

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

MEETING MINUTES

APRIL 21, 2022

The Regular Meeting of The Southeast Morris County Municipal Utilities Authority (the "Authority") was held on Thursday, April 21, 2022, at 7:00 PM prevailing time in the Board Room at the offices of the Authority at 19 Saddle Road, Cedar Knolls, New Jersey.

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

ROLL CALL

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

ABSENT: Member Kissil

Member Webster acknowledged that she could hear the Chairman and other participants.

Also present were the following: Laura Cummings, PE, Executive Director; Drew Saskowitz, Water Quality Superintendent; Dave Jones, Operations Office Manager; Celenia Mercado, Operations Risk Manager; Sophia Dyer, PE, Principal Engineer; Nicholas Buono, IT Director; Debora Lacreata, Billing and Customer Service Manager; Heather Brandao, HR Generalist; Alexis Bozza, Executive Administrative Assistant; and David J. Ruitenber, Esq., General Counsel to the Authority.

PUBLIC DISCUSSION

Chairman Rotando 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 MARCH 17, 2022

Copies of the minutes of the meeting held on March 17, 2022, were distributed to the Members prior to the meeting for review and comment. Member Chumer moved that the minutes be adopted as presented. Member Huber seconded the motion which was duly adopted by the following vote:

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

ABSTAINS: None

RESOLUTION APPROVING CLOSED SESSION MINUTES OF MARCH 17, 2022

Copies of the closed session minutes of the meeting held on March 17, 2022, were distributed to the Members prior to the meeting for review and comment. Member Chumer moved to approve the list of bills and offered the following resolution:

RESOLUTION NO. 45-22

RESOLUTION APPROVING CLOSED SESSION MINUTES OF MARCH 17, 2022

"COPY ANNEXED"

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

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

ABSTAINS: None

COMMUNICATIONS

1. February 28, 2022 – Copy of letter from Township of Mendham thanking SMCMUA for its cooperation and efforts towards successfully implementing a controlled deer hunt on the Clyde Potts Reservoir Property for 2021-2022.
2. December 30, 2021 – Copy of Glatfelter Public Practice Certificate of Appreciation awarded to Celenia Mercado for her Commitment to Safety & Risk Control Practices.
3. Copy of American Council of Engineering Companies of Pennsylvania (ACEC/PA) 2022 Diamond Award to Larson Design Group, Inc. with SMCMUA for Surveying and Mapping Technology.

RESOLUTION – APPROVAL OF APRIL 2022 LIST OF BILLS

Copies of the bill list for April 2022 were distributed to the Members prior to the meeting for comment and approval. Member Baldassari moved to approve the list of bills and offered the following resolution:

RESOLUTION NO. 46-22

RESOLUTION AUTHORIZING PAYMENT OF LIST OF BILLS FOR APRIL 2022

"COPY ANNEXED"

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

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

ABSTAINS: None

OTHER BUSINESS

A. Connection Fee Hearing

A public hearing was held to adopt the 2022 Connection Fee. A complete transcript was taken by a court reporter according to law and is made a part of these minutes.

B. Resolution Approving Adjustment of Connection Fee for 2022

Following the public rate hearing regarding the proposed adjusted connection fee, Member Baldassari offered the following resolution:

RESOLUTION NO. 47-22

RESOLUTION APPROVING ADJUSTMENT OF CONNECTION FEE FOR 2022

"COPY ANNEXED"

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

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

NOES: None

C. Resolution Revising Previous Authorization for the Transfer of Funds between 2021 Operating Budget Appropriations

The Members reviewed a revised memorandum from the Chief Financial Officer dated March 18, 2022. An analysis of the status of the 2022 Operating Budget resulted in the need for certain transfers to move money to cover various over expenditures in multiple departments. As requested by Nisivoccia, LLP, these transfers will be completed by Board Resolution. Member Huber offered the following resolution:

RESOLUTION NO. 48-22

RESOLUTION REVISING PREVIOUS AUTHORIZATION FOR THE TRANSFER OF FUNDS BETWEEN 2021 OPERATING BUDGET APPROPRIATIONS

"COPY ANNEXED"

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

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

NOES: None

D. Resolution Increasing Authorized Amount to Approved Vendor under Cooperative Pricing Agreement with the Morris County Cooperative Pricing Council

The Members reviewed a memorandum from the Executive Director dated April 12, 2022. On January 20, 2022, the Board authorized the purchase of small water meters from Rio Supply Inc. through the Morris County Cooperative Pricing Council Contract No. 47 in the not to exceed amount of \$100,000 per Resolution No. 06-22. Due to supply chain issues and long lead times, a yearly supply of meters needs to be purchased now to facilitate the meter replacement program inventory. It was requested that the authorized amount to purchase small water meters be increased from \$100,000 to \$300,000. The Treasurer certified that the funds are available in the Capital Budget. Member Huber offered the following resolution:

RESOLUTION NO. 49-22

RESOLUTION INCREASING AUTHORIZED AMOUNT TO APPROVED VENDOR UNDER COOPERATIVE PRICING AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL

"COPY ANNEXED"

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

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

NOES: None

E. Resolution Amending Agreement with Genova Burns LLC for Special Labor Counsel Services

The Members reviewed a memorandum from the Executive Director dated April 13, 2022. Genova Burns was requested to submit a supplemental proposal for the existing Professional Services Agreement in anticipation of additional labor counsel expenses. Per a reviewed letter from Jennifer Roselle, Esq., dated April 13, 2022, additional hours are needed to be authorized in order to prepare, attend, and complete the hearing process for two consolidated unfair practice matters. The requested increase to the contract of \$50,000 would amend the total maximum not to exceed contract amount to \$90,000. The Treasurer had certified that funds are available in the 2022 Operating Budget. Member Baldassari offered the following resolution:

RESOLUTION NO. 50-22

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

"COPY ANNEXED"

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

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

NOES: None

F. Resolution Increasing Authorized Amount to Contract for Emergency Water Main Repair Services

The Members reviewed a memorandum from the Operations Manager dated April 12, 2022. On February 8, 2022, SMCMUA received five bids for On-Call Water Main and Appurtenances Repair, Installation, Testing and Start-Up. The low bid, submitted by Harrington Contractors, had been withdrawn. The remaining bids exceeded the amount budgeted for this contract. The Authority established cost reduction measures by revising the bid specifications and the contract was re-bid with a bid

opening date of April 13. In the interim, on February 17, 2022, the Board authorized a contract in the amount of \$39,600 with John Garcia Construction to secure additional coverage to SMCMUA staff for repairs to leaking water mains in order to maintain the provisions of the water supply to the general public for drinking water and fire protection. Due to the extent of main breaks, an additional amount of \$3,206.26 was requested to bring the new total of the contract to \$42,606.26. The Treasurer had certified that sufficient funds are available in the Budget. Member Huber offered the following resolution:

RESOLUTION NO. 51-22

RESOLUTION INCREASING AUTHORIZED AMOUNT TO CONTRACT FOR EMERGENCY
WATER MAIN REPAIR SERVICES

"COPY ANNEXED"

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

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

NOES: None

G. Resolution Rejecting Second Round Bids for On-Call Water Main and Appurtenances Repair, Installation, Testing and Startup

The Members reviewed a memorandum from the Operations Manager dated April 12, 2022. On February 8, 2022, the Authority received five bids for On-Call Water Main and Appurtenances Repair, Installation, Testing and Startup services where the low bid had been withdrawn and the remaining bids exceeded the amount budgeted for this contract. On February 17, 2022, the Board rejected the bids and moved toward cost reduction measures by revising the bid specifications in order to re-bid the contract. On March 10, 2022, for the second round, the Authority received five bids. The low bid was submitted by John Garcia Construction Corporation (Garcia) for the described work for labor, equipment and materials. However, there are discrepancies in the language of the bid specifications and Garcia's interpretation of the language. Therefore, it is recommended that all bids be rejected pursuant to N.J.S.A. 40A:11-13.2(d) in order to revise the bid specifications and re-bid the work. Member Huber offered the following resolution:

RESOLUTION NO. 52-22

RESOLUTION REJECTING SECOND ROUND BIDS FOR ON-CALL WATER MAIN AND
APPURTENANCES REPAIR, INSTALLATION, TESTING AND STARTUP

"COPY ANNEXED"

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

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

NOES: None

H. Resolution Authorizing Award of a Contract from Third Round Bids for On-Call Water Main and Appurtenances Repair, Installation, Testing and Startup

The Members reviewed a memorandum from the Operations Manager dated April 12, 2022. On February 8, 2022, SMCMUA received five bids for On-Call Water Main and Appurtenances Repair, Installation, Testing and Startup services where the low bid had been withdrawn and the remaining bids exceeded the amount budgeted for this contract. On February 17, 2022, the Board rejected the bids and moved toward cost reduction measures by revising the bid specifications in order to re-bid the contract. On March 10, 2022, SMCMUA received five bids for the second round. The low bidder claimed there were discrepancies in the language of the bid specifications and its interpretation of the language. Therefore, it was recommended that all bids be rejected pursuant to N.J.S.A. 40A:11-13.2(d) in order to revise the bid specifications and re-bid the work. On April 13, 2022, SMCMUA received three bids for the third round. The bid submitted by Colonnelli Brothers Inc. for the described work for labor, equipment and materials is competitive and cost appropriate. There was one mathematical error which has been corrected with no change in outcome. No other discrepancies were discovered in its bid documents. In summary, it is recommended that a contract be awarded to Colonnelli Brothers Inc. in the amount not to exceed \$562,326.00. The Treasurer had 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 Huber offered the following resolution:

