

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

MEETING MINUTES

DECEMBER 16, 2021

Due to the current COVID-19 State of Emergency and in compliance with N.J.S.A. 10:4-8, et seq., the Authority conducted its regularly scheduled Board Meeting on December 16, 2021 with some of the Members and staff participating by way of teleconference.

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

ROLL CALL

PRESENT: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster [Member Schimpf participated by telephone conference as permitted by the By Laws.]

ABSENT: Members Chumer and Kissil

All Members in the meeting acknowledged that they could hear the Chairman and other participants.

Also present were the following: Laura Cummings, PE, Executive Director; Charles Maggio, Chief Financial Officer; Jeff Elam, PE, Chief Engineer; Drew Saskowitz, Water Quality Superintendent; Nicholas Buono, IT Director; Alexis Bozza, Executive Administrative Assistant; David J. Ruitenbergh, Esq, Special Counsel; and Sidney D. Weiss, Esq., General Counsel to the Authority.

PUBLIC DISCUSSION

Chairman Huber stated the next portion of the meeting was set aside for public discussion and asked if any members of the public were present and would like to address the Board, to please state their full name for the record. No one responded. He then closed the public portion of the meeting.

MOTION APPROVING MINUTES OF NOVEMBER 18, 2021

Copies of the minutes of the meeting held on November 18, 2021, were distributed to the Members prior to the meeting for review and comment. Member Rotando moved that the minutes be adopted as presented. Member Baldassari seconded the motion which was duly adopted by the following vote:

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

ABSTAINS: None

### COMMUNICATIONS

1. December 9, 2021 – Copy of letter to Hanover Township regarding expiration of Member Schimpf’s term.
2. Annual Service Award and Holiday Luncheon notice.

### RESOLUTION – APPROVAL OF DECEMBER 2021 LIST OF BILLS

Copies of the bill list for December 2021 were distributed to the Members prior to the meeting for comment and approval. Member Webster moved to approve the list of bills and offered the following resolution:

#### RESOLUTION NO. 133-21

RESOLUTION AUTHORIZING PAYMENT OF LIST OF BILLS FOR DECEMBER 2021

“COPY ANNEXED”

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

### OTHER BUSINESS

#### A. Public Rate Hearing

A public hearing was held to review certain revisions to the Authority’s rates and charges for Water Service in 2022. A complete transcript was taken by a court reporter according to law and is made a part of these minutes.

#### B. Resolution Authorizing Rate Adjustment to be Effective January 1, 2022

Member Baldassari offered the following resolution:

#### RESOLUTION NO. 134-21

RESOLUTION AUTHORIZING RATE ADJUSTMENT TO BE EFFECTIVE JANUARY 1, 2022

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

C. Resolution Awarding Contracts for Insurance Coverage

A Renewal Proposal was prepared by the Authority's insurance consultant, Willis of New Jersey, Inc., ("Willis") dated December 10, 2021, which was provided to the Members for review prior to the meeting. Robert English of Willis advised that formal insurance proposals were submitted by National Union for property, crime, inland marine, general liability, automobile, public official liability and excess liability and Hartford Steam Boiler for equipment breakdown at a maximum cost to the Authority of \$165,820.00; and New Jersey Manufacturers for workers compensation at a maximum cost to the Authority of \$108,885.00. Mr. Weiss has previously advised that contracts for insurance may be awarded without competitive bidding within the exception to the Local Public Contracts Law. The contract is being awarded to Willis of New Jersey as producer of the Proposal as an Extraordinary Unspecifiable Service Contract pursuant to the provisions of the Local Public Contracts Law and in compliance with the Pay-to-Play Law. Willis has completed and submitted Business Entity Disclosure Certifications which certify that it has 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 it from making any reportable contributions through the term of the contract. He added that insurance companies are not required to comply with Pay-to-Play because they are prohibited by law from making political contributions. Mr. Weiss stated that the Treasurer will certify that funds are available for this contract upon adoption of the 2022 Budget. Member Rotando moved the following resolution:

RESOLUTION NO. 135-21

RESOLUTION AWARDING CONTRACTS FOR INSURANCE COVERAGE

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

D. Resolution Adopting 2022 Budget

The Board reviewed a notice from the Division of Local Government Services that the 2022 Budget, which had been introduced at the Authority's October 21, 2021 Board Meeting, had been approved. Member Baldassari offered the following resolution:

RESOLUTION NO. 136-21

RESOLUTION ADOPTING 2022 BUDGET

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

E. Resolution Authorizing Award of Contracts Under Cooperative Pricing Agreement with the Morris County Cooperative Pricing Council

The Board reviewed a memorandum from the Chief Financial Officer dated December 7, 2021, requesting authorization to purchase certain items from authorized vendors under the Morris County Cooperative Pricing Council (MCCPC) during the 2021 budget year. The purchases of goods and services by local contracting units through the County agency without advertising is authorized under Section 12 of the Local Public Contracts Law, N.J.S.A. 40A:11-12. The vendors listed in the memorandum have been awarded MCCPC contracts. Mr. Weiss stated that the Treasurer has certified that there are sufficient funds available in the 2022 Budget for these purchases. Member Baldassari moved the following resolution:

RESOLUTION NO. 137-21

RESOLUTION AUTHORIZING AWARD OF CONTRACTS UNDER COOPERATIVE PRICING AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

- F. Resolution Authorizing Award of Contracts Under Cooperative Pricing Agreement with the Educational Services Commission of New Jersey

The Board reviewed a memorandum from the Chief Financial Officer dated December 7, 2021, requesting authorization to purchase certain items from authorized vendors under the Educational Services Commission of New Jersey (ESCNJ) during the 2021 budget year. The purchases of goods and services by local contracting units through the agency without advertising is authorized under Section 12 of the Local Public Contracts Law, N.J.S.A. 40A:11-12. The vendors listed in the memorandum have been awarded ESCNJ contracts. Mr. Weiss stated that the Treasurer has certified that there are sufficient funds available in the 2022 Budget for these purchases. Member Baldassari moved the following resolution:

RESOLUTION NO. 138-21

RESOLUTION AUTHORIZING AWARD OF CONTRACTS UNDER COOPERATIVE PRICING AGREEMENT WITH THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

- G. Resolution Authorizing Award of Contracts Under the North Jersey Wastewater Cooperative Pricing System

The Board reviewed a memorandum from the Chief Financial Officer dated December 7, 2021, requesting authorization to purchase certain items from authorized vendors under the North Jersey Wastewater Cooperative Pricing System (NJCWPS) during the 2021 budget year. The purchases of goods and services by local contracting units through the agency without advertising is authorized under Section 12 of the Local Public Contracts Law, N.J.S.A. 40A:11-12. The vendors listed in the memorandum have been awarded NJCWPS contracts. Mr. Weiss stated that the Treasurer has certified that there are sufficient funds available in the 2022 Budget for these purchases. Member Baldassari moved the following resolution:

RESOLUTION NO. 139-21

RESOLUTION AUTHORIZING AWARD OF CONTRACTS UNDER THE NORTH JERSEY  
WASTEWATER COOPERATIVE PRICING SYSTEM

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf  
and Webster

NOES: None

H. Resolution Authorizing Award of Contracts Under State of New Jersey  
Cooperative Purchasing Program

The Board reviewed a memorandum from the Chief Financial Officer dated December 7, 2021, requesting authorization to purchase certain items from authorized vendors under the New Jersey Cooperative Purchasing Program (NJCPP) during the 2022 budget year. The purchases of goods and services by local contracting units through the State agency without advertising is authorized under Section 12 of the Local Public Contracts Law, N.J.S.A. 40A:11-12. The vendors listed in the memorandum have been awarded NJCPP contracts. Mr. Weiss stated that the Treasurer has certified that there are sufficient funds available in the 2021 Budget for these purchases. Member Baldassari moved the following resolution:

RESOLUTION NO. 140-21

RESOLUTION AUTHORIZING AWARD OF CONTRACTS UNDER STATE OF NEW JERSEY  
COOPERATIVE PURCHASING PROGRAM

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf  
and Webster

NOES: None

I. Resolution Awarding Contract for Corrosion Control Treatment  
Chemicals

The Authority advertised and received bids, pursuant to a fair and open process, for corrosion control treatment chemicals on December 8, 2021. Two bids were received by the eight companies who obtained bid packages. The bids have been reviewed

by the Water Quality Superintendent as set forth in a memorandum dated December 7, 2021, a copy of which was reviewed by the Members. George S. Coyne Chemical Co. Inc. ("Coyne") has been determined to be the lowest qualified bidder in the total amount not to exceed \$183,213.22. Mr. Weiss stated that the Treasurer has certified that there are sufficient funds available in the 2022 Budget for the portion to be expended in 2022; the portion to be expended in 2023 is subject to funds being available in the 2023 Budget. Member Rotando moved the following resolution:

RESOLUTION NO. 141-21

RESOLUTION AWARDING CONTRACT FOR CORROSION CONTROL TREATMENT  
CHEMICALS

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf  
and Webster

NOES: None

J. Resolution Rejecting Bid for Underground Facilities Location Services

The Members reviewed a memorandum from the Executive Administrative Assistant dated December 15, 2021. The Authority revised and re-solicited bids for the above referenced services as may be needed within its water utility service area in Morris County, NJ. The contractor would provide all equipment, transportation, materials consistent with the New Jersey Underground Facility Protection Act and comply with the terms, conditions and scope of work of the bid specifications. The bid opening was held on December 15, 2021. Only one bid was received from T2 Utility Engineers (T2). T2's bid was reviewed by the Authority's staff where the pricing substantially exceeded the Authority's budget appropriation for the services. It was recommended that the Authority reject the bid and authorize the initiation of negotiations with interested vendors pursuant to NJSA 40A:11-5 of the Local Public Contracts Law. Member Baldassari offered the following resolution:

RESOLUTION NO. 142-21

RESOLUTION REJECTING BID FOR UNDERGROUND FACILITIES LOCATION SERVICES

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

K. Resolution Authorizing Operations/Engineering Professional Staff Recruiting Services of Aerotek Inc.

The Members reviewed a memorandum from the Executive Director dated December 16, 2021. Aerotek Inc. ("Aerotek") is a comprehensive personnel recruitment organization with strong experience in operations and engineering where the Authority requires a strategic partner and intellectual asset in recruiting professionals specific to the needs of SMCMUA. The cost to the Authority for the provision of services by Aerotek is estimated not to exceed \$44,000.00 where this purchase is being made without public bidding as being less than the bidding threshold provided in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.). Funds are available and have been certified by the Treasurer of the Authority. Member Rotando offered the following resolution:

RESOLUTION NO. 143-21

RESOLUTION AUTHORIZING OPERATIONS/ENGINEERING PROFESSIONAL STAFF  
RECRUITING SERVICES OF AEROTEK INC.

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

L. Resolution Authorizing Purchase of Master Station Radios

The Members reviewed a memorandum from the IT Director dated December 8, 2021. The Authority requested proposals for the purchase of master station radios utilized for the Supervisory Control and Data Acquisition (or SCADA) system, which is scheduled for an upgrade. The equipment was installed in late 2008 and is approaching end-of-life (support and parts). End2End Technologies ("E2E") submitted the lowest cost proposal for the providing of such equipment at a maximum amount of \$27,900. This purchase is being made without public bidding as being less than the



bidding threshold of \$40,000 provided in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq. E2E 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. Funds are available and have been certified by the Treasurer. Member Rotando offered the following resolution:

RESOLUTION NO. 144-21

RESOLUTION AUTHORIZING PURCHASE OF MASTER STATION RADIOS

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

M. Resolution Awarding a Professional Service Contract for Architecture, Engineering and Land Use Services in connection with the SMCMUA Headquarters and Parking Expansion

The Members reviewed a memorandum from the Chief Engineer dated December 9, 2021. The Authority has a need for professional architecture, engineering and land use services in connection with the Authority's headquarters and parking expansion. Mr. Elam addressed the Members to review the project scope. LAN Associates has submitted a proposal dated December 6, 2021, for the providing of such services at an estimated maximum amount of \$258,230. 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). LAN Associates 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. The Treasurer certified that there are sufficient funds available in the 2022 Budget.

Member Webster offered the following resolution:

RESOLUTION NO. 145-21

RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT FOR ARCHITECTURE,  
ENGINEERING AND LAND USE SERVICES IN CONNECTION WITH THE SMCMUA  
HEADQUARTERS AND PARKING EXPANSION

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf  
and Webster

NOES: None

N. Resolution Authorizing an Energy Agent Contract with Gabel Associates, Inc., and Authorizing the Executive Director and, in her absence, the Principal Engineer, to Award a Contract and/or Reject Bids in Response to the Request for Bids for Electric Generation Service issued on behalf of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation

The Members reviewed a memorandum from the Executive Director dated November 9, 2021. The Authority has previously participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation ("NJSMUAESA"), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 et. seq., "the Act"), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts. The existing electric power supply contract(s) for the Authority's electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in December 2019, will expire upon the meter read dates in May 2022 for each Authority electric account. Authorization is requested for the Authority to continue the purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts. Member Rotando offered the following resolution:

RESOLUTION NO. 146-21

RESOLUTION AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR AND, IN HER ABSENCE, THE PRINCIPAL ENGINEER, TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

O. Resolution Authorizing Amendment of Professional Service Contract with Murphy McKeon PC for Professional Legal Services

The Members reviewed a memorandum from the Executive Director dated December 9, 2021. An increase to the existing Professional Services Agreement with Murphy McKeon PC is needed for additional legal counsel services. This increase is necessary as a result of a number of matters being undertaken, including (i) several project related issues, including contractor claims, construction code issues, and property easement negotiations; (ii) several purchasing matters involving the review of bid and/or RFP documents and the responses to same; (iii) several labor issues involving past and current employees; (iv) PFAS issues and responding to same; (v) MCMUA water supply discussions; and (vi) transition items. The requested increase to the contract in the amount of \$10,000 would amend the total maximum not to exceed amount from \$115,000 to \$125,000. The Treasurer has certified that funds are available in the 2021 Budget. Member Baldassari offered the following resolution:

RESOLUTION NO. 147-21

RESOLUTION AUTHORIZING AMENDMENT OF PROFESSIONAL SERVICE CONTRACT WITH MURPHY MCKEON PC FOR PROFESSIONAL LEGAL SERVICES

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

P. Resolution Authorizing Closed Session Discussion

Chairman Huber stated that the following item on the agenda may be excluded from the portion of the meeting open to the public pursuant to the exceptions set forth in the Open Public Meetings Act. He then offered the following motion:

RESOLUTION NO. 148-21

RESOLUTION AUTHORIZING CLOSED SESSION DISCUSSION

"COPY ANNEXED"

Resolved that discussion of:

1. Potential Class Action Litigation

be held in closed session pursuant to subsection 7 of Section 12b of the Open Public Meetings Act (N.J.S.A. 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 may involve questions of attorney/client privilege, it is not known at this time when, or if, the contents of the discussion may be disclosed.

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

Chairman Huber stated that the connection of the public meeting of SMCMUA would be terminated as the Members move into Closed Session. He added that the public meeting would resume at 8:25 PM. The Chairman provided the call-in number and access code for anyone wishing to reconnect and participate. He advised, If the meeting had not reconvened, to please hold on the call until the organizer starts the meeting. The Chairman moved into closed session.

