

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

MEETING MINUTES

NOVEMBER 17, 2022

The Regular Meeting of The Southeast Morris County Municipal Utilities Authority ("SMCMUA") was held on Thursday, November 17, 2022, at 7:00 PM prevailing time in the Board Room at the offices of SMCMUA at 19 Saddle Road, Cedar Knolls, New Jersey.

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

ROLL CALL

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

ABSENT: Members Marucci and Webster

Member Kissil acknowledged that he could hear the Chairman and other participants.

Also present were the following: Charles Maggio, Chief Financial Officer; Drew Saskowitz, Water Quality Superintendent; Sophia Dyer, PE, Principal Engineer; Dave Jones, Operations Manager; Nick Buono, IT Director; Alexis Bozza, Executive Administrative Assistant; and David J. Ruitenber, Esq., General Counsel to the SMCMUA. Laura Cummings, PE, Executive Director, participated by telephone.

PUBLIC DISCUSSION

Chairman Rotando stated the next portion of the meeting was set aside for public discussion. No one from the public was present. The Chairman then closed the public portion of the meeting.

MOTION APPROVING MINUTES OF OCTOBER 20, 2022

Copies of the minutes of the meeting held on October 20, 2022, were distributed to the Members prior to the meeting for review and comment. Member Huber moved that the minutes be adopted as presented. Member Chumer seconded the motion which was duly adopted by the Members.

RESOLUTION – APPROVAL OF NOVEMBER 2022 LIST OF BILLS

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

RESOLUTION NO. 119-22

RESOLUTION AUTHORIZING PAYMENT OF LIST OF BILLS FOR NOVEMBER 2022

“COPY ANNEXED”

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

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

NOES: None

OTHER BUSINESS

- A. Resolution Awarding Contract for Fixed Radio Network Meter Transmission Units

SMCMUA is in need to purchase fixed radio network meter transmission units (MTUs) which are compatible with its automatic meter reading system. Pursuant to the Local Public Contracts Law (NJSA 40A:11-5(dd)), the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software is exempt from bidding. SMCMUA solicited a quote for the provision of MTUs from Kennedy Companies, the manufacturer's sole authorized distributor in the State of New Jersey. The quote was reviewed by the Information Technology Director as set forth in a memorandum dated October 24, 2022, a copy of which was reviewed by the Members. The Information Technology Director recommended that a contract be awarded to Kennedy Companies at a maximum not to exceed amount of \$173,081.12. The Treasurer certified that there are sufficient funds available in the 2022 Budget. Member Kiracofe offered the following resolution:

RESOLUTION NO. 120-22

RESOLUTION AWARDING CONTRACT FOR FIXED RADIO NETWORK METER TRANSMISSION UNITS

“COPY ANNEXED”

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

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

NOES: None

- B. Resolution Authorizing the Execution of a Purchasing Entity Agreement with Cellco Partnership, D/B/A Verizon Wireless

SMCMUA previously utilized the services of Verizon Wireless as an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP. The purchases of goods and services by local contracting units through the State agency without advertising is authorized under Section 12 of the Local Public Contracts Law, N.J.S.A. 40A:11-12. Verizon Wireless recently notified SMCMUA that its contract with the State of New Jersey has expired and migrated to a NASPO agreement (Master Agreement #MA152). The IT Director recommended SMCMUA execute the Purchasing Entity Agreement with Cellco Partnership, doing business as Verizon Wireless, in accordance with the terms and conditions of the State of New Jersey's Participating Addendum with Cellco. The Treasurer previously certified the availability of funds in the 2022 Budget. Member Chumer offered the following resolution:

RESOLUTION NO. 121-22

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASING ENTITY AGREEMENT  
WITH CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS

"COPY ANNEXED"

Member Huber seconded the motion which was duly adopted by the Members.

- C. Resolution Authorizing Execution of Professional Services Contract with Murphy McKeon, PC, for Professional Legal Services

SMCMUA has a need for professional legal services to assist it in fulfilling its statutory and contractual obligations. David J. Ruitenber and the firm of Murphy McKeon, PC, submitted a proposal dated September 14, 2022, to serve as General Counsel to SMCMUA for one-year at a maximum not-to-exceed cost of \$180,000.00 plus expenses as set forth in a proposed Professional Service Agreement. This Contract would be awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law). Murphy McKeon, PC, completed and submitted Business Entity Disclosure Certifications which certify that the firm has not made any reportable contributions to any political or candidate committee in the Township of Hanover, Borough of Morris Plains, Town of Morristown and the Township of Morris in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract.

The Treasurer will certify that there are sufficient funds available subject to approval of the 2023 Budget. Member Baldassari offered the following resolution:

RESOLUTION NO. 122-22

RESOLUTION AUTHORIZING EXECUTION OF PROFESSIONAL SERVICES CONTRACT  
WITH MURPHY MCKEON, PC, FOR PROFESSIONAL LEGAL SERVICES

“COPY ANNEXED”

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

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

NOES: None

D. Resolution Authorizing Execution of a Professional Service Contract  
with Genova Burns, LLC, for Special Labor Counsel and Human  
Resources Services

SMCMUA has a need for professional legal services in connection with labor law, human resources and related matters. The law firm of Genova Burns, LLC, submitted a proposal for such professional services dated October 7, 2022. The cost of such services to SMCMUA to be performed during the 2023 calendar year, as set forth in the Proposal, is estimated not to exceed the total amount of \$70,000.00. This contract would be awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.). Genova Burns has completed and submitted Business Entity Disclosure Certifications which certify that they have not made any reportable contributions to any political or candidate committee in the Town of Morristown, Township of Morris, Township of Hanover and the Borough of Morris Plains in the previous one-year period and that the contract to be awarded by this Resolution will prohibit it from making any such reportable contributions during the term of the contract. The Treasurer will certify that there are sufficient funds available subject to approval of the 2023 Budget. Member Huber offered the following resolution:

RESOLUTION NO. 123-22

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT  
WITH GENOVA BURNS, LLC, FOR SPECIAL LABOR COUNSEL AND HUMAN  
RESOURCES SERVICES

“COPY ANNEXED”

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

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

NOES: None

- E. Resolution Authorizing Execution of a Professional Service Contract with Howard J. Woods, Jr. & Associates, LLC, for Non-Exclusive Professional Engineering Services Related to Water Supply Planning and Rate Related Matters

SMCMUA has a need for professional consulting engineering services related to water supply planning and rate related matters commencing January 1, 2023. Howard J. Woods Jr. & Associates, LLC, has submitted a proposal dated October 12, 2022, for the providing of such services at an estimated maximum amount of \$30,000.00. This Contract would be awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law). Howard J. Woods Jr. & Associates, LLC, has completed and submitted Business Entity Disclosure Certifications which certify that they have not made any reportable contributions to any political or candidate committee in the Township of Hanover, Borough of Morris Plains, Town of Morristown and the Township of Morris in the previous one year, and that the contract will prohibit it from making any reportable contributions through the term of the contract. The Treasurer will certify that there are sufficient funds available subject to approval of the 2023 Budget. Member Baldassari offered the following resolution:

RESOLUTION NO. 124-22

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT  
WITH HOWARD J. WOODS, JR. & ASSOCIATES, LLC, FOR NON-EXCLUSIVE  
PROFESSIONAL ENGINEERING SERVICES RELATED TO WATER SUPPLY PLANNING AND  
RATE RELATED MATTERS

"COPY ANNEXED"

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

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

NOES: None

F. Resolution Authorizing Execution of a Professional Service Contract with Nisivoccia, LLP, as Accountants-Auditors

SMCMUA has a need for professional accounting-auditing services to assist it in fulfilling its statutory and contractual obligations. Nisivoccia, LLP, submitted a proposal dated October 11, 2022, for the providing of such services at an estimated maximum amount of \$46,275.00, for auditing and examining SMCMUA's financial statements as of December 31, 2022, and related services. This Contract would be awarded without public bidding as a Professional Service Contract pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law). Nisivoccia, LLP, completed and submitted Business Entity Disclosure Certifications which certify that they have not made any reportable contributions to any political or candidate committee in the Township of Hanover, Borough of Morris Plains, Town of Morristown and the Township of Morris in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract. The Treasurer will certify that there are sufficient funds available subject to approval of the 2023 Budget. Member Baldassari offered the following resolution:

RESOLUTION NO. 125-22

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH NISIVOCCIA, LLP, AS ACCOUNTANTS-AUDITORS

"COPY ANNEXED"

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

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

NOES: None

G. Resolution Authorizing the Engineering Manager, or in her absence the Principal Engineer, to Award a Contract and/or Reject Bids in response to the Request for Bids for Electric Generation Service Issued on behalf of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation

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

purchasing and bulk power purchasing discounts. Per Resolution No. 146-21 dated December 16, 2021, SMCMUA continues its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts. The aforementioned resolution authorized the Executive Director, or the Principal Engineer in the absence of the Executive Director, to execute any documents reasonably required to effectuate energy agreements. It was recommended that the resolution be amended to reflect that the Engineering Manager, or the Principal Engineer in the absence of the Engineering Manager, be authorized to execute any documents reasonably required to effectuate energy agreements. Member Baldassari offered the following resolution:

RESOLUTION NO. 126-22

RESOLUTION AUTHORIZING THE ENGINEERING MANAGER, OR IN HER ABSENCE THE PRINCIPAL ENGINEER, TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

"COPY ANNEXED"

Member Huber seconded the motion which was duly adopted by the Members.