RESOLUTION NO. 53-22

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FROM THIRD ROUND BIDS FOR ON-CALL WATER MAIN AND APPURTENANCES REPAIR, INSTALLATION, TESTING AND STARTUP

"COPY ANNEXED"

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

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

NOES: None

- I. Resolution Amending a Professional Service Contract for Engineering Services in connection with the Project entitled Tank Improvement Program – Phase 1

The Members reviewed a memorandum from the Principal Engineer dated April 4, 2022. Per Resolution No. 28-22, the Board previously awarded CP Engineers the professional services contract for engineering services in connection with the Tank Improvement Program – Phase 1 project. The contract was awarded for a maximum amount of \$138,976 to fulfill construction engineering services as provided by itemized tasks in the proposal submitted by CP Engineers on February 1, 2022. To continue with the project and maintain the schedule as planned by former Senior Engineer, Zehra Karim, PE, CP Engineers were requested to submit a revised proposal to cover the required professional services during the construction phase. The revised proposal was submitted on March 29, 2022 for a maximum total estimated budget of \$196,668. Effectively, the additional estimated budget is \$57,392, or 432 labor hours. The services are proposed on a time-and-material and as-needed basis. Therefore, it is recommended that the current professional services agreement with CP Engineers be amended to accommodate the change in overall budget from \$138,976 to \$196,668. The Treasurer had certified that sufficient funds are available in the 2022 Budget in Capital Account No. 02-00-500-495 (Tank Improvement – Phase 1) for this Contract. Member Baldassari offered the following resolution:

RESOLUTION NO. 54-22

RESOLUTION AMENDING A PROFESSIONAL SERVICE CONTRACT FOR ENGINEERING SERVICES IN CONNECTION WITH THE PROJECT ENTITLED TANK IMPROVEMENT PROGRAM – PHASE 1

"COPY ANNEXED"

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

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

NOES: None

J. Resolution Authorizing Change Order to the Contract for Plumbing Services in connection with Full Line Service Connection Replacement and Meter Removal

The Members reviewed a Certification of Necessity in Support of Change Order Approval prepared by the Principal Engineer dated April 11, 2022 ("Certification"). The Authority awarded a contract to Robert Griggs Plumbing and Heating, LLC, for the contract entitled plumbing services in connection with full line service connection replacement. The maximum cost to the Authority authorized was \$42,525.00. Per the Certification, a Change Order for additional work required was needed as a result of unforeseen subsurface conditions that required significant additional time and expense than had been projected for the work. The additional services will cost the Authority an additional amount not to exceed \$26,165.06 as more particularly set forth in the Certification and the proposed change order, copies of which were reviewed by the Members. The Authority has determined that the services to be performed are necessary and reasonable; and will benefit the Water System. Funds are available and were certified by the Treasurer. Member Huber offered the following resolution:

RESOLUTION NO. 55-22

RESOLUTION AUTHORIZING CHANGE ORDER TO THE CONTRACT FOR PLUMBING SERVICES IN CONNECTION WITH FULL LINE SERVICE CONNECTION REPLACEMENT AND METER REMOVAL

"COPY ANNEXED"

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

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

NOES: None

K. Resolution Authorizing Award of a Contract to The Giddings Group as an Extraordinary Unspecifiable Service

The Members reviewed a Certification from the Executive Director dated April 14, 2022. The Giddings Group is a multidisciplinary search firm with strong experience in engineering, technology, finance, consulting, and construction leadership

assignments. The Authority requires a strategic partner and intellectual asset in recruiting professionals specific to the needs of SMCMUA. The Giddings Group has submitted a proposal for such services at a cost to the Authority estimated not to exceed \$40,000. Based on the Certification, the nature of the services to be performed by The Giddings Group are specialized and qualitative requiring expertise, expert training and proven reputation in connection with the recruiting of industry professionals. N.J.S.A. 40A:11-5(1) authorizes the award of contracts for extraordinary, unspecifiable services without competitive bidding where the award of a contract in this instance is justified and required for good and sufficient reasons including the facts that the performance of the services to be provided cannot reasonably be described by specifications because special expertise (such as that possessed by The Giddings Group) is required. Funds are available and have been certified by the Treasurer. Member Baldassari offered the following resolution:

RESOLUTION NO. 56-22

RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO THE GIDDINGS GROUP AS
AN EXTRAORDINARY UNSPECIFIABLE SERVICE

"COPY ANNEXED"

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

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

NOES: None

L. Resolution Authorizing Connection Agreement for The District at
15Fifteen

The Authority received an application for water service from The District at 15Fifteen Urban Renewal LLC ("15Fifteen") for a mixed-use project at 1515 Route 10 East, in the Townships of Hanover and Parsippany-Troy Hills, New Jersey (the "Project"). The Authority and 15Fifteen have agreed to a plan for water service and/or main extension to the Project to be provided at the expense of 15Fifteen as more particularly set forth in the proposed Connection Agreement, which was provided to the Members for review. The Authority had previously obtained the consents of its creating municipalities and the Morris County Municipal Utilities Authority to provide water service to the Project where the Authority and the Township of Parsippany-Troy Hills are party to a water sale agreement under which the Project location is to be served by the Authority. The form of Connection Agreement has been approved by the General Counsel. After further discussion, Member Baldassari offered the following resolution:

RESOLUTION NO. 57-22

RESOLUTION AUTHORIZING CONNECTION AGREEMENT FOR THE DISTRICT AT
15FIFTEEN

"COPY ANNEXED"

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

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

NOES: None

M. Motion to Approve Easement Agreement with the Township of Hanover

The Members reviewed a draft water main easement agreement between SMCMUA and the Township of Hanover ("Township"). The Township is taking ownership of a certain tract of land in the Township, identified as Lot 7 in Block 601, that was previously a public right-of-way owned by NJDOT and the Township has agreed to grant and convey to SMCMUA a perpetual, non-exclusive easement and right of way on the property for its existing water line. Member Baldassari moved that the agreement be approved as presented. Member Chumer seconded the motion which was duly adopted by the following vote:

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

NOES: None

N. Presentation – Utilizing Information Technology to Improve Customer Communication

IT Director, Nicholas Buono, and Billing and Customer Service Manager, Debora Lacreata, gave a presentation on utilizing information technology to improve customer communication.

O. Reports of the Personnel Committee

1. March 22, 2022

An in-depth discussion of the February HR Report was conducted where this report was included as part of the March 17, 2022 Board Meeting Package. Highlights include the status of the employee temperature survey; discussion of the increased workloads related to various regulatory compliance requirements, implementation of best practices and evaluation of Division organizational models; an update on the

Newport Project and staffing. The discussion around the employee survey was to limit the number of questions to 10 to 20 at the maximum. Staffing was discussed in detail regarding resignations, new hires, and various leaves that have had a significant impact on the Finance Division. Exit interview information from recent exiting employees was shared. There was a discussion regarding work remote policies and how many employees have expressed interest in creating a formal policy. General Counsel commented on two employee matters.

A report package was distributed to each of the members that included the Newport report, Howard Woods' review and draft recommendations for management compensation. A meeting with the Board Chair and Personnel Committee was scheduled for April 11, 2022 to discuss this information in depth.

The latter part of the meeting was attended by all but the HR Generalist and focused on various details of the personnel history of SMCMUA as presented by the Executive Director and other matters previously discussed in closed session at the Board meeting held on March 17, 2022.

2. April 11, 2022

The Executive Director and HR Generalist conducted a presentation to discuss the history of HR for SMCMUA, introduce the HR Strategic Plan, and to discuss in detail the Talent Management Program, management compensation philosophy, and 2022 Management Compensation Recommendations. The two primary goals of this meeting were to gain Board Member support on the compensation philosophy for management staff that attracts, retains, and develops top talent and that defines the program objectives to achieve. In addition, the goal of this meeting was to conclude on the 2022 Management Compensation recommendations to be presented to the full Board at the April 21, 2022 Board meeting.

Kerri Arnold, Newport Group, and Heather Brandao presented the approach used to develop the Newport Group Compensation Report. The approach included a comprehensive review and update of each management position description (31 positions), completion of an FLSA test for each position (determination of exempt and non-exempt status), and a market price analysis for each position. The market price analysis is effective for January 1, 2022, and included establishing a minimum; 25th, 50th, and 75th percentile; and a maximum for both base salary and total compensation. Howard Woods provided additional insight from his review of this same report and was in support of the Newport recommendations as consistent with the water industry best practices. Agreement was attained among the Personnel Committee that the 50th percentile (market rate) would be the goal for each employee as they develop their skills to fully accomplish the position requirements.

Newport recommended a formal report review and revision every two to three years as an industry best practice.

The completion of the compensation review was referred back to the Personnel Committee in order that it present its recommendation in closed session at the Authority's May meeting.