[CLOSED SESSION MEETING TO FOLLOW]

[RESUMPTION OF PUBLIC MEETING]

- Q. Resolution Authorizing Execution of a Retainer Agreement with Kennedy & Madonna, LLP, for Professional Legal Services in connection with Potential Class Action Litigation

The Members reviewed a memorandum from the Executive Director dated December 9, 2021. The Authority has a need for professional legal services in connection with the identification of per- and/or poly- fluoroalkyl substances ("PFAS") in certain production wells operated by the Authority. The law firm of Kennedy & Madonna, L.L.P., has submitted a proposal for professional services dated October 21, 2021, to represent the Authority on a contingency basis in certain class action and/or multi-district litigation to recover potential monitoring and/or remediation costs that may be incurred by the Authority in the future in response to PFAS levels (the "Proposal"). The cost of such services to the Authority to be performed during the 2022 calendar year, as set forth in the Proposal, is estimated not to exceed the proposed contingency rate of 25% of any recovery obtained on the Authority's behalf. It is recommended that this contract be 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.). Following review of the memorandum and discussions held in closed session, Member Rotando offered the following resolution:

RESOLUTION NO. 149-21

RESOLUTION AUTHORIZING EXECUTION OF A RETAINER AGREEMENT WITH KENNEDY & MADONNA, LLP, FOR PROFESSIONAL LEGAL SERVICES IN CONNECTION WITH POTENTIAL CLASS ACTION LITIGATION

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

- R. Resolution Authorizing the Initiation of Condemnation Proceeding

The Members reviewed a memorandum from the Executive Director dated December 10, 2021. The Authority intends to undertake Phase 3 of its Water System Improvements (the "Project") in 2022. The Project includes a new water line extension that will require easements to be obtained through five Harding Township properties. The Authority has, pursuant to the New Jersey Eminent Domain Act, N.J.S.A. 20:3-1, et seq. (the "Act"), obtained appraisals establishing the compensation to be paid to the affected property owners in exchange for the required easements. The Act permits the Authority to initiate condemnation proceedings to take the needed easement in

those circumstances when the property owner refuses the Authority's good faith offers. The Authority is presently negotiating in good faith with the affected property owners to obtain the required easements in exchange for a value that is reasonably consistent with the prepared appraisals. However, authorization is requested for legal counsel to initiate condemnation proceedings in accordance with the Act in such instances when any owner of the above referenced properties refuses the Authority's good faith offers. Member Webster offered the following resolution:

RESOLUTION NO. 150-21

RESOLUTION AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDING

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

S. Resolution Appointing Public Agency Compliance Officer for 2022

In accordance with N.J.A.C. 17:27-3.2, each public agency shall designate an individual to serve as its Public Agency Compliance Officer or P.A.C.O. The P.A.C.O. is the liaison between the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts and the Authority and is the point of contact for all matters concerning implementation and administration of the statute. Each year, all public agencies are required to appoint a P.A.C.O. Ms. Cummings recommended that Alexis Bozza be appointed as the Authority's P.A.C.O. Member Webster moved the following resolution:

RESOLUTION NO. 151-21

RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER FOR 2022

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

T. Report of the Personnel Committee

Member Webster reported that a meeting of the Personnel Committee was held on December 2021 to review a number of items. (1) 2022 Management Compensation Recommendations: The draft proposed management compensation will be held pending the completion of the comprehensive job position and management compensation project with Newport and a secondary review by Howard Woods. This review is targeted for mid-February 2022. (2) HR Report: An in-depth discussion of the November HR Report was conducted where this report is included as part of the December Board Meeting Package. (3) Step 3 Grievances and Review of the Process of Handling Step 3 Grievances: The Personnel Committee members, on behalf of the full Board, reviewed two (2) Step 3 Grievances and have recommended denials of both. Letters will be issued to Local 1 accordingly. The grievance process was discussed and is completed in accordance with the Union contract. Local 1 declined the quarterly meeting as scheduled which is impeding the ability to complete the final contract document. (4) Survey Questionnaire Review and Discussion: The Committee reviewed an employee survey. The survey is recommended and can provide value in moving the organization forward. The surveys are part of the draft HR Strategic Plan and HR is evaluating a survey feature through Primepoint.

U. Resolution Amending Agreement with Genova Burns LLC for Special Labor Counsel and Human Resources Services

The Members reviewed a memorandum from the Executive Director dated December 16, 2021. Genova Burns was requested to submit a supplemental proposal for the existing Professional Services Agreement in anticipation of additional labor counsel expenses related to responding to various matters including a pending termination arbitration. The additional expenses are estimated not to exceed \$13,000. The requested increase to the contract would amend the total maximum not to exceed contract amount to \$136,000. The Treasurer has certified that funds are available in the 2021 Budget. Member Rotando offered the following resolution:

RESOLUTION NO. 152-21

RESOLUTION AMENDING AGREEMENT WITH GENOVA BURNS LLC FOR SPECIAL  
LABOR COUNSEL AND HUMAN RESOURCES SERVICES

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

V. Resolution Recognizing and Commending Sidney D. Weiss, Esq.

Sidney D. Weiss, Esq., had previously announced his intention of retiring from his position of General Counsel with The Southeast Morris County Municipal Utilities Authority effective January 1, 2022. The Members of the Board wished to recognize and commend Mr. Weiss for his displayed dedication, loyalty and professionalism to his position for since 1977. In addition, the Members recognized his valuable work on behalf of the Authority and its appreciation of his 44 years of valuable service to the Authority on the occasion of his retirement and the Board expressed its best wishes for happiness and good health in the years to come.

Member Baldassari stated that Mr. Weiss is an exemplified attorney exhibiting professionalism and integrity. Ms. Cummings added that she has appreciated all of Mr. Weiss' guidance through the years. Chairman Huber agreed with the sentiments of Member Baldassari. He also thanked Mr. Weiss for all of the help he has provided to him personally. Member Schimpf added that the water company is indebted to Mr. Weiss and he is personally grateful for knowing him.

Mr. Weiss retorted that it has been an honor and a pleasure to have served the Authority and he considers the formation of the Authority as the highlight of his legal and professional career.

Member Baldassari offered the following resolution:

RESOLUTION NO. 153-21

RESOLUTION RECOGNIZING AND COMMENDING SIDNEY D. WEISS, ESQ.

"COPY ANNEXED"

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

YEAS: Chairman Huber; Members Baldassari, Marucci, Rotando, Schimpf and Webster

NOES: None

REPORTS

- A. General Administration Division – November 2021
- B. Billing and Customer Service Division – November 2021
- C. Engineering Division – November 2021
- D. Finance Division – November 2021
- E. Human Resources Division – November 2021



- F. Information Technology Division – November 2021
- G. Operations Risk Management Division – November 2021
- H. Water Quality Division – November 2021

ADJOURNMENT

There being no further business, Member Baldassari moved that the meeting be adjourned. Member Rotando seconded the motion. The meeting adjourned at 8:42 PM.

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY  
**Alexis Bozza** Digitally signed by Alexis Bozza  
Date: 2022.01.21 13:08:40  
-05'00'

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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 the Authority's regular meetings (upon which this meeting is listed) on the Bulletin Board at the Authority'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 3, 2021.

2. By delivering to, for filing, copies of the Annual Notice with 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 3, 2021.

3. By delivering to, for filing, copies of the Annual Notice with the Daily Record, the Newark Star Ledger, and the Morris News Bee on February 3, 2021.



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

Resolution No. 133-21

RESOLUTION AUTHORIZING PAYMENT OF DECEMBER 2021 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	\$	345,544.14
Total Operating Fund Checks and Wire Transfers	\$	746,281.83

CAPITAL FUND

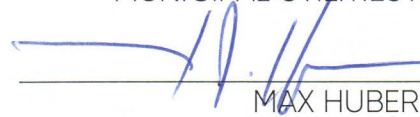
Total Capital Fund Expenditures	\$	<u>147,999.92</u>
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TOTAL OF DECEMBER 2021 LIST OF BILLS	\$	1,112,337.00
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ATTEST:

THE SOUTHEAST MORRIS COUNTY  
 MUNICIPAL UTILITIES AUTHORITY

  
 ALEXIS BOZZA, Assistant Secretary

  
 MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

**Morristown:**  
 Max Huber  
 Donald Kissil

**Morris Township:**  
 Dennis Baldassari  
 Michael Chumer, Ph.D.

**Morris Plains:**  
 Ralph R. Rotando  
 Patricia Webster

**Hanover Township:**  
 Nicola Marucci, P.E.  
 Adolf Schimpf, Ph.D.

Executive Director: Laura Cummings, P.E.

Chief Engineer: John J. Elam, P.E.

Chief Financial Officer: Charles Maggio, C.M.F.O., Q.P.A.

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available (\$1,112,337.00) for payment of the resolution entitled Resolution Authorizing Payment of December 2021 List of Bills in the Authority's 2021 Budget.

  
\_\_\_\_\_  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 134-21

RESOLUTION APPROVING REVISED SCHEDULES OF SERVICE CHARGES

WHEREAS, the Authority’s Executive Director and Chief Financial Officer have prepared a study which recommends the adoption of certain rate revisions to the Authority’s Rules and Regulations for Water Service (“Tariff”); and

WHEREAS, the proposed revised rates are required to generate sufficient revenues for the Authority to meets its expenses, six-year Capital Improvement Plan and other obligations; and

WHEREAS, the Authority is required by law to hold a public hearing on the aforesaid rate revisions; and

WHEREAS, notice of a public hearing and the revised schedules of service charges were published in the Daily Record on November 17 and 26, 2021, and the Star Ledger on November 18, 2021, as required by law; and

WHEREAS, notice of the proposed revised service charges was served upon the municipal clerk of each municipality serviced by the Authority within the time permitted by law; and

WHEREAS, a public hearing on the proposed revised schedule of service charges was held by the Authority on December 16, 2021, as required by law; and

WHEREAS, extensive testimony was presented in support of the proposed revised rates and opportunity was provided to the public to question witnesses and comment thereon; and

WHEREAS, the proposed rate revisions are found to be just and reasonable and reasonably necessary to promote the purposes of the Authority; and

WHEREAS, the Authority finds it to be in the best interest of the water system and the public interest to adopt the proposed revised schedules of service charges.

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

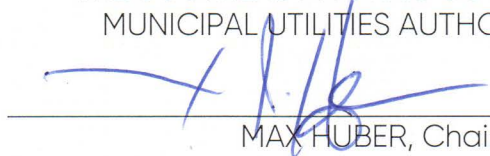
NOW, THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. The revised schedules of service charges set forth in Exhibit "A" annexed hereto be and are hereby approved and adopted.
2. The revised schedules of service charges shall be effective for bills rendered on and after January 1, 2022.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

**SCHEDULE NO. 1  
GENERAL METERED SERVICE**

Applicable to the use of water supplied through meters in the territory serviced by the Authority. The total of a customer's bill for a billing period includes consumption plus the facilities charges.

**CONSUMPTION CHARGE**

**RESIDENTIAL RATE  
(BILLED QUARTERLY)**

<u>Quantity Used</u> <u>Quarterly (CCF)</u>	<u>EXISTING</u>	<u>PROPOSED</u>	RATE (per 100 Cubic Feet)	
			<u>EXISTING</u>	<u>PROPOSED</u>
Conservation Rate	0-30	0-30	\$3.672	\$4.002
High Usage Rate	31-60	31-60	\$5.506	\$6.002
Incentive Rate	61 & Over	61 & Over	\$7.343	\$8.004

**REGULAR INDUSTRIAL AND COMMERCIAL RATE  
(BILLED QUARTERLY)**

Existing: \$5.237 per 100 Cubic Feet  
Proposed: \$5.656 per 100 Cubic Feet

**LARGE INDUSTRIAL AND COMMERCIAL RATE  
(BILLED MONTHLY)**

Existing: \$5.237 per 100 Cubic Feet  
Proposed: \$5.656 per 100 Cubic Feet

NOTE: One consumption unit (1 CCF) = 100 cubic feet = 748 gallons

Residential customers are services to single family residences.

Regular Industrial and Commercial Customers are all industrial and commercial customers who are not Large Industrial and Commercial Customers.

Large Industrial and Commercial Customers are monthly-billed industrial and commercial customers with 1 inch meters or greater whose annual usage is 1,200 consumption units (120,000 cubic feet) or more.



**SCHEDULE NO. 2  
GENERAL METERED SERVICE**

Applicable to the use of water supplied through meters in the territory serviced by the Authority. The total of a customer's bill for a billing period includes consumption plus the facilities charges.

**QUARTERLY FACILITIES CHARGE  
ALL WATER EXTRA (SEE SCHEDULE NO. 1)**

<u>Meter Size</u>	<u>Existing Charges</u>	<u>Proposed Charges</u>
5/8 Inch	\$25.23	\$27.50
3/4 Inch	\$30.90	\$33.68
1 Inch	\$50.65	\$55.21
1 1/2 Inch	\$77.58	\$84.56
2 Inch	\$109.15	\$118.97
3 Inch	\$181.93	\$198.30
4 Inch	\$281.72	\$307.07
6 Inch	\$528.18	\$575.72
8 Inch	\$820.91	\$894.79
10 Inch	\$1,159.82	\$1,264.20

**MONTHLY FACILITIES CHARGES  
ALL WATER EXTRA (SEE SCHEDULE NO. 1)**

<u>Meter Size</u>	<u>Existing Charges</u>	<u>Proposed Charges</u>
5/8 Inch	\$8.43	\$9.19
3/4 Inch	\$10.30	\$11.23
1 Inch	\$30.05	\$32.75
1 1/2 Inch	\$39.06	\$42.58
2 Inch	\$49.61	\$54.07
3 Inch	\$73.74	\$80.38
4 Inch	\$107.09	\$116.73
6 Inch	\$189.26	\$206.29
8 Inch	\$286.84	\$312.66
10 Inch	\$399.81	\$435.79

## DEFINITIONS

CONSUMPTION CHARGE: This charge includes the cost of treating the water and pumping it to the customers.

FACILITIES CHARGE: This charge covers the cost of water service lines, meter installation, meter reading, billing costs and other expenses. This does not change with consumption.

### SCHEDULE NO. 3 PRIVATE FIRE PROTECTION

Applicable to customers within and outside the District for Private Fire Protection.

<u>Size of Service</u>	<u>Existing Charges per Quarter</u>	<u>Proposed Charges per Quarter</u>
2 Inch	\$92.11	\$100.40
3 Inch	\$122.32	\$133.33
4 Inch	\$182.78	\$199.23
6 Inch	\$302.22	\$329.42
8 Inch	\$506.58	\$552.17
10 Inch	\$723.89	\$789.04

### SCHEDULE NO. 4 PRIVATE FIRE PROTECTION SERVICE (HYDRANTS)

Applicable to customers within and outside the District for Private Fire Protection.

<u>Private Fire Hydrants</u>	<u>Existing Charges per Quarter</u>	<u>Proposed Charges per Quarter</u>
4 Inch	\$79.14	\$86.26
4 1/4 – 4 1/2 Inches	\$99.31	\$108.25
5+ Inches	\$118.00	\$128.62

NOTE: Private Fire Hydrants are those provided by customers pursuant to Section 10A of the Authority's Rules and Regulations for Water Service.

**SCHEDULE NO. 5  
NON-METERED SERVICE**

Applicable to the entire territory serviced by the Authority.

**RATE**

Existing: Annual Charge \$ 110.80 (outdoor drinking fountain)  
Proposed: Annual Charge \$ 120.77 (outdoor drinking fountain)

**SCHEDULE NO. 6  
MISCELLANEOUS SERVICE**

Applicable to the entire territory serviced by the Authority for charges not involving the use of water.

Resumption of service after discontinuance due to non-payment of bills, or violation of the Rules, and delivery of 24-hour notice of discontinuance of service except that the charge for delivery of the 24-hour notice of discontinuance of service shall be waived in the case of senior citizens over the age of 65 years (upon request).

	<u>Existing</u>	<u>Proposed</u>
Meters up to and including 1 Inch	\$50.38	\$54.91
Meters larger than 1 Inch	\$82.04	\$89.42

Any other turn-offs and turn-ons regardless of reason of any service.

	<u>Existing</u>	<u>Proposed</u>
Meters up to and including 1 Inch	\$50.38	\$54.91
Meters larger than 1 Inch	\$82.04	\$89.42

**TAPPING FEES**

	<u>NEW</u>		<u>RENEWAL</u>	
	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
5/8 x 3/4 Inch	\$718.14	\$782.77	\$538.25	\$586.69
3/4 Inch	\$795.84	\$867.47	\$615.94	\$671.37
1 Inch	\$1,151.30	\$1,254.92	\$805.92	\$878.45
1 1/2 Inch	\$1,227.59	\$1,338.07	\$895.15	\$975.71
2 Inch	\$1,762.95	\$1,921.62	\$1,404.60	\$1,531.01

**WET CUT FEES**

<u>Sizes</u>	<u>Existing Charges</u>	<u>Proposed Charges</u>
4 Inch	\$615.94	\$671.37
6 Inch	\$702.30	\$765.51
8 Inch	\$761.32	\$829.84
10 Inch	\$971.41	\$1,058.84

**OTHER SERVICES**

	<u>Existing Charges</u>	<u>Proposed Charges</u>
Pumping Out Meter Pit	\$100.74	\$109.81
Annual Backflow/Detector Check	\$100.74	\$109.81
Locate and Clean Curb Box per Hour*	\$50.38	\$54.91

\*One hour minimum.

