

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

MEETING MINUTES

DECEMBER 21, 2023

The Regular Meeting of The Southeast Morris County Municipal Utilities Authority (“SMCMUA” or the “Authority”) was held on December 21, 2023, 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 Chumer; Members Clarke, Huber, Kiracofe, Loughman, Marucci and Rotando*

ABSENT: Member Webster

*Member Rotando participated by video conference as permitted by the By Laws. He acknowledged that he could hear the Chairman and other participants.

Also present were the following: Drew Saskowitz, Executive Director; Charles Maggio, Chief Financial Officer; Sophia Dyer, Principal Engineer; Nicholas Buono, IT Director; Dave Jones, Operations Manager; Alexis Bozza, Executive Administrative Assistant; and David J. Ruitenber, Esq., General Counsel to SMCMUA.

PUBLIC COMMENT

Chairman Chumer stated the next portion of the meeting was set aside for public comment. Steve Parker and Helene Ferm from the Morristown Unitarian Universalist Fellowship (the “Fellowship”). The Board Members had received letters from the Fellowship requesting reconsideration of the Authority’s decision to deny a variance to the requirement for a hot box with the new connection. Mr. Parker recalled that, at the time of the Authority’s original determination, the cost of installing a hot box was not known. The Fellowship had received a change order from its general contractor for the actual cost of installing and wiring a hot box. The base cost of installing new lines from the building to the street for water and fire protection is \$54,676. The incremental cost of adding a hot box to that installation is an additional \$71,838. With that, the primary basis for requesting a variance is financial hardship. The Fellowship provided an alternative to its original proposal of locating the meter and backflow preventer in that half basement, to locating the new meter and backflow preventer in the existing basement utility room, which would add an additional 65 feet to the length of the line before encountering the meter and backflow preventer. In closing, the Fellowship added that the project it is

undertaking will be providing a significant benefit to the Authority by taking a 300+ foot 110-year-old water line out of service. Chairman Chumer thanked Mr. Parker and Ms. Ferm for their presentation.

No one else from the public was present. The Chairman then closed the public portion of the meeting.

MOTION APPROVING MINUTES OF NOVEMBER 16, 2023

Copies of the minutes of the meeting held on November 16, 2023, were distributed to the Members prior to the meeting for review and comment. Member Huber moved that the minutes be adopted as presented. Member Marucci seconded the motion which was duly adopted by the Members.

RESOLUTION APPROVING CLOSED SESSION MINUTES OF NOVEMBER 16, 2023

Copies of the closed session minutes of the meeting held on November 16, 2023, were distributed to the Members prior to the meeting for review and comment. Member Kiracofe moved a resolution to approve the closed session minutes as presented. Member Clarke seconded the motion which was duly adopted by the Members.

COMMUNICATIONS

1. Copy of letter dated November 29, 2023, from the Township of Mendham thanking the Authority for giving its Wildlife Committee the opportunity to continue a successful deer hunt for the 2023-2024 season.
2. Copy of letter dated November 29, 2023, from the Passaic Valley Water Commission regarding its rate increase to be effective January 1, 2024.

RESOLUTION – APPROVAL OF DECEMBER 2023 LIST OF BILLS

Copies of the bill list for December 2023 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. 133-23

RESOLUTION AUTHORIZING PAYMENT OF LIST OF BILLS FOR DECEMBER 2023

“COPY ANNEXED”

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

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

NOES: None

OTHER BUSINESS

A. Public Rate Hearing

A public hearing was held to review certain revisions to SMCMUA's rates and charges for water service in 2024. A complete transcript was taken by a court reporter according to law and is made a part of these minutes.

B. Resolution Authorizing Rate Adjustment to be Effective January 1, 2024

Following the public rate hearing, Member Kiracofe moved and offered the following resolution:

RESOLUTION NO. 134-23

RESOLUTION AUTHORIZING RATE ADJUSTMENT TO BE EFFECTIVE JANUARY 1, 2024

"COPY ANNEXED"

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

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

NOES: None

C. Resolution Amending Introduced 2024 Budget

The Members reviewed a memorandum from the Chief Financial Officer dated December 4, 2023. Mr. Maggio advised that he received direction from the New Jersey Department of Community Affairs with regard to the unrestricted net assets listed on the Authority's 2024 Budget where the number cannot be less than zero. He added that the budget was revised to reduce the Authority's revenue projections. Member Huber moved and offered the following resolution:

RESOLUTION NO. 135-23

RESOLUTION AMENDING INTRODUCED 2024 BUDGET

"COPY ANNEXED"

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

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

NOES: None

D. Resolution Adopting 2024 Budget

Member Huber moved and offered the following resolution:

RESOLUTION NO. 136-23

RESOLUTION ADOPTING 2024 BUDGET

“COPY ANNEXED”

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

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

NOES: None

E. Resolution Awarding Contracts for Insurance Coverage

A Renewal Proposal was prepared by SMCMUA’s insurance consultant, Willis of New Jersey, Inc., (“Willis”) dated December 6, 2023, which was provided to the Members for review prior to the meeting. Robert English of Willis advised that formal insurance proposals were submitted by National Union for property, crime, inland marine, general liability, automobile, public official liability and excess liability and Hartford Steam Boiler for equipment breakdown; and New Jersey Manufacturers for workers compensation. The total amount of the contract shall not exceed \$320,457.00. The contract is being awarded to Willis of New Jersey as producer of the Proposal as an Extraordinary Unspecifiable Service Contract pursuant to the provisions of the Local Public Contracts Law and in compliance with the Pay-to-Play Law. Willis has completed and submitted Business Entity Disclosure Certifications which certify that it has not made any reportable contributions to any political or candidate committee in the Township of Hanover, Borough of Morris Plains, Town of Morristown and the Township of Morris in the previous one year, and that the contract will prohibit it from making any reportable contributions through the term of the contract. He added that insurance companies are not required to comply with Pay-to-Play because they are prohibited by law from making political contributions. Mr. Ruitenber stated that the Treasurer certified that funds are available in the 2024 Budget.

Member Kiracofe moved and offered the following resolution:

RESOLUTION NO. 137-23

RESOLUTION AWARDING CONTRACTS FOR INSURANCE COVERAGE

“COPY ANNEXED”

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

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

NOES: None

F. Report of the Personnel Committee

The Members reviewed a report of the Personnel Committee from meeting held on November 16, 2023, which was distributed to the Members prior to the meeting for review and comment. Member Huber provided a summary of the report for discussion.

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

The Members reviewed a memorandum from the Executive Director dated December 6, 2023. The Authority 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 November 1, 2023. The cost of such services to be performed during the 2024 calendar year is estimated not to exceed the total amount of \$30,000.00. 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.). 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 certified that there are sufficient funds available in the 2024 Budget. Member Huber moved and offered the following resolution:

RESOLUTION NO. 138-23

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

“COPY ANNEXED”

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

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

NOES: None

ABSTAINS: Member Clarke

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

The Members reviewed a memorandum from the Executive Director dated December 6, 2023. The Authority has a need for professional accounting-auditing services to assist it in fulfilling its statutory and contractual obligations. Nisivoccia, LLP, submitted a proposal dated December 1, 2023, for the providing of such services at an estimated maximum amount of \$56,000.00, for auditing and examining SMCMUA's financial statements as of December 31, 2023, and related services. 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). 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. The Treasurer certified that there are sufficient funds available in the 2024 Budget. Member Huber moved and offered the following resolution:

RESOLUTION NO. 139-23

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

“COPY ANNEXED”

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

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

NOES: None

ABSTAINS: Member Clarke

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

The Members reviewed a memorandum from the Executive Director dated December 6, 2023. David J. Ruitenber and the firm of Murphy McKeon, PC, submitted a proposal dated November 2, 2023, to serve as General Counsel to SMCMUA for one-year at a maximum not-to-exceed cost of \$180,000.00 plus expenses. 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). 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. The Treasurer certified that there are sufficient funds available in the 2024 Budget. Member Kiracofe moved and offered the following resolution:

RESOLUTION NO. 140-23

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

“COPY ANNEXED”

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

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

NOES: None

ABSTAINS: Member Clarke

J. Resolution Authorizing the Extension of a Contract for Excavation Spoils Removal

The Authority had entered into a contract dated December 15, 2021, with Caravella Demolition, Inc. (the “Contractor”) for Excavation Spoils Removal. The Contract was for an initial term of two years with an option to renew by the Authority for one additional year under certain conditions as permitted by N.J.S.A. 40A:11-15 of the Local Public Contracts Law. The Operations Manager of the Authority has recommended that the Contract be extended for a period of one year; and

WHEREAS, the Members of the Authority hereby find, based upon the memorandum of the Operations Manager dated December 11, 2023, a copy of which is annexed hereto, that the services are being performed by the Contractor under the Contract in an effective and efficient manner. The extension will be on the same terms and conditions, including price, set forth in the existing Contract. The maximum cost to the Authority is \$101,025.00 covering a one-year period. The Treasurer certified that there are sufficient funds available in the 2023 and 2024 Budgets for the portions to be expended in 2023 and 2024 respectively. Member Kiracofe moved and offered the following resolution:

RESOLUTION NO. 141-23

RESOLUTION AUTHORIZING THE EXTENSION OF A CONTRACT FOR EXCAVATION SPOILS
REMOVAL

“COPY ANNEXED”

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

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

NOES: None

Chairman Chumer stated that the Items K through O on the agenda may be approved collectively as part of a consent group pending no required discussion or objections. The Board reviewed memorandums from the Chief Financial Officer, all dated December 12, 2023, requesting authorization to purchase certain items from authorized vendors under multiple cooperative purchasing programs during the remainder of 2023 and 2024. The purchases of goods and services by local contracting units through the State agency without advertising is authorized under Section 12 of the Local Public Contracts Law, N.J.S.A. 40A:11-12. The vendors listed in the memorandums have been awarded contracts through the cooperative pricing agencies. Mr. Ruitenberg stated that the Treasurer has certified that there are sufficient funds available in the respective budgets for these purchases.

- K. Resolution Authorizing Use of Vendors Under the Cooperative Pricing Agreement with the Morris County Cooperative Pricing Council
- L. Resolution Authorizing Use of Vendors Under the Educational Services Commission of New Jersey Cooperative Pricing System
- M. Resolution Authorizing Use of Vendors Under the Hunterdon County Educational Services Commission Cooperative Pricing System
- N. Resolution Authorizing Use of Vendors Under the North Jersey Wastewater Cooperative Pricing System
- O. Resolution Authorizing Use of Vendors Under the State of New Jersey Cooperative Purchasing Program

Member Marucci moved and offered the approval of the consent agenda items' resolutions. Member Huber seconded the motion which was duly adopted by the following vote:

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

NOES: None

- P. Resolution Authorizing Miscellaneous Operations Vendor Services

The Authority requested proposals for services to be performed throughout 2024 for: 1) on call and emergency plumbing services; and 2) fleet vehicle maintenance. The Operations Manager reviewed the proposals received for the providing of such services. In a memorandum dated December 13, 2023, the Operations Manager recommends authorizing: 1) Griggs Plumbing & Heating for on call and emergency plumbing services in the not to exceed amount of \$20,000.00; and 2) Shade Tree Garage for fleet maintenance services in the not to exceed amount of \$40,000.00, a copy of which memorandum was reviewed by the Members. These purchases are being made without public bidding as being less than the bidding threshold of \$44,000.00

provided in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.). Both vendors 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 will prohibit them from making any reportable contributions through 2024. Funds are available and have been certified by the Treasurer. Member Huber moved and offered the following resolution:

RESOLUTION NO. 147-23

RESOLUTION AUTHORIZING MISCELLANEOUS OPERATIONS VENDOR SERVICES

“COPY ANNEXED”