P. Resolution Authorizing Closed Session Discussion

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

RESOLUTION NO. 44-22

RESOLUTION AUTHORIZING CLOSED SESSION DISCUSSION

"COPY ANNEXED"

Resolved that discussion of:

1. Legal Update Regarding Current 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 Baldassari seconded the motion which was duly adopted by the following vote:

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

NOES: None

The Chairman moved into closed session.

[CLOSED SESSION MEETING TO FOLLOW]

[RESUMPTION OF PUBLIC MEETING]

REPORTS

- A. General Administration Division – March 2022
- B. Billing and Customer Service – March 2022
- C. Engineering Division – March 2022

- D. Human Resources Division – March 2022
- E. Information Technology Division – March 2022
- F. Operations Division – March 2022
- G. Operations Risk Management Division – March 2022
- H. Water Quality Division – March 2022

ADJOURNMENT

There being no further business, Member Baldassari moved that the meeting be adjourned. Member Chumer seconded the motion. The meeting adjourned at 8:56 PM.

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


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 an initial 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, 2022, and by subsequently posting and delivering copies of the Revised Annual Notice on March 14, 2022.
2. By delivering to, for filing, copies of the initial 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, 2022, and copies of the Revised Annual Notice on March 14, 2022.
3. By delivering to, for filing, copies of the initial Annual Notice with the Daily Record, the Newark Star Ledger, and the Morris News Bee on February 3, 2022, and copies of the Revised Annual Notice on March 14, 2022.



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

Resolution No. 45-22

RESOLUTION APPROVING CLOSED SESSION MINUTES

RESOLVED that the attached minutes of the Closed Session Meeting held on March 17, 2022, be and the same are hereby approved but withheld from public inspection and insertion in the regular Minute Book pending release for public disclosure pursuant to the provisions of the Open Public Meetings Act; and

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

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

Board Members

Morristown:
Max Huber
Donald Kissil

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

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, E.I.T.
Nicola Marucci, P.E.

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 46-22

RESOLUTION AUTHORIZING PAYMENT OF APRIL 2022 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	\$	176,727.47
Total Operating Fund Checks and Wire Transfers	\$	1,439,404.13

CAPITAL FUND

Total Capital Fund Expenditures	\$	<u>317,948.32</u>
---------------------------------	----	-------------------

TOTAL OF APRIL 2022 LIST OF BILLS	\$	1,934,079.02
-----------------------------------	----	--------------

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Engineer: John J. Elam, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available (\$1,934,079.02) for payment of the resolution entitled Resolution Authorizing Payment of April 2022 List of Bills in the Authority's 2022 Budget.

**Charles
Maggio**

Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast
Morris County MUA, ou=Finance,
email=cmaggio@smcmua.org, c=US
Date: 2022.04.21 16:31:42 -04'00'

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 47-22

RESOLUTION APPROVING ADJUSTMENT OF CONNECTION FEE

WHEREAS, the Authority’s enabling legislation requires annual adjustment of the connection fee permitted pursuant to N.J.S.A. 40:14B-21; and

WHEREAS, the Authority published notice of the proposed adjusted connection fee in the Daily Record on March 27, 2022 and Star Ledger on March 29, 2022; and

WHEREAS, notice of the proposed adjusted connection fee was served upon each municipality serviced by the Authority within the time permitted by law; and

WHEREAS, a public hearing on the proposed adjustment was held on April 21, 2022, as required by law; and

WHEREAS, the proposed adjusted connection fee complies with the provisions of N.J.S.A. 40:14B-21 and was recomputed as therein provided.

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the revised connection fee, as set forth in the revised schedule annexed hereto, be and is hereby approved effective for connection fees paid on and after April 21, 2022.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

EXHIBIT "A"

Schedule No. 13 (Revised)
Effective April 21, 2022

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

SCHEDULE NO. 13
CONNECTION FEE

Any applicant for potable water supplied through an Authority Line 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> (Per Equivalent Dwelling Unit)	\$ 5,041.00
---------------------------------------------------------	-------------

An equivalent dwelling unit is defined as usage of 185.654 gallons per day.

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.

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 48-22

RESOLUTION REVISING PREVIOUS AUTHORIZATION FOR THE TRANSFER OF FUNDS
BETWEEN 2021 OPERATING BUDGET APPROPRIATIONS

WHEREAS, at its meeting of March 17, 2022, the Authority authorized transfers of certain budget line items in the 2021 Operating Budget that required additional funding; and

WHEREAS, the Chief Financial Officer/Treasurer has advised that the requested balance transfers from the various budget line items with balances to those requiring additional funds to balance need to be revised; and

WHEREAS, it has been determined that such transfers are in the best interest of the Authority and the Water System;

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the following revised transfers within the Operating Budget totaling \$668,650.00 are hereby approved:

<u>Line Item</u>	<u>Title</u>	<u>Budget Transfers</u>	<u>Amount</u>
Transfer To:			
02-10-400-501	ADMIN: Salary & Wages		\$75,000.00
02-10-400-607	Admin - Consultant - Personnel		\$105,000.00
02-30-400-501	FINAN: Salary & Wages		\$163,000.00
02-30-400-502	FINAN: Overtime		\$12,000.00
02-10-400-602	ADMIN: Prof Services - Legal		\$50,000.00
02-10-400-607	Admin - Consultant - Personnel		\$30,000.00
02-10-400-615	ADMIN: Dues, Conferences, Training		\$10,000.00
02-10-400-635	ADMIN: Board Stipend/Misc Exp		\$500.00
02-12-400-501	IT: Salary & Wages		\$15,000.00
02-12-400-602	IT: Hardware		\$12,500.00

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Engineer: John J. Elam, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA

Budget Transfers

<u>Line Item</u>	<u>Title</u>	<u>Amount</u>
Transfer To:		
02-12-400-604	IT: Licensing and Service Agreements	\$16,000.00
02-12-400-628	IT: Communications - Cellular	\$14,000.00
02-12-400-635	IT: Communications - Cable	\$2,500.00
02-12-400-638	IT: SCADA Control	\$5,000.00
02-12-400-693	IT: Communications - Radios	\$8,000.00
02-20-400-605	STATUT: Dental Benefits	\$5,500.00
02-20-400-607	STATUT: Medical Insurance - Retirees	\$35,000.00
02-20-400-609	STATUT: P.E.R.S.	\$19,000.00
02-20-400-613	STAT: Vision Care Insurance	\$250.00
02-30-400-605	FINAN: General Expenses	\$1,500.00
02-30-400-615	FINAN: Dues/Confer/Training	\$5,000.00
02-40-400-605	CUST SVC: General Expenses	\$500.00
02-40-550-501	HEALTH SAFETY & SECURITY: Salary & Wages	\$28,000.00
02-40-550-690	HEALTH SAFETY & SECURITY: Equipment	\$600.00
02-50-400-690	OPERATIONS - Tools	\$800.00
02-60-400-635	TRANS: Traffic Control	\$10,000.00
02-75-400-502	WATER QUALITY: Overtime	\$11,000.00
02-75-400-652	WATER QUALITY: Service Contracts	\$4,000.00
02-92-492-650	OTHER: Insurance Expense	\$14,000.00
02-92-492-651	OTHER: NJ Taxes & Fees	\$15,000.00
	Total	<u>\$668,650.00</u>

Transfer From:		
02-50-400-622	OPER: Energy Costs	\$355,000.00
02-92-492-659	OTHER: Contingency	\$100,000.00
02-60-400-501	TRANS: Salary & Wages	\$73,650.00
02-92-492-653	OTHER: Real Estate Taxes	\$30,000.00
02-80-400-649	SVCMET: Meter Maint,Rebuild,Testing	\$25,000.00
02-75-400-647	WATER QUALITY:Bench Chemistry Equip/Supp	\$2,000.00
02-75-400-644	WATER QUALITY:Field Portable Instruments	\$2,000.00
02-75-400-615	WATER QUALITY: Dues/Conf/Train	\$2,000.00
02-75-400-603	WATER QUALITY: Clyde Potts Veg Mgmt	\$35,000.00
02-75-400-501	WATER QUALITY: Salary & Wages	\$30,000.00
02-70-400-690	Treatment - Equipment and Repair	\$6,000.00
02-70-400-651	Treat - Emergency Generator Maintenance	\$8,000.00
	Total	<u>\$668,650.00</u>


AND BE IT FURTHER RESOLVED that the Chief Financial Officer/Treasurer be and is hereby authorized and directed to take whatever actions are necessary or convenient to effectuate the provisions of this Resolution and the transfers hereby approved.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



ALEXIS BOZZA, Assistant Secretary



RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 49-22

RESOLUTION INCREASING AUTHORIZED AMOUNT OF AN APPROVED VENDOR UNDER COOPERATIVE PRICING AGREEMENT WITH 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 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 vendor listed in Exhibit "A" attached hereto has been awarded a contract by the MCCPC for and including the budget year 2022; and

WHEREAS, the Authority wishes to purchase items from such authorized vendor approved by the MCCPC; and

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

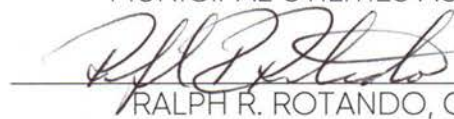
WHEREAS, the Treasurer of the Authority has certified the availability of funds for this contract in the 2022 Budget;