**LABOR AND MATERIALS**

Any labor performed and all materials furnished by the Authority will be charged to the customers, at cost, unless otherwise provided in these schedules.

**SCHEDULE NO. 7  
SERVICE TO OTHER WATER SUPPLY SYSTEMS  
(Non-retail service)**

Applicable outside the District of the Authority.

**TERMS OF PAYMENT**

Net cash on presentation of the bill.

EXISTING BULK RATE PER 100 CU. FT.

\$2.96

PROPOSED BULK RATE PER 100 CU. FT.

\$3.23

### MISCELLANEOUS APPLICATION FEES

<u>TYPE OF APPLICATION</u>	<u>EXISTING</u>	FEES*	<u>PROPOSED</u>
A. Service Connection Outside District (Excludes new Main Extensions)			
1. Residential (per connection/unit)	\$41.74		\$45.50
2. Commercial or Industrial (single unit and accessory use)	\$421.67		\$459.62
3. Industrial Park or Commercial Complex	\$1,034.73		\$1,127.86
B. New Main Extension Outside District For purpose of providing service solely to persons or property within District			
1. Residential	\$218.75		\$238.44
2. Commercial or Industrial	\$421.67		\$459.62
C. All Other New Main Extensions Outside District			
1. Residential Development (per connection/unit)	\$41.74 (Min. fee \$1,288.04)		\$45.50 (Min. fee \$1,403.96)
2. Commercial or Industrial (single use and accessory use including fire service)	\$2,796.24		\$3,047.90
3. Industrial Park or Commercial Complex (two or more units) (per connection/ unit)	\$2,412.09		\$2,629.18

---

\*Preliminary Fee intended to defray the cost to the Authority of processing the initial application and making written requests (when required) to the Authority. The Authority may require a supplemental fee, cash deposit or other security in the event additional costs are incurred in connection with the application. Such fees are in addition to the connection fee required pursuant to Schedule 13.

**SCHEDULE NO. 8  
APPLICATION FOR WATER MAIN EXTENSION**

Applicable within the District of the Authority to cover engineering, inspection, legal, etc., costs incurred relating to application.

Existing	Proposed
<u>Application Fee</u>	<u>Application Fee</u>
\$702.30	\$765.51

Existing Deposit: \$669.21 plus \$5.03 per foot of water main extension  
Proposed Deposit: \$729.44 plus \$5.48 per foot of water main extension

Application fee and deposit listed above are non-refundable. Additional cash deposits may be required to cover actual costs incurred in connection with the application. The unused portion of the additional deposit will be refunded after all requirements are completed.

**SCHEDULE NO. 9  
UNCOLLECTIBLE CHECK CHARGE**

If a customer or applicant for service submits an uncollectible check in payment of a bill, deposit or any service rendered, the Authority may charge a handling fee of:

Existing:	\$43.18
Proposed:	\$47.07

plus any penalties the Authority may incur from its bank handling the uncollectible check.

**SCHEDULE NO. 10  
SCHEDULE OF DEPOSITS**

- Omit -

**SCHEDULE NO. 11  
HYDRANT PERMIT FEES**

Applies to the entire territory serviced by the Authority to persons obtaining permits from the Authority to use Public Hydrants for purposes other than Fire Protection.

	<u>Existing</u>	<u>Proposed</u>
Deposit Required for borrowed wrench and adapter (deposit refunded when returned)	\$221.63	\$241.58
Monthly charge for unmetered water (payable in advance)	\$142.47	\$155.29

**SCHEDULE NO. 12  
WATER SEARCH SERVICE CHARGE**

- Omit -

**SCHEDULE NO. 13  
CONNECTION FEE**

Any applicant for potable water supplied by the Authority shall be required to pay a connection fee pursuant to Section 18 of the Authority's Rules and Regulations for Water Service as follows:

<u>Connection Fee</u>	<u>Existing</u>	<u>Proposed</u>
(Per Equivalent Dwelling Unit)	\$ 4,735.00	No Change

An equivalent dwelling unit is defined as usage of 184.532 gallons per pay.

Reduced rates, credits and allowances regarding connection fees, including (but not limited to) reduced rates for affordable housing, shall be allowed as provided in Section 18 of the Authority's Rules and Regulations for Water Service and as otherwise required by applicable laws as such laws shall be amended or supplemented from time to time.

**SCHEDULE NO. 14  
IRRIGATION SERVICE**

	<u>Existing</u>	<u>Proposed</u>
Flat Rate per 100 cubic feet	\$7.367	\$8.030
Seasonal on/off; drain meter charge	\$151.12	\$164.72

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021





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

Resolution No. 135-21

RESOLUTION AWARDING CONTRACTS FOR INSURANCE COVERAGE FOR 2021

WHEREAS, there exists a need for renewal of the Authority's insurance policies for property including package (property, crime, equipment breakdown, inland marine, general liability and automobile), public official liability, excess liability, temporary disability benefit and workers compensation; and

WHEREAS, Willis of New Jersey, Inc. ("Willis"), the Authority's insurance consultant and agent, has prepared an Insurance Renewal Proposal dated December 14, 2021, to be effective January 1, 2022, and submitted to the Members prior to this meeting; and

WHEREAS, Willis has advised that formal insurance proposals were submitted by National Union for property, crime, inland marine, general liability, automobile, public official liability and excess liability and Hartford Steam Boiler for equipment breakdown at a maximum cost to the Authority of \$165,820; and New Jersey Manufacturers for workers compensation at a maximum cost to the Authority of \$123,682 (the "Proposal"); and

WHEREAS, contracts for insurance may be awarded without competitive bidding within the exception to the Local Public Contracts Law, specifically set forth in N.J.S.A. 40A:11-5(m); and

WHEREAS, this contract is being awarded to Willis as producer of the Proposal as an Extraordinary Unspecifiable Service Contract pursuant to the provisions of the Local Public Contracts Law and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law), to be effective January 1, 2022; and

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

WHEREAS, Willis 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 it 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 Executive Director has, upon advice of counsel, certified that the awards meet the statute and regulations governing the award of such contracts, a copy of which Certification is annexed as Exhibit "A"; and

WHEREAS, the Treasurer will certify that funds are available upon adoption of the 2022 budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution awarding contracts of this nature must be available for public inspection and that notice of the award be published in a newspaper authorized to publish the Authority's legal advertisements.

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


1. That the insurance proposal submitted by the Authority's insurance consultant be and the same is hereby approved and accepted as to the following:
  - a. National Union for property, crime, inland marine, general liability, automobile, public official liability and excess liability and Hartford Steam Boiler for equipment breakdown at an annual premium of \$165,820; and
  - b. New Jersey Manufacturers for workers compensation at an annual premium of \$123,682; and
2. The Executive Director be and is hereby authorized and directed to accept and sign the proposal on behalf of the Authority on or after January 1, 2022 unless terminated by the Board prior to that date.
3. The above contract is awarded without competitive bidding pursuant to the provisions of N.J.S.A. 40A:11-5(m) for the reasons set forth in annexed Certification of the Executive Director.

4. Copies of this Resolution and the Proposal herein approved shall be filed in the office of the Secretary of the Authority 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 awards shall be published 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

  
MAX HUBER, Chairman

Dated: December 16, 2021

## CERTIFICATION

TO: SMCMUA Board Members  
FROM: Laura Cummings, PE, Executive Director  
SUBJECT: Insurance Coverage  
DATE: December 15, 2021

---

This is to request your approval of the annexed resolution authorizing contracts for insurance coverage to be executed as stated therein:

Firm: Willis of New Jersey, Inc.  
(Insurance Agent)

Carriers: See attached resolution

Cost: Not to exceed \$289,502 total

Period: January 1, 2022 through December 31, 2022

Purpose: Insurance policies covering property including package (property, crime, equipment breakdown, inland marine, general liability and automobile), public official liability, excess liability and workers compensation.

The contracts for insurance coverage are requested to be awarded without competitive bids pursuant to Section 40A:11-5(m) of the Local Public Contracts Law as an Extraordinary Unspecifiable Service.

I do hereby certify as follows:

1. A Renewal Proposal was prepared by the Authority's insurance consultant, Willis of New Jersey, Inc. ("Willis") dated December 14, 2021. The complete proposal will be discussed and supplemented by Robert English of Willis of New Jersey, Inc., at the December 16, 2021 Board Meeting.
2. The awards can be made pursuant to the exception set forth in 40A:11-5(m) of the Local Public Contracts Law.

3. The services are specialized and qualitative in nature requiring expertise, extensive training and proven reputation because they involve complex insurance evaluation and underwriting concepts and because they are within the specific exception under the aforesaid section of the Local Public Contracts Law.
4. The services cannot be described by written specifications because of the complexities described above and because no such specifications are required under the exceptions set forth in the Local Public Contracts Law.
5. I have reviewed the rules and regulations of the Division of Local Government Services applicable to the Local Public Contracts Law with counsel and certify that the proposed contract may be awarded within the exception set forth in N.J.S.A. 40A:11-5(m).

Respectfully submitted,

**Laura Cummings,**  
**PE**

Laura Cummings, PE  
Executive Director

Digitally signed by Laura Cummings, PE  
DN: cn=Laura Cummings, PE, o=Southeast  
Morris County MUA, ou=Executive Director,  
email=lcummings@smcmua.org, c=US  
Date: 2021.12.15 08:04:23 -05'00'



[www.willis.com](http://www.willis.com)

**Willis of New Jersey, Inc.**  
1015 Briggs Road  
Suite 100  
Mount Laurel, NJ 08054  
Phone: (856) 914-4600

December 14, 2021

Southeast Morris County Municipal Utilities Authority  
Laura Cummings

RE: 2022 Insurance Premiums

Laura, attached is an exhibit that compares the 2021 to the 2022 premiums.

The current carriers are American Alternative through Glatfelter Public Practice with NJM on the Workers Compensation and Hartford Steam Boiler on the Equipment Breakdown.

For 2022 we are recommending National Union for all coverages with Hartford Steam Boiler on the Equipment Breakdown and NJM on the Workers Compensation.

We had previously marketed to two Joint Insurance Funds plus other commercial carriers. None would offer liability coverage without excluding for the lead hazard from the water. We market to other carriers when the current carrier's renewal is more than the current market trend in pricing or they want to reduce coverage.

As you review the premium comparison you will note the Subtotal, which includes all coverages except Workers Compensation increased by \$13,389 or 8.8%. The primary reason is that we added 6 vehicles during the year. The premium for these vehicles is not included in 2021 but is included in 2022. The 6 vehicles add \$7700 in additional 2022 premium. Also, we increased the operations payroll by 2%. This accounts for \$1300 of the increase. These changes account for \$9000 of the \$13,389 increase. The \$4389 difference is the rate increase which equals 2.7%. On average we see 2022 rate increases of 5-7%. The conclusion is that the actual rate increase is less than the market even for well performing accounts. It speaks to your good claim history and the value of the long-term relationship with the Glatfelter program. That value was demonstrated with Glatfelter's support of the recent claim settlement. Please note we were just informed of 2 vehicles that were sold. The premium will be adjusted to reflect their removal prior to the 1/1/22 effective date.

The 2022 NJM Workers Compensation cost increased \$1700+- compared to 2021. The state rate for Waterworks reduced from \$5.85 to \$5.07 or -13.3%. However, the 2022 Experience Modification increased from 1.061 to 1.022. The 2020 losses are now included and caused the modification to increase. The modification increase more than offset the Waterworks rate reduction adjusted. NJM has quoted 2022 with a 20% Dividend vs. 15% for 2021. This results in an extra \$5,500 in anticipated dividend.

One final comment on NJM. When they did the 2020 audit, they reclassified 4 employees from clerical to operations. They did this because these employees will occasionally work in the field. Working with Charles Maggio we were successful in revising the audit, changing the employees classification and saving \$14000+ in Workers Compensation cost.

We should acknowledge the continued good work of the Safety Committee, led by Celenia Mercado. I have attended several meetings and continue to be impressed with the results. Increasing safety awareness and addressing concerns to reduce the chance of loss will only result in lower premiums.

Separately budgeted line items for Flood, Public Officials Bonds, Street Opening Bonds and Short-Term Disability are not included in this exhibit and will be insured with other carriers.

A complete proposal, including copies of the carrier quotes will be sent to you.

Thank you.  
Bob English



[www.willis.com](http://www.willis.com)

**Willis of New Jersey, Inc.**  
1015 Briggs Road  
Suite 100  
Mount Laurel, NJ 08054  
Phone: (856) 914-4600

### Premium Comparison

<u>Property &amp; Casualty</u>	<u>Nat Un/HSB/NJM 21-22</u>	<u>Nat Un/HSB/NJM 22-23</u>
Property	\$25,228	\$27,243
Crime	\$500	\$500
Equipment Breakdown	\$7,078	\$7,329
Inland Marine	\$2,560	\$2,560
General Liability	\$46,762	\$51,537
Automobile	\$28,574	\$36,075*
Public Officials Liability	\$10,195	\$8,553
Excess Liability	\$30,667	\$31,034*
PLIGA Tax	<u>\$867</u>	<u>\$989</u>
Subtotal	\$152,431	\$165,820
Workers Compensation (NJM)	\$121,989	\$123,682
Grand Total	\$274,420	\$289,502

\*Reflects the addition of 6 vehicles during 2021.

The Subtotal increased \$13,389 year over year which equals +8.8%. Our estimate is that \$7,700 is due to the 6 vehicles added during 2021 and \$1300 is due operations payroll increase of 2%. The balance is a result of a 2.2% carrier rate increase.

We were just informed that 2 vehicles have been sold. The 2022 premium will be revised accordingly.

The Workers Compensation premiums are prior to the NJM Dividend. NJM Dividend is increased to 20% for 2022.



TREASURER'S CERTIFICATION

I hereby certify funds are available in the amount of \$289,502, for payment of a contract with Willis of New Jersey, Inc., for renewal of the Authority's insurance policies for package (property, crime, equipment breakdown, inland marine, general liability and automobile), public official liability, excess liability and workers compensation for 2022. This item will be charged to Account No. 02-92-492-650 (Insurance Expense).

  
\_\_\_\_\_  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY  
CERTIFICATION OF VALUE IN EXCESS OF \$17,500 (PAY-TO-PLAY LAW)

The undersigned hereby certifies that the estimated amount of the contract to be awarded to Willis of New Jersey, Inc., as producer of the Proposal for the Authority's insurance policies for property including package (property, crime, equipment breakdown, inland marine, general liability and automobile), public official liability, excess liability, temporary disability benefit and workers compensation for the one-year period commencing on January 1, 2022 exceeds \$17,500.

  
\_\_\_\_\_  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

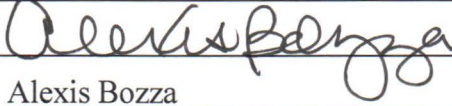
Dated: December 16, 2021

# 2022 (2022-2023) ADOPTION CERTIFICATION

## THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY BUDGET

**FISCAL YEAR:** January 1, 2022      **TO:** December 31, 2022

It is hereby certified that the Authority Budget and Capital Budget/Program annexed hereto is a true copy of the Budget adopted by the governing body of the Southeast Morris County Municipal Utilities Authority, pursuant to N.J.A.C. 5:31-2.3, on the 16th day of, December, 2021.