- H. Resolution Authorizing Use of Competitive Contracting for Financial Advisory Consulting Services

The Executive Director recommended that SMCMUA solicit proposals for financial advisory consulting services by use of the competitive contracting process authorized by the Local Public Contracts Law (N.J.S.A. 40A:11-4.1). It is deemed to be in the best interest of SMCMUA and the water system to utilize competitive contracting for the solicitation of proposals for such services. N.J.S.A. 40A:11-4.3 requires that the governing body pass a resolution authorizing the use of competitive contracting each time specialized services are desired to be contracted for by use of the competitive contracting process. Member Huber offered the following resolution:

RESOLUTION NO. 127-22

RESOLUTION AUTHORIZING USE OF COMPETITIVE CONTRACTING FOR FINANCIAL ADVISORY CONSULTING SERVICES

"COPY ANNEXED"

Member Chumer seconded the motion which was duly adopted by the Members.

I. Resolution Authorizing Execution of a Professional Service Contract with McManimon, Scotland & Baumann, LLC, as Bond Counsel

The Members reviewed a memorandum from the Chief Financial Officer dated November 9, 2022 advising that SMCMUA has a need for professional legal bond counsel services. Matthew D. Jessup, Esq. of the firm of McManimon, Scotland & Baumann, LLC, submitted a proposal dated November 8, 2022, to serve as Bond Counsel. Member Baldassari moved to table Resolution No. 128-22 until after the Finance Committee has reviewed. Member Huber seconded the motion which was duly adopted by the Members.

J. Resolution Authorizing Amendment to Contract for Curbing, Sidewalk and Apron Repair Services

The Members reviewed a memorandum from the Operations Manager dated November 8, 2022. SMCMUA had entered into a contract with Bruce Brueche Jr. dated July 1, 2022, for a not to exceed total amount of \$17,500.00. SMCMUA would like to increase the total maximum not-to-exceed amount of the Contract to \$40,000.00 to accommodate for additional services needed due to an increase in main breaks. Bruce Brueche Jr. previously completed and submitted Business Entity Disclosure Certifications which certify that they have not made any reportable contributions to any political or candidate committee in the Township of Hanover, Borough of Morris Plains, Town of Morristown and the Township of Morris in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract. The Treasurer certified that funds are available. Member Huber offered the following resolution:

RESOLUTION NO. 129-22

RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT FOR CURBING, SIDEWALK AND APRON REPAIR SERVICES

"COPY ANNEXED"

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

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

NOES: None

REPORTS

- A. General Administration Division – October 2022
- B. Engineering Division – October 2022



- C. Finance Division – October 2022
  - 1. Billing and Customer Service – October 2022
  - 2. Human Resources – October 2022
- D. Information Technology Division – October 2022
- E. Operations Division – October 2022
- F. Operations Risk Management Division – October 2022
- G. Water Quality Division – October 2022

ADJOURNMENT

There being no further business, Member Baldassari moved that the meeting be adjourned. Member Chumer seconded the motion which was duly adopted by the Members. The meeting adjourned at 8:22 PM.

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

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ALEXIS BOZZA  
Assistant Secretary

## SUNSHINE LAW STATEMENT

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

1. By posting a copy of 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.



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

Resolution No. 119-22

RESOLUTION AUTHORIZING PAYMENT OF NOVEMBER 2022 LIST OF BILLS

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

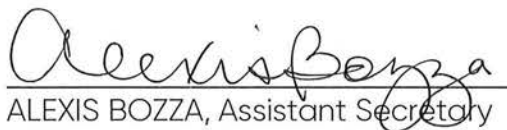
OPERATING FUND

Total Salary and Wages	\$ 380,736.59
Total Operating Fund Checks and Wire Transfers	\$ 619,692.61

CAPITAL FUND

Total Capital Fund Expenditures	\$ <u>335,199.34</u>
TOTAL OF NOVEMBER 2022 LIST OF BILLS	\$ 1,335,628.54

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
RALPH R. ROTANDO, Chairman

Dated: November 17, 2022

Board Members

Morristown:  
Max Huber  
Donald Kissil

Morris Township:  
Dennis Baldassari  
Michael Chumer, PhD

Morris Plains:  
Ralph R. Rotando  
Patricia Webster

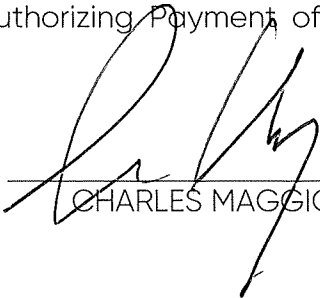
Hanover Township:  
Nathan Kiracofe, EIT  
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available (\$1,335,628.54) for payment of the resolution entitled Resolution Authorizing Payment of November 2022 List of Bills in SMCMUA's 2022 Budget.



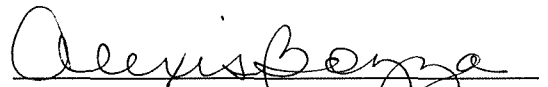
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CHARLES MAGGIO, Treasurer

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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customerservice@smcmua.org  
smcmua.org

Resolution No. 120-22

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR  
FIXED RADIO NETWORK METER TRANSMISSION UNITS

WHEREAS, SMCMUA is in need to purchase fixed radio network meter transmission units (MTUs) which are compatible with its automatic meter reading system; and

WHEREAS, pursuant to the Local Public Contracts Law (NJSA 40A:11-5(dd)), the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software is exempt from bidding; and

WHEREAS, SMCMUA solicited a quote for the provision of MTUs from Kennedy Companies, the manufacturer's sole authorized distributor in the State of New Jersey; and

WHEREAS, the quote has been reviewed by the Information Technology Director as set forth in a memorandum dated October 24, 2022, a copy of which memorandum is annexed hereto; and

WHEREAS, the Information Technology Director has recommended that a contract be awarded to Kennedy Companies at a maximum not to exceed amount of \$173,081.12; and

WHEREAS, the Treasurer has certified that there are sufficient funds available in the 2022 Budget; and;

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

1. That the contract be awarded to Kennedy Companies for the provision of fixed radio network meter transmission units at a maximum not to exceed amount of \$173,081.12.

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

**Morris Township:**  
Dennis Baldassari  
Michael Chumer, PhD

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

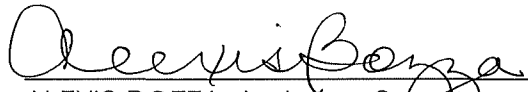
**Hanover Township:**  
Nathan Kiracofe, EIT  
Nicola Marucci, PE

**Executive Director:** Laura Cummings, PE

**Chief Financial Officer:** Charles Maggio, CMFO, QPA

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

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
RALPH R. ROTANDO, Chairman

Dated: November 17, 2022



MEMORANDUM

TO: SMCMUA Board

FROM: Nicholas Buono, Information Technology Director NB

RE: Fixed Radio Network Meter Transmission Units

DATE: October 24, 2022

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

Per the Local Public Contracts Law (NJSA 40A:11-5(dd)), "the provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software" is exempt from bidding.

SMCMUA solicited a quote for fixed radio network meter transmission units (MTUs) from Kennedy Companies, Mueller Systems' sole authorized distributor in the State of New Jersey, for the Mi.Net-L Automatic Meter Reading (AMR) system that SMCMUA currently uses.

Item 1a Wall-Mount Single Port		Item 1b Pit Single Port		Item 2 Programmer/ Reader	
Max Qty.	Unit Price	Max Qty.	Unit Price	Max Qty.	Unit Price
1,500	\$97.78	250	\$100.00	2	\$705.56
Total	\$146,670.00	Total	\$25,000.00	Total	\$1,411.12

It is recommended that a contract be awarded to Kennedy Companies for its proposal dated October 20, 2022, in the total not to exceed maximum amount of \$173,081.12.

The Treasurer has certified that sufficient funds are available in the Capital Budget for the full amount of the contract. This item will be charged to Account No. 02-00-500-492 (2022 Meter Management Program).



TREASURER'S CERTIFICATION

I hereby certify that sufficient funds are available for payment of a contract with Kennedy Companies for the provision of fixed radio network meter transmission units. The total maximum amount of the contract will not exceed \$173,081.12. These items will be charged to Account No. 02-00-500-492 (2022 Meter Management Program).