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

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Engineer: John J. Elam, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA

EXHIBIT "A"

CONTRACT	VENDOR	ITEMS	ACCOUNT NUMBER	ACCOUNT NAME	INITIAL AMOUNT REQUESTED	REVISED AMOUNT REQUESTED
47	Rio Supply	Small Meter Purchasing	02-00-500-492	Meter Mgmt. Program	\$100,000	\$300,000

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 Morris County Cooperative Pricing Council in 2022. The cost is estimated not to exceed the amount stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXPIRATION	ACCOUNT NUMBER	ACCOUNT NAME	AMOUNT
47	Rio Supply	Small Meter Purchasing	06/30/22	02-00-500-492	Meter Mgmt. Program	\$300,000

Charles Maggio

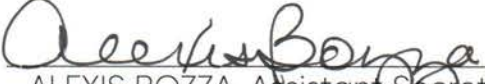
Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast Morris
County MUA, ou=Finance,
email=cmaggio@smcmua.org, c=US
Date: 2022.04.21 16:32:23 -04'00'

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 50-22

RESOLUTION AMENDING AGREEMENT WITH GENOVA BURNS LLC
FOR PROFESSIONAL LEGAL SERVICES

WHEREAS, the Authority has a need for professional legal services in connection with labor law, human resources and related matters; 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, 2022 (the "Agreement"); and

WHEREAS, the parties have agreed to increase the total maximum not-to-exceed amount of the Agreement by \$50,000 to cover the cost of additional unanticipated services in connection with human resource matters; and

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

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kirakofe, EIT
Nicola Marucci, PE

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, 2022 be amended to reflect a total maximum not-to-exceed amount of \$90,000.
2. That the Executive Director be and is hereby authorized and directed to execute an amendatory contract with regard to said services 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


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

TREASURER'S CERTIFICATION

I hereby certify additional funds are available in the amount of \$50,000 for payment of an amended agreement with Genova Burns, L.L.C., for professional legal services. The total maximum amount of agreement contract will not exceed \$90,000. This item will be charged to Account No. 02-10-400-607 (Operating Costs – General Administration: Professional Services – Personnel).

Charles Maggio

Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast Morris County MUA,
ou=Finance, email=cmaggio@smcma.org, c=US
Date: 2022.04.21 16:33:02 -0400

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 51-22

RESOLUTION AUTHORIZING CONTRACT FOR
EMERGENCY WATER MAIN REPAIR SERVICES

WHEREAS, on February 17, 2022, the Authority awarded a contract to John Garcia Construction Co., Inc. ("Garcia") for emergency water main repair services in the total not to exceed amount of \$39,600; and

WHEREAS, due to the extent of recent main breaks, an additional amount of \$3,206.26 is requested; and

WHEREAS, the total amount of services shall not exceed \$42,606.26, which amount is below the threshold for public bidding under the Local Public Contracts Law; and

WHEREAS, the services are determined to be in the best interest of the Authority and the Water System; and

WHEREAS, Garcia 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; and

WHEREAS, the Treasurer has certified that funds are available; 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:
Rolph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, E.I.T.
Nicola Marucci, P.E.

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.

1. The officers and staff of the Authority are hereby authorized and directed to execute and deliver such documents and take such action as shall be necessary or convenient to effectuate and implement the services of John Garcia Construction Co., Inc., which is hereby approved and ratified.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



ALEXIS BOZZA, Assistant Secretary



RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

TREASURER'S CERTIFICATION

I hereby certify that there are additional funds available in the amount of \$3,206.26 for a total not to exceed contract amount of \$42,606.26 with John Garcia Construction Co., Inc., for the provision of emergency water main repair services. These services will be charged to Budget Account No. 02-00-500-464 (Main Rehabilitation and Replacement).

**Charles
Maggio**

Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast
Morris County MUA, ou=Finance,
email=cmaggio@smcmua.org, c=US
Date: 2022.04.21 16:34:05 -04'00'

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 52-22

RESOLUTION REJECTING BIDS FOR ON-CALL WATER MAIN AND APPURTENANCES REPAIR, INSTALLATION, TESTING AND START-UP SERVICES

WHEREAS, the Authority advertised for public bids pursuant to the Local Public Contracts Law in connection with on-call water main and appurtenances repair, installation, testing and start-up services; and

WHEREAS, on February 17, 2022, with the withdrawal of the apparent low bidder and the remaining bids exceeding the budget appropriation for the services, the Authority rejected the bids received on February 8, 2022 to establish cost reduction measures and rebid the contract; and

WHEREAS, the Authority advertised for the second round of public bids to be received on March 10, 2022; and

WHEREAS, based upon the review of the bids received and discrepancies between the language of the bid specifications and the apparent low bidder's interpretation of the language, it is recommended that the second round of bids be rejected in conjunction with the revision of the misinterpreted language in order for an immediate rebid; 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 second round of bids received on March 10, 2022 for on-call water main and appurtenances repair, installation, testing and start-up services be and are hereby rejected.

Board Members

Morristown:
Max Huber
Donald Kissil

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

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, E.I.T.
Nicola Marucci, P.E.

2. That the Authority further affirms the decision to immediately revise the specifications in order to obtain a third round of bids as soon as practicable.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

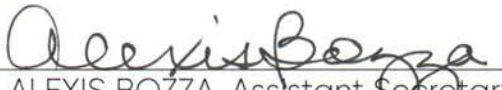
THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 53-22

RESOLUTION AWARDING CONTRACT FROM THIRD ROUND BIDS FOR ON-CALL WATER MAIN AND APPURTENANCES REPAIR, INSTALLATION, TESTING AND STARTUP

WHEREAS, the Authority has re-advertised and received bids for a third round, pursuant to a fair and open process, for a contract for on-call water main and appurtenances repair, installation, testing and startup services, on April 13, 2022; and

WHEREAS, three bids were received; and

WHEREAS, the bids were reviewed by the Operations Manager as set forth in a memorandum dated April 13, 2022, a copy of which memorandum is annexed hereto; and

WHEREAS, Colonnelli Brothers Inc. (Colonnelli) has been determined to be the lowest qualified bidder;

WHEREAS, the total amount of the contract will not exceed \$562,326.00 and will cover a one year period with options for renewal after the first year as permitted by the Local Public Contracts Law; and

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

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

1. That a contract for on-call water main and appurtenances repair, installation, testing and startup services be awarded to Colonnelli Brothers Inc. in accordance with its bid submitted on April 13, 2022, in the maximum annual amount of \$562,326.00.

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Engineer: John J. Elam, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA


2. That the appropriate officers of the Authority be and they are hereby authorized and directed to execute a contract with regard to said work on behalf of the Authority in the manner provided by law.

ATTEST:



ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



RALPH R. ROTANDO, Chairman

Dated: April 21, 2022



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

MEMORANDUM

TO: SMCMUA Board

FROM: Dave Jones, Operations Manager 

RE: On-Call Water Main and Appurtenances Repair, Installation, Testing and Start-Up

DATE: April 13, 2022

CC: Laura Cummings, PE, Executive Director
Jeff Elam, PE, Chief Engineer
Greg DeSimone, Revenue Integrity Operations Supervisor

On February 8, 2022, SMCMUA received five bids for the above referenced services where the low bid had been withdrawn and the remaining bids exceeded the amount budgeted for this contract. On February 17, 2022, the Board rejected the bids and moved toward cost reduction measures by revising the bid specifications in order to re-bid the contract.

On March 10, 2022, SMCMUA received five bids. The low bidder claimed there were discrepancies in the language of the bid specifications and its interpretation of the language. Therefore, it was recommended that all bids be rejected pursuant to N.J.S.A. 40A:11-13.2(d) in order to revise the bid specifications and re-bid the work.

On April 13, 2022, SMCMUA as follows:

Bidder	Amount
Colonnelli Brothers Inc.	\$562,326.00
Shauger Property Services Inc.	\$594,750.00
Waters & Bugbee General Contracting	\$801,557.50

Project Scope

The project scope is to provide on-call services for water main and appurtenances repair, installation, testing and start-up within the SMCMUA's service area.

Project Driver

The project driver is to procure goods and services no later than 4-hours following SMCMUA's request.

Bid Review and Recommendation

The proposal submitted by Colonnelli Brothers Inc. for the described work for labor, equipment and materials is competitive and cost appropriate. There was one mathematical error which has been corrected with no change in outcome. No other discrepancies were discovered in its bid documents.

In summary, it is recommended that a contract be awarded to Colonnelli Brothers Inc. in the amount not to exceed \$562,326.00.

The Treasurer has certified that there are sufficient funds available in the Capital Budget. This item will be charged to Account No. 02-00-500-499 (Main Rehabilitation & Replacement).

TREASURER'S CERTIFICATION

I hereby certify funds are available for payment of a contract with Colonnelli Brothers Inc. for on-call water main and appurtenances repair, installation, testing and startup services. The total maximum annual amount of this contract will not exceed \$562,326.00. This item will be charged to Capital Account No. 02-00-500-499 (Main Rehabilitation and Replacement).