Officer's Signature:			
Name:	Alexis Bozza		
Title:	Assistant Secretary		
Address:	19 Saddle Rd Cedar Knolls, NJ 07927		
Phone Number:	973-326-9521	Fax Number:	973-326-6808
E-mail address	abozza@smcmua.org		

# 2022 (2022-2023) ADOPTED BUDGET RESOLUTION

## THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

**FISCAL YEAR: FROM:** January 1, 2022 **TO:** December 31, 2022

WHEREAS, the Annual Budget and Capital Budget/Program for the Southeast Morris County Municipal Utilities Authority for the fiscal year beginning January 1, 2022 and ending, December 31, 2022 has been presented for adoption before the governing body of the Southeast Morris County Municipal Utilities Authority at its open public meeting of December 16, 2021; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$ 18,610,603 Total Appropriations, including any Accumulated Deficit if any, of \$ 0 and Total Unrestricted Net Position utilized of \$514,197; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$9,640,301 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of The Southeast Morris County Municipal Utilities Authority, at an open public meeting held on December 16, 2021 that the Annual Budget and Capital Budget/Program of the Southeast Morris County Municipal Utilities Authority for the fiscal year beginning, January 1, 2022 and, ending, December 31, 2022 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

  
(Assistant Secretary's Signature)

12-16-2021  
(Date)

Governing Body Member:	Recorded Vote			
	Aye	Nay	Abstain	Absent
Baldassari, Dennis	X			
Chumer, Michael				X
Huber, Max	X			
Kissil, Donald				X
Marucci, Nicola	X			
Rotando, Ralph	X			
Schimpf, Adolf	X			
Webster, Patricia	X			



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

Resolution No. 137-21

RESOLUTION AUTHORIZING USE OF VENDOR UNDER THE  
MORRIS COUNTY COOPERATIVE PRICING COUNCIL

WHEREAS, the Authority is a participant in a Cooperative Pricing Agreement with the Morris County Cooperative Pricing Council ("MCCPC"); and

WHEREAS, the Authority wishes to purchase the items listed in Exhibit "A" from authorized vendors under the MCCPC during the 2022 budget year; and

WHEREAS, the purchase of work, materials and supplies through Cooperative Pricing Councils, such as the MCCPC, is authorized without additional advertising by the participants under Section 11 (5) of the Local Public Contracts Law, N.J.S.A. 40A:11-11(5); and

WHEREAS, the vendors listed in Exhibit "A" attached hereto has been awarded a contract by the MCCPC for and including the budget year 2022; and

WHEREAS, the cost is estimated not to exceed the amount stated; and

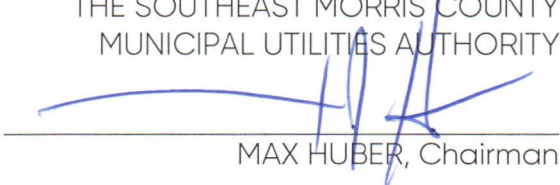
WHEREAS, the Treasurer of the Authority has certified the availability of funds in the 2022 Budget;

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendor listed in Exhibit "A" be authorized for use for the budget year 2022.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotondo  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT
1	Allied Oil	Unleaded Gasoline	\$60,000
5	Tilcon New York	Paving Material	\$30,000
9	Eastern Concrete	Crushed Stone-Sand	\$40,000
12	Allied Oil	Diesel Fuel	\$20,000
46	Genserve	Generator Repair and Maintenance	\$26,060
53	Challenger Fence	Material/Install	\$40,000

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2022 Budget to purchase work, materials and supplies from the vendors listed below through the Morris County Cooperative Pricing Council in 2022. The cost is estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXPIRATION	BUDGET ACCT #	ACCOUNT NAME	AMOUNT BUDGETED	AMOUNT REQUESTED
1	Allied Oil	Unleaded Gasoline	12/31/22	02-60-400-628	Vehicle and Equipment - Fuel	\$60,000	\$60,000
5	Tilcon New York	Paving Material	12/31/22	02-60-400-692	Concrete Repairs, Pavement Restoration	\$30,000	\$30,000
9	Eastern Concrete	Crushed Stone-Sand	12/31/22	02-60-400-692	Concrete Repairs, Pavement Restoration	\$40,000	\$40,000
12	Allied Oil	Diesel Fuel	12/31/22	02-60-400-628	Vehicle and Equipment - Fuel	\$20,000	\$20,000
46	Genserve	Generator Repair and Maintenance	06/30/23	02-70-400-651	T&P: Emergency Generator Maintenance	\$26,060	\$26,060
53	Challenger Fence	Material/Install	12/31/22	02-50-400-636	Facility Groundskeeping	\$40,000	\$40,000

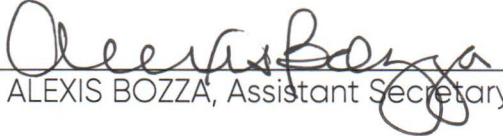
  
 \_\_\_\_\_  
 CHARLES MAGGIO, Treasurer

Dated: December 16, 2021



CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 138-21

RESOLUTION AUTHORIZING USE OF VENDOR UNDER THE  
EDUCATIONAL SERVICES COMMISSION OF  
NEW JERSEY COOPERATIVE PRICING SYSTEM

WHEREAS, the Authority is a participant in a Cooperative Pricing Agreement with the Educational Services Commission of New Jersey Cooperative Pricing System ("ESCNJCPS"); and

WHEREAS, the Authority wishes to purchase the item listed in Exhibit "A" from an authorized vendor under the ESCNJCPs during the 2022 budget year; and

WHEREAS, the purchase of work, materials and supplies through Cooperative Pricing Councils, such as the ESCNJCPs, is authorized without additional advertising by the participants under Section 11 (5) of the Local Public Contracts Law, N.J.S.A. 40A:11-11(5); and

WHEREAS, the vendor listed in Exhibit "A" attached hereto has been awarded a contract by the ESCNJCPs for and including the budget year 2022; and

WHEREAS, the cost is estimated not to exceed the amount stated; and

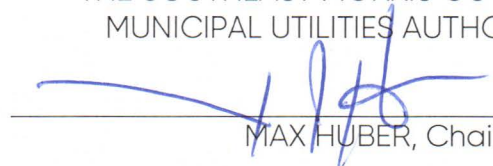
WHEREAS, the Treasurer of the Authority has certified the availability of funds in the 2022 Budget;

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendor listed in Exhibit "A" be authorized for use for the budget year 2022.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT
18/19-03	CDW-G	HP Hardware Server, Storage, Network	\$325,000

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2022 Budget to purchase work, materials and supplies from the vendor listed below through the Educational Services Commission of New Jersey Cooperative Pricing System in 2022. The cost is estimated not to exceed the amount stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXPIRATION	BUDGET ACCT #	ACCOUNT NAME	AMOUNT BUDGETED	AMOUNT REQUESTED
18/19-03	CDW-G	HP Hardware Server, Storage, Network	06/30/22		Capital: IT Network Infrastructure Hardware	\$325,000	\$325,000



---

CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 139-21

RESOLUTION AUTHORIZING USE OF VENDOR UNDERS THE  
NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

WHEREAS, the Authority is a participant in a Cooperative Pricing Agreement with the North Jersey Wastewater Cooperative Pricing System ("NJWCPS"); and

WHEREAS, the Authority wishes to purchase the items listed in Exhibit "A" from authorized vendors under the NJWCPS during the 2022 budget year; and

WHEREAS, the purchase of work, materials and supplies through Cooperative Pricing Systems, such as the NJWCPS, is authorized without additional advertising by the participants under Section 11 (5) of the Local Public Contracts Law, N.J.S.A. 40A:11-11(5); and

WHEREAS, the vendors listed in Exhibit "A" attached hereto have been awarded contracts by the NJWCPS for and including the budget year 2022; and

WHEREAS, the costs are estimated not to exceed the amounts stated; and


WHEREAS, the Treasurer of the Authority has certified the availability of funds in the 2022 Budget;

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendor listed in Exhibit "A" be authorized for use for the budget year 2022.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT REQUESTED
B270-3	Applied Analytics	Variable Frequency Drive (VFD) for Pumping Station Letdown	\$100,000
B279-13	Pumping Systems Inc.	VFD Install and Electrical Controls	\$100,000
B279-13	Pumping Systems Inc.	VFD Install and Electrical Controls	\$200,000
B279-4	Municipal Maintenance	Equipment Replacement and Installation Services	\$95,000
B279-4	Municipal Maintenance	Maintenance and Repairs	\$30,000
B295-6	NSI Neal Systems Inc.	SCADA - RTU Equipment	\$5,000
B295-6	NSI Neal Systems Inc.	SCADA - Chemical Feed Remote Telemetry Unit Equipment	\$40,000

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the Capital Budget to purchase work, materials and supplies from the vendors listed below through the North Jersey Wastewater Cooperative Pricing System in 2022. The costs are estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXPIRATION	BUDGET ACCT #	ACCOUNT NAME	AMOUNT BUDGETED	AMOUNT REQUESTED
B270-3	Applied Analytics	Variable Frequency Drive (VFD) for Pumping Station Letdown	07/31/23	02-00-500-494	T&P: Wells, Pumps, Motors, Etc.	\$100,000	\$100,000
B279-13	Pumping Systems Inc.	VFD Install and Electrical Controls	12/31/22	02-00-500-494	T&P: Wells, Pumps, Motors, Etc.	\$100,000	\$100,000
B279-13	Pumping Systems Inc.	VFD Install and Electrical Controls	12/31/22	02-00-500-493	IT Projects	\$200,000	\$200,000
B279-4	Municipal Maintenance	Equipment Replacement and Installation Services	12/31/22	02-00-500-494	Tanks, Pumps, Motors, Etc.	\$95,000	\$95,000
B279-4	Municipal Maintenance	Maintenance and Repairs	12/31/22	02-70-400-649	Treatment - Electrical Maint. & Repair	\$30,000	\$30,000
B295-6	NSI Neal Systems Inc.	SCADA - RTU Equipment	10/31/22	02-12-400-638	IT Admin: SCADA Control	\$5,000	\$5,000
B295-6	NSI Neal Systems Inc.	SCADA - Chemical Feed Remote Telemetry Unit Equipment	10/31/22	TBD	IT-ICS Facilities Chemical Feed Projects	\$40,000	\$40,000

  
 \_\_\_\_\_  
 CHARLES MAGGIO, Treasurer

Dated: December 16, 2021



CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 140-21

RESOLUTION AUTHORIZING USE OF VENDORS UNDER THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Authority wishes to purchase the items listed in Exhibit "A" from authorized vendors under the State of New Jersey Cooperative Purchasing Program 1-NJCP during the 2022 budget year; and

WHEREAS, the purchases of goods and services by local contracting units through the State agency without advertising is authorized under Section 12 of the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, the vendors have been awarded New Jersey State Contracts by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the contract costs are estimated not to exceed the amounts stated; and

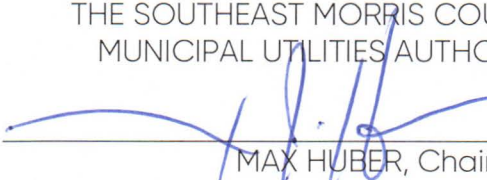
WHEREAS, the Treasurer of the Authority has certified the availability of funds in the 2022 Budget;

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendor listed in Exhibit "A" be authorized for use for the budget year 2022.

ATTEST:

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
ALEXIS BOZZA, Assistant Secretary

  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

Morristown:  
Max Huber  
Donald Kissil

Morris Township:  
Dennis Baldassari  
Michael Chumer, Ph.D.

Morris Plains:  
Ralph R. Rotondo  
Patricia Webster

Hanover Township:  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

Executive Director: Laura Cummings, P.E.

Chief Engineer: John J. Elam, P.E.

Chief Financial Officer: Charles Maggio, C.M.F.O., Q.P.A.

Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT
M0002	WW Grainger	Misc. Tools & Supplies	\$14,000
M0002	WW Grainger	Misc. Tools & Supplies	\$5,000
M0002	WW Grainger	Misc. Tools & Supplies	\$850
M0002	WW Grainger	Misc. Tools & Supplies	\$1,000
M0002	WW Grainger	Misc. Tools & Supplies	\$20,000
M0002	WW Grainger	Misc. Tools & Supplies	\$4,500
M0483	Ocean Systems	Secureworks Vendor	\$50,000
M7003	ESRI	ESRI GIS Software and Services	\$25,000
M8000	Barnwell House of Tires	Tires, Tubes/Services	\$28,000
T0764	Barton & Cooney	Printing & Mailing Services	\$55,200
T0900	Universal Protection Service LLC dba Allied Universal Security Services	Security Guard Services	\$164,866
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	\$3,770
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	\$34,200
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	\$12,700
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	\$7,750
T216A	Verizon Wireless	Cellular Phone Services	\$75,000
T2946	Slade Industries	Elevator Maint -Repair	\$7,500
T40813	Beyer Ford LLC	Vehicle Maintenance & Repair	\$57,600

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2022 Budget to purchase work, materials and supplies from the vendors listed below through the State of New Jersey Cooperative Purchasing Program 1-NJCP in 2022. The costs are estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXPIRATION	BUDGET ACCT #	ACCOUNT NAME	AMOUNT BUDGETED	AMOUNT REQUESTED
M0002	WW Grainger	Misc. Tools & Supplies	06/30/23	02-50-400-690	Ops: Tools	\$14,000	\$14,000
M0002	WW Grainger	Misc. Tools & Supplies	06/30/23	02-50-400-605	Ops: Paint and Supplies	\$5,000	\$5,000
M0002	WW Grainger	Misc. Tools & Supplies	06/30/23	02-75-400-644	WQ: Field Portable Instruments	\$850	\$850
M0002	WW Grainger	Misc. Tools & Supplies	06/30/23	02-75-400-645	WQ: General Equip & Supplies	\$1,000	\$1,000
M0002	WW Grainger	Misc. Tools & Supplies	06/30/23	02-70-400-690	T&P: Equipment & Repair	\$20,000	\$20,000
M0002	WW Grainger	Misc. Tools & Supplies	06/30/23	TBD	WSIP Phase 3	\$4,500	\$4,500
M0483	Ocean Systems	Secureworks Vendor	07/31/22	02-12-400-620	IT Admin: Cybersecurity	\$50,000	\$50,000
M7003	ESRI	ESRI GIS Software and Services	12/31/21	02-12-400-601	IT Admin: Managed Services	\$25,000	\$25,000
M8000	Barnwell House of Tires	Tires, Tubes/Services	03/31/24	02-60-400-629	Trans: Vehicle & Equip - Maint	\$28,000	\$28,000
T0764	Barton & Cooney	Printing & Mailing Services	03/30/22	02-40-400-617	Cust Svc: Customer Record & Collection, Lockbox	\$55,200	\$55,200
T0900	Universal Protection Service LLC dba Allied Universal Security	Security Guard Services	05/31/22	02-40-550-628	HSS Services	\$164,866	\$164,866

CONTRACT	VENDOR	ITEMS	CONTRACT EXPIRATION	BUDGET ACCT #	ACCOUNT NAME	AMOUNT BUDGETED	AMOUNT REQUESTED
	Services						
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	08/31/24	02-75-400-647	WQ: Bench Chemistry Equip/Supp	\$3,770	\$3,770
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	08/31/24	02-75-400-646	WQ: Field Continuous Instrument	\$34,200	\$34,200
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	08/31/24	02-75-400-644	WQ: Field Portable Instruments	\$12,700	\$12,700
T0983	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	08/31/24	02-75-400-652	WQ: Service Contracts	\$7,750	\$7,750
T216A	Verizon Wireless	Cellular Phone Services	02/28/22	02-12-400-628	IT Admin: Communications - Cellular	\$75,000	\$75,000
T2946	Slade Industries	Elevator Maint - Repair	02/28/23	02-50-400-641	Facility Maintenance	\$7,500	\$7,500
T40813	Beyer Ford LLC	Vehicle Maintenance & Repair	03/17/22	02-60-400-629	Trans: Vehic & Equip - Maint	\$57,600	\$57,600



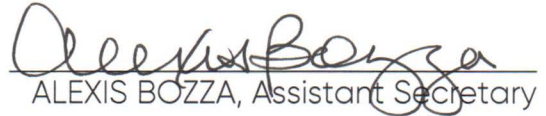

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CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 141-21

RESOLUTION AWARDING CONTRACT FOR  
CORROSION CONTROL TREATMENT CHEMICALS

WHEREAS, the Authority has advertised and received bids, pursuant to a fair and open process, for corrosion control treatment chemicals on December 8, 2021; and

WHEREAS, two bids were received out of the eight companies who obtained bid packages; and

WHEREAS, the bids have been reviewed by the Water Quality Superintendent as set forth in a memorandum dated December 7, 2021, a copy of which is annexed hereto; and

WHEREAS, George S. Coyne Chemical Co. Inc. ("Coyne") has been determined to be the lowest qualified bidder in the total amount not to exceed \$137,911.51; and

WHEREAS, award of this contract is contingent upon the analytical results of the samples submitted by Coyne satisfactorily meeting the specifications of each chemical; and

WHEREAS, the Treasurer has certified that there are sufficient funds available in the 2022 Budget for the portion to be expended in 2022; the portion to be expended in 2023 is subject to funds being available in the 2022 Budget; and

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

Board Members

Morristown:  
Max Huber  
Donald Kissil

Morris Township:  
Dennis Baldassari  
Michael Chumer, Ph.D.