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

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

NOES: None

Q. Resolution Authorizing the Award of a Contract for Glenbrook Road Water Main Replacement

The Authority has advertised for and solicited bids for the project entitled Glenbrook Road Water Main Replacement. Bids were submitted by 17 contractors and opened on December 7, 2023. The lowest bid for the project was submitted by PM Construction in the amount of \$1,204,415.00. The low bid submitted by PM Construction was reviewed for completeness of submission and accuracy by the Engineering Manager. No material deficiencies were found by the Engineering Manager in her review of the bid package submitted by PM Construction. The Members determined that PM Construction is the lowest responsive and responsible bidder in accordance with the recommendation made by the Engineering Manager dated December 12, 2023, a copy of which was reviewed by the Members. The Treasurer certified that funds are available for this project. Member Huber moved and offered the following resolution:

RESOLUTION NO. 148-23

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR GLENBROOK ROAD WATER MAIN REPLACEMENT

“COPY ANNEXED”

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

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

NOES: None

- R. Resolution Authorizing the Award of a Contract for Upgrades for Manganese Removal Treatment at Black Brook Water Treatment Plant

The Authority advertised for and solicited bids for the project entitled Upgrades for Manganese Removal Treatment at Black Brook Water Treatment Plant. Bids were submitted by six contractors and opened on December 7, 2023. The lowest bid for the project was submitted by Derstine Company, LLC (“Derstine”), in the amount of \$725,000.00. The low bid submitted by Derstine was reviewed for completeness of submission and accuracy by the Engineering Manager. No material deficiencies were found by the Engineering Manager in her review of the bid package submitted by Derstine. The Members determined that Derstine is the lowest responsive and responsible bidder in accordance with the recommendation made by the Engineering Manager dated December 12, 2023, a copy of which was reviewed by the Members. The Treasurer certified that funds are available for this project. Member Huber moved and offered the following resolution:

RESOLUTION NO. 149-23

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR UPGRADES FOR MANGANESE REMOVAL TREATMENT AT BLACK BROOK WATER TREATMENT PLANT

“COPY ANNEXED”

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

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

NOES: None

- S. Resolution Authorizing the Award of a Professional Service Contract for Professional Engineering Services in connection with the Langdon Lane and Farview Avenue Water Main Replacement Projects

The Authority requested a proposal from Dewberry for professional engineering services in connection with the Langdon Lane and Farview Avenue water main replacement projects. The proposal dated December 8, 2023, in the not to exceed amount of \$178,500.00, was reviewed by the Engineering Manager as set forth in a memorandum dated December 12, 2023, a copy of which was reviewed by the Members. 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). Dewberry 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. The Treasurer has certified that sufficient funds are available for this project. Member Loughman moved and offered the following resolution:

RESOLUTION NO. 150-23

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE LANGDON LANE AND FARVIEW AVENUE WATER MAIN REPLACEMENT PROJECTS

“COPY ANNEXED”

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

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

NOES: None

ABSTAINS: Member Clarke

T. Resolution Authorizing the Award of a Professional Service Contract for Professional Services in connection with Black Brook Well No. 1 and Well No. 2 Redevelopment

The Authority requested a proposal from UHL and Associates, Inc. (“UHL”) for professional engineering services in connection with Black Brook Well No. 1 and Well No. 2 Redevelopment. The proposal dated December 11, 2023, in the not to exceed amount of \$56,112.00, was reviewed by the Engineering Manager as set forth in a memorandum dated December 12, 2023, a copy of which was reviewed by the Members. 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). UHL 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. The Treasurer has certified that sufficient funds are available for this project. Member Huber moved and offered the following resolution:

RESOLUTION NO. 151-23

RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICE CONTRACT FOR PROFESSIONAL SERVICES IN CONNECTION WITH BLACK BROOK WELL NO. 1 AND WELL NO. 2 REDEVELOPMENT

“COPY ANNEXED”

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

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

NOES: None

ABSTAINS: Member Clarke

U. Resolution Approving Connection Agreement with Hanover Towne Center LLC

The Authority has received an application for water service from Hanover Towne Center LLC (“HTC”) for a development known as Hanover Towne Center located at Block 4001, Lots 10-14, and Block 8803, Lot 17, in Hanover Township, New Jersey (the “Development”). The Authority and HTC have agreed to a plan for extension of a water main to the development to be provided at the expense of HTC as more particularly set forth in a proposed Connection Agreement, a copy of which was reviewed by the Members. The form of Connection Agreement has been approved by the Engineering Manager and General Counsel of the Authority. Member Kiracofe moved and offered the following resolution:

RESOLUTION NO. 152-23

RESOLUTION APPROVING CONNECTION AGREEMENT WITH HANOVER TOWNE CENTER LLC

“COPY ANNEXED”

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

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

NOES: None

V. Resolution Pertaining to the Application of Hurstmont Urban Renewal Entity LLC for Approval of a Service Connection located Outside the District in Harding Township

Mr. Ruitenbergh advised that this item was being removed from the agenda as additional work had been proposed by the developer requiring further review.

W. Resolution Appointing Public Agency Compliance Officer for 2024

In accordance with N.J.A.C. 17:27-3.2, each public agency shall designate an individual to serve as its Public Agency Compliance Officer or PACO. The PACO is the liaison between the Division of Contract Compliance and Equal Employment Opportunity in Public Contracts and SMCMUA and is the point of contact for all matters concerning implementation and administration of the

statute. Each year, all public agencies are required to appoint a PACO. Mr. Ruitenber recommended that Alexis Bozza be reappointed as SMCMUA’s PACO. Member Kiracofe moved and offered the following resolution:

RESOLUTION NO. 154-23

RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER FOR 2024

“COPY ANNEXED”

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

SUCH OTHER MATTERS TO LEGALLY COME BEFORE THE BOARD

Member Clarke provided a summary of a recent SMCMUA site tour he received with other members of the Board.

REPORTS

- A. Engineering Division – November 2023
- B. Finance Division – November 2023
 - 1. Human Resources – November 2023
- C. Information Technology Division – November 2023
- D. Operations Division – November 2023
- E. Water Quality Division – November 2023

ADJOURNMENT

There being no further business, Member Kiracofe moved that the meeting be adjourned. Member Huber seconded the motion which was duly adopted by the Members. The meeting adjourned at 9:37 PM.

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

Alexis Bozza

ALEXIS BOZZA

Assistant Secretary

SUNSHINE LAW STATEMENT

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

1. By posting a copy of the Annual Notice of SMCMUA’s regular meetings on the Bulletin Board at SMCMUA’s offices at 19 Saddle Road, Cedar Knolls, New Jersey, and by delivering copies of such notice for posting at similar public places in the municipal buildings of the Town of Morristown, the Townships of Hanover and Morris and the Borough of Morris Plains on February 3, 2023; and
2. By providing copies of the Annual Notice to the clerks of the Townships of Chatham, Harding, Mendham, Randolph and Parsippany-Troy Hills, the Boroughs of Florham Park, Madison and Wharton, and the County of Morris on February 3, 2023; and
3. By providing copies of the Annual Notice for publication to the Daily Record, the Newark Star Ledger, and the Morris News Bee on February 3, 2023.



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

Resolution No. 132-23

RESOLUTION APPROVING CLOSED SESSION MINUTES

RESOLVED that the attached minutes of the Closed Session Meeting held on November 16, 2023, be and the same are hereby approved but withheld from public inspection and insertion in the regular Minute Book pending release for public disclosure pursuant to the provisions of the Open Public Meetings Act; and

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

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

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 December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 133-23

RESOLUTION AUTHORIZING PAYMENT OF DECEMBER 2023 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	\$	604,757.75
Total Operating Fund Checks and Wire Transfers	\$	849,367.41

CAPITAL FUND

Total Capital Fund Expenditures	\$	<u>1,539,454.60</u>
TOTAL OF DECEMBER 2023 LIST OF BILLS	\$	2,993,579.76

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available (\$2,993,579.76) for payment of the resolution entitled Resolution Authorizing Payment of December 2023 List of Bills in SMCMUA's 2023 Budget.



CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 134-23

RESOLUTION APPROVING REVISED SCHEDULES OF SERVICE CHARGES

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

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

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

WHEREAS, notice of a public hearing and the revised schedules of service charges were published in the Daily Record and the Star Ledger on November 10, 2023, as required by law; and

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

WHEREAS, a public hearing on the proposed revised schedule of service charges was held by the Authority on December 21, 2023, as required by law; and

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

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

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

Board Members

Morristown:
Arthur Clarke, JD, CGM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

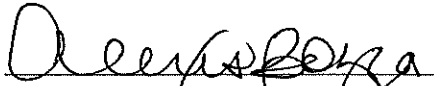
Chief Financial Officer: Charles Maggio, CMFO, QPA

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

1. The revised schedules of service charges set forth in Exhibit "A" annexed hereto be and are hereby approved and adopted.
2. The revised schedules of service charges shall be effective for bills rendered on and after January 1, 2024.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

**SCHEDULE NO. 1
GENERAL METERED SERVICE**

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

CONSUMPTION CHARGE

**RESIDENTIAL RATE
(BILLED QUARTERLY)**

<u>Quantity Used</u> <u>Quarterly (CCF)</u>	RATE (per 100 Cubic Feet)			
	<u>EXISTING</u>	<u>PROPOSED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Conservation Rate	0-30	0-30	\$4.423	\$4.909
High Usage Rate	31-60	31-60	\$6.632	\$7.361
Incentive Rate	61 & Over	61 & Over	\$8.844	\$9.817

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

Existing: \$6.193 per 100 Cubic Feet
Proposed: \$6.813 per 100 Cubic Feet

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

Existing: \$6.193 per 100 Cubic Feet
Proposed: \$6.813 per 100 Cubic Feet

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

Residential customers are services to single family residences.

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

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

**SCHEDULE NO. 2
GENERAL METERED SERVICE**

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

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

<u>Meter Size</u>	<u>Existing Charges</u>	<u>Proposed Charges</u>
5/8 Inch	\$30.39	\$33.73
3/4 Inch	\$37.22	\$41.31
1 Inch	\$61.01	\$67.72
1 1/2 Inch	\$93.44	\$103.72
2 Inch	\$131.47	\$145.93
3 Inch	\$219.13	\$243.23
4 Inch	\$339.32	\$376.64
6 Inch	\$636.17	\$706.14
8 Inch	\$988.75	\$1,097.51
10 Inch	\$1,396.95	\$1,550.61

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

<u>Meter Size</u>	<u>Existing Charges</u>	<u>Proposed Charges</u>
5/8 Inch	\$10.15	\$11.27
3/4 Inch	\$12.41	\$13.77
1 Inch	\$36.19	\$40.18
1 1/2 Inch	\$47.05	\$52.22
2 Inch	\$59.75	\$66.33
3 Inch	\$88.82	\$98.59
4 Inch	\$128.98	\$143.17
6 Inch	\$227.95	\$253.03
8 Inch	\$345.48	\$383.49
10 Inch	\$481.55	\$534.52

DEFINITIONS

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

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

**SCHEDULE NO. 3
PRIVATE FIRE PROTECTION**

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

<u>Size of Service</u>	<u>Existing Charges per Quarter</u>	<u>Proposed Charges per Quarter</u>
2 Inch	\$110.94	\$123.15
3 Inch	\$147.33	\$163.53
4 Inch	\$220.15	\$244.37
6 Inch	\$364.01	\$404.05
8 Inch	\$610.15	\$677.27
10 Inch	\$871.89	\$967.80

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

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

<u>Private Fire Hydrants</u>	<u>Existing Charges per Quarter</u>	<u>Proposed Charges per Quarter</u>
4 Inch	\$95.32	\$105.81
4 1/4 – 4 1/2 Inches	\$119.61	\$132.77
5+ Inches	\$142.13	\$157.76

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

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

Applicable to the entire territory serviced by SMCMUA.