Charles Maggio

Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast
Morris County MUA, ou=Finance,
email=cmaggio@smcmua.org, c=US
Date: 2022.04.21 16:35:19 -04'00'

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 54-22

RESOLUTION AMENDING A PROFESSIONAL SERVICE CONTRACT FOR ENGINEERING SERVICES IN CONNECTION WITH THE PROJECT ENTITLED TANK IMPROVEMENT PROGRAM – PHASE 1

WHEREAS, the Authority awarded a professional engineering service contract to CP Engineers ("Engineer") in connection with the Authority's project entitled Tank Improvement Program – Phase 1 (the "Agreement"); and

WHEREAS, the maximum cost to the Authority authorized under the Agreement was \$138,976; and

WHEREAS, the Engineer has provided a revised proposal as requested by the Authority dated March 29, 2022 (the "Revised Proposal"), for additional engineering services needed at an additional cost to the Authority not to exceed \$57,692, as more particularly set forth in the Revised Proposal, a copy of which is annexed hereto as Exhibit "A"; and

WHEREAS, the additional services will result in a corresponding increase in the total amount payable under the Agreement by \$57,692 from \$138,976 to \$196,668; 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, this Contract was 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, 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:
Nathan Kiracofe, E.I.T.
Nicola Marucci, P.E.

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

1. The professional service contract previously awarded to CP Engineers for professional engineering services in connection with the Authority's project entitled Tank Improvement Program – Phase 1 be amended to include additional services for the work under the Revised Proposal.
2. The additional services for the work to be provided under the Revised Proposal shall be provided at an additional cost of \$57,692 for a revised maximum cost to the Authority not to exceed \$196,668.
3. 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


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022



11 Park Lake Road
Sparta, New Jersey 07871
Phone (973) 300-9003
Fax (973) 300-4003
www.cpengineers.com

March 29, 2022

Sophia Dyer, P.E.
Principal Engineer
Southeast Morris County Municipal Utilities Authority
19 Saddle Road
Cedar Knolls, NJ 07927

Re: Proposal for Construction Administration and Observation Services
Tank Improvement Program Phase 1 Re-Bid, rev 3

CP Proposal No. 22-010

Dear Ms. Dyer:

Pursuant to your request, CP Engineers (CP) is pleased to submit this revised Proposal to Southeast Morris County Municipal Utilities Authority (SMCMUA) for Construction Administration and Inspection Services relative to the Tank Improvement Program Phase I. We greatly appreciate the opportunity to propose on this work and have endeavored to present a cost-effective proposal which is responsive to your needs.

Project Understanding

The Project consists of the improvements to 4 water storage tanks and properties (Easley, Baird Place, Picatinny #2 and Morris Plains) owned by the SMCMUA. Improvements address specific safety, coating, sanitary, structural and access issues in order to maintain compliance with current sanitation guidelines, safety and security regulations and guidelines in accordance with AWWA, OSHA, related state and federal agencies.

Scope of Services and Costs

The following are the anticipated services to be provided and the estimated duration hours for each task. The actual services provided will be as needed, based upon the contractor's performance and the actual schedule of work. The hours shown below are estimated based on actual services provided on similar projects.

1. Construction Administration Phase Services

- 1.1. General contract administration services to coordinate and communicate with the client and contractor on daily tasks and scheduling. This is estimated to be an average of 12 hours per month for 12 months.

- 1.2. Preparation for, attendance at and preparation and distribution of meeting minutes for the Pre-Construction Meeting. This is estimated at 12 hours total including attendance by the Project Manager and Level 2 NACE Certified Inspector.
- 1.3. Review and discussion with Authority's Engineering and Operations Staff regarding the Contractor's Sequence of Construction, estimated at two hours.
- 1.4. Receive, log, review and respond to contractor shop drawing submittals. This is estimated at 32 hours.
- 1.5. Attendance at regular Progress Meetings, including preparation and the assistance with meeting minutes. This is estimated based upon an assumed 12 meetings at four hours per meeting.
- 1.6. Contract closeout services, punch list preparation, review of contract closeout documents and final inspection (final walkthrough) is estimated at 12 hours.
- 1.7. Record Drawing preparation is estimated based on approximately six drawings to be updated at two hours per drawing.
- 1.8. Payment Application review and preparation of recommendation letter. This is estimated to be four hours per month for 12 months.
- 1.9. Coordinate discussions between the Authority, tank contractor, cell phone carrier and local municipality on the antenna relocation for the Baird Tank. This is estimated to be about twenty-four hours.

2. Construction Observation

- 2.1. General Inspection, Attendance at On-site Meetings, Field Coordination
- 2.2. Picatinny #2 Tank Structural Purlin Replacement Inspection
 - 2.2.1. Tank interior structural inspection is estimated at eight hours for 30 days for the purlin replacement and clip installation. This is based upon the replacement of thirty (30) purlins as indicated in the bid documentation.
- 2.3. Tank Coating and Upgrade Modification Inspections
 - 2.3.1. Full time Level 2 NACE Certified Inspector for Easley Tank is estimated at eight hours per day for approximately six weeks for full interior and exterior coating application as well inspection of specified tank repairs.
 - 2.3.2. Full time Level 2 NACE Certified Inspector for Baird Place Tank is estimated at eight hours per day for approximately seven weeks for full exterior coating application as well inspection of specified tank repairs.
 - 2.3.3. Full time Level 2 NACE Certified Inspector for Picatinny #2 Tank is estimated at eight hours per day for approximately three weeks for full interior and exterior coating of the roof/ceiling coating application as well inspection of specified tank repairs.
- 2.4. Part-time inspection services for the Morris Plains Tank Access Road construction. The inspection time is estimated to be 20 hours per week for four weeks.

The following table summarizes the hours projected above and provides an estimated cost based upon a blended hourly rate. The table also includes the estimated cost of expenses and a contingency for unanticipated services.



Task #	Task	Hours	Avg. Rate	Cost
1.1	General Contract Administration	144	146	\$21,024
1.2	Preconstruction Meeting - Prep, Attendance and Minutes	12	146	\$1,752
1.3	Sequence of Construction - review and comment	2	146	\$ 292
1.4	Shop Drawing Review	32	146	\$4,672
1.5	Progress Meetings - Prep, Attendance and Minutes	48	146	\$7,008
1.6	Contract Closeout: Punchlist Inspect/Closeout Documents	12	146	\$1,752
1.7	Record Drawings	12	138	\$1,656
1.8	Payment Application Review	48	146	\$7,008
1.9	Tank Antenna Discussions	24	146	\$3,504
Contract Administration Services subtotal				\$48,668
2.1	General Inspection, Attendance at On-site Meetings, Field Coordination	80	125	\$10,000
2.2	Picatinny #2 Tank Purlin Replacement Inspection	240	125	\$30,000
2.3.1	Easley Tank Coating and Upgrade Modification Inspection	240	125	\$30,000
2.3.2	Baird Place Tank Coating and Upgrade Modification Inspection	280	125	\$ 35,000
2.3.3	Picatinny #2 Tank Coating and Upgrade Modification Inspection	120	125	\$15,000
2.4	Morris Plains Tank Access Road Inspection	80	125	\$10,000
Construction Observation subtotal				\$130,000
	Expense Allowance (Travel, Equipment)			\$8,000
	Contingency Allowance			\$10,000
Total Estimated Budget				\$196,668

It is proposed that billing for these services be on a Time and Expense basis, in accordance with the attached Schedule of Fees and Charges, at a not to exceed budget of \$196,668 as calculated above. Billing will be monthly based upon actual time and expenses incurred. CP will provide monthly drawdowns to assist the Authority in managing the budget.

Clarifications

1. The Average Rate presented is a weighted average billing rate which takes into account the expected number of hours for each billing classification.
2. The number of hours presented assumes competent and timely performance by a qualified contractor.

3. The hours for the Picatinny#2 Tank purlin inspection are based on 30 purlins as identified in the bid documentation. Additional purlin inspection would be at 8 hours for each individual purlin inspected.

Schedule

We are prepared to proceed with the work immediately upon your authorization and will provide services, as requested throughout the duration of this project.

Authorization

CP proposes to perform these services under our Standard Terms and Conditions, as previously accepted by the Authority. If this proposal meets with your approval, kindly indicate your acceptance by providing a resolution incorporating this proposal by reference

We greatly appreciate the opportunity to provide this proposal to you. Should you have any questions concerning our Proposal, please do not hesitate to contact me.

Sincerely,

CP ENGINEERS, LLC.

A handwritten signature in blue ink, appearing to read "Stephen Donati".

Stephen Donati, P.E.
Vice President

cc: Matt Peles, P.E.

encl: Schedule of Fees and Charges

m:\business development\1 proposals & quals statements\southeast morris county mua\22-010 - tank phase 1 ca and ci\tank improvement program caci proposal 22-010 rev3.docx



2022 SCHEDULE OF FEES AND CHARGES

The following describes the basis for compensation for services performed during the calendar year 2022, effective January 1, 2022. This Schedule of Fees and Charges will be adjusted annually on January 1 of each subsequent year to reflect changes in the cost of conducting business for the new year.

PERSONNEL CHARGES

The charge for all time required in the performance of the Scope of Services, including office, field and travel time, will be at the Hourly Rate set forth below for the labor classifications indicated.