Morris Plains:  
Ralph R. Rotando  
Patricia Webster

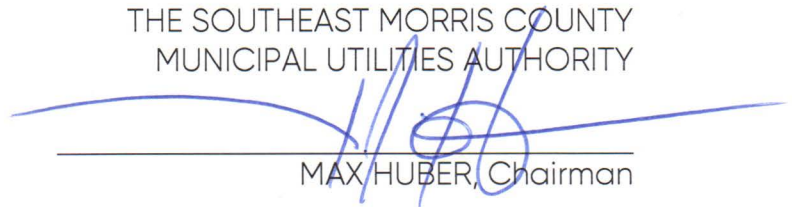
Hanover Township:  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

1. That a contract for corrosion control treatment chemicals be awarded to George S. Coyne Chemical Co. Inc. in accordance with its bid submitted on December 8, 2021, in the amount not to exceed \$183,213.22; said award is contingent upon the analytical results of the samples submitted by George S. Coyne Chemical Co. Inc. satisfactorily meeting the specifications of each chemical.
2. That the appropriate officers of the Authority be and they are hereby authorized and directed to execute a contract with regard to said project on behalf of the Authority in the manner provided by law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021





## MEMORANDUM

TO: SMCMUA Board

FROM: Drew Saskowitz, Water Quality Superintendent *DS*

RE: Corrosion Control Treatment (CCT) Chemicals

DATE: December 7, 2021

CC: Laura Cummings, PE, Executive Director  
Charles Maggio, CMFO, QPA, Chief Financial Officer

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The Authority advertised for the above referenced contract where bids were received on December 8, 2021. Bid packages were obtained by eight companies where two companies submitted bids from George S. Coyne Chemical Company, Inc. (Coyne) and Shannon Chemical Company (Shannon). Based on a review of the bids, as outlined below in Table 1, it is recommended that a contract be awarded to Coyne for a total of \$183,213.22, which is \$98,630.96 below the bid by Shannon.

The total for the award to Coyne exceeds the amount budgeted in Account No. 02-75-400-637 for CCT chemicals under the line item for treatment chemicals in the Treatment and Pumping Budget by a total of \$43,213.22. The contract is written with the intention to purchase the 1:5 zinc orthophosphate listed in Items 1 and 2 but allows the Authority the flexibility to order the 1:3 zinc orthophosphate as listed in Items 3 and 4 when there are supply issues with the 1:5 zinc orthophosphate as experienced in the past. As such, funds should be encumbered for the more expensive bid Items 3 and 4 with the understanding that the realized expenditures should be less. There have not been issues with the supply of 25:75 or 50:50 ortho polyphosphate (bid Items 5 and 6), so an alternate is not required. This budget account has adequate funding to cover the cost for CCT chemicals in 2022. The contract will be rebid for 2023 as CCT is added to additional facilities and the amount budgeted in 2023 will reflect the dosage of CCT chemicals for all facilities for the entire year. The Treasurer has certified that funds are available in 2022 for a one-year contract as defined in Table 2.

Table 1: Bid Comparison

Bid Item	Location	Unit	Est Qty	George S. Coyne		Shannon Chemical	
				3015 State Road		PO Box 376	
				Crydon, PA		Malvern, PA	
				Unit Price	Total	Unit Price	Total
Item 1	1:5 Zinc orthophosphate						
a	Magyar	30 gallon drum	24	\$ 315.90	\$ 7,581.65	\$ 383.83	\$ 9,211.92
b	Lidgerwood	30 gallon drum	16	\$ 334.87	\$ 5,357.85	\$ 383.83	\$ 6,141.28
c	Turnbull	30 gallon drum	16	\$ 334.87	\$ 5,357.85	\$ 383.83	\$ 6,141.28
d	MMC	30 gallon drum	14	\$ 334.87	\$ 4,688.12	\$ 383.83	\$ 5,373.62
Subtotal Item 1					\$ 22,985.47		\$ 26,868.10
Item 2	1:5 Zinc orthophosphate						
a	Clyde Potts	240 gallons	12	\$1,859.69	\$ 22,316.26	\$4,264.80	\$ 51,177.60
Subtotal Item 2					\$ 22,316.26		\$ 51,177.60
Item 3	1:3 Zinc orthophosphate						
a	Magyar	30 gallon drum	24	\$ 441.32	\$ 10,591.74	\$ 534.34	\$ 12,824.16
b	Lidgerwood	30 gallon drum	16	\$ 499.66	\$ 7,994.50	\$ 534.34	\$ 8,549.44
c	Turnbull	30 gallon drum	16	\$ 499.66	\$ 7,994.50	\$ 534.34	\$ 8,549.44
d	MMC	30 gallon drum	14	\$ 499.66	\$ 6,995.18	\$ 534.34	\$ 7,480.76
Subtotal Item 3					\$ 33,575.92		\$ 37,403.80
Item 4	1:3 Zinc orthophosphate						
a	Clyde Potts	240 gallons	12	\$2,633.93	\$ 31,607.14	\$4,586.40	\$ 55,036.80
Subtotal Item 4					\$ 31,607.14		\$ 55,036.80
Item 5	25:75 Ortho polyphosphate						
a	Black Brook	280 gallons	16	\$2,516.70	\$ 40,267.14	\$3,665.65	\$ 58,650.40
Subtotal Item 5					\$ 40,267.14		\$ 58,650.40
Item 6	50:50 Ortho polyphosphate						
a	Wing	330 gallons	12	\$2,705.11	\$ 32,461.31	\$4,392.29	\$ 52,707.48
Subtotal Item 6					\$ 32,461.31		\$ 52,707.48
<b>TOTAL AGGREGATE ITEMS 1 THROUGH 6</b>					<b>\$ 183,213.22</b>		<b>\$ 281,844.18</b>

Table 2: Account Allocation

Bid Item	2022		2023	
	Amount	Account	Amount	Account
Item 1 or 3	\$30,777.92	02-70-400-637	\$2,798.00	02-70-400-637
Item 2 or 4	\$28,973.21	02-70-400-637	\$2,633.93	02-70-400-637
Item 5	\$37,750.44	02-70-400-637	\$2,516.70	02-70-400-637
Item 6	\$29,756.20	02-70-400-637	\$2,705.11	02-70-400-637
<b>Total</b>	<b>\$127,257.77</b>	<b>02-70-400-637</b>	<b>\$10,653.74</b>	<b>02-70-400-637</b>

## TREASURER'S CERTIFICATION

I hereby certify the availability of funds for payment of a contract with George S. Coyne Chemical Co. Inc. for corrosion control treatment chemicals as follows:

1. In 2022, funds are available in the amount of \$127,257.77; and
2. In 2023, funds will be available in the amount of \$55,955.45, subject to the approval of the 2023 Budget.

The total maximum amount of this contract will not exceed \$183,213.22. This item will be charged to Operating Account No. 02-70-400-637.

  
\_\_\_\_\_  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 142-21

RESOLUTION REJECTING BID FOR UNDERGROUND FACILITIES LOCATION SERVICES

WHEREAS, the Authority advertised for public bids pursuant to the Local Public Contracts Law in connection with underground facilities location services; and

WHEREAS, one bid was received on December 14, 2021; and

WHEREAS, the bid has been reviewed by the Authority's staff as set forth in a memorandum dated December 15, 2021, a copy of which is annexed hereto; and

WHEREAS, the low bid substantially exceeds the amount estimated and the Authority's budget appropriation for the services; and

WHEREAS, it is recommended that the bid be rejected and the Authority initiate negotiations with interested vendors pursuant to N.J.S.A. 40A:11-5 of the Local Public Contracts Law; and


WHEREAS, the Authority has reserved the right to reject any and all bids.

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

1. That the bid received on December 14, 2021 for underground facilities location services be and is hereby rejected.
2. That the Authority initiate negotiations with interested vendors pursuant to N.J.S.A. 40A:11-5 of the Local Public Contracts Law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY  
  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

Morristown:  
Max Huber  
Donald Kissil

Morris Township:  
Dennis Baldassari  
Michael Chumer, Ph.D.

Morris Plains:  
Ralph R. Rotando  
Patricia Webster

Hanover Township:  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

Executive Director: Laura Cummings, P.E.

Chief Engineer: John J. Elam, P.E.

Chief Financial Officer: Charles Maggio, C.M.F.O., Q.P.A.



MEMORANDUM

TO: SMCMUA Board

FROM: Alexis Bozza, QPA, Executive Administrative Assistant **AB**

RE: Underground Facilities Location Services

DATE: December 15, 2021

CC: Laura Cummings, PE, Executive Director  
Charles Maggio, CMFO, QPA, Chief Financial Officer

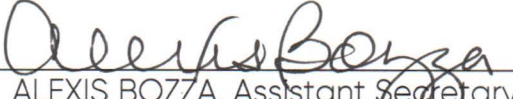
The Authority revised and re-solicited bids for the above referenced services as may be needed within its water utility service area in Morris County, NJ. The contractor would provide all equipment, transportation, materials consistent with the New Jersey Underground Facility Protection Act and comply with the terms, conditions and scope of work of the bid specifications. The bid opening was held on December 15, 2021. Only one bid was received from T2 Utility Engineers (T2). The bid proposal form requested pricing on four items. Below is a breakdown of the pricing submitted by T2:

Description	Cost per Unit
Locating and Marking during normal business hours when the ticket takes 30-minutes or less (Each)	\$328.90
Locating and Marking during normal business hours when the ticket takes more than 30-minutes (per ¼ hour)	\$164.45
Locating and Marking Emergencies (Each)	\$803.55
Carrying Out Damage Investigations (Each)	\$883.11

The previous contract was \$24.00 per ¼ hour. The unit prices submitted substantially exceed the estimated cost where it would not be sustainable for a twelve-month period at the contract's limit of \$150,000. On the basis that the bid is more than estimated and budgeted, it is recommended that the Authority reject the bid and authorize the initiation of negotiations with interested vendors pursuant to NJSA 40A:11-5 of the Local Public Contracts Law.

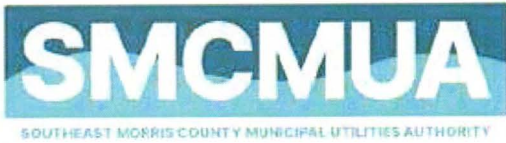
CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021





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

Resolution No. 143-21

RESOLUTION AUTHORIZING OPERATIONS/ENGINEERING  
PROFESSIONAL STAFF RECRUITING SERVICES OF AEROTEK INC.

WHEREAS, Aerotek Inc. ("Aerotek") is a comprehensive personnel recruitment organization with strong experience in operations and engineering; and

WHEREAS, the Authority requires a strategic partner and intellectual asset in recruiting professionals specific to the needs of SMCMUA; and

WHEREAS, the cost to the Authority for the provision of services by Aerotek is estimated not to exceed \$44,000.00; and

WHEREAS, this purchase is being made without public bidding as being less than the bidding threshold of \$44,000 provided in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

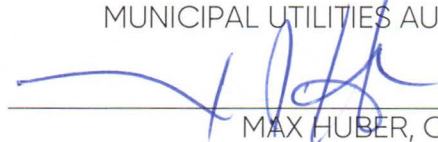
WHEREAS, funds are available and have been certified by the Treasurer of the Authority;

NOW, THEREFORE, be it resolved by The Southeast Morris County Municipal Utilities Authority as follows:

1. That the Authority is authorized to utilize the services of Aerotek Inc. in the not to exceed amount of \$44,000.00.
2. That the appropriate officers of the Authority be and they are hereby authorized and directed to execute the purchase on behalf of the Authority in the manner provided by law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY  
  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

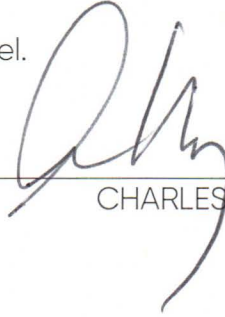
**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

TREASURER'S CERTIFICATION

I hereby certify funds are available for professional recruiting services of Aerotek Inc.. The total maximum amount of these services will not exceed \$44,000. This item will be charged to Account No. 02-10-400-607, Professional Services – Personnel.



---

CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 143-21

RESOLUTION AUTHORIZING PURCHASE OF MASTER STATION RADIOS

WHEREAS, the Authority requested proposals for the purchase of master station radios utilized for the Supervisory Control and Data Acquisition (or SCADA) system; and

WHEREAS, End2End Technologies ("E2E") submitted a proposal for the providing of such equipment at a maximum amount of \$27,900; and

WHEREAS, this purchase is being made without public bidding as being less than the bidding threshold of \$40,000 provided in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, E2E 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, funds are available and have been certified by the Treasurer of the Authority; and

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

1. That the proposal received by End2End Technologies be and the same is hereby approved.

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

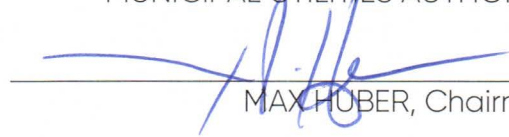
**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

2. That the appropriate officers of the Authority be and they are hereby authorized and directed to execute the equipment purchase on behalf of the Authority in the manner provided by law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available (\$27,900) for payment of the purchase of master station radios from End2End Technologies in the Authority's 2021 Budget. This item will be charged to Account No. 02-12-400-605.

  
\_\_\_\_\_  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021



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

Resolution No. 145-21

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT FOR ARCHITECTURE, ENGINEERING AND LAND USE SERVICES IN CONNECTION WITH THE SMCMUA HEADQUARTERS AND PARKING EXPANSION

WHEREAS, the Authority has a need for professional architecture, engineering and land use services in connection with the Authority’s headquarters and parking expansion; and

WHEREAS, LAN Associates has submitted a proposal dated December 6, 2021, for the providing of such services at an estimated maximum amount of \$258,230; a copy of which proposal is annexed hereto as Exhibit "A"; 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, LAN Associates 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 there are sufficient funds available in the 2022 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:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

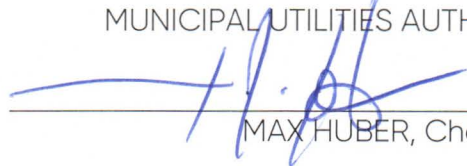
NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. That a professional service contract be awarded to LAN Associates for professional architecture, engineering and land use services in connection with the Authority's headquarters and parking expansion in the not to exceed amount of \$258,230;
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 the Authority 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

  
MAX HUBER, Chairman

Dated: December 16, 2021





Engineering,  
Planning,  
Architecture,  
Surveying Inc.

December 6, 2021

Southeast Morris County  
Municipal Utilities Authority  
19 Saddle Road  
Cedar Knolls, NJ 07927

Attention: Ms. Laura Cummings, P.E.,  
Executive Director/Chief Engineer

Subject: Proposal for Architecture, Engineering and Land Use Services  
SMCMUA Headquarters / Parking Expansion  
Township of Cedar Knolls, NJ  
LAN Ref. #2.20292.0-Lp21-775

Dear Ms. Cummings:

LAN Associates, Engineering, Planning, Architecture, Surveying, Inc. (LAN) is pleased to provide this proposal to provide Engineering and Land Use services for the site located at 19 Saddle Road in Cedar Knolls, NJ. LAN understands that in addition to the building renovation project, you wish to add additional parking separating staff from heavy equipment and renovate the back storage area. LAN shall perform a preliminary feasibility analysis and concept plan for the discussed future improvements, as described in the following scope of services.

**Scope of Services:**

**Task 1 – Schematic Design:**

LAN shall utilize the previously performed survey to create a schematic design of the proposed new parking area and driveways, along with a new materials and equipment storage area located to the west of the administration building. The goal is to house the equipment and trailers as provided in the attached equipment list (Attachment No. 1). The new storage area will also include 1 or 2 bays of enclosed, conditioned space for storage of sensitive materials and equipment. A preliminary cost estimate will be developed to set a budget that is acceptable to SMCMUA.