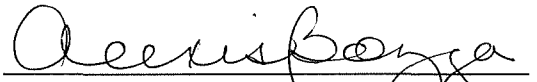
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CHARLES MAGGIO, Treasurer

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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Resolution No. 121-22

RESOLUTION AUTHORIZING THE EXECUTION OF A PURCHASING ENTITY AGREEMENT  
WITH CELLCO PARTNERSHIP, D/B/A VERIZON WIRELESS

WHEREAS, SMCMUA previously utilized the services of Verizon Wireless as an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

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

WHEREAS, Verizon Wireless recently notified SMCMUA that its contract with the State of New Jersey has expired and migrated to a NASPO agreement (Master Agreement #MA152);

WHEREAS, it is recommended to execute the Purchasing Entity Agreement with Cellco Partnership, D/B/A Verizon Wireless, in accordance with the terms and conditions of the State of New Jersey's Participating Addendum with Cellco; and

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

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the appropriate officers of SMCMUA be and they are hereby authorized and directed to execute the Purchasing Entity Agreement with Cellco Partnership, D/B/A Verizon Wireless, in accordance with the terms and conditions of the State of New Jersey's Participating Addendum with Cellco on behalf of SMCMUA in the manner provided by law.

ATTEST:

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
ALEXIS BOZZA, Assistant Secretary

  
RALPH ROTANDO, Chairman

Dated: November 17, 2022

Board Members

Morristown:  
Max Huber  
Donald Kissil

Morris Township:  
Dennis Baldassari  
Michael Chumer, PhD

Morris Plains:  
Ralph R. Rotando  
Patricia Webster

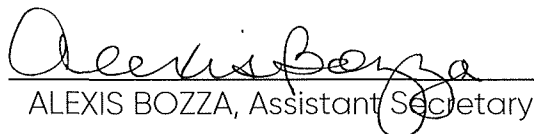
Hanover Township:  
Nathan Kiracofe, EIT  
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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Resolution No. 122-22

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT FOR LEGAL SERVICES WITH DAVID J. RUITENBERG AND THE FIRM OF MURPHY MCKEON, PC, AS GENERAL COUNSEL

WHEREAS, SMCMUA has a need for professional legal services to assist it in fulfilling its statutory and contractual obligations; and

WHEREAS, David J. Ruitenbergh and the firm of Murphy McKeon, PC, has submitted a proposal dated September 14, 2022, to serve as General Counsel to SMCMUA for one-year at a maximum not-to-exceed cost of \$180,000.00 plus expenses as set forth in a proposed Professional Service Agreement, a copy of which is annexed hereto as Exhibit "A"; and

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

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

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

WHEREAS, the Treasurer will certify that there are sufficient funds available subject to approval of the 2023 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 SMCMUA's legal advertisement;

**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

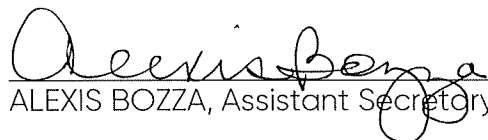
**Executive Director:** Laura Cummings, PE

**Chief Financial Officer:** Charles Maggio, CMFO, QPA

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

1. That David J. Ruitenber and the firm of Murphy McKeon, PC, be and is hereby retained as General Counsel to The Southeast Morris County Municipal Utilities Authority to render necessary legal services and advice, as outlined in the Professional Service Agreement annexed hereto and made a part hereof;
2. The Executive Director is hereby authorized and directed to execute the annexed Agreement upon the part of SMCMUA in the manner prescribed 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: November 17, 2022

**PROFESSIONAL SERVICE AGREEMENT**

**THIS AGREEMENT, made effective as of the 1<sup>st</sup> day of January, 2023, by and between:**

**THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY**  
a body corporate and politic of the State of New Jersey  
with offices located at 19 Saddle Road  
Cedar Knolls, New Jersey 07927

**AND:**

**DAVID J. RUITENBERG, ESQ.; AND**  
**MURPHY McKEON P.C.**  
Attorneys at Law  
51 Route 23 South  
P.O. Box 70  
Riverdale, NJ 07457

**WITNESSETH:**

**WHEREAS,** The Southeast Morris County Municipal Utilities Authority (the "SMCMUA") is in need of professional legal services; and

**WHEREAS,** N.J.S.A. 40A:11-1, et seq., requires all contracts be in writing; and

**WHEREAS,** the supplying of legal services is exempt from public bidding as "Professional Service"; and

**WHEREAS,** David J. Ruitenberg and the firm of Murphy McKeon P.C., are in compliance with P.L. 1975, C. 127 (N.J.A.C. 17:27), the "Affirmative Action Act"; and

**WHEREAS,** David J. Ruitenberg and Murphy McKeon P.C. (the "Attorney"), for and in consideration of payments hereinafter specified and agreed to by the SMCMUA hereby agree to serve as General Counsel to the SMCMUA.

**NOW, THEREFORE, IN CONSIDERATION OF** the mutual covenants and agreements herein contained, the parties agree as follows:

1. Position. Title. Attorney is hereby retained as General Counsel for and during the term of this Agreement as set forth in Section 5 of this Agreement and any extensions of this Agreement as provided therein.

2. Services. The services ("Scope of Services") to be provided by Attorney shall consist of attendance at regular and special meetings of the Members; Committee meetings as requested by the Members or Executive Director; customer disputes; preparation or review and revision of minutes of meetings and resolutions; meetings and consultation with Executive Director, outside counsel, other consultants and designated staff regarding contracts, litigation,

litigation oversight, labor and employment matters, legislative and regulatory issues, matters involving the SMCMUA's Creating Municipalities, other authorities and municipalities served by the SMCMUA (including but not limited to shared services) to or with the SMCMUA; litigation representation except when assigned to outside counsel, in which case provide litigation oversight; matters involving rate and connection fee adjustments, easements and right of way issues, contractor and customer disputes and related incidental services.

3. Compensation; Expenses.

(a) Legal services provided by the Attorney will be on a per hour basis based on the actual time expended by the Attorney performing the work.

The Attorney's hourly rates are:

<u>Rate Per Hour</u>	<u>Services of</u>
\$250.00	Partners
\$185.00	Associates

This confirms the Attorney's understanding that amounts payable beyond the current fiscal year are subject to availability and appropriation of funds as required by the Local Public Contracts Law.

(b) Expenses: The SMCMUA shall further reimburse Attorney for reasonable out of pocket expenses incurred by Attorney on behalf of the SMCMUA subject to submission by Attorney of reasonable substantiation and documentation of such expenses.

(c) Not to Exceed: Though it is difficult to predict the level of time and effort that will be required in the coming year, we do expect that fees and expenses for the period from January 1, 2023, through December 31, 2023, will not exceed \$180,000.00.

4. Availability.

(a) Attorney shall be available to render the services described above as and when called upon by the Executive Director and/or the Members.

(b) Attorney shall devote such time, attention and efforts as may be reasonably required to perform the services of General Counsel as set forth in this Agreement.

5. Term; Termination. The term of this Agreement shall be for a period of one year commencing January 1, 2023, or such other date as may be agreed upon by the parties. Either party shall have the right to terminate this Agreement, with or without cause on 60 days written notice to the other. Unless terminated for cause, Attorney shall be entitled to payment for services pursuant to this Agreement to the date of termination. For purposes of this section



“cause” shall mean (i) death or permanent disability; (ii) loss or suspension of Attorney's license to practice law; (iii) fraud, theft, embezzlement or misappropriation of SMCMUA or customer funds; (iv) conviction of a crime of moral turpitude or (v) habitual failure to perform the services required by this Agreement after due notice and an opportunity to cure.

6. Independent Contractor. In the performance of services under this Agreement it is mutually understood and agreed that Attorney is and at all times shall be an independent contractor and not an employee of the SMCMUA. The SMCMUA shall have no right to direct the time, manner or method by which Attorney shall provide the services to be provided pursuant to this Agreement other than as expressly set forth herein. Attorney shall be responsible, as an independent contractor, for making all payments, declarations and filings with local, state and federal taxing and other governmental authorities with respect to the fees and expenses to be paid pursuant to this Agreement.

7. MISCELLANEOUS PROVISIONS:

(a) Entire Agreement. This Agreement sets forth the entire agreement and understanding of the parties and shall not be modified in any manner except by an instrument in writing executed by the parties. This Agreement supersedes all prior agreements between the parties pertaining to the subject matter.

(b) Waivers. The failure of either party to insist upon strict adherence to any term, covenant or condition of this Agreement on any occasion shall not be considered a waiver or relinquishment of any right of such party or parties to insist upon strict performance of that term, covenant or condition, or any other term, covenant or condition, of this Agreement at any time thereafter.

(c) Headings. The caption headings in this Agreement are solely for convenience or reference and shall not affect its interpretation.

(d) Notices. Notices required or permitted to be given under this Agreement shall be in writing and shall be sent by certified mail, return receipt requested, by hand delivery or by a nationally recognized overnight delivery service. All notices shall be sent to the addresses of the parties first above written, or to such other address as the parties may from time to time designate in writing, and shall be deemed given when sent.