<u>Labor Classification</u>	<u>Hourly Rate</u>
Senior Principal	196
Principal	184
Senior Project Manager	176
Project Manager	168
Senior Project Engineer	160
Project Engineer	150
Assistant Project Engineer	140
Staff Engineer II	135
Staff Engineer I	130
Engineering Technician	110
Senior Project Env Scientist	156
Project Env Scientist	146
Assistant Project Env Scientist	135
Staff Env Scientist	125
Env Technician	105
Managing Construction Inspector	125
Sr. Construction Inspector	110
Construction Inspector	95
Technician	90
Jr. Technician	80
Technical/Administrative Support	60

Subconsultants, Subcontractors and Equipment Rental

The costs of services subcontracted to others, including but not limited to, consultants, test borings, specialty contractors, surveyors, and equipment rental, will be charged at cost plus 10%

Vehicles and Mileage

The mileage charge for vehicles used on project assignments will be the current mileage rate established by the Internal Revenue Service.

Other Project Non-Salary Expenses

Other costs incurred which are directly identifiable to the project, including, but not limited to: fares of public carriers; special supplies and/or equipment; fees and special project insurance; large mailings and shipping charges; tolls and parking; outside printing, will be charged at cost plus 10%.

In house copy charges:

Sheet Size		B & W	Color
D	24 x 36	\$3.00/page	\$25.00/page
E1	30 x 42	\$3.50/page	\$35.00/page
E	36 x 48	\$4.00/page	\$40.00/page

Exhibit Mounting D size: \$75.00/Board
 Scanning C, D & E Size: \$3.25/Sheet

TREASURER'S CERTIFICATION

I certify that there are additional funds available (\$57,692) for additional services needed to the professional service contract with CP Engineers (increasing the contract from \$138,976 to \$196,668) for professional engineering services in connection with the Authority's project entitled Tank Improvement Program – Phase 1. This item will be charged to Account No. 02-00-500-495 (Tank Improvement – Phase 1).

**Charles
Maggio**

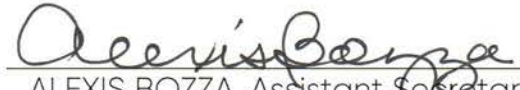
Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast
Morris County MUA, ou=Finance,
email=cmaggio@smcmua.org, c=US
Date: 2022.04.21 16:36:23 -04'00'

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 55-22

RESOLUTION AUTHORIZING CHANGE ORDER TO THE CONTRACT FOR PLUMBING SERVICES IN CONNECTION WITH FULL LINE SERVICE CONNECTION REPLACEMENT AND METER REMOVAL

WHEREAS, the Authority awarded a contract to Robert Griggs Plumbing and Heating LLC ("Griggs") for plumbing services in connection with full line service connection replacement and meter removal; and

WHEREAS, the maximum cost to the Authority authorized was \$42,525.00; and

WHEREAS, the Principal Engineer has provided a Certification of Necessity ("Certification") dated April 21, 2022, that a Change Order for additional work required was needed as a result of unforeseen subsurface conditions that required significant additional time and expenses than had been projected for the work; and

WHEREAS, the additional services will cost the Authority an additional amount not to exceed \$26,165.06 as more particularly set forth in the Certification and the proposed change order, copies of which are annexed hereto; and

WHEREAS, the Authority has determined that the services performed were necessary and reasonable; 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 additional work provided under the contract with Robert Griggs Plumbing and Heating LLC ("Griggs") for plumbing services in connection with full line service connection replacement and meter removal be authorized at a cost to the Authority not to exceed \$26,165.06.

Board Members

Morristown:
Max Huber
Donald Kissil

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

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, E.I.T.
Nicola Marucci, P.E.

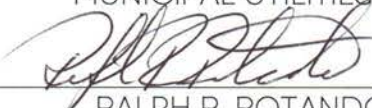
2. The proposed changed order annexed hereto, be and the same is hereby approved.
3. The Executive Director be and is hereby authorized to execute and deliver said change order for the Authority.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



ALEXIS BOZZA, Assistant Secretary



RALPH R. ROTANDO, Chairman

Dated: April 21, 2022



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

CERTIFICATION OF NECESSITY PURSUANT TO
N.J.A.C. 5:30-11.9 IN SUPPORT OF CHANGE ORDER APPROVAL

I, Sophia Dyer, as Principal Engineer of The Southeast Morris County Municipal Utilities Authority (the "Authority") in conjunction with final Change Order and close-out of the Authority's Contract for Plumbing Services in connection with Full Line Service Connection Replacement, (the "Contract"), dated October 26, 2021, with Robert Griggs Plumbing and Heating, LLC. (the "Contractor"), do certify that:

I am familiar with and oversee for the Authority the work carried out by the Contractor.

The annual Contract awarded to the Contractor for the term of October 26, 2021 to October 25, 2022, was in the amount of \$42,525.00.

There have been no previous Change Orders sought or approved for this final term of the Contract. The requested Change Order is in the amount of \$26,165.06.

If approved, the Contract Price with all approved Change Orders shall be \$68,690.06

This Certification has been prepared and is being submitted pursuant N.J.A.C. 5:30-11.9 on the basis that the amount of the proposed Change Order is in excess of 20% of the Contract amount as awarded.

The additional labor and materials provided by the Contractor that necessitate this Change Order were a result of unforeseen subsurface conditions that required significant additional time and expense than had been projected for the work.

If and when the Change Order is approved, I understand (i) that a public notice of such action will be printed once in the Authority's official paper setting forth the above basis for the Change Order, and (ii) that a copy of such notice shall be maintained by the Authority and made available for inspection by the public.

I certify that the foregoing statements made by me are true. I am aware that if any statement made herein is willfully false or fraudulent, I am subject to punishment as provided by law.

Digitally signed by Sophia (Heng) Dyer
DN: cn=Sophia (Heng) Dyer, o=SMCMUA,
ou=Engineering, email=sdyer@smcmua.org, c=US
Date: 2022.04.21 14:41:49 -04'00'
Adobe Acrobat version: 11.0.23

Sophia Dyer, Principal Engineer
The Southeast Morris County Municipal Utilities Authority

TREASURER'S CERTIFICATION

I hereby certify that funds are available in the total maximum amount of \$26,165.06 for payment of a change order with Robert Griggs Plumbing and Heating LLC ("Griggs") for plumbing services in connection with full line service connection replacement and meter removal. This item will be charged to Account No. 02-00-500- 464: Transmission and Distribution-Water Mains.

Charles Maggio

Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast
Morris County MUA, ou=Finance,
email=cmaggio@smcma.org, c=US
Date: 2022.04.21 16:36:59 -0400'

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 56-22

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO THE GIDDINGS GROUP
AS AN EXTRAORDINARY UNSPECIFIABLE SERVICE

WHEREAS, The Giddings Group is a multidisciplinary search firm with strong experience in engineering, technology, finance, consulting, and construction leadership assignments; and

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

WHEREAS, The Giddings Group has submitted a proposal dated April 14, 2022 for such services, a copy of which is annexed hereto as Exhibit "A"; and

WHEREAS, the cost to the Authority under the proposal is estimated not to exceed \$40,000; and

WHEREAS, based on the Certification of Laura Cummings, the Executive Director, dated April 14, 2022, the nature of the services to be performed by The Giddings Group are specialized and qualitative requiring expertise, expert training and proven reputation in connection with the recruiting of industry professionals; and

WHEREAS, N.J.S.A. 40A:11-5(1) authorizes the award of contracts for extraordinary, unspecifiable services without competitive bidding; and

WHEREAS, the award of a contract for extraordinary, unspecifiable services without competitive bidding in this instance is justified and required for good and sufficient reasons including the facts that the performance of the services to be provided cannot reasonably be described by specifications because special expertise (such as that possessed by The Giddings Group) is required; and

WHEREAS, the Local Public Contracts Law requires notice of the awarding of contracts for extraordinary, unspecifiable services to be printed once in a newspaper authorized by law to publish the Authority's legal advertisements and that the contract be filed for public inspection; 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:
Nathan Kiracofe, E.I.T.
Nicola Marucci, P.E.

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, 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. The proposal of The Giddings Group dated April 14, 2022 annexed hereto as Exhibit "A" be and the same is hereby approved and accepted.
2. The Chairman or Vice Chairman and Secretary or Assistant Secretary are hereby authorized and directed to execute an Agreement with The Giddings Group, the execution of such agreement by the Chairman to be conclusive evidence of such approval.
3. Notice of this resolution shall be published once in the Daily Record and copies of this resolution and the agreement 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


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

CERTIFICATION DECLARATION FOR AN EXTRAORDINARY UNSPECIFIABLE SERVICE

TO: SMCMUA Board
FROM: Laura Cummings, PE, Executive Director
DATE: April 14, 2022
SUBJECT: Recruiter Engagement Services

This is to request your approval of a resolution authorizing a contract to be executed as follows:

Firm: The Giddings Group ("TGG")

Cost: 25% of the first year's base salary of candidates hired by SMCMUA

Duration: One Year

Purpose: Recruiting of Industry Professionals

This is to request an award of a contract without the receipt of formal bids as an Extraordinary Unspecifiable Service [N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.3(b)]. I do hereby certify to the following:

1. Provide a clear description of the nature of the work to be done.

TGG is a multidisciplinary search firm with strong experience in engineering, technology, finance, consulting, and construction leadership assignments. TGG follows a carefully designed methodology focused on client communication and accountability to ensure the highest probability of success. In this manner, TGG will act as a strategic partner and intellectual asset in recruiting professionals specific to the needs of SMCMUA.