**Task 2 – Feasibility Analysis:**

LAN shall perform a review of the Freshwater Wetlands Protection Act Rules (FWPAR) (N.J.A.C. 7:7A) and the Flood Hazard Area Control Act Rules (FHACAR) (N.J.A.C. 7:13) to determine if the schematic design will include any regulated activities within the known regulated areas based on the previously completed Freshwater Wetlands Letter of Interpretation: Line Verification and Flood Hazard Area Verification Approvals.

LAN shall develop a feasibility analysis to identify potential development constraints and provide recommendations based on our evaluation of the schematic design to determine if any NJDEP permitting requirements are necessary.

**Task 3 – Site Plan & Specifications**

Based upon the feasibility analysis and final schematic design, LAN will prepare a site plan detailing the proposed improvements. This site plan will be based upon the existing property survey that has already been performed for the property. This plan will include site layout and dimensioning, existing and proposed grading, and construction details for the proposed improvements. The plan will be appropriately detailed for public bidding. Written technical specifications will be provided to accompany the site plan. A final cost estimate will be prepared as part of this task.

445 Godwin Ave Ste 9, Midland Park, NJ 07432 | t. 201-447-6400 | f. 201-447-1233 | [www.lanassociates.com](http://www.lanassociates.com)

#### Task 4 – Site Lighting Plan

LAN will prepare a site lighting plan which will show the new light fixtures (pole mounted, building mounted, or both), along with isolux lines and point by point light levels for the proposed lighting (in foot-candles). LAN will review the municipal ordinance to determine the requirements of site lighting, and the lighting design will adhere to these standards, if feasible. The lighting plan will include specifications for the proposed lights and poles (as applicable), along with construction details for the proposed lighting.

#### Task 5 – Soil Conservation Plan & Application:

Because the disturbed area will exceed 5,000 sf, a soil conservation permit will be required. LAN will prepare soil conservation plans and a soil conservation application for submission to the Morris County Soil Conservation District. After LAN prepares the SCD application, it will need to be signed by the applicant prior to submission, and the applicant will be required to provide an application fee for this application.

#### Task 6 – Stormwater Analysis & Design:

LAN will perform an analysis of the existing and proposed stormwater conditions and will design stormwater improvements to accommodate the additional stormwater that will result from that increase in impervious area. Based upon the scope of work, it is assumed that this project will be considered a “Major Stormwater Development”. As such, the stormwater design will need to adhere to current New Jersey State Stormwater Standards, which will include stormwater quantity reductions, stormwater quality improvements, and groundwater recharge. “Green Infrastructure” techniques will be required, which may include such improvements as bioretention basins or “rain gardens” to treat runoff from the proposed impervious surfaces in accordance with state standards.

LAN will prepare a stormwater report that summarizes the proposed stormwater design and demonstrates compliance with the applicable standards.

Most stormwater best management practices will require soil testing to demonstrate code compliance with regards to soil types, groundwater depth, and soil percolation rates. As such, we’ve included a soil testing task below.

#### Task 7 – Stormwater Soil Testing:

LAN will work with your excavator to perform soil testing for the purpose of stormwater design. It is assumed that SMCMUA can provide an excavator or backhoe (with operator) to dig several test holes in the vicinity of the proposed stormwater improvements. One of LAN’s engineering staff will witness the digging of the test holes, will log the soil and groundwater characteristics of each hole, and will perform percolation testing appropriate for the proposed best management practices. Under most circumstances, the percolation testing is a two-day procedure, so several of the test holes will need to be left open overnight so that our staff can complete the testing on the second day. After the percolation testing is complete, your excavator will backfill the holes. It would be the responsibility of your excavator to call the dig number for utility mark-out prior to the excavation. If the required depth of percolation testing is too deep for our staff to safely perform the required percolation testing, soil samples may instead be taken for laboratory analysis.

The cost to provide an excavator and operator would be the responsibility of SMCMUA.

#### Task 8 – NJDEP DLRP Permitting:

LAN shall prepare documents necessary to submit NJDEP DLRP application(s) for compliance with the FWPAR and FHACAR if it is determined that regulated activities are necessary to achieve the project goals based on the completed Schematic Design and Feasibility Analysis described in Tasks 1-2 and the final site design. LAN envisions that some degree of permitting will be required based on the discussed anticipated design. Due to the various factors involved, this task will be billed hourly, not to exceed the listed fee. LAN has provided an estimated fee schedule based on the potential permits required for this project:

FHACAR

- FHA Individual Permit = \$11,000 (major stormwater development)
- FHA Individual Permit = \$7,500 (not a major stormwater development)
- Permit-by-rule = \$1,000

FWPAR

- General Permit = \$3,000
- Individual Permit = \$5,000

LAN performed a preliminary review of potential permits that may become necessary and development constraints. The FWPAR allows for very minor road crossings for disturbances no longer than 100 feet or a cumulative disturbance of freshwater wetlands, transition areas or State open waters less than one-quarter acre. The FHACAR typically requires an individual permit for the construction of a new roadway/driveway in a flood hazard area but can potentially qualify for Permit-by-Rule (no application fee) if it is located in a previously disturbed portion of the riparian zone or will be located at or below grade in the flood hazard area.

Please note, public notice of the above referenced applications may be required to be sent to local and County officials, utility companies, and neighboring landowners within 200 feet of the site. It will be necessary to include a site plan showing the location and boundaries of the site and depicting the proposed project in relationship to existing site conditions as an attachment to the public notification letter.

Task 9 – Informal Planning Board Approval:

Ordinance section § 166-138.4 “Municipal uses, institutional uses and nonresidential social assistance establishments” states: *Notwithstanding any other provisions of this chapter, municipal buildings used for public purposes are permitted principal uses in any of the zone districts, except as may be otherwise prohibited by the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983.[1]The Planning Board review of municipal buildings shall be guided, on an informal basis, by the standards in the PU Zone District for such uses and by the provisions for review of capital projects in N.J.S.A. 40:55D-26a.*

Based upon this ordinance section, it is our assumption that the planning board will perform an “informal” review of this project. LAN will make an informal submission to the planning board for their review. Because the review is informal, it is assumed that the submission will not require the typical level of site plan detail that would ordinarily be required of a full planning board submission. It is assumed that not every item on the site plan submission checklist will need to be provided.

Task 10 – Planning Board Testimony

If required, one of LAN’s professional engineers will attend the planning board meeting and will provide professional testimony in support of the project.

Task 11 – Plan Revisions

If, after submission to the NJDEP or the planning board, plan revisions are required to address review comments from any authority having jurisdiction, LAN will perform these revisions hourly, in accordance with the attached hourly rate schedule.

Task 12 – Parking Lot Expansion/Material Storage – Construction Documents:

Upon approval of the schematic design, LAN shall commence the preparation of construction documents for public bidding of the Material Storage building. These shall include, but not limited to, working drawings and specifications (if necessary). Services include structural, mechanical, electrical and plumbing engineering, as well as geotechnical investigation required for foundation design.

Task 13 – Bidding & Award

LAN shall also assist SMCMUA with bidding the project. This shall include attendance at a pre-bid meeting, answering written requests for information (RFI’s), issuance of addenda (if necessary), attendance at a public bid opening, reviewing the bids, and making recommendation of award of contracts.

**Task 14 – Parking Lot Expansion/Material Storage – Construction Administration:**

Upon award of construction contracts by SMCMUA, LAN shall schedule and conduct a pre-construction meeting, as well as handle all correspondence with the selected contractor(s) involving submittal review, payment applications, RFIs, etc. LAN shall periodically conduct site visits to confirm payment request amounts and work completed, as well as the workmanship and adherence to the contract documents. Upon completion of construction work, LAN shall perform a punch list inspection and create a list of items necessary for closeout of the contract.

**Task 15 – Envelope Study and Repair Report:**

As requested, LAN shall visit the thirty-two (32) sites outlined in Attachment No. 2, in order to document the condition of the existing envelope of each structure. This includes, but is not limited to, roof, windows, doors, exterior walls, etc. The findings will be photo documented with accompanying site observations. These assessments will be compiled into a report which will include anticipated cost estimates of repair/replacement of the thermal envelope elements, along with an anticipated useful life and schedule of work.

**Task 16 – Envelope Repairs – Construction Documents:**

Upon approval of the report generated under the previous task, LAN shall commence the preparation of construction documents for public bidding of the identified projects as agreed to by SMCMUA. These shall include, but not limited to, working drawings and specifications (if necessary). LAN shall also assist SMCMUA with bidding the projects, reviewing the bids and making recommendation of award of contracts.

**Task 17 – Envelope Repairs – Construction Administration:**

Upon award of construction contracts by SMCMUA, LAN shall schedule and conduct a pre-construction meeting, as well as handle all correspondence with the selected contractor(s) involving submittal review, payment applications, RFIs, etc. LAN shall periodically conduct site visits to confirm payment request amounts and work completed, as well as the workmanship and adherence to the contract documents. Upon completion of construction work, LAN perform a punch list inspection and create a list of items necessary for closeout of the contract.

**Task 18 – Infrared Scan of Headquarters Roof:**

LAN shall work with IR Analyzers to conduct a FLIR scan of the Headquarters roof to determine if any or the extent of water saturation below the membrane. This information will be used to determine the viability of the existing roof for roof restoration vs a full tear-off and replacement. Based upon our last field review of the roof, we believe the roof is a good candidate for restoration.

**Fee Schedule (Fees are billed hourly per rate schedule NTE each phase):**

For the scope of services described above, we recommend the following fees:

Task 1 – Schematic Design .....	\$13,550
Task 2 – Feasibility Analysis .....	\$1,700
Task 3 – Site Plan .....	\$13,500
Task 4 – Site Lighting Plan .....	\$2,900
Task 5 – Soil Conservation Plan & Application .....	\$1,900
Task 6 – Stormwater Analysis & Design .....	\$9,900
Task 7 – Stormwater Soil Testing .....	\$2,500
Task 8 – NJDEP DLRP Permitting .....	\$16,000
Task 9 – Informal Planning Board Submission .....	\$2,500
Task 10 – Planning Board Testimony .....	Hourly
Task 11 – Plan Revisions .....	Hourly
Task 12 – Construction Documents – Material Storage Building .....	\$38,300
Task 13 – Bidding & Award .....	\$5,000
Task 14 – Parking Lot Expansion/Material Storage – CA .....	\$20,640

Task 15 – Envelope Study and Repair Report.....	\$21,960
Task 16 – Envelope Repairs – CD.....	\$32,400
Task 17 – Envelope Repairs – CA.....	\$45,000
Task 18 – Infrared Scan of Headquarters roof.....	\$5,480
Contingency.....	\$25,000
 Total Contract Amount.....	 \$258,230

**Exclusions:**

This proposal is specifically limited to the tasks noted above. Please note that application and mailing fees are not included as part of LAN's fees and are the responsibility of the applicant and/or owner. LAN estimates the NJDEP application fee to range from \$1,000 to \$5,000 each.

Mailing fees are dependent on the number of certified mailings that will need to be sent. Mailing fees could range between \$150 and \$250, if required.

The services below are also specifically excluded from LAN's fee, but can be provided, if necessary, for a separate fee:

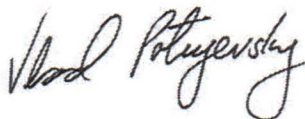
- Landscaping design
- Surveying or construction stake-out
- As-Built surveys
- Traffic studies
- Soil testing (other than noted)
- Materials testing
- Engineered retaining wall design/wall stability analysis
- Design of off-site improvements

LAN looks forward to working with you on this exciting project. Should this proposal be acceptable, please issue a Purchase Order or notice to proceed referencing this proposal.

Thank you for the opportunity to submit this proposal.

Respectfully submitted,

LAN Associates, Engineering, Planning,  
Architecture, Surveying, Inc. (LAN)



Vlad Potiyevsky, AIA  
Senior Associate

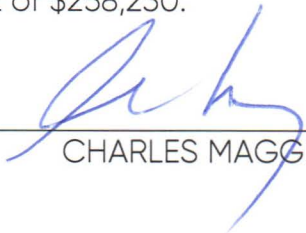
VP:vp:lm

- Attachment:
- #1 – Equipment List
  - #2 – Facilities Location Map
  - #3 – Hourly Rate Schedule
  - #4 – Resumes (VP/EB)
  - #5 – Affirmative Action Certification
  - #6 – Business Entity Disclosure Certification
  - #7 – Political Contribution Disclosure Statement

cc: File #2.20292.0-Lp21-775, w/att. (Digital)

## TREASURER'S CERTIFICATION

I certify that there are sufficient funds available (\$258,230) for payment of a professional service contract with LAN Associates for professional architecture, engineering and land use services in connection with the Authority's headquarters and parking expansion. This item will be charged to Account No. 02-00-500-452 (2019 Engineering HQ Facility Design) in the amount of \$258,230.

  
\_\_\_\_\_  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 146-21

RESOLUTION AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR, OR IN HER ABSENCE THE PRINCIPAL ENGINEER, TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

WHEREAS, the Authority has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation ("NJSMUAESA"), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 et. seq., "the Act"), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

WHEREAS, the existing electric power supply contract(s) for the Authority's electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in December 2019, will expire upon the meter read dates in May 2022 for each Authority electric account; and

WHEREAS, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

WHEREAS, the NJSMUAESA intends to issue a Request for Bids ("RFB") on or about February 8, 2022 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in May 2022; and

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.



WHEREAS, as a participant in the NJSMUAESA the Authority requires the services of an "Energy Agent," as defined in the "Electric Discount and Energy Competition Act," to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

WHEREAS, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority's energy needs, quantifying the Authority's load profile, developing an energy plan for the Authority, preparing bid specifications and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority; and

WHEREAS, the Energy Agent shall not receive any monetary compensation directly from the Authority for the services to be provided; and

WHEREAS, the Authority and the Energy Agent agree that the electricity supply contract(s) ("ESC") between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$.0005 per kilowatt-hour for all months of the ESC; and

WHEREAS, Gabel Associates, Inc., with a principal place of business located at 417 Denison Street, Highland Park, New Jersey 08904, is a duly registered Energy Agent pursuant to the Act; and

WHEREAS, the Authority is desirous of authorizing the award of a contract to Gabel Associates, Inc. to serve as Energy Agent in connection with the bid for electric generation service through the NJSMUAESA, as an extraordinary, unspecifiable service without competitive bidding pursuant to N.J.S.A. 40A:11.1 et. seq.; and

WHEREAS, it is the NJSMUAESA's intent to receive bid price submittals on or about March 8, 2022 in response to the RFB to be issued on or about February 8, 2022; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day;

NOW, THEREFORE, BE IT RESOLVED that the Authority is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2022, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 et. seq., "the Act"), Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., and applicable regulations.

BE IT FURTHER RESOLVED that the Authority hereby approves the retention of Gabel Associates, Inc. as the Authority's Energy Agent in connection with the procurement of electricity supply for the Authority's electric accounts.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized and directed to execute any documents reasonably required to effectuate the retention of Gabel Associates, Inc. as the Authority's Energy Agent.

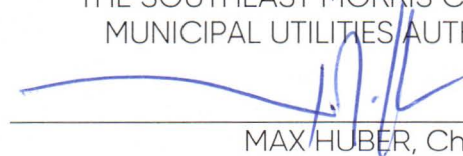
BE IT FURTHER RESOLVED that the Authority's Executive Director, or in her absence the Principal Engineer, is hereby authorized to act in her sole discretion as the Authority's designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about March 8, 2022. Such authorization to award a contract to the low bidder as the Authority's designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority's accounts prior to the date of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

BE IT FURTHER RESOLVED that, notwithstanding the foregoing, the Authority's Executive Director, or in her absence the Principal Engineer, may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 147-21

RESOLUTION AUTHORIZING AMENDMENT OF PROFESSIONAL SERVICE CONTRACT  
WITH MURPHY MCKEON, P.C., FOR PROFESSIONAL LEGAL SERVICES

WHEREAS, the Authority awarded a professional service contract to Murphy McKeon, P.C. ("MM") on November 19, 2020 for professional legal services in connection with review and revision of agreements, legal support to the Authority and General Counsel, and other matters (the "Agreement"); and

WHEREAS, the maximum cost to the Authority authorized under the Agreement was \$115,000; and

WHEREAS, additional services were necessary as a result of a number of matters being undertaken, including (i) several project related issues, including contractor claims, construction code issues, and property easement negotiations; (ii) several purchasing matters involving the review of bid and/or RFP documents and the responses to same; (iii) several labor issues involving past and current employees; (iv) PFAS issues and responding to same; (v) MCMUA water supply discussions; and (vi) transition items, as described on Addendum No. 1, a copy of which is annexed hereto; and

WHEREAS, the additional services resulted in a corresponding increase in the total amount payable under the Agreement by \$10,000 from \$115,000 to \$125,000; and

WHEREAS, the Authority has determined that the additional services to be performed are necessary and reasonable; and will benefit the Water System; 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 advertisements; and

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

WHEREAS, MM has previously complied with the provision of the New Jersey Pay to Play Law with respect to contracts that can be awarded without public bidding or a "fair and open" process; and

WHEREAS, funds are available and have been certified by the Treasurer;

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

1. The Professional Service Contract between the Authority and Murphy McKeon, P.C., awarded on November 19, 2020, be and the same is hereby approved and accepted;
2. The additional services for the work provided are not to exceed \$10,000;
3. The Executive Director be and is hereby authorized to accept, execute and deliver the Addendum No. 1 herein authorized on behalf of the Authority; and
4. 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
5. Notice of this resolution shall be published once in the Daily Record and copies of this resolution and the contract herein authorized shall be filed for public inspection in compliance with the provisions of the Local Public Contracts Law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: November 18, 2021

**MURPHY**  
**McKEON P.C.**  
COUNSELLORS-AT-LAW

ROBERT H. OOSTDYK, JR.  
ANTHONY M. BUCCO  
JAMES T. BRYCE  
CHRISTOPHER I. WOODS<sup>1</sup>  
DAVID J. RUITENBERG  
SHARON L. WEINER<sup>2</sup>

JAMES M. PARISI<sup>1</sup>

OF COUNSEL:  
MARTIN F. MURPHY<sup>1</sup>  
JAMES L. McKEON, III<sup>1</sup>  
DIANA WALSH  
SERENE M. HENNION  
ROBERT S. MEYER

<sup>1</sup>NEW JERSEY & NEW YORK BAR

<sup>2</sup>NEW JERSEY, NEW YORK & PENNSYLVANIA BAR

RIVERDALE SOUTH  
51 ROUTE 23 SOUTH, P.O. BOX 70, RIVERDALE, NEW JERSEY 07457  
TELEPHONE: (973) 835-0100 • FACSIMILE: (973) 835-1732  
www.murphymckeonlaw.com

NEW YORK: 25 WEST STREET, WARWICK, NY 10990 • (845) 987-1577

Writer's Direct:  
Tel. (973) 835-0100 ext. 1223  
druitenberg@murphymckeonlaw.com

**MURPHY MCKEON P.C.**

**ADDENDUM No. 1 TO 2021 ENGAGEMENT AGREEMENT**

In connection with the 2021 Engagement Agreement between Murphy McKeon, P.C., and The Southeast Morris County Municipal Utilities Authority (the "Authority"), this Addendum to same is intended to increase the "Not to Exceed Number" included in paragraph 5 of said Agreement from \$115,000.00 to \$125,000.00. This increase has been made necessary as a result of a number of matters being undertaken in the past several months, including (i) several project related issues, including contractor claims, construction code issues, and property easement negotiations; (ii) several purchasing matters involving the review of bid and/or RFP documents and the responses to same; (iii) several labor issues involving past and current employees; (iv) PFAS issues and responding to same; (v) MCMUA water supply discussions; and (vi) transition items.

Based on our review of the current matters in which we are involved and our best estimate of the matters in which we anticipate being involved in the remaining weeks of 2020, we anticipate that the additional \$10,000.00 proposed by this Addendum will sufficiently cover the cost of our services through the remainder of 2021.

In the event there are any questions concerning this Addendum, our underlying Agreement or the services to be provided by this firm, please do not hesitate to contact the undersigned. If there are no questions and following its approval by the Authority, please sign where indicated below and return one copy to my firm for our records.

**THIS ADDENDUM** to the 2021 Legal Services Agreement between Murphy McKeon, P.C. and the Authority revises paragraph 5 of such Agreement to state as follows:

5. **Not to Exceed Number.** Though it is difficult to predict the level of time and effort that will be required during the remaining weeks of 2021, we do expect that our total fees earned for the period from January 1, 2021 to December 31, 2021 shall not exceed \$125,000.00.

Except for the foregoing revision of Paragraph 5 of the 2021 Legal Services Agreement, all other provisions, sections and understandings set forth in said Agreement are hereby reaffirmed and restated as if set forth herein in their entirety.

**Signatures.** The parties hereto have read and hereby agree to this Addendum.

Accepted: \_\_\_\_\_, 2021

**Murphy McKeon P.C.**

**The Southeast Morris County  
Municipal Utilities Authority**

By: \_\_\_\_\_  
David J. Ruitenberg, Esq.

\_\_\_\_\_  
Address: \_\_\_\_\_ 19 Saddle Road  
\_\_\_\_\_  
Cedar Knolls, NJ 07927

TREASURER'S CERTIFICATION

I certify that there are sufficient funds available (\$10,000.00) for payment of an amendment to the professional service contract with Murphy McKeon, PC, for legal services to serve as General Counsel. This item will be charged to Account No. 02-10-400-602 (Professional Services – Legal).

  
\_\_\_\_\_  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021



CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 148-21

RESOLUTION AUTHORIZING CLOSED SESSION DISCUSSIONS

RESOLVED that the following discussion of:

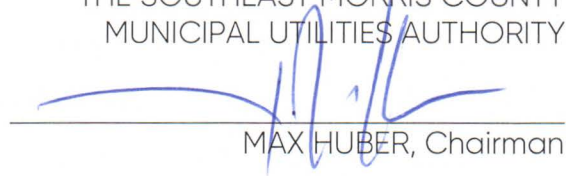
1. Potential Class Action Litigation

be held in closed session pursuant to subsection 7 of Section 12b of the Open Public Meetings Act (N.J.S.A. 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 may involve questions of attorney/client privilege, it is not known at this time when, or if, the contents of the discussion may be disclosed.

ATTEST:

  
 ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
 MUNICIPAL UTILITIES AUTHORITY  
  
 MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

**Morristown:**  
 Max Huber  
 Donald Kissil

**Morris Township:**  
 Dennis Baldassari  
 Michael Chumer, Ph.D.

**Morris Plains:**  
 Ralph R. Rotando  
 Patricia Webster

**Hanover Township:**  
 Nicola Marucci, P.E.  
 Adolf Schimpf, Ph.D.

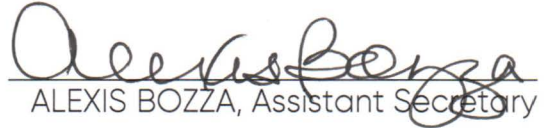
**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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- smcmua.org

Resolution No. 149-21

RESOLUTION AUTHORIZING LEGAL COUNSEL TO INITIATE  
CONDEMNATION PROCEEDINGS IF NEEDED IN CONJUNCTION WITH  
PHASE 3—WATER SYSTEM IMPROVEMENTS

WHEREAS, the Authority intends to undertake Phase 3 of its Water System Improvements Project (the "Project") in 2022; and

WHEREAS, the Project includes a new water line extension that will require easements to be obtained through the following Harding Township properties:

- 10 St. Clair Road (Tax Lot 33, Block 26.01)
- 81 Sand Spring Road (Tax Lot 15.02, Block 26)
- 61 Anthony Wayne Road (Tax Lot 24, Block 26.01)
- 23 Ravenswood Lane (Tax Lot 10.04, Block 25.02)
- 47 Ravenswood Lane (Tax Lot 10.10, Block 25.02); and

WHEREAS, the Authority has, pursuant to the New Jersey Eminent Domain Act, N.J.S.A. 20:3-1, et seq. (the "Act"), obtained appraisals establishing the compensation to be paid to the affected property owners in exchange for the required easements; and

WHEREAS, the Authority is presently negotiating in good faith with the affected property owners to obtain the required easements in exchange for a value that is reasonably consistent with the prepared appraisals; and

WHEREAS, the Act permits the Authority to initiate condemnation proceedings to take the needed easement in those circumstances when the property owner refuses the Authority's good faith offers; and

WHEREAS, the Authority has determined it to be in its best interest to authorize legal counsel to initiate condemnation proceedings in accordance with the Act in such instances when any owner of the above referenced properties refuses the Authority's good faith offers;

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

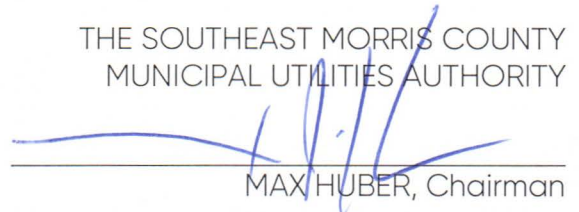
NOW, THEREFORE, be it resolved by The Southeast Morris County Municipal Utilities Authority as follows:

1. Legal counsel is hereby authorized to initiate condemnation proceeding in accordance with N.J.S.A. 20:3-1, et seq., to obtain easements through any of the above referenced properties in the event such taking is necessitated by the property owner's refusal to accept the Authority's good faith offers made pursuant to the Act.
2. This resolution shall take immediate effect.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

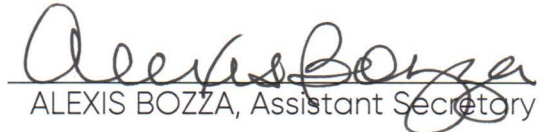
THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 150-21

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH KENNEDY & MADONNA, L.L.P., FOR PROFESSIONAL LEGAL SERVICES

WHEREAS, the law firm of Kennedy & Madonna, L.L.P., has submitted a proposal for professional services dated October 21, 2021, a copy of which is annexed as Exhibit "A" (the "Proposal") to represent the Authority on a contingency basis in certain class action and/or multi-district litigation to recover potential monitoring and/or remediation costs that may be incurred by the Authority in the future in response to the identification of per- and/or polyfluoroalkyl substances ("PFASs") in certain production wells operated by the Authority; and

WHEREAS, the cost of such services to the Authority to be performed during the 2022 calendar year, as set forth in the Proposal, is estimated not to exceed the proposed contingency rate of 25% of any recovery obtained on the Authority's behalf; 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, Kennedy & Madonna 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

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

WHEREAS, the Treasurer has determined and certified in writing that the value of the Contract may exceed \$17,500; 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 the Authority's legal advertisements;

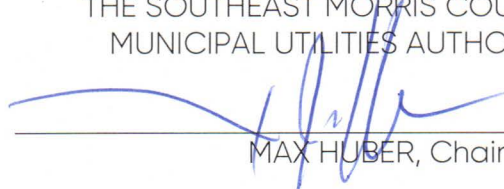
NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. The Proposal of Kennedy & Madonna dated October 21, 2021 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 the Authority.
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 the Authority 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

  
MAX HUBER, Chairman

Dated: December 16, 2021



# KENNEDY & MADONNA, LLP

Attorneys at Law

48 DEWITT MILLS ROAD  
HURLEY, NEW YORK 12443

ROBERT F. KENNEDY, JR.  
KEVIN J. MADONNA

(845) 481-2622  
(845) 230-3111 (fax)  
kmadonna@kennedymadonna.com

October 21, 2021

## VIA EMAIL

David Ruitenbergh, Esq.  
Law Offices of Murphy McKeon, P.C.  
51 Route 23 South  
Riverdale, NJ 07457

**Re: PFAS Contamination Litigation**  
**CONFIDENTIAL ATTORNEY WORK PRODUCT**

Dear Mr. David:

This letter provides introductory information regarding the history of PFAS litigation as well as information pertaining to each of the firms making up the legal team with whom we have the privilege of working with on this issue. Please do not hesitate to contact me at kmadonna@kennedymadonna.com or at 845-481-2622 if you have any additional questions or would like to discuss this issue further.

### **A. PFAS Litigation Against 3M and Dupont**

Given the scope of the PFAS contamination throughout the United States and that those responsible for the contamination are some of the largest chemical companies in the country, my firm is working with the following four law firms to collectively represent our clients in litigation against the parties responsible for the PFAS contamination of public drinking water supplies:

- SL Environmental Law Group, PC (San Francisco, CA, Concord, NH);
- Taft, Stettinius & Hollister, LLP (Cincinnati, OH);<sup>1</sup>
- Douglas & London, P.C. (New York, NY);
- Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A. (Pensacola, FL)
- Senator Raymond Lesniak.

The majority of this legal team has worked together for over a decade and brings unmatched experience and results related to PFAS litigation against 3M and Dupont – the primary defendants in PFAS lawsuits – as well as litigation on behalf of public water suppliers in general. This team consists of the *only* lawyers in the country to have tried multiple PFOA cases successfully, and, in fact, have tried *three* with tremendous results. Together, we have developed an extensive and unmatched library of documents from 3M and DuPont that cannot be

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<sup>1</sup> The Taft firm is not working with us on our New Jersey cases.

replicated by anyone else, including 3M and DuPont themselves, as the companies have “lost” many of these documents over the past twenty-five years. The evidence uncovered in our team’s prior litigation demonstrates that 3M and DuPont knew PFAS was harmful, that they purposefully manipulated and used inadequate scientific studies to support their position that PFAS was supposedly *harmless*, and that they provided false information to the public about the dangers of PFAS. The information that was uncovered by our team was so shocking to the public conscience that a documentary (*The Devil We Know*, available on Netflix) and a full-length feature film (*Dark Waters*,<sup>2</sup> released on November 22, 2019 and available on many streaming platforms) were made about the team’s litigation efforts to hold DuPont responsible for the damage it caused to public drinking water supplies.

As highlighted in both of these movies, and which was the focus of the team’s three PFAS trials, 3M and DuPont are not the innocent victims of evolving science who created a product decades ago with the best of intentions and who are now being held to what 3M and DuPont might refer to as an unfair legal standard based on hindsight. To the contrary, 3M and DuPont both knew as early as 1950 that PFAS was toxic, knew as early as 1971 that PFAS is biopersistent, and knew as early as 1977 that PFAS bioaccumulates in human tissue. Despite this knowledge, both 3M and DuPont engaged in sophisticated campaigns to distort the science around PFAS and manipulate regulatory agencies at the expense of human health and threat to public drinking water supplies.

For example, a significant aspect of 3M’s campaign to influence independent scientific research involved 3M’s relationship with Professor John Giesy. 3M provided millions of dollars in grants to Professor Giesy, who presented himself publicly as an independent expert but, as revealed in his deposition testimony, privately characterized himself as part of the 3M “team” who worked to “buy favors” from scientists in the PFAS field. Through his position as an editor of academic journals, Professor Giesy reviewed “about half of the papers published in the area” of PFAS ecotoxicology and billed 3M for his time reviewing the articles and, in performing reviews of these articles, Professor Giesy stated that he was always careful to ensure that there was “no paper trail to 3M” and that his goal was to “keep ‘bad’ papers [regarding PFAS] out of the literature” because “in litigation situations” those articles “can be a large obstacle to refute.”

Indeed, even 3M’s own employees recognized that the company was concealing known dangers regarding PFAS. For example, a March 28, 1999 employee resignation letter to 3M states the following:

3M continues to make and sell these chemicals, though the company knows of an ecological risk assessment . . . that indicates there is a better than 100% probability that [PFOS] is biomagnifying in the food chain and harming sea mammals.

...

I have worked to the best of my ability within the system to see that the right actions are taken on behalf of the environment. At almost every step, I have been assured that action will be taken—yet I see slow or no results. I am told the company is concerned, but their actions speak to different concerns than mine. I can no

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<sup>2</sup> <https://www.focusfeatures.com/dark-waters>

longer participate in the process that 3M has established for the management of PFOS and precursors. For me it is unethical to be concerned with markets, legal defensibility and image over environmental safety.