(e) Binding Effect; Assignment. This Agreement shall be binding upon the parties and their respective heirs, executors, administrators, successors or assigns. However, it is understood and agreed that this Agreement is for the personal services of Attorney and that neither party shall assign this Agreement without the express prior written consent of the other party.

(f) Severability. If any provision of this Agreement shall be declared invalid or illegal for any reason whatsoever, then notwithstanding such invalidity or illegality, the remaining terms and provisions of this Agreement shall remain in full force and effect in the same manner as if the invalid or illegal provision had not been contained herein.

(g) Governing Law. This Agreement shall be interpreted in accordance with, and the rights of the parties hereto shall be determined by, the laws of the State of New Jersey.

(h) Professional Service Contract. This is a professional service contract awarded without competitive bidding pursuant to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(i) Mandatory EEO Requirements. The Attorney shall adhere to the State of New Jersey's Mandatory EEO Requirements attached hereto as an Exhibit.

(j) Political Contribution Disclosure. This contract has been awarded to David J. Ruitenbergh, Esq. (Murphy McKeon P.C.) based on the merits and abilities of David J. Ruitenbergh, Esq. to provide the goods or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that David J. Ruitenbergh, Esq. and Murphy McKeon P.C., its subsidiaries, assigns or principals controlling in excess of 10% of the company have neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the four creating municipalities of the SMCMUA, or to any candidate committee of any person serving in an elective public office of the four creating municipalities of the SMCMUA when the contract is awarded.

(k) Confidentiality. Unless otherwise authorized or intended by the SMCMUA, all communications and client documents shall be treated and maintained as confidential in accordance with the SMCMUA's attorney-client privilege.

The parties have executed this Agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SMCMUA:

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

ATTORNEY:

DAVID J. RUITENBERG, ESQ.  
MURPHY MCKEON P.C.

By \_\_\_\_\_  
Ralph R. Rotando  
Chairman  
\_\_\_\_\_  
Print Name and Title

By \_\_\_\_\_  
David J. Ruitenber, Esq.  
Partner  
\_\_\_\_\_  
Print Name and Title

Attest \_\_\_\_\_  
Alexis Bozza  
Assistant Secretary  
\_\_\_\_\_  
Print Name and Title

Witness \_\_\_\_\_  
Dana Ekkers  
Legal Assistant  
\_\_\_\_\_  
Print Name and Title

TREASURER'S CERTIFICATION

Upon adoption of the 2023 Budget, I shall certify that there are sufficient funds available (\$180,000.00) for payment of professional service contract with Murphy McKeon, PC, for professional legal services to serve as General Counsel. This item will be charged to Account No. 02-10-400-602 (Professional Services – Legal).



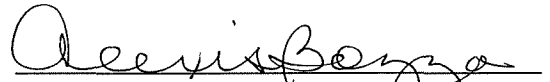
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CHARLES MAGGIO, Treasurer

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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

Resolution No. 123-22

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH GENOVA BURNS, LLC, FOR PROFESSIONAL LEGAL SERVICES

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

WHEREAS, the law firm of Genova Burns, LLC, has submitted a proposal for such professional services dated October 7, 2022, a copy of which is annexed hereto as Exhibit "A" (the "Proposal"); and

WHEREAS, the cost of such services to SMCMUA to be performed during the 2023 calendar year, as set forth in the Proposal, is estimated not to exceed the total amount of \$70,000.00; and

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

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

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

WHEREAS, the Treasurer will certify that there are sufficient funds available subject to approval of the 2023 Budget; 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 Kiracofe, EIT  
Nicola Marucci, PE

**Executive Director:** Laura Cummings, PE

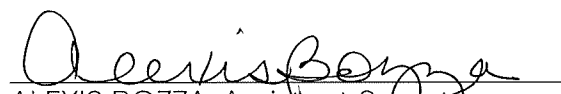
**Chief Financial Officer:** Charles Maggio, CMFO, QPA


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

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

1. The Proposal of Genova Burns dated October 7, 2022 and annexed hereto as Exhibit "A" be and the same is hereby approved.
2. The Executive Director is hereby authorized to accept the Proposal on the part of SMCMUA.
3. This award is made without competitive bidding as a "Professional Service Contract" because the services to be provided are professional legal services as therein defined; and
4. Copies of this Resolution are to be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Town of Morristown, the Township of Morris, the Township of Hanover and Borough of Morris Plains; and Notice of the award shall be printed once in the Daily Record in accordance with the provisions of the Local Public Contracts Law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY  
  
RALPH R. ROTANDO, Chairman

Dated: November 17, 2022



Genova Burns LLC  
494 Broad Street, Newark, NJ 07102  
Tel: 973.533.0777 Fax: 973.533.1112  
Web: www.genovaburns.com

Jennifer Roselle, Esq.  
Partner  
Member of NJ and NY Bars  
[jroselle@genovaburns.com](mailto:jroselle@genovaburns.com)  
Direct: 973-646-3324

October 7, 2022

**VIA ELECTRONIC MAIL**

Laura Cummings, P.E.  
Executive Director/Chief Engineer  
SE Morris County Municipal Utilities Authority  
19 Saddle Road  
Cedar Knolls, NJ 07927

**Re: 2023 Legal Services Proposal**

Dear Ms. Cummings:

This letter is in response to your request for a proposal regarding our continued provision of professional services. We appreciate the opportunity to continue our service to the Southeast Morris County Municipal Utilities Authority in these areas.

More specially, our proposal to provide services for 2023 focuses on updating the existing handbook, assisting the Authority with negotiations for a successor agreement and other related labor matters that may arise. With respect to the handbook, we will work with your Human Resources department to ensure that your policies reflect current legal obligations and capture your practices. In the past we have provided assistance in negotiations with developing bargaining strategies, developing proposals, and appearing at bargaining sessions (as requested) and other tasks associated with contract negotiations. For 2023, we propose the same scope of work, up to and including mediation or fact finding, should either be necessary. We have also assisted with grievance and/or unfair practices, which tend to increase during negotiations, as needed. We similarly propose this be included in our scope of work. We similarly propose serving as a resource for the Authority, as requested, for day-to-day labor issues or human resources challenges which may arise.

Our proposed fee structure for this engagement is on an hourly basis. We typically represent public bodies at a blended hourly rate (i.e., an hourly rate which is applied to all attorneys of the firm regardless of the level of expertise). Our proposed hourly rate for the Southeast Morris County Municipal Utilities Authority remains at \$250.00 for Partners, Counsel, Of Counsel and Associates. To the extent Paralegal services are required, we propose a rate of \$125.00 per hour.





Laura Cummings, P.E.  
Executive Director/Chief Engineer  
October 7, 2022  
Page 2

Our proposed fee structure is limited to \$70,000.00 in services for the duration of the one-year contract. If you request legal services which will exceed the agreed upon \$70,000.00 contract limit, we will require express authorization and approval to perform the work on your behalf and may require a supplemental fee agreement.

In addition to legal fees, the following costs and expenses will be payable if they become necessary: expert fees, court costs, filing fees, recording fees, accountants' fees, appraisers' fees, service fees, delivery charges, photocopying charges, supply charges, travel expense, and any other necessary costs and expenses incurred. Expert fees will be discussed with you and approved by you prior to being incurred. We may require that expert(s) be retained directly by you, and you then would be solely responsible to pay the expert(s).

Enclosed, please find the requested information and supporting documentation about affirmative action compliance; our employee information report; our business registration certificate; copies of the business entity disclosure certifications (Town of Morristown, Township of Morris, Township of Hanover, and Borough of Morris Plains); and reportable political contributions.

We look forward to continuing our relationship with the Southeast Morris County Municipal Utilities Authority. If you have any questions, please do not hesitate to contact me. We look forward to continuing to work with you.

Very truly yours,

**GENOVA BURNS LLC**

*s/Jennifer Roselle*  
JENNIFER ROSELLE

JR:sr  
Encls.

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TREASURER'S CERTIFICATION

Upon approval of the 2023 Budget, I shall certify that there are sufficient funds available (\$70,000.00) for payment of professional service contract with Genova Burns, LLC, for professional legal services. This item will be charged to Account No. 02-10-400-602 (Professional Services – Legal).

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

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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

Resolution No. 124-22

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH HOWARD J. WOODS JR. & ASSOCIATES, LLC, FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES RELATED TO WATER SUPPLY PLANNING AND RATE RELATED MATTERS

WHEREAS, SMCMUA has a need for professional consulting engineering services related to water supply planning and rate related matters commencing January 1, 2023; and

WHEREAS, Howard J. Woods Jr. & Associates, LLC, has submitted a proposal dated October 12, 2022, for the providing of such services at an estimated maximum amount of \$30,000.00, a copy of which is annexed hereto as Exhibit "A"; and

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

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

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

WHEREAS, the Treasurer will certify that there are sufficient funds available subject to approval of the 2023 Budget; 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 Kiracofe, EIT  
Nicola Marucci, PE

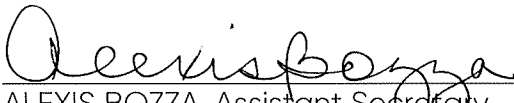
**Executive Director:** Laura Cummings, PE

**Chief Financial Officer:** Charles Maggio, CMFO, QPA

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 SMCMUA's legal advertisement;

1. That the proposal of Howard J. Woods, Jr. and Associates, LLC, dated October 12, 2022, a copy of which is annexed hereto as Exhibit "A" be and the same is hereby accepted and approved.
2. The Executive Director be and is hereby authorized and directed to execute a Professional Service Contract on behalf of SMCMUA.
3. This contract is awarded without competitive bidding as a "Professional Service Contract" in accordance with the Local Public Contracts Law because the services to be rendered are professional services as therein defined; and
4. Copies of this Resolution shall be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Township of Hanover, the Township of Morris, the Town of Morristown and the Borough of Morris Plains, and notice of the award shall be printed once in the Daily Record in accordance with the Local Public Contract Law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
RALPH R. ROTANDO, Chairman

Dated: November 17, 2022

# Howard J. Woods, Jr. & Associates, L.L.C.

October 12, 2022

Ms. Laura Cummings, P.E.  
Executive Director  
Southeast Morris County Municipal Utilities Authority  
19 Saddle Road  
Cedar Knolls, NJ 07927

Re: Proposal for 2023 Professional Engineering  
Services Related to Water Supply Planning  
and Rate Related Matters

Dear Ms. Cummings:

Thanks for giving me the opportunity to work with you over the past nine years on a range of planning and rate related issues. I have enjoyed the opportunity to work with you and your staff throughout this period and I believe we have achieved some significant accomplishments. I understand that you have identified several issues that you would like to address in 2023 and that you may choose to engage my services in addressing these matters. I am pleased to offer the following proposal for professional services.

## **Background**

Over the past nine years, we completed a preliminary supply analysis and evaluated near-term water use trends within your service area. This analysis demonstrated that you have sufficient supplies to meet current demands and provide additional water in support of regional economic development. We also identified a trend toward greater water use efficiency on the part of existing customers and we reflected this trend in an updated long-term water demand forecast. We expect this trend to continue and this will make additional capacity available to service new customers and respond to development related needs within and outside the District even as the District Municipalities continue to grow.

---

49 Overhill Road, East Brunswick, New Jersey 08816-4211

Phone: 267-254-5667

E-mail: [howard@howardwoods.com](mailto:howard@howardwoods.com)



We developed a Cost Allocation Study for the Authority in 2016 and prepared a preliminary update in 2020. A final update to this study was prepared in 2022 showing the path toward stable rates using the Authority's preference for funding routine and recurring construction with cash. This Study also developed a cost for the Wharton capacity reservation and the Morris County Municipal Authority ("MCMUA") volume reduction.

The current state of water resource planning and development in Morris County creates a number of opportunities and risks for SMCMUA. By taking advantage of the opportunities and properly managing the risks, you have the opportunity to expand the scope of your operations in a way that promotes sustainability and rate stability for your retail and sale-for-resale customers. This could include potential opportunities to increase your level of cooperation with MCMUA in ways that may allow for sharing existing sources of supply, other operational facilities and services.

### **Proposal**

Howard J. Woods Jr. & Associates, L.L.C. is pleased to offer you this professional services proposal to address your water supply planning and related business planning needs. In addition to the description of our technical proposal, which follows, your Professional Services Agreement and the completed disclosure forms and certificates required by the SMCMUA can be found in Appendix 1. A copy of our insurance certificate is on file and you will receive an updated certificate automatically when our policies renew in November.

Our proposal is structured in a way that allows you to engage our services as you determine that our support is needed. As we look forward to 2023, we understand that you would like our support in addressing several issues including but not limited to:

1. Develop an updated Cost of Service Allocation Study. We developed a Cost Allocation Study in 2016 and a complete update of this study in 2022. This study demonstrated the need to make class rate modifications to bring each customer class in line with full-cost pricing principals. It also identified a need to evaluate the definitions of the Large Industrial & Commercial Class and the Regular Industrial & Commercial ("RIC") Class. There appears to be a need to re-evaluate the RIC Class with an eye toward reassigning the members of this class to either residential or a new, consolidated industrial/commercial class. The 2022 Study was linked to the 2023 SMCMUA operating and capital budgets and this will facilitate rate design in the coming years. Once your 2023 Budget is finalized, we can make any necessary changes to the baseline used in the cost allocation study. In 2023, we can extend the study to provide a five-year projection of class cost of service rates. In addition, we will also look to incorporate the results of any discussions with MCMUA regarding the Reduction Period in our calculations.
2. Review the Authority's Rules and Regulations and Practices, Procedures and By-Laws. Periodic reviews of the Authority's business practices are appropriate to

make certain that the Authority is responsive to its customers needs while simultaneously operating in an efficient manner that conforms to current regulations. We will conduct a review of these documents to identify areas where improvements could be implemented to conform to industry best practices. Our review will specifically address compliance with N.J.A.C. 7:10, the New Jersey Safe Drinking Water Act Rules and the Water Quality Accountability Act.

3. Master Plan and Regional Water Supply Initiative Support. The Authority will be updating its Master Plan in 2023 and we will provide support and assistance in this effort to ensure that a comprehensive and well thought out business plan results from the effort. We understand that the Authority's engineering staff will take the lead in developing the plan with the assistance of highly qualified engineering firms to assist in specific areas like source water quality and treatment assessments. Given our extensive knowledge and experience with such plans, we will assist the Authority in reviewing the engineering elements of the plan and in coordinating the plan recommendations with the Authority's financial plans, in particular, the five-year budget and the Cost Allocation Study.

Regionally, opportunities abound for SMCMUA. The SMCMUA is one of 68 community public water systems located in Morris County. These systems rely on a variety of bedrock and glacial sand aquifers, surface water supplies and purchased water supplies. Some of the purchased water supplies rely on sources of water outside of Morris County. The development and management of water supplies in Morris County is complicated by known cases of groundwater contamination and the intersection of three major drainage basins (Delaware, Raritan and Passaic) within the County. In addition to the water resource regulation by the Department of Environmental Protection, land use and resource controls imposed by the NJ Highlands Council also impact water supply planning and the cost of providing service in Morris County. The development of a current Master Plan and a sound business plan will best position SMCMUA to take advantage of opportunities for further regionalization and supply integration.

4. Strengthen revenue budgeting procedures to take full advantage of the new customer accounting and billing systems. Your accounting system now allows billing determinants to be tracked in a way that will give you a better understanding of temporal changes in water use and revenues. This will provide an enhanced tool for managing SMCMUA expenses during the course of the year and improve your ability to meet annual financial objectives. Ultimately, improved tracking of the billing determinants that lead to the revenues you collect will allow you to make certain that each customer class is producing sufficient revenues to recover the full cost of providing service to that class.
5. Review emergency response plans approach to drought and severe rainfall events. Industry standards have been evolving recently with regard to drought planning and responses to severe rainfall events. Data accumulated by the New Jersey State



Climatologist demonstrate that we are in a period where extreme weather patterns are becoming more normal. We can assist you by reviewing your current drought and emergency response plans to make sure that those plans reflect the latest approaches to these extreme events.

6. Related Matters. I understand that your Board may wish to review the Authority's financing strategies. This is an important initiative and it will help you make certain that you are providing service at the lowest possible cost. As a related issue, financing strategies should be reviewed with an eye toward updating and strengthening the underlying financials that support the Authority's bond rating. We also understand that the Board would like to review the depreciation and amortization process. In addition to these matters, we are available as needed to address unspecified planning issues that may arise during the course of the year.

We are prepared to review and evaluate available information related to the operation of your water system and to help you thoroughly assess your water resource and business planning needs during 2023. We will build on previously completed studies and reports to avoid duplication of effort. This will include a review of studies prepared by others, external data that influence your water resource planning decisions, and current operating data. We will perform analyses and evaluations of your system and we will attend and participate in meetings on an as-needed basis and as directed by you. Decisions made by SMCMA with respect to water resource planning have implications for current and future revenues and operating expenses. We will assist you in evaluating alternatives with a clear eye focused on retail and wholesale rates needed to implement your business plan.