2. Describe in detail why the contract meets the provisions of the statute and rules:

TGG possesses (i) a focused understanding of the industry specific needs of the SMCMUA, as well as (ii) the industry relationships needed to best meet those needs and advance the goals of the SMCMUA. Through TGG's database, research and referral gathering, it will begin an intense period of proactive recruiting for SMCMUA. TGG will carry out an in-depth screening process as it seeks to match opportunities

with candidates that meet specific criteria. TGG will work closely with SMCMUA and candidates during the selection and offer phase. TGG will maintain its relationship with the successfully hired candidate during the transition period to combat counteroffers and ensure a successful start.

3. The service(s) is of such a specialized and qualitative nature that the performance of the service(s) cannot be reasonably described by written specifications because:

The need for industry specific recruiting expertise and TGG's proven reputation in this specialized field are critical to the needs of SMCMUA to secure essential professionals. It is the specialized needs of SMCMUA and the unique understanding needed by the consultant to meet those needs that underscore the subjective quality of the services to be provided. And it is this subjective dimension that makes the services to be provided extraordinary, unspecifiable and not suited to the objective comparison of bids.

4. Describe the informal solicitation of quotations:

No quotations were received by other vendors because TGG provides specialized services that directly relate to industry specific professionals required by SMCMUA.

5. I have reviewed the rules of the Division of Local Government Services pursuant to N.J.A.C. 5:34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.

The cost to the Authority under the proposal is estimated not to exceed \$40,000. The Treasurer has certified that funds are available in the 2022 Budget Account No. 02-10-400-607, Professional Services - Personnel.

Respectfully,

**Laura
Cummings, PE**

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: 2022.04.12 12:38:51 -0400

Laura Cummings, PE
Executive Director

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2022 Budget for payment of the resolution entitled Resolution Authorizing Award of Contract to The Giddings Group as an Extraordinary Unspecifiable Service. The total maximum amount of this contract will not exceed \$40,000. This item will be charged to Account No. 02-10-400-607 (Professional Services – Personnel).

Charles Maggio

Digitally signed by Charles Maggio
DN: cn=Charles Maggio, o=Southeast
Morris County MUA, ou=Finance,
email=cmaggio@smcmua.org, c=US
Date: 2022.04.21 16:37:35 -04'00'

CHARLES MAGGIO, Treasurer

Dated: April 21, 2022

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 57-22

RESOLUTION APPROVING CONNECTION AGREEMENT WITH
THE DISTRICT AT 15FIFTEEN URBAN RENEWAL, LLC
(THE DISTRICT AT 15FIFTEEN)

WHEREAS, the Authority has received an application for water service from The District at 15Fifteen Urban Renewal LLC ("15Fifteen") for a mixed-use project at 1515 Route 10 East, in the Townships of Hanover and Parsippany-Troy Hills, New Jersey (the "Project"); and

WHEREAS, the Authority and 15Fifteen have agreed to a plan for water service and/or main extension to the Project to be provided at the expense of 15Fifteen as more particularly set forth in the proposed Connection Agreement annexed hereto as Exhibit "A" (the "Connection Agreement"); and

WHEREAS, the Authority has obtained the consents of its creating municipalities and the Morris County Municipal Utilities Authority to provide water service to the Project; and

WHEREAS, the Authority and the Township of Parsippany-Troy Hills are party to a water sale agreement under which the Project location is to be served by the Authority; and

WHEREAS, the form of Connection Agreement has been approved by the General Counsel of the Authority.

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

1. The form of Connection Agreement annexed hereto as Exhibit "A" be and the same is hereby approved substantially in the form annexed hereto;

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Engineer: John J. Elam, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA

2. The Chairman or Vice Chairman and Secretary or Assistant Secretary be and the same are hereby authorized and directed to execute the aforementioned Connection Agreement, substantially in the form annexed hereto, on behalf of the Authority in the manner prescribed by law and by-laws of the Authority.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



ALEXIS BOZZA, Assistant Secretary



RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

THIS AGREEMENT made this ____ day of ____ between:

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY, a body corporate and politic of the State of New Jersey, having its principal office at 19 Saddle Road, Cedar Knolls, New Jersey 07927, herein designated as the "SMCMUA"; and

THE DISTRICT AT 15FIFTEEN URBAN RENEWAL, LLC, having its principal office at 2807 Delmar Drive, Suite A, Bexley, OH 43209, herein designated as the "Developer" or "Contractor".

WITNESSETH:

WHEREAS, an application has been filed with the SMCMUA for water service and/or main extension, included as Attachment A, to a development in the Townships of Hanover and Parsippany-Troy Hills, known as The District at 15Fifteen, and located at Block 303, Lots 12, 13.01 & 14.01 and Block 1002, Lot 10 in the Township of Hanover and Block 200, Lots 1.1, 1.2 & 1.03 in the Township of Parsippany-Troy Hills, known as (the "Project"), all as shown on a certain map or plan entitled THE DISTRICT AT 15FIFTEEN, prepared by Langan Engineering and Environmental Services, Inc. and dated February 7, 2022, (the "Plan"), included as Attachment B; and

WHEREAS, the SMCMUA has obtained the consents of its creating municipalities and the Morris County Municipal Utilities Authority to provide water service to the Project; and

WHEREAS, the SMCMUA has executed a December 3, 2019, Amended Agreement for Sale of Water with the Township of Parsippany-Troy Hills ("Parsippany") under which several properties in Parsippany, including the Project location, are to be served by SMCMUA; and

WHEREAS, the SMCMUA hereby approves said application and the Plan subject to the terms and conditions hereinafter set forth;

NOW THEREFORE, in consideration of the premises and the covenants hereinafter contained, the parties hereto agree as follows:

1. The SMCMUA agrees to supply water service to the Project pursuant to the terms and conditions set forth herein.

2. Water service shall be provided to the Project in accordance with the Plan. Any material change in the Plan or any change in the streets, roads or public or private utilities shown on the Plan shall be promptly submitted to the SMCMUA for review and the SMCMUA may revoke or modify its approval of the Plan based upon such change. Failure to advise the SMCMUA of any such change shall constitute a breach of this Agreement and shall automatically revoke the SMCMUA's approval of the Application and Plan. No construction shall proceed with respect to any modified plan prior to the express written approval of the SMCMUA.

3. Water service will not normally be provided until the entire Project shown on the Plan approved by the SMCMUA is completed and the Project's connection fee is received by the SMCMUA. In this instance, it is acknowledged that the Project will be constructed in phases. Therefore, water service will be provided as buildings are completed and following the issuance of a CO by the municipality and following receipt of the connection fee for the completed building.

4. A. The Developer shall at its own expense furnish and install all water mains and necessary appurtenances ("Water Facilities") at the locations and in the manner shown on the Plan. All Water Facilities shall comply with the current specifications and details adopted as "standard" by the SMCMUA ("Specifications"), available on the SMCMUA's website. The Developer agrees that, in order to ensure performance and compatibility with the SMCMUA's Water System, all hydrants, valves, equipment, fittings and appurtenances shall be supplied by manufacturers approved in advance by the SMCMUA.

B. If service is provided to any portion of the Project, the Developer shall not be excused from its obligation to furnish and install the Water Facilities to the entire Project by reason of abandonment or other failure to complete the Project. The SMCMUA reserves the right to require the Developer to complete installation of the Water Facilities at Developer's expense.

5. All water mains shall be installed a minimum of four feet (4') below the grade of the existing road or the proposed road plus pipe diameter unless otherwise shown on the Plan approved by the SMCMUA. If at any time prior to acceptance by the appropriate municipal or State entity or agency having jurisdiction, the grade of the road is changed so that there is less than three-and-one-half feet (3 ½') or more than five feet (5') ground cover over any main, the Developer shall at its own cost and expense lower or raise said main to a minimum of four feet (4') of cover below the finished road grade.

6. The Developer shall be responsible for maintaining each and every valve box at proper road grade until the final grade is established or until the building to which the water extension is connected is occupied, whichever date is later.

7. The Developer shall perform all excavating and back-filling at its sole cost and expense. The installation of all Water Facilities shall be performed in the manner prescribed by the SMCMUA and in strict accordance with the Plan and Specifications. All work performed by the Developer shall be performed in the presence of an inspector assigned by the SMCMUA and paid for by the Developer.

8. The Developer shall notify the SMCMUA at least five (5) working days in advance of the installation of any of the Water Facilities. The Developer shall not permit any Water Facilities to be installed unless an inspector from the SMCMUA is present.

9. If the Water Facilities are to be installed in a State Highway, the Developer shall prepare at its expense the necessary road opening permit and submit same to the SMCMUA for its review and approval prior to submitting to the New Jersey Department of Transportation. If the Water Facilities are to be installed in a county, municipal or private road or railroad crossing, the Developer shall obtain all necessary road opening or crossing permits at its expense following approval of the permit application by the SMCMUA. The Developer shall then submit copies of all permits approved by the respective agencies to the SMCMUA before beginning work. The Developer shall be responsible for excavation and maintenance of all road openings, restoration of the road and final pavement.