RATE

Existing: Annual Charge \$ 133.45 (outdoor drinking fountain)
Proposed: Annual Charge \$ 148.13 (outdoor drinking fountain)

**SCHEDULE NO. 6
MISCELLANEOUS SERVICE**

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

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

	<u>Existing</u>	<u>Proposed</u>
Meters up to and including 1 Inch	\$60.68	\$67.36
Meters larger than 1 Inch	\$98.81	\$109.68

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

	<u>Existing</u>	<u>Proposed</u>
Meters up to and including 1 Inch	\$60.68	\$67.36
Meters larger than 1 Inch	\$98.81	\$109.68

TAPPING FEES

	<u>NEW</u>		<u>RENEWAL</u>	
	<u>Existing</u>	<u>Proposed</u>	<u>Existing</u>	<u>Proposed</u>
5/8 x 3/4 Inch	\$864.96	\$960.11	\$648.30	\$719.61
3/4 Inch	\$958.55	\$1,063.99	\$741.87	\$823.47
1 Inch	\$1,386.68	\$1,539.22	\$970.69	\$1,077.47
1 1/2 Inch	\$1,478.57	\$1,641.21	\$1,078.16	\$1,196.76
2 Inch	\$2,123.39	\$2,356.96	\$1,691.77	\$1,877.87

WET CUT FEES

<u>Sizes</u>	<u>Existing Charges</u>	<u>Proposed Charges</u>
4 Inch	\$741.87	\$823.47
6 Inch	\$845.89	\$938.93
8 Inch	\$916.97	\$1,017.84
10 Inch	\$1,170.01	\$1,298.72

OTHER SERVICES

	<u>Existing Charges</u>	<u>Proposed Charges</u>
Pumping Out Meter Pit	\$121.34	\$134.68
Annual Backflow/Detector Check	\$121.34	\$134.68
Locate and Clean Curb Box per Hour*	\$60.68	\$67.36

*One hour minimum.

LABOR AND MATERIALS

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

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

Applicable outside the District of SMCMUA.

TERMS OF PAYMENT

Net cash on presentation of the bill.

EXISTING BULK RATE PER 100 CU. FT.

\$3.57

PROPOSED BULK RATE PER 100 CU. FT.

\$3.96

MISCELLANEOUS APPLICATION FEES

<u>TYPE OF APPLICATION</u>	<u>FEES*</u>	
	<u>EXISTING</u>	<u>PROPOSED</u>
A. Service Connection Outside District (Excludes new Main Extensions)		
1. Residential (per connection/unit)	\$50.27	\$55.80
2. Commercial or Industrial (single unit and accessory use)	\$507.88	\$563.75
3. Industrial Park or Commercial Complex	\$1,246.28	\$1,383.37
B. New Main Extension Outside District For purpose of providing service solely to persons or property within District		
1. Residential	\$263.47	\$292.46
2. Commercial or Industrial	\$507.88	\$563.75
C. All Other New Main Extensions Outside District		
1. Residential Development (per connection/unit)	\$50.27 (Min. fee \$1,551.38)	\$55.80 (Min. fee \$1,722.03)
2. Commercial or Industrial (single use and accessory use including fire service)	\$3,367.93	\$3,738.40
3. Industrial Park or Commercial Complex (two or more units) (per connection/ unit)	\$2,905.24	\$3,224.82

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

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

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

<u>Existing</u> <u>Application Fee</u>	<u>Proposed</u> <u>Application Fee</u>
\$845.89	\$938.93

Existing Deposit: \$806.03 plus \$6.06 per foot of water main extension
Proposed Deposit: \$894.69 plus \$6.72 per foot of water main extension

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

**SCHEDULE NO. 9
UNCOLLECTIBLE CHECK CHARGE**

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

Existing:	\$52.01
Proposed:	\$57.73

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

**SCHEDULE NO. 10
SCHEDULE OF DEPOSITS**

- Omit -

**SCHEDULE NO. 11
HYDRANT PERMIT FEES**

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

	<u>Existing</u>	<u>Proposed</u>
Deposit Required for borrowed wrench and adapter (deposit refunded when returned)	\$266.94	\$296.31
Monthly charge for unmetered water (payable in advance)	\$171.60	\$190.47

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

- Omit -

**SCHEDULE NO. 13
CONNECTION FEE**

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

<u>Connection Fee</u>	<u>Existing</u>	<u>Proposed</u>
(Per Equivalent Dwelling Unit)	\$ 5,240.00	No Change

An equivalent dwelling unit is defined as usage of 193.944 gallons per pay.

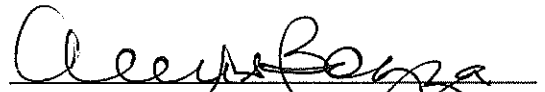
Reduced rates, credits and allowances regarding connection fees, including (but not limited to) reduced rates for affordable housing, shall be allowed as provided in Section 18 of SMCMUA's Rules and Regulations for Water Service and as otherwise required by applicable laws as such laws shall be amended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

**SCHEDULE NO. 14
IRRIGATION SERVICE**

	<u>Existing</u>	<u>Proposed</u>
Flat Rate per 100 cubic feet	\$8.87	\$9.85
Seasonal on/off; drain meter charge	\$182.02	\$202.04

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023

Resolution No. 135-23

RESOLUTION TO AMEND BUDGET

WHEREAS, the budget of The Southeast Morris County Municipal Utilities Authority for the January 1, 2024, to December 31, 2024, calendar year was approved on October 26, 2023; and

WHEREAS, the public hearing on said budget has been held on December 21, 2023; and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of The Southeast Morris County Municipal Utilities Authority, that the following amendments be made to the approved budget dated January 1, 2024, to December 31, 2024:

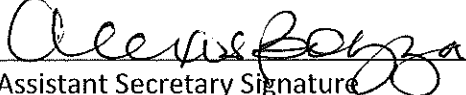
OPERATING REVENUES

	<u>From</u>	<u>To</u>
Service Charges:		
Residential:	\$10,649,506	\$10,149,506
Business/Commercial:	\$10,364,238	\$9,864,238
Industrial:	\$1,816,128	\$1,261,075
Total Operating Revenues	\$23,158,653	\$21,603,600

NON-OPERATING APPROPRIATIONS

Unrestricted Net Position Utilized	\$(1,555,053)	\$0
------------------------------------	---------------	-----

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of The Southeast Morris County Municipal Utilities Authority budget so amended.

 12.21.2023
 Assistant Secretary Signature Date

Governing Body Recorded Vote:

Member	Aye	Nay	Abstain	Absent
Michael Chumer	X			
Nicola Marucci	X			
Max Huber	X			
Arthur Clarke	X			
Nathan Kiracofe	X			
Matthew Loughman	X			
Ralph Rotando	X			
Patricia Webster	X			

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023

Resolution No. 136-23

2024 ADOPTED BUDGET RESOLUTION

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

FISCAL YEAR: JANUARY 01, 2024, TO DECEMBER 31, 2024

WHEREAS, the Annual Budget and Capital Budget/Program for The Southeast Morris County Municipal Utilities Authority for the fiscal year beginning January 01, 2024 and ending December 31, 2024 has been presented for adoption before the governing body of The Southeast Morris County Municipal Utilities Authority at its open public meeting of December 21, 2023; and

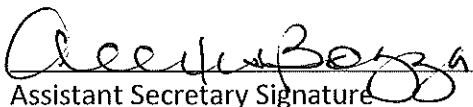
WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of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

WHEREAS, the Annual Budget presented for adoption reflects Total Revenues of \$21,803,600.00, Total Appropriations, including any Accumulated Deficit, if any, of \$21,803,600.00, and Total Unrestricted Net Position utilized of \$0.00; and

WHEREAS, the Capital Budget as presented for adoption reflect Total Capital Appropriations of \$12,421,107.00 and Total Unrestricted Net Position Utilized of \$12,421,107.00; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of The Southeast Morris County Municipal Utilities Authority at an open public meeting held on December 21, 2023, that the Annual Budget and Capital Budget/Program of The Southeast Morris County Municipal Utilities Authority for the fiscal year beginning January 1, 2024, and ending December 31, 2024, is hereby adopted and shall constitute appropriations for the purposes stated; and

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


Assistant Secretary Signature


12.21.2023
Date

Governing Body Recorded Vote:

Member	Aye	Nay	Abstain	Absent
Michael Chumer	X			
Nicola Marucci	X			
Max Huber	X			
Arthur Clarke	X			
Nathan Kiracofe	X			
Matthew Loughman	X			
Ralph Rotando	X			
Patricia Webster	X			

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.



ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 137-23

RESOLUTION AWARDING CONTRACTS FOR INSURANCE COVERAGE FOR 2024

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

WHEREAS, Willis of New Jersey, Inc. (“Willis”), SMCMUA's insurance consultant and agent, has prepared an Insurance Renewal Proposal dated December 6, 2023, to be effective January 1, 2024, and submitted to the Members prior to this meeting; and

WHEREAS, Willis has advised that formal insurance proposals were submitted by National Union for property, crime, inland marine, general liability, automobile, public official liability and excess liability and Hartford Steam Boiler for equipment breakdown at a maximum cost to SMCMUA of \$181,577; and New Jersey Manufacturers for workers compensation at a maximum cost to SMCMUA of \$138,880 (the “Proposal”); and

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

WHEREAS, this contract is being awarded to Willis as producer of the Proposal as an Extraordinary Unspecifiable Service Contract pursuant to the provisions of the Local Public Contracts Law and in compliance with N.J.S.A. 19:44A-20.5 (Pay-to-Play Law), to be effective January 1, 2024; and

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

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

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

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

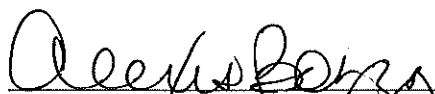
WHEREAS, the Treasurer has certified that funds are available in the 2024 budget; and

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

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

1. That the insurance proposal submitted by SMCMUA's insurance consultant be and the same is hereby approved and accepted as to the following:
 - a. National Union for property, crime, inland marine, general liability, automobile, public official liability and excess liability and Hartford Steam Boiler for equipment breakdown at an annual premium of \$181,577; and
 - b. New Jersey Manufacturers for workers compensation at an annual premium of \$138,880; and
2. The Executive Director be and is hereby authorized and directed to accept and sign the proposal on behalf of SMCMUA on or after January 1, 2024, unless terminated by the Board prior to that date.
3. The above contract is awarded without competitive bidding pursuant to the provisions of N.J.S.A. 40A:11-5(m) for the reasons set forth in annexed Certification of the Executive Director.
4. Copies of this Resolution and the Proposal herein approved shall be filed in the office of the Secretary of 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 awards shall be published once in the Daily Record in accordance with the Local Public Contracts Law.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

CERTIFICATION

TO: SMCMUA Board Members
FROM: Drew Saskowitz, Executive Director
SUBJECT: Insurance Coverage
DATE: December 15, 2023

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

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

Carriers: National Union (through Glatfelter Public Practice)
New Jersey Manufacturers
Hartford Steam Boiler

Cost: Not to exceed \$320,457.00 total

Period: January 1, 2024, through December 31, 2024

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

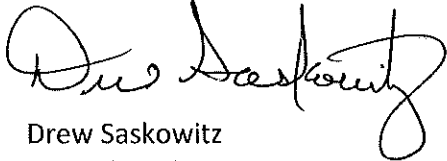
The contracts for insurance coverage are requested to be awarded without competitive bids pursuant to Section 40A:11-5(m) of the Local Public Contracts Law as an Extraordinary Unspecifiable Service.

I do hereby certify as follows:

1. A Renewal Proposal was prepared by SMCMUA's insurance consultant, Willis of New Jersey, Inc. ("Willis") dated December 6, 2023; a copy of which is attached hereto. The proposal will be reviewed by Robert English of Willis of New Jersey, Inc., at the December 21, 2023, Board Meeting.
2. The awards can be made pursuant to the exception set forth in 40A:11-5(m) of the Local Public Contracts Law.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Drew Saskowitz". The signature is fluid and cursive, with a large, looping initial "D".

Drew Saskowitz
Executive Director



www.willis.com

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

December 6, 2023

Southeast Morris County Municipal Utilities Authority
Drew Sakowitz- Executive Director

RE: 2024 Insurance Premiums

Drew attached is an exhibit that compares the 2023 to the 2024 premiums.

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

For 2024 we are recommending each carrier renew their respective coverages.

Typically, we market to other carriers when the current carrier's renewal is more than the current market trend in pricing. Your current carrier's pricing is less than the market which is detailed below.

As you review the premium comparison you will note the Subtotal, which includes all coverages except Workers Compensation increased by \$6,866 or +3.9%.

The primary reasons are a 4% increase in Property Values, adding a new storage location, a net increase of 3 vehicles, adding a mini excavator and a trailer.

These changes account for \$4,300 of the increase. The balance is a 1.4% rate increase.

The conclusion is that the actual rate increase is less than the current market for well performing accounts. The average rate increase we see are 5%+-. The small increase speaks to your good claim history and the value of the long-term relationship with the Glatfelter program.

The 2024 NJM Workers Compensation cost increased compared to 2023. The state rate for Waterworks is \$4.30 for 2024 or -1.4% when compared to the 2023 rate of \$4.36. The 2024 Experience Modification increased to 1.453 or +2.3% when compared to 2023 modification of 1.420. The 2022 losses are now included and caused the modification to slightly increase. NJM increased their 2024 surcharge to 10%, up from 5% in 2023, based on overall claims history for the past several years. NJM has quoted 2024 with a 15% Dividend which is the same as 2023.

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

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

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

Thank you.
Bob English



www.willis.com

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

Premium Comparison


<u>Property & Casualty</u>	Nat Un/HSB/NJM <u>23-24</u>	Nat Un/HSB/NJM <u>24-25</u>
Property	\$34,471	\$39,469
Crime	\$509	\$509
Equipment Breakdown	\$8,198	\$9,168
Inland Marine	\$2,360	\$2,612
General Liability	\$52,364	\$48,491
Automobile	\$34,244	\$42,134
Public Officials Liability	\$9,150	\$8,143
Excess Liability	\$31,629	\$30,138
PLIGA Tax	<u>\$873</u>	<u>\$913</u>
Subtotal	\$174,711*	\$181,577
Workers Compensation (NJM)	\$133,832	\$138,880
Grand Total	\$308,543	\$320,457

*Does not include the net increase of 3 trucks, trailer, mini-excavator and the Ridgedale storage location. The Subtotal increased \$6,866 year over year which equals +3.9%. Our estimate is that \$4,300 is due to the 4% values increase plus the inclusion of the items noted above. The balance is a result of a 1.4% carrier rate increase. The Workers Compensation premium increase is primarily due to an increase in the NJM Schedule Debit from 5% to 10%. This is based on NJM's review of your claims history. The Workers Compensation premiums are prior to the NJM Dividend. NJM Dividend is projected at 15% for 2024.

THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY

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

The undersigned hereby certifies that the estimated amount of the contract to be awarded to Willis of New Jersey, Inc., as producer of the Proposal for SMCMUA's insurance policies for property including package (property, crime, equipment breakdown, inland marine, general liability and automobile), public official liability, excess liability, temporary disability benefit and workers compensation for the one-year period commencing on January 1, 2024, exceeds \$17,500.

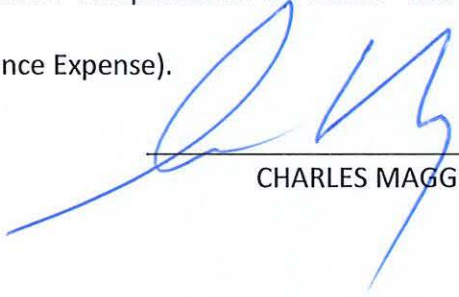


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

TREASURER'S CERTIFICATION

I hereby certify funds are available in the amount of \$320,457, for payment of a contract with Willis of New Jersey, Inc., for renewal of SMCMUA's insurance policies for package (property, crime, equipment breakdown, inland marine, general liability and automobile), public official liability, excess liability and workers compensation for 2024. This item will be charged to Account No. 02-92-492-650 (Insurance Expense).

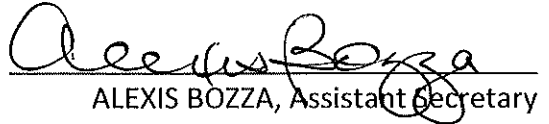


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 138-23

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 November 1, 2023, a copy of which is annexed hereto as Exhibit "A" (the "Proposal"); and

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

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

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

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

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz


Chief Financial Officer: Charles Maggio, CMFO, QPA

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

1. The Proposal of Genova Burns dated November 1, 2023, 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:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

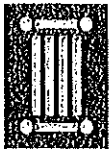


ALEXIS BOZZA, Assistant Secretary



MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023



**GENOVA
BURNS**
ATTORNEYS-AT-LAW

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
Direct: 973-646-3324

November 1, 2023

VIA ELECTRONIC MAIL AND HAND DELIVERY

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

Re: 2024 Legal Services Proposal

Dear Mr. Saskowitz:

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 2024 focuses on updating the existing handbook and assisting the Authority with labor relations 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. Our proposed services also include providing assistance with other labor relations matters, as assigned. At the time of this letter, the parties remain in negotiations for a successor agreement. While the parties share a goal of expedient resolution, out of an abundance of caution, our proposal includes any work related to completion of bargaining. It also includes, to the extent needed, representation during grievance arbitrations and/or representation during unfair practices. 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.

Our proposed fee structure is limited to \$30,000.00 for the duration of the one-year contract. If you request legal services which will exceed the agreed upon \$30,000.00 contract



Drew Saskowitz
Acting Executive Director
November 1, 2023
Page 2

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



JENNIFER ROSELLE

JR:sr
Encls.

17297195v1 (22599.001)

Genova Burns LLC

Newark, NJ • New York, NY • Lambertville, NJ • Philadelphia, PA • Jersey City, NJ • Basking Ridge, NJ

TREASURER'S CERTIFICATION

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

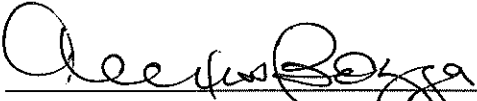


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.



ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 139-23

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT FOR ACCOUNTING-AUDITING SERVICES WITH NISIVOCIA, 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 December 1, 2023, for the providing of such services at an estimated maximum amount of \$56,000.00, for auditing and examining SMCMUA’s financial statements as of December 31, 2023, 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 has certified that there are sufficient funds available in the 2024 Budget; and

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

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE


Executive Director: Drew Saskowitz

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, 2023, 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



MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023



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

December 1, 2023

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

We are pleased to confirm our understanding of the services we will provide to The Southeast Morris County Municipal Utilities Authority (“the Authority”).

You have requested that we audit the financial statements of the Authority, as of and for the year ended December 31, 2023, and the related notes to the financial statements, which collectively comprise the Authority’s basic financial statements. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of expressing an opinion on each opinion unit applicable to those financial statements.

Accounting principles generally accepted in the United States of America (U.S. G.A.A.P.) as promulgated by the Governmental Accounting Standards Board require that certain required supplementary information (RSI) and related notes be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation and comparing the information for consistency with management’s responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management’s Discussion and Analysis
2. Supplementary schedules are required by the “New Jersey Local Authorities Accounting Principles and Auditing Standards Manual”
3. GASB Statement #’s 68/75 required supplementary information schedules (if applicable)

Supplementary information will accompany the Authority’s basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the various fund financial statements and 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 auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the *basic* financial statements as a whole:

1. Schedules of Expenditures of Federal and State Awards
2. Other Supplementary Schedules not included in RSI (if applicable)

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 basic financial statements and certain additional procedures, including comparing and reconciling the schedules 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 are presented fairly in all material respects in relation to the financial statements as a whole.

Data Collection Form

Prior to the completion of our engagement if a federal single audit is required, we will complete the sections of the Data Collection Form that are our responsibility. 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

Audit of the Financial Statements

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. G.A.A.S.), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America and audit requirements prescribed by the Division of Local Government Services, Department of Community Affairs. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to fraud or error, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representation from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representation from you about the financial statements and related matters.

The Honorable Chairman and Members
of the Authority Board
The Southeast Morris County Municipal Utilities Authority
Page 3
December 1, 2023

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 (whether caused by errors, fraudulent financial reporting, misappropriation of assets, detected abuse, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. G.A.A.S., Government Auditing Standards of the Comptroller General of the United States of America and the audit requirements prescribed by the Division. Please note that the determination of abuse is subjective, and Government Auditing Standards does not require auditors to detect abuse.

In making our risk assessments, we consider internal control relevant to the Authority's preparation and fair presentation of the financial statements 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 basic financial statements that we have identified during the audit. Our responsibility as auditors is, of course, 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 basic financial statements. Our report will be addressed to the governing body of the Authority. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. 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.

Compliance with Laws and Regulations

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

Our audit of the Authority's major federal and/or state award program(s) compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; and the Uniform Guidance and NJOMB 15-08, and will include tests of accounting records, a determination of federal and/or state programs in accordance with the Uniform Guidance 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, if a federal and/or state single audit is required. 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 NJ OMB 15-08 require that we also plan and perform the audit to obtain reasonable assurance about whether the Authority has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal and/or state award programs. Our procedures will consist of determining major federal and/or 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.

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.

Also, as required by the Uniform Guidance, we will 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/or state award programs. However, 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.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the Authority's major federal and/or state award programs, 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's 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:

1. For the preparation and fair presentation of the *basic* financial statements in accordance with accounting practices prescribed or permitted by the Division of Local Government Services, Department of Community Affairs, State of New Jersey (the "Division") to demonstrate compliance with the Division's basic of accounting, and the budget laws of New Jersey;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of the *basic* financial statements that are free from material misstatement, whether due to fraud or error fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and;
3. For including the auditor's report in any document containing *basic* financial statements that indicates that such basic financial statements have been audited by the Authority's auditor;
4. For identifying and ensuring that the Authority complies with the laws and regulations applicable to its activities;
5. For identifying, in its accounts, all federal and state awards received and expended during the year ended December 31, 2023 and the federal and state programs under which they were received;
6. For maintaining records that adequately identify the source and application of funds for federal and state funded activities;
7. For preparing the schedules of expenditures of federal and state awards (including notes and noncash assistance received) in accordance with the Uniform Guidance;
8. For the design, implementation, and maintenance of internal control over federal and state awards;
9. For establishing and maintaining effective internal control over federal and state awards that provides reasonable assurance that the nonfederal and state entities are managing federal and state awards in compliance with federal and state statutes, regulations, and the terms and conditions of the federal and state awards;
10. For identifying and ensuring that the Authority complies with federal and state statutes, regulations, 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;

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:

11. For disclosing accurately, currently, and completely the financial results of each federal and state award in accordance with the requirements of the award;
12. 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;
13. For taking prompt action when instances of noncompliance are identified;
14. 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;
15. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
16. For submitting the reporting package and data collection form to the appropriate parties, where applicable;
17. For making the auditor aware of any significant contractor relationships where the contractor is responsible for program compliance;
18. 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 *basic* financial statements, 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; and
 - c. Unrestricted access to persons within the Authority from whom we determine it necessary to obtain audit evidence.
17. For adjusting the *basic* 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;
18. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
19. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;
20. 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 the financial statements and compliance;
21. For the accuracy and completeness of all information provided;
22. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
23. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

The Honorable Chairman and Members
of the Authority Board
The Southeast Morris County Municipal Utilities Authority
Page 6
December 1, 2023

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.

With regard to the schedule of expenditures of federal and state awards referred to above, you acknowledge and understand your responsibility (a) for the preparation of the schedules of expenditures of federal and state awards 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 schedule 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.

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.

Reporting

We will issue a written report upon completion of our audit of the Authority's basic financial statements. Our report will be addressed to the governing body of the Authority. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the 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 will not be an objective of the audit and, therefore, no such opinion will be expressed.

If a federal and/or state single audit is required, we will also issue a written report on compliance for each major federal and/or state program and report on internal control over compliance upon completion of our audit.

Other

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the 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.

The Honorable Chairman and Members
of the Authority Board
The Southeast Morris County Municipal Utilities Authority
Page 7
December 1, 2023

Provisions of Engagement Administration, Timing and Fees

The timing of our audit will be scheduled for performance and completion with management. We expect to issue our reports no later than the statutory due date (pending no delays from the State of New Jersey, Division of Pensions in issuing the GASB 68 & 75 report).

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.

The Authority is required to implement GASB 96 "Subscription-Based Information Technology Agreements" ("SBITA's") for 2023. Our fee for providing technical guidance and assistance to the Authority with its implementation of this accounting standard will be \$4,475.

Our fee for the Authority's 2023 audit including out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) and for providing technical guidance and assistance to the Authority with its implementation of GASB 68 *Accounting and Financial Reporting for Pensions*, GASB 75 *Accounting and Financial Reporting for Post-Employment Benefits Other than Pensions*, and associated delays/extension of the audit date and procedures, and GASB 87 "Leases" will be \$51,525 (no increase over 2022).

Our fees for additional procedures that may be required by the NJ DLGS or new GASB pronouncements or 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:

s	Partner/Principal	\$175-\$190
	In-Charge Accountants	\$145-\$170
	Staff Accountants	\$100-\$135

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.

Our fees are 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 our fees. 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.

The Honorable Chairman and Members
of the Authority Board
The Southeast Morris County Municipal Utilities Authority
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December 1, 2023

Other Matters

We are not hosts for any client information. You are expected to retain all financial and non-financial information to include anything you upload to a portal and are responsible for downloading and retaining anything we upload in a timely manner. Portals are only meant as a method of transferring data, are not intended for the storage of client information, and may be deleted at any time. You are expected to maintain control over your accounting systems to include the licensing of applications and the hosting of said applications and data. We do not provide electronic security or back-up services for any of your data or records. Giving us access to your accounting system does not make us hosts of information contained within.

During the course of the 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.

We are not financial advisors under the SEC's definition related to debt issuances and we will not be performing those services.

Nisivoccia LLP will not act as dissemination agent for the Authority in connection with the Authority's obligations, if any, to provide secondary market disclosure. Our work to prepare secondary market disclosure documents shall consist of and be limited to (1) distribution of the Authority's audited *basic* financial statements to the Authority or its designated dissemination agent in an electronic format that complies with the requirements of the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port, and (2) preparation of certain operating data, customarily consisting of the financial information, readily available in the *basic* financial statements of the Authority, contained in Appendix A to an Official Statement, and distribution of that data to the Authority or its designated dissemination agent in an electronic format that complies with the requirements of the Municipal Securities Rulemaking Board's Electronic Municipal Market Access Data Port. The Authority, or its designated dissemination agent, shall remain responsible for filing required secondary market disclosure information and "material event" notices in accordance with any prior undertakings, and Nisivoccia LLP shall not have any responsibility nor liability for the failure of the Authority, or its designated dissemination agent, to comply with the Authority's secondary market disclosure undertakings.

With regard to the electronic dissemination of audited *basic* financial statements, including *basic* 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.

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 a Cognizant or Oversight Agency for Audit or its designee, and 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 LLP's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of seven years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

The following are the nonattest services that we will perform:

We will assist in preparing the basic financial statements, the required supplementary information, the supplementary information other than RSI including the schedules of expenditures of federal and state awards (if applicable), and related notes of the Authority and as well as the other supplementary schedules in conformity with U.S. generally accepted accounting principles and the Uniform Guidance and NJOMB 15-08 based on information provided by you. Additionally, we will assist you in the preparation of a trial balance limited to formatting information into a working trial balance based on your management's chart of accounts. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

The Honorable Chairman and Members
of the Authority Board
The Southeast Morris County Municipal Utilities Authority
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December 1, 2023

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 (the Chief Financial Officer); (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 engagement are as follows:

- We will perform the services in accordance with applicable professional standards, including *Government Auditing Standards*.
- This engagement is limited to the services listed as follows: assistance in preparing the basic financial statements, the required supplementary information, the supplementary information other than RSI including the schedules of expenditures of federal and state awards, and related notes of the District and as well as the other supplementary schedules in conformity with U.S. generally accepted accounting principles and the Uniform Guidance and NJOMB 15-08 based on information provided by you. Additionally, we will assist you in the preparation of a trial balance limited to formatting information into a working trial balance based on your management's chart of accounts. Finally, we will assist you with the adjustments to convert your budgetary basis records to the accrual basis of accounting and then to the district-wide basis with supporting schedules and calculations prepared by you.

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.

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.

During 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.

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

You agree to inform us of facts that may affect the 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.

At the conclusion of our audit engagement, we will communicate to the Honorable Chairman and Members of the Authority Board of The Southeast Morris County Municipal Utilities Authority 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;

The Honorable Chairman and Members
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The Southeast Morris County Municipal Utilities Authority
Page 11
December 1, 2023

- 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.

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.

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 and the audit of compliance over major federal and/or state award programs, if applicable, including our respective responsibilities.

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

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

I certify that there are sufficient funds available (\$56,000.00) in the 2024 Budget 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: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 140-23

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. Ruitenberg and the firm of Murphy McKeon, PC, has submitted a proposal dated November 2, 2023, 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 has certified that there are sufficient funds available in the 2024 Budget; and

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

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

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


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

MURPHY
McKEON P.C.
COUNSELLORS-AT-LAW

ROBERT H. OOSTDYK, JR.
ANTHONY M. BUCCO
JAMES T. BRYCE
CHRISTOPHER I. WOODS¹
DAVID J. RUITENBERG
SHARON L. WEINER²

JAMES M. PARISI¹
OF COUNSEL:
MARTIN F. MURPHY¹
JAMES L. McKEON, III¹
DIANA WALSH
SERENE M. HENNION
¹NEW JERSEY & NEW YORK BAR
²NEW JERSEY, NEW YORK & PENNSYLVANIA BAR

901 ROUTE 23 SOUTH, 2ND FLOOR
POMPTON PLAINS, NEW JERSEY 07444
TELEPHONE: (973) 835-0100 · FACSIMILE: (973) 835-1732
www.murphymckeonlaw.com

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

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

November 2, 2023

Via Email and Federal Express – dsaskowitz@smcmua.org

Drew Saskowitz
Acting Executive Director
The Southeast Morris County
Municipal Utilities Authority
19 Saddle Road
Cedar Knolls, New Jersey 07927

**Re: The Southeast Morris County Municipal Utilities Authority
General Counsel - 2024**

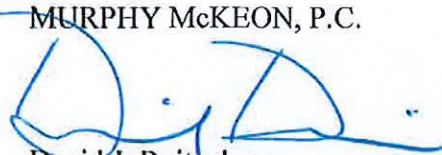
Dear Mr. Saskowitz:

Thank you for the opportunity to submit our 2024 Proposal and the Agreement under which we propose to continue to serve as General Counsel to The Southeast Morris County Municipal Utilities Authority. Also enclosed are the completed and signed documents that were requested to be submitted with this proposal.

The form of Agreement is unchanged from our current form which includes a not to exceed amount of \$180,000.00. If you have any questions regarding the Agreement or our accompanying submittals, please do not hesitate to reach back to me. It has been a pleasure and a privilege to serve the Authority over these past several years and I thank you for the opportunity to continue that relationship.

Very truly yours,

MURPHY McKEON, P.C.



David J. Ruitenberg

DJR/de

Enclosures

cc: Alexis Bozza (via email only)

PROFESSIONAL SERVICE AGREEMENT

THIS AGREEMENT, made effective as of the 1st day of January, 2024, 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
901 Route 23 South, 2nd Floor
Pompton Plains, New Jersey 07444

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, 2024, through December 31, 2024, 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, 2024, 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 15 days written notice to the other. Unless terminated for cause, Attorney shall be entitled to payment for services provided in good faith 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 21 day of December, 2023

SMCMUA:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

By


Michael J. Chumer, Ph.D.
Chairman

Print Name and Title

Attest


Alexis Bozza
Assistant Secretary

Print Name and Title

ATTORNEY:

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

By


David J. Ruitenber, Esq.
Partner

Print Name and Title

Witness


Dana Ekkers
Legal Assistant

Print Name and Title

TREASURER'S CERTIFICATION

I certify that there are sufficient funds available (\$180,000.00) in the 2024 Budget 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).

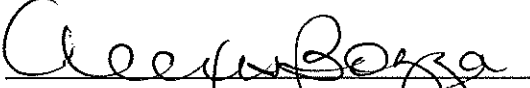


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 141-23

RESOLUTION AUTHORIZING EXTENSION OF CONTRACT FOR REMOVAL OF EXCAVATION SPOILS

WHEREAS, the Authority has entered into a contract dated December 15, 2021, with Caravella Demolition, Inc. (the "Contractor") for Excavation Spoils Removal, which was duly awarded and approved by resolution dated November 18, 2021 (the "Contract"); and

WHEREAS, the Contract was for an initial term of two years with an option to renew by the Authority for one additional year under certain conditions as permitted by N.J.S.A. 40A:11-15 of the Local Public Contracts Law; and

WHEREAS, the Operations Manager of the Authority has recommended that the Contract be extended for a period of one year; and

WHEREAS, the Members of the Authority hereby find, based upon the memorandum of the Operations Manager dated December 11, 2023, a copy of which is annexed hereto, that the services are being performed by the Contractor under the Contract in an effective and efficient manner; and

WHEREAS, the extension will be on the same terms and conditions, including price, set forth in the existing Contract; and

WHEREAS, the maximum cost to the Authority is \$101,025.00 covering a one-year period; and

WHEREAS, the Treasurer has certified that there are sufficient funds available in the 2023 and 2024 Budgets for the portions to be expended in 2023 and 2024 respectively; and

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

1. The term of the Contract dated December 15, 2021, between the Authority and Caravella Demolition, Inc., be and the same is hereby extended for a period of one year at a contract price of \$101,025.00 per year as provided in the Contract and permitted by the Local Public Contracts Law (N.J.S.A. 40A:11-15);

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

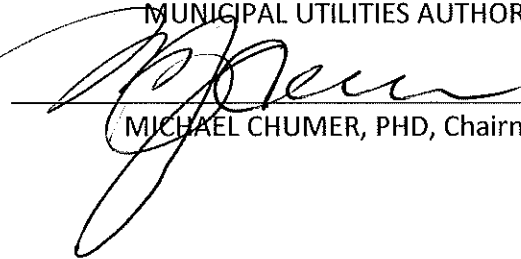
2. The extension shall be on the same terms and conditions, including price, set forth in the original Contract dated December 15, 2021, which Contract was awarded by the Authority by resolution duly adopted on November 18, 2021;
3. The Executive Director and Assistant Secretary be and they are hereby authorized and directed to execute and deliver an extension agreement or other document as may be required, and approved by the General Counsel, in order to effectuate the intent of this resolution.

ATTEST:



ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



MICHAEL CHUMER, PHD, Chairman


Dated: December 21, 2023



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

MEMORANDUM

TO: SMCMUA Board

FROM: Dave Jones, Operations Manager 

RE: Excavation Spoils Removal

DATE: December 11, 2023

CC: Drew Saskowitz, Executive Director
Charles Maggio, CMFO, QPA, Chief Financial Officer
Alexis Bozza, QPA, Executive Administrative Assistant

Under resolution 125-21, dated November 18, 2021, SMCMUA approved Excavation Spoils Removal to be performed by Caravella Demolition, Inc. The contract is set to expire on 12/15/2023 and the Operations Manager is asking for approval to have the contract extended for 1 year per terms of the contract.

The original amount of the awarded contract is \$101,025.00 for each year of a 2 year contract. Both Caravella and SMCMUA have agreed to extend the contract for 1 year at the current rate with no additional costs.

The Treasurer has certified that sufficient funds are available in the Budget. These items will be charged to Operating Budget No. 02-60-400-692 (T&D: Concrete Repairs, Pavement Restoration, and Spoils Removal).

TREASURER'S CERTIFICATION

I hereby certify funds for payment of a contract with Caravella Demolition, Inc., for Excavation Spoils Removal as follows:

1. In 2023, funds are available in the amount of \$8,418.75; and
2. In 2024, funds are available in the amount of \$92,606.25.

The total maximum amount of this contract will not exceed \$101,025.00. This item will be charged to Account No. 02-60-400-692 (Transmission and Distribution: Concrete Repairs, Pavement Restoration, and Spoils Removal).

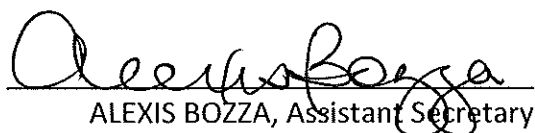


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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Resolution No. 142-23

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

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

WHEREAS, SMCMUA wishes to purchase the items listed in Exhibit "A" from authorized vendors under the MCCPC during the 2024 budget year; and

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

WHEREAS, the vendors listed in Exhibit "A" attached hereto have been awarded contracts by the MCCPC for and including the budget year 2024; and

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

WHEREAS, the Treasurer has certified the availability of funds in the 2024 Budget;


NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendors listed in Exhibit "A" be authorized for use for the budget year 2024.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



ALEXIS BOZZA, Assistant Secretary



MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT REQUESTED
1	Allied Oil	Unleaded Gasoline	\$65,000
12	Creative Management, Inc.	Diesel Fuel	\$25,000
53	Challenger Fence	Material/Install	\$20,000
49	Custom Environmental Mgmt.	Disposal/Recycling of Municipal Road Wastes	\$101,000
46	Genserve	Generator Repair & Maintenance	\$26,000
46	Genserve	Generator Rental	\$40,000
15-C	Nielson Ford	Utility Vehicles	\$96,199
52	Protective Measures	Fire Alarms, Sprinklers, Standpipe Systems and Fire Pumps	\$6,500
47	Rio Supply	Small Meter Purchasing	\$300,000
22	Smart Stitch, LLC	D.P.W. Uniforms	\$11,000
5	Tilcon New York	Paving Material	\$40,000
9	Tilcon New York	Crushed Stone-Sand	\$45,000
18	Tree King	Tree Removal/Trimming/ Stump Grinding	\$17,500

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2024 Budget to purchase work, materials and supplies from the vendors listed below through the Morris County Cooperative Pricing Council in 2024. The costs are estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXP DATE	BUDGET ACCT #	ACCOUNT NAME	AMOUNT REQUESTED
1	Allied Oil	Unleaded Gasoline	12/31/24	02-60-400-628	Trans: Vehicle & Equipment - Fuel	\$65,000
12	Creative Management, Inc.	Diesel Fuel	12/31/24	02-60-400-628	Trans: Vehicle & Equipment - Fuel	\$25,000
53	Challenger Fence	Material/Install	12/31/24	02-50-400-636	Operations: Facility Groundskeeping	\$20,000
49	Custom Environmental Management	Disposal/Recycling of Municipal Road Wastes	12/31/24	02-60-400-692	Trans: Street Repair/Spoils Removal	\$101,000
46	Genserve	Generator Repair & Maintenance	06/30/24	02-50-400-691	Operations: Equipment Rentals & Services	\$26,000
46	Genserve	Generator Rental	06/30/24	02-50-400-691	Operations: Equipment Rentals & Services	\$40,000
15-C	Nielson Ford	Utility Vehicles	10/31/24	02-00-500-487	Vehicles & Equipment	\$96,199
52	Protective Measures	Fire Alarms, Sprinklers, Standpipe Systems and Fire Pumps	12/31/24	02-40-550-628	HSS Services: HSS Services	\$6,500
47	Rio Supply	Small Meter Purchasing	06/30/24	02-00-500-492	Meter Management Program	\$300,000
22	Smart Stitch, LLC	D.P.W. Uniforms	12/31/24	02-40-550-623	HSS Services: Uniforms	\$11,000

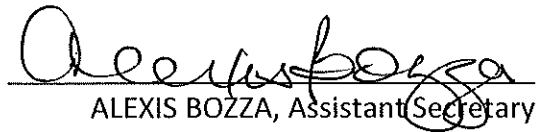
CONTRACT	VENDOR	ITEMS	CONTRACT EXP DATE	BUDGET ACCT #	ACCOUNT NAME	AMOUNT REQUESTED
5	Tilcon New York	Paving Material	12/31/24	02-60-400-692	Trans: Street Repair/Spoil Removal	\$40,000
9	Tilcon New York	Crushed Stone-Sand	12/31/24	02-60-400-692	Trans: Street Repair/Spoil Removal	\$45,000
18	Tree King	Tree Removal/Trimming/ Stump Grinding	12/31/24	02-50-400-636	Trans: Grounds, Lawns & Fence Maintenance	\$17,500

CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



- 19 Saddle Road
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Resolution No. 143-23

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

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

WHEREAS, SMCMUA wishes to purchase the items listed in Exhibit "A" from authorized vendors under the ESCNJPCS during the 2024 budget year; and

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

WHEREAS, the vendors listed in Exhibit "A" attached hereto have been awarded contracts by the ESCNJPCS for and including the budget year 2024; and

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


WHEREAS, the Treasurer has certified the availability of funds in the 2024 Budget.

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendors listed in Exhibit "A" be authorized for use for the budget year 2024.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

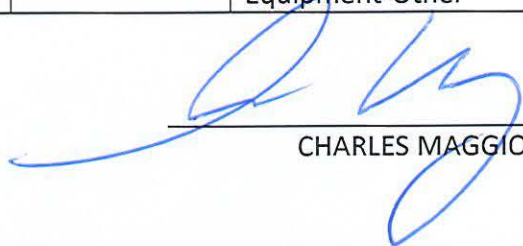
Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT REQUESTED
AEPA-22G	CDW Government	IT Hardware	\$25,000
AEPA-22G	CDW Government	IT Software	\$5,000
AEPA-22G	CDW Government	IT Licensing	\$62,000
AEPA-22G	CDW Government	Boardroom Multimedia Upgrade	\$50,000
22/23-12	Jesco Equipment	Grounds Equipment	\$5,000

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2024 Budget to purchase work, materials and supplies from the vendors listed below through the Educational Services Commission of New Jersey Cooperative Pricing System in 2023. The costs are estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXP DATE	BUDGET ACCT #	ACCOUNT NAME	AMOUNT REQUESTED
AEPA-22G	CDW Government	IT Hardware	06/30/24	02-12-400-602	IT Admin: IT Hardware	\$25,000
AEPA-22G	CDW Government	IT Software	06/30/24	02-12-400-603	IT Admin: IT Software	\$5,000
AEPA-22G	CDW Government	IT Licensing	6/30/24	02-12-400-604	IT Admin: IT Licensing and Service Agreements	\$62,000
AEPA-22G	CDW Government	Boardroom Multimedia Upgrade	06/30/24	2024 CAPITAL-Account # TBD	IT-Boardroom Multimedia Upgrade	\$50,000
22/23-12	Jesco Equipment	Grounds Equipment	02/22/24	02-60-400-631	Trans: Vehicle & Equipment-Other	\$5,000



CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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- customerservice@smcmua.org
- smcmua.org

Resolution No. 144-23

RESOLUTION AUTHORIZING USE OF VENDOR UNDER THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM

WHEREAS, SMCMUA is a participant in a Cooperative Pricing Agreement with the Hunterdon County Educational Services Commission Cooperative Pricing System ("HCESCCPS"); and

WHEREAS, SMCMUA wishes to purchase the items listed in Exhibit "A" from authorized vendors under the HCESCCPS during the 2024 budget year; and

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

WHEREAS, the vendors listed in Exhibit "A" attached hereto have been awarded contracts by the HCESCCPS for and including the budget year 2024; and

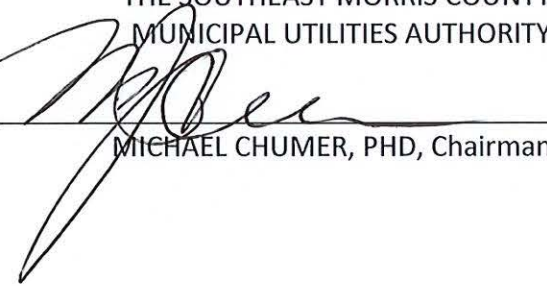
WHEREAS, the costs are estimated not to exceed the amounts stated; and

WHEREAS, the Treasurer has certified the availability of funds in the 2024 Budget.

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendors listed in Exhibit "A" be authorized for use for the budget year 2024.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT REQUESTED
HCEC-CAT-22-01	Gov Connection	Microsoft Office 365	\$178,245
HSECS-SER-20F	Northeast Interior	Facility Maintenance	\$30,000
HSECS-SER-23-06	Powerco Inc.	Facility Grounds Equipment	\$5,000

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2024 Budget to purchase work, materials and supplies from the vendors listed below through the Hunterdon County Educational Services Commission Cooperative Pricing System in 2024. The costs are estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXP DATE	BUDGET ACCT #	ACCOUNT NAME	AMOUNT REQUESTED
HCESC-CAT-22-01	Gov Connection	Microsoft Office 365	4/18/24	02-12-400-604	IT: Licensing and Service Agreements	\$178,245
HSECS-SER-20F	Northeast Interior	Facility Maintenance	11/02/24	02-50-400-641	Operations: Facility Maintenance	\$30,000
HSECS-SER-23-06	Powerco Inc.	Facility Grounds Equipment	03/31/24	02-60-400-631	Trans: Vehicle & Equipment-Other	\$5,000

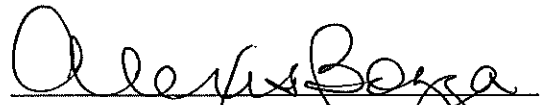


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



- 19 Saddle Road
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Resolution No. 145-23

RESOLUTION AUTHORIZING USE OF VENDORS UNDER THE
NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

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

WHEREAS, SMCMUA wishes to purchase the items listed in Exhibit "A" from authorized vendors under the NJWCPS during the 2024 budget year; and

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

WHEREAS, the vendors listed in Exhibit "A" attached hereto have been awarded contracts by the NJWCPS for and including the budget year 2024; and

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


WHEREAS, the Treasurer has certified the availability of funds in the 2024 Budget;

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendors listed in Exhibit "A" be authorized for use for the budget year 2024.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

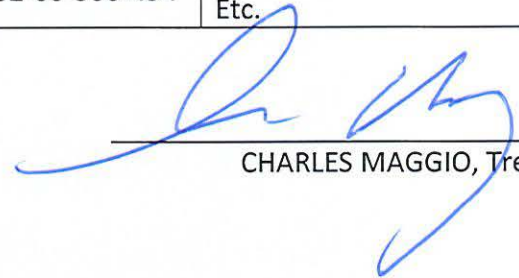
Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT REQUESTED
B369-6	AC Schultes Inc.	Preventive Maintenance/Repair of Pumps	\$60,000
B369-4	Municipal Maintenance	Mechanical Assets	\$100,000
B383-6	NSI Neal Systems Inc.	SCADA -- Chem Feed RTU Equipment	\$50,000
B383-6	NSI Neal Systems Inc.	SCADA - RTU Equipment	\$40,000
B385	Office Concepts Group	Furnish & Deliver Janitorial	\$40,000
B383-3	Pumping Systems Inc	VFD Install and Instrumentation Services	\$200,000

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2024 Budget to purchase work, materials and supplies from the vendors listed below through the North Jersey Wastewater Cooperative Pricing System in 2024. The costs are estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXP DATE	BUDGET ACCT #	ACCOUNT NAME	AMOUNT REQUESTED
B369-6	AC Schultes Inc.	Preventive Maintenance/ Repair of Pumps	07/31/24	02-70-400-649	T&P Electrical Maintenance and Repair	\$60,000
B369-4	Municipal Maintenance	Mechanical Assets	07/31/24	02-00-500-494	T&P Wells Pumps Motors Etc.	\$100,000
B383-6	NSI Neal Systems Inc.	SCADA – Chem Feed RTU Equipment	10/31/24	2024 Capital- account # TBD	IT: ICS Facilities Chemical Feed Projects	\$50,000
B383-6	NSI Neal Systems Inc.	SCADA - RTU Equipment	10/31/24	2024 Capital- account # TBD	IT-ICS RTU Equipment Replacement	\$40,000
B385	Office Concepts Group	Furnish & Deliver Janitorial	10/31/24	02-30-400-604	Finance: Office Supplies & Miscellaneous	\$40,000
B383-3	Pumping Systems Inc	VFD Install and Instrumentation Services	10/31/24	02-00-500-494	T&P Wells Pumps Motors Etc.	\$200,000

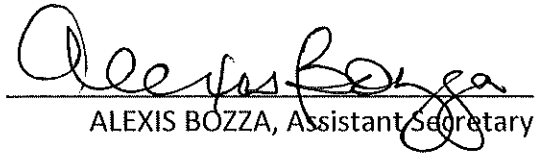


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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- smcmua.org

Resolution No. 146-23

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

WHEREAS, the Authority wishes to purchase the items listed in Exhibit "A" from authorized vendors under the State of New Jersey Cooperative Purchasing Program 1-NJCP during the 2023 and 2024 budget years; and

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

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

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

WHEREAS, the Treasurer of the Authority has certified the availability of funds in the 2023 and 2024 Budgets;

NOW THEREFORE, BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority that the vendors listed in Exhibit "A" be authorized for use for the budget year 2023 and 2024.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CGM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

Exhibit "A"

CONTRACT	VENDOR	ITEMS	AMOUNT REQUESTED
M8000	Barnwell House of Tires	Tires, Tubes/Services	\$20,000
89331	Barton & Cooney	Printing & Mailing Services	\$60,000
M4002 (19-COMP-00601)	Carahsoft Technology Corporation	NASPO ValuePoint Clouse Solutions	\$18,979
M7003 (17- COMP-00098)	ESRI	ESRI GIS Software and Services	\$27,500
M0002	Grainger	PPE / health and safety supplies, tools, equipment, materials, etc.	\$3,000
21-FOOD-01684	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	\$64,640
22-FOOD-09931	Miller Energy	VFD Purchase	\$100,000
T0126	Nielson Ford	Vehicle Maintenance & Repair	\$58,000
T2100 (23-FLEET-34922)	Nielson Ford	Vehicles, Trucks, Class 2, Pickup/ Utility, with Snowplow Option	\$149,402
M0483 (89968)	Ocean Systems	SecureWorks Vendor (Cybersecurity)	\$10,000
T0900	Security Guard Services	Security Services	\$100,200
T2946	Slade Industries	Elevator Maintenance & Repair	\$7,500
MA152*	Verizon Wireless	Cellular Phone Services	\$93,000
19-Fleet-00677 (M-0002)	WW Grainger	Misc.	\$25,610
M0002	WW Grainger	Misc. Tools & Supplies	\$7,000
M0002	WW Grainger	Misc. Tools & Supplies	\$14,000

* Verizon Wireless's contract with the State of New Jersey previously expired and migrated to a NASPO agreement (Master Agreement #MA 152). SMCMUA previously authorized and executed 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.

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available in the 2023 and 2024 Budgets to purchase work, materials and supplies from the vendors listed below through the State of New Jersey Cooperative Purchasing Program 1-NJCP in 2023 and 2024. The costs are estimated not to exceed the amounts stated:

CONTRACT	VENDOR	ITEMS	CONTRACT EXP DATE	BUDGET ACCT #	ACCOUNT NAME	AMOUNT REQUESTED
M8000	Barnwell House of Tires	Tires, Tubes/Services	03/31/24	02-60-400-629	Trans: Vehicle & Equipment - Maintenance	\$20,000
89331	Barton & Cooney	Printing & Mailing Services	09/30/24	02-40-400-617	CSC: Customer Record and Collection, Lockbox	\$60,000
M4002 (19-COMP-00601)	Carahsoft Technology Corporation	NASPO ValuePoint Clouse Solutions	09/15/26	02-12-400-604	IT: Licensing and Service Agreements	\$18,979
M7003 (17-COMP-00098)	ESRI	ESRI GIS Software and Services	06/30/24	02-12-400-601	IT Admin: Managed Services	\$27,500
M0002	Grainger	PPE/health & safety supplies, tools, equip, materials, etc.	06/30/24	02-40-550-626	Health, Safety, and Security Services: PPE	\$3,000
21-FOOD-01684	Hach Company	Laboratory Chemicals, Supplies, & Testing Services	08/31/24	02-75-400-647 (\$4,170) 02-75-400-646 (\$42,100) 02-75-400-644 (\$10,870) 02-75-400-652 (\$7,500)	WATER QUALITY: Bench Chemistry Equip/Supp WATER QUALITY: Field Continuous Instrument WATER QUALITY: Field Portable Instruments WATER QUALITY: Service Contracts	\$64,640

CONTRACT	VENDOR	ITEMS	CONTRACT EXP DATE	BUDGET ACCT #	ACCOUNT NAME	AMOUNT REQUESTED
22-FOOD-09931	Miller Energy	VFD Purchase	08/31/24	02-00-500-494	T&P Wells Pumps Motors Etc.	\$100,000
T0126	Nielson Ford	Vehicle Maintenance & Repair	03/17/24	02-60-400-629	Trans: Vehicle & Equipment - Maintenance	\$58,000
T2100 (23-FLEET-34922)	Nielson Ford	Vehicles, Trucks, Class 2, Pickup/ Utility, with Snowplow Option	04/25/24	02-00-500-487	Vehicles & Equipment	\$149,402
M0483 (89968)	Ocean Systems	SecureWorks Vendor (Cybersecurity)	01/31/24	02-12-400-620	IT Admin: Cyber Security	\$10,000
T0900	Security Guard Services	Security Services	05/12/24	02-40-550-628	Health, Safety, and Security Services: HSS Services	\$100,200
T2946	Slade Industries	Elevator Maintenance & Repair	02/29/24	02-50-400-641	Operations: Facility Maintenance	\$7,500
MA152*	Verizon Wireless	Cellular Phone Services	8/11/24	02-12-400-628	IT Admin: Communications-Cellular	\$93,000
19-Fleet-00677 (M-0002)	WW Grainger	Misc.	06/30/24	02-75-400-644 (\$2,110) 02-75-400-645 (\$3,500) 02-70-400-690 (20,000)	WATER QUALITY: Field Portable Instruments WATER QUALITY: Equipment General TREATMENT: Equipment and Repair	\$25,610
M0002	WW Grainger	Misc. Tools & Supplies	06/30/24	02-50-400-605	Operations: Paint and Supplies	\$7,000
M0002	WW Grainger	Misc. Tools & Supplies	06/30/24	02-50-400-690	Operations: Tools	\$14,000

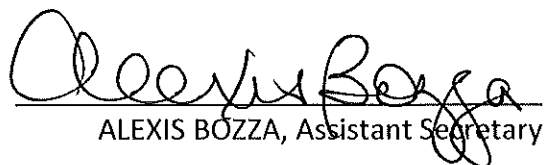


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



19 Saddle Road
Cedar Knolls, NJ 07927

(973) 326-6880

(973) 326-6864

customerservice@smcmua.org

smcmua.org

Resolution No. 147-23

RESOLUTION AUTHORIZING MISCELLANEOUS OPERATIONS VENDOR SERVICES

WHEREAS, SMCMUA requested proposals for services to be performed throughout 2024 for: 1) on call and emergency plumbing services; and 2) fleet vehicle maintenance; and

WHEREAS, the Operations Manager reviewed the proposals received for the providing of such services; and

WHEREAS, in a memorandum dated December 13, 2023, the Operations Manager recommends authorizing: 1) Griggs Plumbing & Heating for on call and emergency plumbing services in the not to exceed amount of \$20,000.00; and 2) Shade Tree Garage for fleet maintenance services in the not to exceed amount of \$40,000.00, a copy of which memorandum is attached as Exhibit "A"; and

WHEREAS, these purchases are being made without public bidding as being less than the bidding threshold of \$44,000.00 provided in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and

WHEREAS, both vendors 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 will prohibit them from making any reportable contributions through 2024; and

WHEREAS, the Treasurer has determined and certified in writing that the value of the Contract will exceed \$17,500.00; 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:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Acting Executive Director and Water Quality Superintendent: Drew Saskowitz

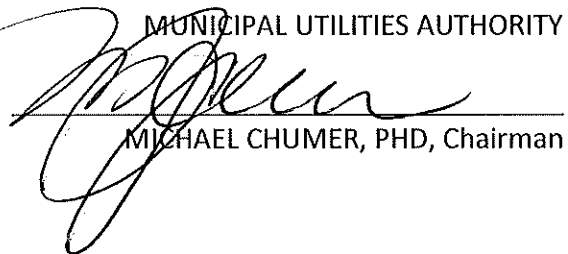
Chief Financial Officer: Charles Maggio, CMFO, QPA

1. That the proposals received from: 1) Griggs Plumbing & Heating for on call and emergency plumbing services in the not to exceed amount of \$20,000.00; and 2) Shade Tree Garage for fleet maintenance services in the not to exceed amount of \$40,000.00, be and the same are hereby approved.
2. That the Executive Director be and is hereby authorized and directed to execute the purchase orders on behalf of SMCMUA in the manner provided by law.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023



MEMORANDUM

TO: SMCMUA Board
FROM: Dave Jones, Operations Manager [Signature]
RE: Miscellaneous Operations Vendor Services for 2024
DATE: December 13, 2023
CC: Drew Saskowitz, Executive Director
Charles Maggio, Chief Financial Officer

The Authority's Operations Division is in need of services to be performed throughout 2024 for: 1) on call and emergency plumbing services; and 2) fleet vehicle maintenance. The Authority has solicited proposals to multiple vendors. Based on review of the proposals submitted, it is requested that the below vendors be authorized for use in 2024 up to the not to exceed amounts stated.

Table with 3 columns: Description of Services, Vendor, Maximum. Rows include On Call and Emergency Plumbing (Griggs Plumbing & Heating, \$20,000.00) and Fleet Vehicle Maintenance (Shade Tree Garage, \$40,000.00).

The above purchases are being made without public bidding as being less than the bidding threshold of \$44,000.00 provided in the Local Public Contracts Law {N.J.S.A. 40A:11-1 et seq.}. Both vendors have 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 2024.

The Treasurer has certified that funds are available in the 2024 Operating Budget as follows:

Table with 3 columns: Account No., Account Name, Amount. Rows include Operations - Administrative: Facility Maintenance (\$10,000.00), Meter and Services: Service Repairs - AMR/Meter Install (\$10,000.00), and Transmission & Distribution: Vehicle & Equip. - Maintenance (\$40,000.00).

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

The undersigned hereby certifies that the maximum amount of 1) on call and emergency plumbing services; and 2) fleet vehicle maintenance to be authorized with Griggs Plumbing & Heating and Shade Tree Garage respectively exceeds \$17,500.



CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

TREASURER'S CERTIFICATION

I hereby certify that there are sufficient funds available for payment of not to exceed purchase orders in SMCMUA's 2024 Budget as follows:

Vendor	Charge to Account	Amount
Griggs Plumbing & Heating	02-50-400-641 Operations – Administrative: Facility Maintenance	\$10,000.00
Griggs Plumbing & Heating	02-80-400-650 Meter and Services: Service Repairs – AMR/Meter Install	\$10,000.00
Shade Tree Garage	02-60-400-629 Transmission & Distribution: Vehicle & Equip. – Maintenance	\$40,000.00

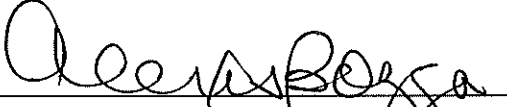


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.



ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 148-23

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
GLENBROOK ROAD WATER MAIN REPLACEMENT PROJECT

WHEREAS, the Authority has advertised for and solicited bids for the project entitled Glenbrook Road Water Main Replacement; and

WHEREAS, bids were submitted by 17 contractors and opened on December 7, 2023, in accordance with law; and

WHEREAS, the lowest bid for the project was submitted by PM Construction in the amount of \$1,204,415.00; and

WHEREAS, the low bid submitted by PM Construction was reviewed for completeness of submission and accuracy by the Engineering Manager; and

WHEREAS, no material deficiencies were found by the Engineering Manager in her review of the bid package submitted by PM Construction; and

WHEREAS, the Members of the Authority have determined that PM Construction is the lowest responsive and responsible bidder in accordance with the recommendation made by the Engineering Manager dated December 12, 2023 attached as Exhibit "A", and in accordance with the provisions of the Local Public Contracts Law (NJSA 40:11-1 et seq.); and

WHEREAS, the Treasurer has certified that funds are available for this project.

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority, that the contract for the project entitled Glenbrook Road Water Main Replacement be and the same is hereby awarded to PM Construction in accordance with its bid submitted on December 7, 2023, in the amount of \$1,204,415.00; and

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

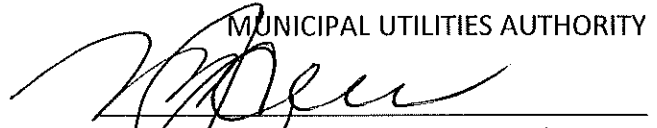
BE IT FURTHER RESOLVED that the Executive Director and Assistant Secretary of the Authority be and they are hereby authorized and directed to execute appropriate contracts with regard to said project on behalf of the Authority in the manner prescribed by law.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY



ALEXIS BOZZA, Assistant Secretary



MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023



MEMORANDUM

TO: SMCMUA Board

FROM: Sophia (Heng) Dyer, PE, Engineering Manager Digitally signed by Sophia Dyer Date: 2023.12.12 12:25:41 -05'00'

RE: Recommendation of Award - Glenbrook Water Main Replacement

DATE: 12/12/23

CC: Drew Saskowitz, LOR, Executive Director
Charles Maggio, CMFO, QPA, Chief Financial Officer
Alexis Bozza, QPA, Executive Administrative Assistant

Seventeen (17) bids were received on 12/7/23 for the referenced contract. A breakdown of the bids received is provided below.

Bidder	Total
PM Construction	\$1,204,415.00
Kulpeksa Land Improvements Corp	\$1,234,567.00
Matina & Son Inc	\$1,249,500.00
Reivax Contracting	\$1,290,297.50
MSP Construction	\$1,366,990.00
Your Way Construction	\$1,464,504.92
Underground Utilities Corp.	\$1,471,897.50
John Garcia Construction	\$1,476,402.05
Sanitary Construction	\$1,493,782.34
JO-Med Construction	\$1,555,735.00
Shauger Properties	\$1,709,075.00
Conquest	\$1,742,055.65
JVS Industrial & Commercial	\$1,886,695.83
Colonnelli Brothers	\$1,948,985.00
Pacific Construciton	\$1,976,735.75
Joseph M. Sanzari, Inc.	\$2,393,000.00
Crossroads Paving	\$2,963,968.00

Project Scope

The project scope is to install approximately 4,500 linear feet of 8-inch diameter water main and associated appurtenances on Glenbrook Road, Bangiola court and Keenan Place in the Borough of Morris Plains, NJ.

Project Driver

The project driver is to replacing aging infrastructure.

Bid Review and Recommendation

It is recommended that a contract be awarded to PM Construction, for its low, responsive, and responsible bid for a total not-to-exceed maximum amount of \$1,204,415.00. The Treasurer has certified that sufficient funds are available in the 2023 Budget.

Description of Account	Account	Budget Year	Amount
Main Rehabilitation and Replacement	CAPITAL: 02-00-500-499	2023	\$1,204,415

TREASURER'S CERTIFICATION

I hereby certify that sufficient funds are available in the amount of \$1,204,415.00 for a contract with PM Construction for the Glenbrook Road Water Main Replacement project. The contract will be charged to Account No. 02-00-500-499 (Main Rehabilitation and Replacement).




CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 149-23

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR UPGRADES FOR MANGANESE REMOVAL TREATMENT AT BLACK BROOK WATER TREATMENT PLANT

WHEREAS, the Authority has advertised for and solicited bids for the project entitled Upgrades for Manganese Removal Treatment at Black Brook Water Treatment Plant; and

WHEREAS, bids were submitted by six contractors and opened on December 7, 2023, in accordance with law; and

WHEREAS, the lowest bid for the project was submitted by Derstine Company, LLC (“Derstine”), in the amount of \$725,000.00; and

WHEREAS, the low bid submitted by Derstine was reviewed for completeness of submission and accuracy by the Engineering Manager; and

WHEREAS, no material deficiencies were found by the Engineering Manager in her review of the bid package submitted by Derstine; and

WHEREAS, the Members of the Authority have determined that Derstine is the lowest responsive and responsible bidder in accordance with the recommendation made by the Engineering Manager dated December 12, 2023, attached as Exhibit “A”, and in accordance with the provisions of the Local Public Contracts Law (NJSA 40:11-1 et seq.); and

WHEREAS, the Treasurer has certified that funds are available for this project.

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority, that the contract for the project entitled Upgrades for Manganese Removal Treatment at Black Brook Water Treatment Plant be and the same is hereby awarded to Derstine Company, LLC, in accordance with its bid submitted on December 7, 2023, in the amount of \$725,000.00; and

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

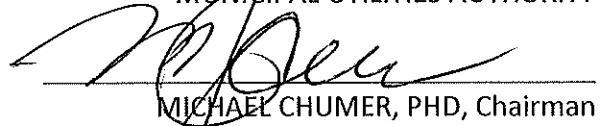
Chief Financial Officer: Charles Maggio, CMFO, QPA

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

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023



MEMORANDUM

TO: SMCMUA Board

FROM: Sophia (Heng) Dyer, PE, Engineering Manager Sophia Dyer
Digitally signed by Sophia Dyer
Date: 2023.12.12 12:15:43 -05'00'

RE: Recommendation of Award – Upgrades for Manganese Removal Treatment at Black Brook Water Treatment Plant

DATE: 12/12/23

CC: Drew Saskowitz, LOR, Executive Director
Charles Maggio, CMFO, QPA, Chief Financial Officer
Alexis Bozza, QPA, Executive Administrative Assistant

Six (6) bids for the above referenced contract were received on 12/7/23. The bid summary is provided below.

Bidder	Total
Derstine Company LLC	\$725,000.00
Kiely Civil LLC	\$799,670.00
Coppola Services, Inc.	\$888,890.00
Municipal Maintenance	\$943,977.00
JVS Industrial & Commercial Contractors, Inc.	\$995,000.83
Scafar Contracting, Inc.	\$998,500.00

Project Scope

The project scope is to replace media for manganese removal and re-activate the air wash system at the Black Brook Water Treatment Plant.

Project Driver

The existing filter media has reached the end of its useful life.

Bid Review and Recommendation

It is recommended that a contract be awarded to Derstine Company LLC. for its low, responsive, and responsible bid for a total not-to-exceed maximum amount of \$725,000. The Treasurer has certified that sufficient funds are available in the 2023 Budget.

Description	Account	Budget Year	Amount
T&P Filter and Media	CAPITAL: 02-00-500-505	2023	\$725,000

TREASURER'S CERTIFICATION

I hereby certify that sufficient funds are available in the amount of \$725,000.00 for a contract with Derstine Company, LLC, for the Upgrades for Manganese Removal Treatment at Black Brook Water Treatment Plant project. The contract will be charged to Account No. 02-00-500-505 (T&P Filter and Media).

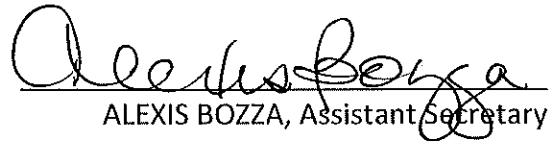


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 150-23

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT
FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH
THE LANGDON LANE AND FARVIEW AVENUE WATER MAIN REPLACEMENT PROJECTS

WHEREAS, the Authority requested a proposal from Dewberry for professional engineering services in connection with the Langdon Lane and Farview Avenue water main replacement projects; and

WHEREAS, the proposal dated December 8, 2023, in the not to exceed amount of \$178,500.00, was reviewed by the Engineering Manager as set forth in a memorandum dated December 12, 2023, a copy of which is annexed hereto; and

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

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

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

WHEREAS, the Treasurer has certified that sufficient funds are available in the 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 the Authority’s legal advertisement;

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

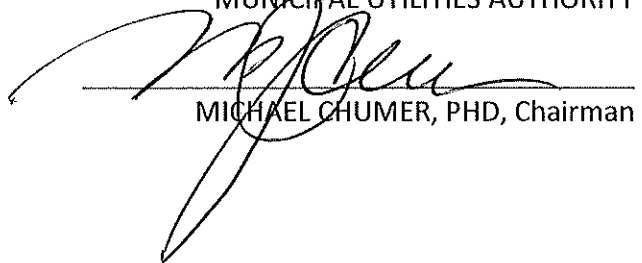
NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows:

1. That the proposal of Dewberry dated December 8, 2023, for professional engineering services in connection with the Langdon Lane and Farview Avenue water main replacement projects, be and the same is hereby accepted and approved at a total not-to-exceed maximum amount of \$178,500.00.
2. The Executive Director be and is hereby authorized and directed to execute a Professional Service Contract on behalf of the Authority.
3. This contract is awarded without competitive bidding as a "Professional Service Contract" in accordance with the Local Public Contracts Law because the services to be rendered are professional services as therein defined; and
4. Copies of this Resolution shall be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Township of Hanover, the Township of Morris, the Town of Morristown and the Borough of Morris Plains, and notice of the award shall be printed once in the Daily Record in accordance with the Local Public Contracts Law.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023



MEMORANDUM

TO: SMCMUA Board
FROM: Sophia (Heng) Dyer, PE, Engineering Manager
RE: Recommendation of Award – