor	Non-Exempt
Technical Process Improvement Manager	Non-Exempt
Treatment and Pumping Supervisor	Non-Exempt
Water Quality Laboratory Supervisor	Non-Exempt
Water Quality Assistant Manager	Non-Exempt
Water Treatment Process Control Specialist	Non-Exempt

2. The Human Resources Manager shall maintain and periodically update job descriptions for each of the positions authorized above. Recommendations for changes in job titles and salary levels shall be reviewed by the Executive Director and Chief Financial Officer and endorsed by the Personnel Committee subject to the Board's final approval.
3. The Human Resource Manager shall ensure the preparation of an annual performance evaluation for each management position. The Human Resource Manager shall submit recommendations for management salary adjustments to the Personnel Committee each review year. The Personnel Committee shall review the Human Resource Manager's report and recommend a compensation package to the Board of Members for consideration. The Board may, but shall not be obligated to, act on such recommendation.

4. The Human Resource Manager shall conduct a management compensation review at least every two years and may recommend changes based on market conditions, Consumer Price Index, or other recognized index or industry-standard which accurately measures the cost of living or upon any other relevant economic and performance factors.
5. 2023-2024 Management Cost of Living Adjustments (COLA)

All full-time permanent management employees will receive a 4.25% Cost of Living Adjustment (COLA) appended to their base salary. In accordance with SMCMUA policy, all new employees with a start date in the preceding year (2023) will have a prorated 4.25% appended to their base salary. An employee must be in an active status at the time of Board approval to be eligible for a SMCMUA COLA.

Total Compensation retroactively allocated to January 1, 2024 Management Compensation is \$95,954.33.

TREASURER'S CERTIFICATION

I hereby certify funds are available in the 2024 Budget in the amount of \$95,954.33 for payment of compensation for management employees effective January 1, 2024.

This item will be charged to Account No. 02-10-400-501, General Administration: Salary & Wages.

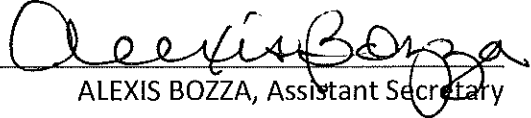


CHARLES MAGGIO, Treasurer

Dated: April 18, 2024

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 18, 2024, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 18, 2024