10. The Developer shall submit an application to the SMCMUA for all wet taps, cut-in connections and branch lines to new or existing mains and shall pay for the cost of such taps in accordance with the applicable schedule of service charges of the SMCMUA. All such taps and connections shall be made by the SMCMUA at the expense of the Developer, but the Developer shall perform all excavating and back-filling and shall furnish and install all tapping sleeves, valves, and valve boxes at its expense.

11. If hydrants are to be installed at any point along the proposed main, Developer agrees to obtain from the Fire Department, in the municipality involved, written approval of the exact locations of the proposed hydrants so that "tees" will be installed at proper locations as the main is installed in order to avoid future cut-ins. Developer agrees to purchase and install hydrants to meet specification of the SMCMUA and any other governmental entity or agency having jurisdiction. A copy of the written approval shall be provided to the SMCMUA.

12. Developer shall convey such easements and rights of way for the Water Facilities as may reasonably be required by the SMCMUA. Such easements and rights of way shall be in recordable form and shall be prepared or approved by counsel to the SMCMUA at Developer's expense. No construction shall commence until all required easements and rights of way are executed and delivered to the SMCMUA.

13. The Project's water meter(s) and any RPZ(s) (backflow preventer(s)) shall be located and installed as directed by the SMCMUA. The cost of both meter(s) and RPZ(s), as well as their replacement as and when required by the SMCMUA shall be paid for by the Developer.

14. All Water Facilities installed by the Developer shall remain the property of the Developer and/or property owner except for the water meters, which shall become the sole and exclusive property of the SMCMUA. Acceptance of the installed meters by the SMCMUA shall follow final inspection and written approval of same as a predicate to being placed into service as part of the SMCMUA's water system. Developer shall execute and deliver to the SMCMUA such bills of sale for the Water Facilities as may be requested by the SMCMUA.

15. Leakage, disinfection and bacteriological tests of all new mains and services shall be conducted under the direction of and in the manner prescribed by the SMCMUA as set forth in the Specifications. All costs in connection with such tests shall be borne by the Developer. In those instances when installed Water Facilities are to be conveyed to the SMCMUA, no such facilities shall be accepted by the SMCMUA prior to the satisfactory completion and approval of all such tests.

16. All construction and work to be performed by the Developer under this Agreement shall be commenced within one (1) year of the date hereof and completed within twelve (12) months from the date of commencement, provided that the Developer shall be entitled to reasonable extensions for commencement or completion of the work coincident with the time periods set forth in any applicable State law or municipal ordinance. Failure to commence or complete the work within the time specified shall cause this Agreement to terminate at the option of the SMCMUA but without prejudice to Developer's right to reapply for water service with respect to the Development subsequent to such termination.

17. The SMCMUA also shall have the right to refuse to supply water until all requirements of this Agreement and the Rules and Regulations of the SMCMUA ("Tariff") are fully satisfied and all metered and non-metered charges for water service are paid.

18. Before any permanent service taps are made or curb boxes are set by the SMCMUA, the Developer shall file with the SMCMUA a separate application therefore and shall pay for the cost of such taps in accordance with the applicable schedule of service charges of the SMCMUA. No service tap shall be made or curb box set by the SMCMUA until the curb has been completely constructed by the Developer.

19. In the event of default by the Developer, the SMCMUA shall have such remedies as may be provided herein or as may be otherwise provided in law or at equity. Nothing herein shall preclude the SMCMUA from completing the work upon default by the Developer where necessary to protect the public health, safety and welfare in which event Developer shall be responsible for the full cost of such completion incurred or paid by the SMCMUA; provided the SMCMUA shall have no obligation to complete such work as permitted by this Section.

20. A. The Developer shall pay a connection fee ("Connection Fee") representing its fair contribution to the cost of the SMCMUA's Water System as permitted by N.J.S.A. 40:14B-21. The Connection Fee shall be in accordance with the applicable rate schedule of the SMCMUA's Tariff in effect at the time of the particular connection(s) and shall be in addition to the actual cost of physical connection or tapping fee charged to customers connecting to the Water System. The SMCMUA shall not be obligated to provide water service to any portion of or unit within the Development until the applicable tapping fees and connection fees are paid in full.

B. Upon execution of this Agreement by the Developer, the Developer shall submit \$2,500.00 to the SMCMUA to be held in escrow by the SMCMUA and from which all legal and engineering costs and other out-of-pocket expenses incurred by the SMCMUA in connection with Developer's application including the expense of reviewing the Plan, preparing this Agreement and such other services as shall be rendered in connection with the application, this Agreement or enforcement of the SMCMUA's rights and privileges hereunder, shall be paid. The above deposit amount is an estimate and may be increased at the reasonably exercised discretion of the SMCMUA, its counsel or consulting engineer from time to time so as to provide sufficient funds to complete the work. In the event there shall be any surplus after completion and acceptance by the SMCMUA of the work covered by the deposit, such surplus shall be promptly returned to the Developer except for the non-refundable application fee and deposit required by the SMCMUA's Tariff.

21. Prior to the final release of the cash deposit or other security required by this Agreement and as a condition of the SMCMUA's acceptance of the Water Facilities installed hereunder, the Developer shall submit "As-Built" plans prepared by and certified by a licensed New Jersey professional engineer and land surveyor, which plans shall be subject to the approval by the SMCMUA's engineer and which shall show the location of the Water Facilities installed by the Developer.

22. The Developer understands that SMCMUA does not guaranty the supply of any uniform quality or quantity of water or to maintain any fixed pressure for fire protection or any other purpose. Developer agrees that SMCMUA will not be responsible or liable for any loss or damage sustained as a result of service interruption or irregularity due to accident, breakdown, emergency or from other causes beyond the control of the SMCMUA and hereby releases the SMCMUA from any such liability.

23. The Developer shall comply with all applicable rules and regulations of the SMCMUA and all laws, ordinances, rules, regulations and orders of any other governmental agency or entity having jurisdiction.

24. In the event of a sale or transfer of the Project to another party, Developer agrees that it will secure from its successor in title or interest a written undertaking whereby such successor agrees to assume and fully perform all of the obligations of this Agreement. Developer agrees to promptly advise the SMCMUA in writing of any such sale or transfer provided that this provision shall not apply to a sale or transfer to an individual lot purchaser.

25. Developer shall be responsible for assuring that all agents, servants, employees, contractors and subcontractors involved in the construction of the Project shall fully comply with all provisions of this Agreement.

26. This Agreement shall be binding upon the Developer, its successors or assigns, notwithstanding the fact that the Project may be sold or transferred to another party. This Agreement shall be governed by the laws of the State of New Jersey. Any proceeding to interpret or enforce this Agreement shall be brought and maintained in the appropriate courts of the State of New Jersey, venued in Morris County.

27. In addition to the foregoing covenants and commitments, the parties agree to the following:

- a. Developer shall provide for and place a public easement on and over West District Drive and South District Drive, which are currently private roads connecting Route 10 to the Dryden Way ramp in order, *inter alia*, to provide SMCMUA continued access to Block 303, Lot no. 12 in the Township of Hanover;

- b. Developer shall provide to SMCMUA a copy of the recorded easement between 1515 Parsippany LLC and 1639 Real Estate (Delta Dental) granting easement rights to 1515 Parsippany LLC;
- c. SMCMUA shall extinguish and/or vacate two (2) access easements it currently holds across Block no. 200, Lot no. 1.02 of the Township of Parsippany-Troy Hills and Block no. 303, Lot nos. 13 & 14 of the Township of Hanover and which are recorded in the County of Morris Book in 2698, at p. 924 and 930, respectively; and
- d. In conjunction with the New Jersey Department of Transportation (NJDOT) requirements for the Developer's proposed Dryden Way ramp improvement, SMCMUA shall dedicate that portion of land south of the ramp on Block 303, Lot 12 that is identified as Parcel XXAE-2 on the General Property Parcel Map that is attached hereto as Exhibit C.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the day and year first written above.

WITNESS OR ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

By: _____
RALPH R. ROTANDO, Chairman

WITNESS OR ATTEST:

THE DISTRICT AT 15FIFTEEN
URBAN RENEWAL, LLC

By: _____

Print Name and Title

Print Name and Title

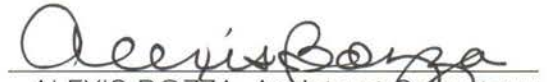
Attachment A: Application

Attachment B: Plan

Attachment C: General Property Parcel Map

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022



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

Resolution No. 58-22

RESOLUTION AUTHORIZING CLOSED SESSION DISCUSSION

RESOLVED that the following discussions of:

1. Continued Report of the Personnel Committee
 - a. Compensation of Management Personnel; and
2. Legal Update Regarding Current Litigation

be held in closed session pursuant to subsections 7 and 8 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 discussions are to be conducted in closed session as permitted by the Act, and may involve questions of attorney/client privilege, it is not known at this time when, or if, the contents of the discussions may be disclosed.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


RALPH R. ROTANDO, Chairman

Dated: April 21, 2022

Board Members

Morristown:
Max Huber
Donald Kissil

Morris Township:
Dennis Baldassari
Michael Chumer, PhD

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Engineer: John J. Elam, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on April 21, 2022, at a meeting duly convened of said Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: April 21, 2022