Similarly, DuPont retained consultants whose *entire objective* was to help DuPont manipulate the scientific evidence on C-8, mislead the public and the regulators on C-8 risks, discredit plaintiffs or anyone else who dared challenge DuPont's position on C-8, and generally "shape the debate at all levels" including attempts to influence the judiciary. According to their consultant, its objective was to work in concert with DuPont to do the following:

[I]mplement a strategy at the outset which discourages governmental agencies, the plaintiff's bar, and misguided environmental groups from pursuing this [C-8] matter any further . . . . We strive to end this now . . . . [D]ue to the situation in West Virginia . . . the threat of expanded litigation and additional regulation by the EPA has become acute . . . .

As for implementing this plan, in concerted action and coordination with DuPont, the consultant made clear that its objective was to implement "a strategy to limit the effect of litigation and regulation on the revenue stream generated by PFOA." The desired outcome of this coordinated effort was a "multifaceted plan to take control of the ongoing risk assessment by the EPA, looming regulatory challenges, likely litigation, and almost certain medical monitoring hurdles":

The primary focus of this endeavor is to strive to create the climate and conditions that will obviate, or at the very least, minimize ongoing litigation and contemplated regulation relating to PFOA. This would include facilitating the publication of papers and articles dispelling the alleged nexus between PFOA and teratogenicity as well as other claimed harms. We would also lay the foundation for creating *Daubert* precedent to discourage additional lawsuits.

. . .

This battle must be won in the minds of the regulators, judges, potential jurors, and the plaintiff's bar. The recent certification by numerous federal courts of medical monitoring classes as well as the organization, sophistication, and financial strength of the plaintiff's bar require an aggressive, relentless strategy be implemented and driven by the manufacturers. Manufacturers must be the aggressors.

Despite these efforts, the attorneys on this legal team brought DuPont to justice not once, but *three* times, with two juries awarding punitive damages based on DuPont's malicious conduct. Our legal team is committed to holding 3M and DuPont responsible for the contamination of public drinking water supplies and forcing them to internalize the cost of introducing their toxic chemicals into the stream of commerce instead of forcing the public to subsidize the external costs associated with their toxic chemicals. The goal of the litigation is to

force 3M and DuPont to pay for all damages to public water suppliers, including the costs of filtration, and prevent these costs from being shifted to the public.

## **B. Our Legal Team's PFAS Experience is Unmatched**

### **1. Taft Stettinius & Hollister LLP**

Our legal team's PFAS experience began nearly twenty years ago when Rob Bilott from Taft Stettinius & Hollister LLP ("Taft Law Firm") filed the first case in the country that resulted in the discovery and public disclosure of PFOA in drinking water supplies for approximately 70,000 people in West Virginia and Ohio attributable to DuPont. Rob's discovery led to the 2001 filing of the nation's first case on behalf of individuals exposed to PFOA in their drinking water. Rob helped negotiate and obtain a class settlement in 2004 that secured benefits for the class valued in excess of \$300 million, including water filtration systems for impacted private and public water supplies in West Virginia and Ohio, blood testing of 69,000 people, and eventual medical monitoring and establishment of general causation findings for personal injury claims.

Rob led additional litigation against DuPont in New Jersey arising from PFOA contamination of water supplies that resulted in a 2011 settlement that provided clean water to residents. Rob was also involved in litigation against 3M in Minnesota during which dozens of 3M witnesses and experts were deposed and additional documents were collected and reviewed. He also assisted the Minnesota Attorney General's Office with its case against 3M related to PFAS contamination which settled in 2017 for \$850 million.

In 2013, Rob and his colleagues at the Taft Law Firm, together with Douglas & London, Levin Papantonio, and Kennedy & Madonna filed litigation against DuPont on behalf of approximately 3,500 individuals who contracted kidney and testicular cancer and other injuries from drinking water that was contaminated with PFOA from DuPont's West Virginia Washington Work's plant. These cases were consolidated in the C-8 multi-district litigation ("MDL") proceeding in the Southern District of Ohio where Rob Bilott and Mike London of the Douglas & London law firm served as Co-Lead Counsel. During that litigation, which includes over 5200 docket entries, the legal team took 67 depositions and litigated PFOA issues that resulted in twenty-four case management orders, forty-seven pretrial orders, twelve discovery orders, twenty-nine dispositive motions orders, twenty-four evidentiary (*Daubert*) motions orders, and rulings on 142 motions *in limine*. After four years of litigation, including *three* trials that resulted in verdicts in favor of each individual plaintiff of \$1.8 million, \$5.6 million and \$12.8 million (including punitive damages in the last two trials), a global resolution was reached for \$670.7 million.

In addition to having more PFAS experience than any other attorneys in the country, this team also has deep experience representing public entities and communities in environmental litigation in general.

### **2. SL Environmental Law Group, PC**

For example, San Francisco based SL Environment's ("SL") practice is limited to representing public entities in groundwater contamination cases. SL has represented over forty public water suppliers including successfully litigating two cases to trial – one on behalf of the State of New Hampshire and one on behalf of New York City. Collectively, SL has recovered

more than \$1 billion for its clients and has represented dozens of public water suppliers across the country.

### **3. Kennedy & Madonna, LLP**

Kennedy & Madonna's ("KM") practice is also limited to litigating environmental cases. In addition to leading briefing efforts in the C8 MDL, KM recovered \$96 million for the environmental contamination of a community in Pensacola, Florida, \$25 million for a public water supplier in Michigan, and received a jury verdict of \$396 million against DuPont for poisoning a West Virginia community. KM also represented a northern New Jersey state recognized Indian tribe in a high-profile case against Ford Motor Company. That case resulted in the eventual relisting of the site on the national Superfund list (the first time in the program's history) after it had been declared "clean" by EPA more than fifteen years ago. The firm's litigation efforts on behalf of the tribe were chronicled in an HBO documentary titled *Mann v. Ford*.

### **4. Douglas & London, P.C.**

Over the last two decades, Douglas & London has focused its practice on mass torts, consumer class action, and environmental exposure litigation. In prosecuting these cases, the firm's co-founding partners have served in leadership roles as well as trial counsel in some of the largest national multidistrict litigations in the country. In the C-8 MDL, Gary Douglas served as co-lead trial counsel in the first two trial cases and lead counsel in the third case, securing a total combined award of more than \$20 million for the three plaintiffs. Michael London served as the lead negotiator for settlement in the C-8 litigation, successfully negotiating a \$670.7 million settlement with DuPont. Mr. London has served as either co-lead or liaison counsel in eight complex litigations that were resolved efficiently through overall settlements, with the resolutions accomplished in the span of eighteen to forty-seven months.

### **5. Levin, Papantonio, Thomas, Mitchell, Rafferty, & Proctor, P.A.**

The Levin Papantonio ("LP") firm is recognized as one of the top litigation firms in the country. Its team of over thirty attorneys have been litigating personal injury and products liability cases since its inception in 1955. Over the last twenty years, the firm has developed a sophisticated mass torts and products liability department that is one of the most well recognized in the country. Members of the firm have served on Plaintiffs' Steering Committees and/or Plaintiffs' Executive Committees in over twenty MDL's across the nation. LP focuses on all aspects of trial preparation for our PFAS cases including working up expert reports, organizing discovery, taking depositions, organizing trial exhibits and drafting and defending *motions in limine* and *Daubert* motions. LP attorneys also served as trial counsel in all three of our PFAS cases that have gone to trial.

### **6. Senator Raymond Lesniak**

We are pleased to be working with Senator Lesniak on our New Jersey PFAS cases. Senator Lesniak has extensive experience with environmental matters in New Jersey. In his role as a State Senator he sponsored landmark environmental policies, such as the Environmental Cleanup Responsibility Act, the Safe Drinking Water Act, and the Pesticide Control Act, making New Jersey first-in-the-nation to tackle such issues. The laws hold polluters responsible for their actions and have resulted in cleaner drinking water for New Jersey residents.

In 2015, Senator Lesniak filed an amicus brief individually and as a member of the N.J. State Senate in *N.J. DEP v. Exxon Mobil Corp.*, No. UNN-L-3026-04 (N.J. Super. Ct. Law Div.) where he alleged that NJDEP eviscerated the intent and purpose of the N.J. Spill Act in entering into a settlement with Exxon Mobil that did not disclose site-specific assessments as the environmental damages at issue and proposed a settlement amount that was “suspiciously low” considering the actual damages to the environment.

### **C. The Legal Team’s Other PFAS Experience**

In addition to each team’s unique litigation skills, this team also has knowledge of PFAS that was developed across two decades of litigation against 3M and DuPont. Their efforts included the analysis of hundreds of thousands of documents (that total over six million pages), taking the depositions of dozens of DuPont and 3M representatives, the preparation of dozens of expert reports (and access to many other experts, including many of the world’s leading scientific experts), and the culmination of three successful trials. There are simply no other attorneys who have a better grasp of the evidence at issue in these cases. As such our legal team can streamline discovery regarding 3M and DuPont’s knowledge and egregious conduct which will substantially accelerate our clients’ cases. For example, many of the documents and materials uncovered by the Taft Law firm were used by the State of Minnesota’s Attorney General in its motion to amend its complaint to include punitive damages in its case against 3M, which resulted in a settlement three months after the motion and exhibits were filed.

Our legal team is currently pursuing legal claims against 3M and DuPont on behalf of municipal and state clients across the country for the investigation and treatment of drinking water supplies contaminated with PFAS. Each client has retained us on a contingency fee basis where our team covers all costs associated with the litigation and bears the risk of loss if a case is not successful. Again, the goal of this litigation is to hold the companies which profited from the use of PFAS financially responsible for the treatment costs rather than ratepayers. The team’s current PFAS clients are attached.

Some of these cases have been transferred into MDL proceedings in the District of South Carolina. That MDL was established to exclusively handle PFAS cases where the source of the PFAS contamination is from the use of aqueous film forming foam (“AFFF”), which was widely used at airports, air force bases, and fire training facilities. Non-AFFF PFAS cases are not part of the MDL and are being litigated in their home jurisdictions.

Recognizing the experience of the team, the Judge in the AFFF MDL appointed Mike London from Douglas & London as Co-Lead Counsel and Rob Bilott as Special Counsel. The Judge also appointed fourteen other attorneys from this team to additional leadership positions within the various plaintiff MDL committees.

Please let me know if you would like additional information.

Very truly yours,

Kevin J. Madonna

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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

Resolution No. 151-21

RESOLUTION APPOINTING A PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, in accordance with N.J.A.C. 17:27-3.3, each public agency shall designate an individual to serve as its Public Agency Compliance Officer ("PACO"); and

WHEREAS, a PACO is to serve as the liaison between the public agency and the State of New Jersey Department of the Treasury's Division of Contract Compliance and Equal Employment Opportunity in Public Contracts; and

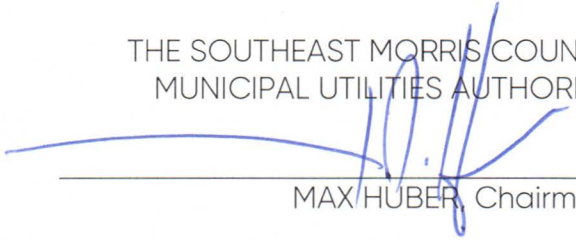
WHEREAS, The Southeast Morris County Municipal Utilities Authority is required to annually appoint a PACO by formal action of the Authority.

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows that Alexis Bozza be and she is hereby appointed as the Public Agency Compliance Officer for the Authority for 2022 in accordance with N.J.A.C. 17:27-3.3, with all of the duties and responsibilities therein enumerated and provided by law.

ATTEST:

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
ALEXIS BOZZA, Assistant Secretary

  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

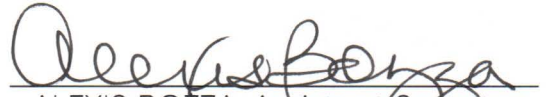
**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.



CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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Resolution No. 152-21

RESOLUTION AMENDING AGREEMENT WITH GENOVA BURNS LLC  
FOR SPECIAL LABOR COUNSEL AND HUMAN RESOURCES SERVICES

WHEREAS, the Authority has a need for special labor counsel and human resources services; and

WHEREAS, Genova Burns, L.L.C. ("GB") agreed to the providing of such services at a maximum amount of \$40,000; and

WHEREAS, the Authority entered into an agreement with GB dated January 1, 2021 (the "Agreement"); and

WHEREAS, on March 18, 2021, the Members authorized an amendment to increase the total maximum not-to-exceed amount of the Agreement by \$33,000 to cover the cost of additional unanticipated services in connection with human resource matters; and

WHEREAS, on June 17, 2021, the Members authorized an additional amendment to increase the total maximum not-to-exceed amount of the Agreement by \$25,000 to cover the cost of additional unanticipated services in connection with human resource matters; and

WHEREAS, on October 21, 2021, the Members authorized an additional amendment to increase the total maximum not-to-exceed amount of the Agreement by \$25,000 to cover the cost of additional unanticipated services in connection with human resource matters; and

WHEREAS, additional unanticipated services in the amount of \$13,000 are necessary to cover the cost of additional labor counsel services; and

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, Ph.D.

**Morris Plains:**  
Ralph R. Rotando  
Patricia Webster

**Hanover Township:**  
Nicola Marucci, P.E.  
Adolf Schimpf, Ph.D.

**Executive Director:** Laura Cummings, P.E.

**Chief Engineer:** John J. Elam, P.E.

**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

WHEREAS, this Contract is being amended 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, GB 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, funds are available and have been certified by the Treasurer of the Authority; 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;

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

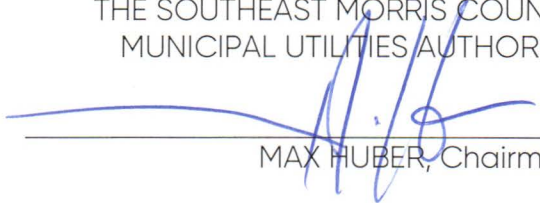
1. The Agreement with Genova Burns, L.L.C. for special labor counsel and human resources services, and other assigned matters, dated January 1, 2021 be amended to reflect a total maximum not-to-exceed amount of \$136,000.
2. That the Executive Director be and is hereby authorized and directed to execute an amendatory contract with regard to said project on behalf of the Authority in the manner provided by law.
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 and the contract herein approved shall be filed in the office of the Secretary of the Authority 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

  
MAX HUBER, Chairman

Dated: December 16, 2021

TREASURER'S CERTIFICATION

I hereby certify funds are available in the amount of \$13,000 for payment of an amended agreement with Genova Burns, L.L.C., for special labor counsel and human resources services. The total maximum amount of agreement contract will not exceed \$136,000. This item will be charged to Account No. 02-10-400-607 (Operating Costs – General Administration: Professional Services – Personnel).

  
CHARLES MAGGIO, Treasurer

Dated: December 16, 2021

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 16, 2021, at a meeting duly convened of said Authority.

  
ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021



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Resolution No. 153-21

RECOGNIZING AND COMMENDING SIDNEY D. WEISS, ESQ.

WHEREAS, Sidney D. Weiss, Esq., has announced his intention of retiring from his position of General Counsel with The Southeast Morris County Municipal Utilities Authority effective January 1, 2022; and

WHEREAS, Sidney D. Weiss, Esq., has displayed dedication, loyalty and professionalism to his position since 1977; and

WHEREAS, the Board of The Southeast Morris County Municipal Utilities Authority wishes to recognize his valuable work on behalf of the Authority and its appreciation of his many years of service.

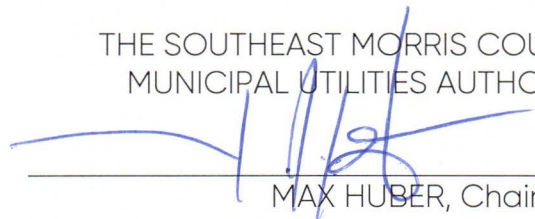
NOW, THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority on this 16<sup>th</sup> day of December, 2021, that Sidney D. Weiss, Esq., is hereby officially commended and thanked for his 44 years of valuable service to the Authority on the occasion of his retirement and the Board expresses its best wishes for happiness and good health in the years to come.

BE IT FURTHER RESOLVED the Secretary to the Authority is hereby directed to incorporate this resolution in the official minutes of the Authority and deliver a certified copy of this resolution to Sidney D. Weiss, Esq.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
MAX HUBER, Chairman

Dated: December 16, 2021

Board Members

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Adolf Schimpf, Ph.D.

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ALEXIS BOZZA, Assistant Secretary

Dated: December 16, 2021