### **Summary of Staffing & Proposed Fees**

Howard J. Woods, Jr., P.E. will be the principal point of contact for the Authority and will be responsible for all work addressed by this proposal. A detailed resume of my qualifications is attached in Appendix 2. I have a thorough understanding of water supply issues facing the State of New Jersey and I have extensive experience in the field of water supply planning. I have prepared comprehensive plans for 60 water systems located throughout the United States. Communities served by these systems include Pittsburgh, Pennsylvania and its surrounding suburbs, Charleston, West Virginia, Richmond, Indiana, East Saint Louis, Illinois and Monterey, California. I was also responsible for the preparation of water supply plans for New Jersey-American Water Company and I have developed long-term demand forecasts and supply plans for the Passaic Valley Water Commission. In completing these planning evaluations, I developed alternatives and identified the least costly means of providing safe water service for each water system addressed by these studies. These plans identified specific facility needs for five, ten and fifteen-year planning horizons, defined the long-term role of each system in promoting regional water supply development, and assessed the impact of future State and Federal water quality regulations on system operations and needs. I served as the water utility representative to the New Jersey Water Supply Advisory Council from 1989 through 1997

and I am once again serving on the Council as the Residential Water User representative. As a member of the Council, I assisted the State in the development of the New Jersey Statewide Water Supply Master Plan, which is again being updated by the Department of Environmental Protection.

My background in rate setting is also extensive. I have developed cost of service allocation studies for numerous public authorities and I have served as an expert witness in litigation associated with rate setting and cost allocation procedures. The attached resume lists the numerous cases in which I have offered expert testimony before the New Jersey Board of Public Utilities. I am also the 2013 recipient of the George Warren Fuller Award from the New Jersey Section of the American Water Works Association.

My billing rate is \$210 per hour (two hundred ten dollars per hour). No work will be delegated or subcontracted without prior written approval from your office. Based on our understanding of the tasks that you wish us to complete in 2023, the cost of our assistance will not exceed \$30,000. A summary of the anticipated level of effort and associated billings is presented in Schedule A. We will issue bills on the basis of time actually required to provide this assistance, so you will only be charged for the services you elect to use. If less time is required to complete these tasks, your bill will be less. We will also provide any additional supplementary services as requested by the Authority during the life of this project.

The proposed consulting fees associated with the elements of work defined above are based on actual time spent on the engagement at the standard hourly rates noted above. The estimates for the work provided for in this proposal will not be exceeded without your express written approval. Actual out-of-pocket expenses up to the limits set forth on Schedule A, such as for travel or overnight mail, will be charged without mark-up. Should you require any assistance for work not addressed by this proposal, we would be pleased to accommodate you and we will bill you at our standard rates noted above. Our fees will be billed monthly based on work performed and expenses incurred in the previous month. We would appreciate payment within 30 days from the date of billing.

The term of this Agreement is from the inception of work for SMCMUA on January 1, 2023 with respect to the scope outlined above through the ensuing twelve-month planning period. It is understood that, upon entering into this agreement, we are acting as an independent contractor, and that we are not entitled to any compensation other than that specifically set forth herein. This agreement is not assignable without your written consent, the validity and interpretation of which shall be governed by the laws of the State of New Jersey.

This will further confirm that during the term of my engagement I will comply with the mandatory Affirmative Action statement attached hereto as Schedule B and with the provisions of the New Jersey Pay to Play Law, N.J.S.A. 19:44A-20.2 et. seq., The New Jersey Campaign Contributions and Expenditures Act, N.J.S.A. 19:44-1 et. seq., and all other applicable laws and regulations pertaining to my engagement.

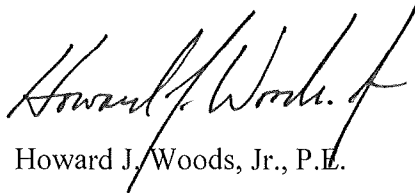
As you know, I will continue to provide services as a sole practitioner. As a single-person limited liability company, I have no employees and I will not be using subcontractors to perform any of the work contemplated in this proposal.

All documents provided by the Authority are kept in electronic form and stored on off-line media at my office location. In addition, I store documents in the cloud using the Microsoft OneDrive service and their Vault function for added security. OneDrive requires two-step authorization to access, and the Vault requires a third step authorization using Microsoft Authenticator. To the extent that hard copy files are maintained, these are kept in locked file cabinets. My records retention policy eliminates records older than seven years unless the information is of an archival nature or of historical value. Hard copy records are shredded and electronic files are destroyed using Secure Erase and NIST SP 800-88 protocols.

Please call me if you have any questions about this proposal or if I can assist you in any way. Thank you again for giving me the opportunity to offer this proposal. I hope you find this acceptable and I look forward to working with you and your staff in the coming planning period.

If this letter correctly sets forth your understanding of our relationship, please acknowledge by signing and returning the enclosed copy of this letter.

Sincerely yours,



Howard J. Woods, Jr., P.E.

I agree with above and authorize Howard J. Woods, Jr. & Associates, L.L.C. to begin providing its services based on the above terms.

---

Laura Cummings, P.E.  
Executive Director  
The Southeast Morris County Municipal Utilities Authority

TREASURER'S CERTIFICATION

Upon approval of the 2023 Budget, I shall certify that there are sufficient funds available (\$30,000.00) for payment of a professional service contract with Howard J. Woods, Jr. & Associates, LLC, for professional consulting engineering services related to water supply planning and rate related matters. This item will be charged to Account No. 02-10-400-609 (Professional Services - Business and Water Supply Planning).



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CHARLES MAGGIO, Treasurer

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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

Resolution No. 125-22

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT FOR ACCOUNTING-AUDITING SERVICES WITH NISIVOCCIA, L.L.P.

WHEREAS, SMCMUA has a need for professional accounting-auditing services to assist it in fulfilling its statutory and contractual obligations; and

WHEREAS, Nisivoccia, LLP, has submitted a proposal dated October 11, 2022, for the providing of such services at an estimated maximum amount of \$46,275.00, for auditing and examining SMCMUA's financial statements as of December 31, 2022 and related services, a copy of which proposal is annexed hereto as Exhibit "A"; and

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

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

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

WHEREAS, the Treasurer will certify that there are sufficient funds available subject to approval of the 2023 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 SMCMUA's legal advertisement;

**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 Financial Officer:** Charles Maggio, CMFO, QPA

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

1. That Nisivoccia, LLP, be and is hereby retained as accountants-auditors to The Southeast Morris County Municipal Utilities Authority for the year ending December 31, 2022, and appointment of their successor, to render necessary accounting-auditing services and advice, as outlined in the letter-agreement annexed hereto as Exhibit "A" and made a part hereof;
2. The Executive Director be and is hereby authorized and directed to execute a Professional Service Contract on behalf of SMCMUA.
3. This contract is awarded without competitive bidding as a "Professional Service Contract" in accordance with the Local Public Contracts Law because the services to be rendered are professional services as therein defined; and
4. Copies of this Resolution shall be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Township of Hanover, the Township of Morris, the Town of Morristown and the Borough of Morris Plains, and notice of the award shall be printed once in the Daily Record in accordance with the Local Public Contracts Law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
RALPH R. ROTANDO, Chairman

Dated: November 17, 2022



Mount Arlington, NJ  
Newton, NJ  
Bridgewater, NJ  
973.298.8500  
nisivoccia.com  
Independent Member  
BKR International

October 11, 2022

The Honorable Chairman and Members of the Authority Board  
The Southeast Morris County Municipal Utilities Authority  
19 Saddle Road  
Cedar Knolls, NJ 07927

The following represents our understanding of the services we will provide The Southeast Morris County Municipal Utilities Authority (“the Authority”).

You have requested that we audit the financial statements – *regulatory basis* – of the various funds of The Southeast Morris county Municipal Utilities Authority as of and for the years ended December 31, 2022 and 2021 and the related notes as listed in the table of contents as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter.

In addition, we will audit the Authority’s compliance over major federal and state award programs for the year ended December 31, 2022 if a federal and/or state single audit is required to be performed. The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor’s report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (GAAS), audit requirements prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey and the standards applicable to financial audits contained in *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

The objectives of our compliance audit, if a federal and/or state single audit is required, is to obtain sufficient appropriate audit evidence to form an opinion and report at the level specified in the governmental audit requirement about whether the Authority complied in all material respects with the applicable compliance requirements and identify audit and reporting requirements specified in the governmental audit requirement that are supplementary to GAAS and *Government Auditing Standards*, if any, and perform procedures to address those requirements.

Supplementary information other than Required Supplementary Information will accompany The Southeast Morris County Municipal Authority’s various fund financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the various fund financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the various fund financial statements or to the various fund financial statements themselves, and additional procedures in accordance with U.S. GAAS. We intend to provide an opinion on the following supplementary information in relation to the various fund financial statements as a whole:

Supplementary Data Schedules



### **Schedules of Expenditures of Federal and State Awards**

We will subject the schedules of expenditures of federal and state awards to the auditing procedures applied in our audit of the various fund financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedules of expenditures of federal and state awards is presented fairly in all material respects in relation to the various fund financial statements as a whole.

### **Data Collection Form**

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility if a federal single audit is required to be performed. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the *earlier* of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

### **Auditor Responsibilities**

We will conduct our audit in accordance with GAAS, audit requirements prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and the standards applicable to financial audits contained in *Government Auditing Standards*. As part of an audit in accordance with GAAS, audit requirements prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey and the standards applicable to financial audits contained in *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Authority's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Authority's ability to continue as a going concern for a reasonable period of time.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements or noncompliance may not be detected exists, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America and, in accordance with any state or regulatory audit requirements. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We will issue a written report upon completion of our audit of the Authority's *regulatory basis* financial statements. Our report will be addressed to the Honorable Chairman and Members of the Southeast Morris County Municipal Authority. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

**Audit of Major Program Compliance (if a federal and/or state single audit is required to be performed)**

Our audit of the Authority's major federal and state award program(s) compliance (if a federal and/or state single audit is required) will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the Uniform Guidance and New Jersey's OMB Circular 15-08, *Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid* (NJOMB 15-08), and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and New Jersey's OMB Circular 15-08, *Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid* and other procedures we consider necessary to enable us to express such an opinion on major federal and/or state award program compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance and NJOMB 15-08 require that we also plan and perform the audit to obtain reasonable assurance about whether material noncompliance with applicable laws and regulations, the provisions of contracts and grant agreements applicable to major federal and/or state award programs, and the applicable compliance requirements occurred, whether due to fraud or error, and express an opinion on the Authority's compliance based on the audit.

Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, the Uniform Guidance and New Jersey's OMB Circular 15-08, *Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid* will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the Authority's compliance with the requirements of the federal and/or state programs as a whole.

As part of a compliance audit in accordance with GAAS and in accordance with *Government Auditing Standards*, and/or any state or regulatory audit requirements, we exercise professional judgment and maintain professional skepticism throughout the audit. We also identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks.

Our procedures will consist of determining major federal and state programs and, performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* and *New Jersey State Aid/Grant Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Authority's major programs, and performing such other procedures as we consider necessary in the circumstances (if a federal and/or state single audit is required). The purpose of those procedures will be to express an opinion on the Authority's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and NJOMB 15-08.

Also, as required by the Uniform Guidance and NJOMB 15-08, we will obtain an understanding of the Authority's internal control over compliance relevant to the audit in order to design and perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the Authority's major federal and state award programs if a federal and/or state single audit is required. Our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report. However, we will communicate to you, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we have identified during the audit.

We will issue a report on compliance (if a federal and/or state single audit is required) that will include an opinion or disclaimer of opinion regarding the Authority's major federal and/or state award programs as applicable, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

### **Management Responsibilities**

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the financial statements in accordance with accounting practices prescribed or permitted by the DLGS;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
- c. For identifying, in its accounts, all federal and state awards received and expended during the period and the federal and state programs under which they were received;
- d. For maintaining records that adequately identify the source and application of funds for state and federally funded activities;
- e. For reviewing the schedules of expenditures of federal and state awards prepared by us (including notes and noncash assistance received) to ensure they are in accordance with the Uniform Guidance;
- f. For designing, implementing, and maintaining effective internal control over federal and state awards that provides reasonable assurance that the Authority is managing federal and state awards in compliance with federal and state statutes, regulations, and the terms and conditions of the federal and state awards;
- g. For identifying and ensuring that the Authority complies with federal and state laws, statutes, regulations, rules, provisions of contracts or grant agreements, and the terms and conditions of federal and state award programs, and implementing systems designed to achieve compliance with applicable federal and state statutes, regulations, and the terms and conditions of federal and state award programs;
- h. For disclosing accurately, currently, and completely the financial results of each federal and state award in accordance with the requirements of the award;
- i. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
- j. For taking prompt action when instances of noncompliance are identified;
- k. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
- l. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
- m. For submitting the reporting package and data collection form, if applicable, to the appropriate parties;
- n. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;

- o. To provide us with:
  - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements including the disclosures, and relevant to federal and state award programs, such as records, documentation, and other matters;
  - b. Additional information that we may request from management for the purpose of the audit;
  - c. Unrestricted access to persons within the Authority from whom we determine it necessary to obtain audit evidence;
  - d. A written acknowledgement of all the documents that management expects to issue that will be included in the annual report and the planned timing and method of issuance of that annual report; and
  - e. A final version of the annual report (including all the documents that, together, comprise the annual report) in a timely manner prior to the date of the auditor's report
- p. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
- q. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- r. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
- s. For informing us of any known or suspected fraud affecting the Authority involving management, employees with significant role in internal control and others where fraud could have a material effect on compliance;
- t. For the accuracy and completeness of all information provided;
- u. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
- v. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the schedules of expenditures of federal and state awards referred to above, you acknowledge and understand your responsibility (a) for the review of the schedules of expenditures of federal and state awards prepared by us in accordance with the Uniform Guidance, (b) to provide us with the appropriate written representations regarding the schedules of expenditures of federal and state awards, (c) to include our report on the schedules of expenditures of federal and state awards in any document that contains the schedules of expenditures of federal and state awards and that indicates that we have reported on such schedules, and (d) to present the schedules of expenditures of federal and state awards with the audited financial statements, or if the schedules will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the schedules of expenditures of federal and state awards no later than the date of issuance by you of the schedules and our report thereon.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the

intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

### ***Nonattest Services***

With respect to any nonattest services we perform which are as follows: assistance in preparing the regulatory basis financial statements, the supplementary data schedules, the schedules of expenditures of federal and state awards, and related notes of the Authority in accordance with accounting practices prescribed or permitted by the Division and the Uniform Guidance based on information provided by you.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

We will not assume management responsibilities on behalf of the Authority. However, we will provide advice and recommendations to assist management of the Authority in performing its responsibilities.

The Authority's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with *Government Auditing Standards*

Our responsibilities and limitations of the nonattest services are as follows:

- We will perform the services in accordance with applicable professional standards

The nonattest services are limited to the assist in preparing the regulatory basis financial statements, the supplementary data schedules, the schedules of expenditures of federal and state awards, and related notes of the Authority in accordance with accounting practices prescribed or permitted by the Division and the Uniform Guidance based on information provided by you as previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

### **Reporting**

We will issue a written report upon completion of our audit of the Authority's *regulatory basis* various fund financial statements. Our report will be addressed to the Honorable Chairman and Members of the Authority Board. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our

The Honorable Chairman and Members of the Authority Board  
The Southeast Morris County Municipal Utilities Authority  
Page 8  
October 11, 2022

opinions, add an emphasis-of-matter or other-matter paragraph(s) to our auditor's report, or if necessary, withdraw from the engagement. If our opinions on the *regulatory basis* various fund financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

In accordance with the requirements of *Government Auditing Standards*, we also will issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing upon completion of our audit. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.

#### **Other**

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

With regard to the electronic dissemination of audited regulatory basis financial statements, including regulatory basis financial statements published electronically on your website and on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

#### **MSRB Municipal Advisor Rule:**

On September 18, 2013, the Securities and Exchange Commission (the "SEC") adopted a rule requiring that "municipal advisors" register with the Securities and Exchange Commission. A "municipal advisor" is someone that "provides advice to or on behalf of a municipal Authority with respect to municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, and other similar matters concerning such financial products or issues[.]" Nisivoccia LLP is not a registered Municipal Advisor and is not subject to the fiduciary duty established in Section 15B(c)(1) of the Exchange Act with respect to the municipal financial product or issuance of municipal securities. Accordingly, pursuant to the new Municipal Advisor rule and absent the available exception to the rule discussed below, Nisivoccia LLP cannot provide the Authority with advice or recommendations regarding the issuance of municipal securities.

Under the Municipal Advisor rule, the Authority may continue to receive advice from its auditor, bond counsel and other professionals, provided both the Authority and the professional satisfy the "Issuer Has Hired an Independent Municipal Advisor Exemption". First, as municipal issuer, the Authority needs to have (i) engaged an independent registered municipal advisor and (ii) made such engagement known in writing to the person seeking to rely on the exemption and/or post this declaration on the Authority's web site. Second, the person relying on this exemption, such as us, your bond counsel and others, must:

1. obtain a written representation from the Authority that it is represented by, and will rely on the advice of, an independent registered municipal advisor. The written representation from the Authority may be a declaration posted on the Authority's web site as long as the posting states that the representation is intended to establish the independent municipal advisor exemption pursuant to the Municipal Advisor rule.
2. provide written disclosure to the Authority and its independent registered municipal advisor that, by obtaining such representation from the Authority, the firm is not a municipal advisor and is not subject to the fiduciary duty established in Section 15B(c)(1) of the Exchange Act with respect to the municipal financial product or issuance of municipal securities; and
3. provide the written disclosure described above at a time and in a manner reasonably designed to allow the Authority to assess the material incentives and conflicts of interest that such person may have in connection with the municipal advisory activities.

If the Authority has engaged the services of a registered Municipal Advisor, we encourage you to notify us in accordance with paragraph 1 above. We have already provided to you in this letter the disclosure contained in paragraph 2 above, which we trust is being provided to you in the time and manner set forth in paragraph 3 above. If the Authority has not engaged the services of a registered Municipal Advisor, or has, but has not satisfied the requirements of the "Issuer Has Hired an Independent Municipal Advisor Exemption", then any services performed by us in connection with the issuance of municipal securities shall be performed pursuant to the Statements on Standards for Attestation Engagements and related Attestation Interpretations as issued by the American Institute of Certified Public Accountants, then currently in effect.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

#### **Provisions of Engagement Administration, Timing and Fees**

During our engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

The timing of our audit will be scheduled for performance and completion as discussed with and agreed to by management.

Kathryn L. Mantell is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Nisivoccia LLP's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report. We expect to issue our report by April 30, 2022 or when the GASB 75 information is received from the NJ Division of Pensions.

Our fee for these services including out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) and implementation of GASB 68, *Accounting and Financial Reporting for Pensions* and GASB 75, *Accounting and Financial Reporting for Post-Employment Benefits Other than Pensions* and associated delays/extension of the audit date, will be \$46,275.



Our fee also includes normal correspondence, phone calls and questions. We encourage continuous communication with our client's financial administration throughout the year to be kept apprised of any potential problem situations and to hopefully attempt to minimize or correct them on a timely basis. We believe this open communication enhances our ability to perform a quality audit and minimize year-end audit findings.

Our firm is committed to providing our clients with personal services. Although we have the resources and capabilities of a larger firm, we choose to operate like a small firm. Our staff is diversified in experience and is closely supervised by the engagement partner (both onsite and offsite) in the performance of their duties. We are confident that we have the resources available to best serve your needs. The performance of the audit will be scheduled in advance with the Authority's Chief Financial Officer based upon the Authority's projection of their readiness for audit. We will schedule interim procedure prior to the final audit fieldwork which would include planning the audit, reading minutes, testing internal controls and other procedures. We anticipate that the balance of the audit will take approximately one week to perform. Normally, the audit team of staff accountants and the in-charge accountant assigned to your audit would be on site, and the engagement partner would be in contact both on and off site during the engagement.

We will conduct an exit conference with the Executive Director and Chief Financial Officer prior to delivery of the draft audit which will occur approximately three weeks after our last day of field work for review by the Authority Board Finance Committee. We will meet with the Finance Committee to discuss the audit and any findings and/or recommendations and meet with the Authority Board, if desired. Additionally, we will work together with your staff in order to deliver the draft audit, meet and discuss the draft audit with the Finance Committee and present the audit to the full Authority Board at a public meeting before the statutory due date – provided that information for implementation of GASB 68 and 75 is received from New Jersey Division of Pensions. We feel that we will have no internal constraints in meeting the specified deadlines and will assist your staff in meeting them as well (by streamlining our requests for information and performing the audit in an extremely organized fashion.

Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 120 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. We will notify you immediately of any circumstances we encounter that could significantly affect this fee. Whenever possible, we will attempt to use the Authority's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit.

Our fees for additional services you may request would be billed at our standard hourly rates (which vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit) which are as follows:

Partner/Principal	\$160-\$185
In-Charge Accountants	\$140-\$165
Staff Accountants	\$95-\$130

The Honorable Chairman and Members of the Authority Board  
The Southeast Morris County Municipal Utilities Authority  
Page 11  
October 11, 2022

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least seven years from the date of our report.

At the conclusion of our audit engagement, we will communicate to the Honorable Chairman and Members of the Authority Board the following significant findings from the audit:

- Our view about the qualitative aspects of the Authority's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of Nisivoccia LLP and constitutes confidential information. However, we may be requested to make certain audit documentation available to federal and state agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Nisivoccia's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to federal and state agencies and the U.S. Government Accountability Office. The federal and state agencies and the U.S. Government Accountability Office may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

The Honorable Chairman and Members of the Authority Board  
The Southeast Morris County Municipal Utilities Authority  
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October 11, 2022

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the basic financial statements including our respective responsibilities.

In accordance with the requirements of Government Auditing Standards, we have attached a copy of our latest external peer review report of our firm for your consideration and files.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

NISIVOCCIA LLP



Kathryn L. Mantell, Partner

October 11, 2022

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of The Southeast Morris County Municipal Utilities Authority by:

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

TREASURER'S CERTIFICATION

Upon approval of the 2023 Budget, I shall certify that there are sufficient funds available (\$46,275.00) for payment of a professional service contract with Nisivoccia, LLP, for professional accounting-auditing services to assist it in fulfilling its statutory and contractual obligations. This item will be charged to Account No. 02-30-400-613 (Consultant Services Audit).

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

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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

Resolution No. 126-22

RESOLUTION AUTHORIZING THE ENGINEERING MANAGER, OR IN HER ABSENCE THE PRINCIPAL ENGINEER, TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

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

WHEREAS, per Resolution No. 146-21 dated December 16, 2021, SMCMUA continues its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

WHEREAS, the aforementioned resolution authorized the Executive Director, or the Principal Engineer in the absence of the Executive Director, to execute any documents reasonably required to effectuate energy agreements; and

WHEREAS, it is recommended that the resolution be amended to reflect that the Engineering Manager, or the Principal Engineer in the absence of the Engineering Manager, be authorized to execute any documents reasonably required to effectuate energy agreements.

**Board Members**

**Morristown:**  
Max Huber  
Donald Kissil

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

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

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

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

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

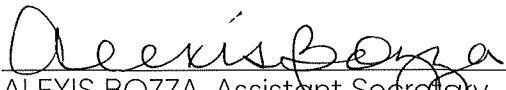
**Chief Financial Officer:** Charles Maggio, C.M.F.O., Q.P.A.

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

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

ATTEST:

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
ALEXIS BOZZA, Assistant Secretary

  
RALPH R. ROTANDO, Chairman

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022





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

Resolution No. 127-22

RESOLUTION AUTHORIZING USE OF COMPETITIVE CONTRACTING FOR  
FINANCIAL ADVISORY CONSULTING SERVICES

WHEREAS, the Executive Director has recommended that SMCMUA solicit proposals for financial advisory consulting services by use of the competitive contracting process authorized by the Local Public Contracts Law (N.J.S.A. 40A:11-4.1); and

WHEREAS, it is deemed to be in the best interest of SMCMUA and the water system to utilize competitive contracting for the solicitation of proposals for such services; and

WHEREAS, N.J.S.A. 40A:11-4.3 requires that the governing body pass a resolution authorizing the use of competitive contracting each time specialized services are desired to be contracted for by use of the competitive contracting process;

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the use of competitive contracting for financial advisory consulting services as described above be and the same is hereby authorized and approved.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
RALPH R. ROTANDO, Chairman

Dated: November 17, 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 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 November 17, 2022, at a meeting duly convened of SMCMUA.

---

ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022



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- (973) 326-6880
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- customerservice@smcmua.org
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Resolution No. 129-22

RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT FOR CURBING, SIDEWALK AND APRON REPAIR SERVICES

WHEREAS, SMCMUA has a need for curbing, sidewalk and apron repair services; and

WHEREAS, Bruce Brueche Jr. ("Brueche") submitted a proposal dated May 22, 2022, for the providing of such services at a maximum amount of \$17,500.00; and

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

WHEREAS, SMCMUA entered into a contract with Brueche dated July 1, 2022 (the "Contract"); and

WHEREAS, SMCMUA would like to increase the total maximum not-to-exceed amount of the Contract to the bidding threshold of \$40,000; and

WHEREAS, Brueche 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; 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, PhD

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

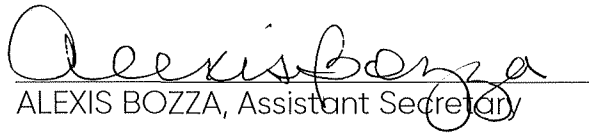
**Hanover Township:**  
Nathan Kiracofe, EIT  
Nicola Marucci, PE

Executive Director: Laura Cummings, PE

Chief Financial Officer: Charles Maggio, CMFO, QPA

1. The Contract with Bruce Brueche Jr. for curbing, sidewalk and apron repair services dated July 1, 2022, be amended to reflect a total maximum not-to-exceed amount of \$40,000.
2. That the appropriate officers of SMCMUA be and they are hereby authorized and directed to execute an amendatory contract with regard to said services on behalf of SMCMUA in the manner provided by law.

ATTEST:

  
ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY  
MUNICIPAL UTILITIES AUTHORITY

  
RALPH R. ROTANDO, Chairman

Dated: November 17, 2022

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available (\$22,500.00) for payment of a contract with Bruce Brueche Jr. for additional curbing, sidewalk and apron repair services. The total amount of the contract shall not exceed \$40,000.00. This item will be charged to Account No. 02-60-400-692 (Operating: Trans Street Repair/Spoils Removal).



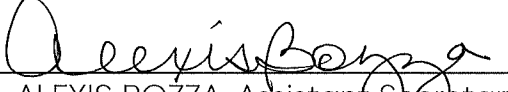
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CHARLES MAGGIO, Treasurer

Dated: November 17, 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 November 17, 2022, at a meeting duly convened of SMCMUA.

  
ALEXIS BOZZA, Assistant Secretary

Dated: November 17, 2022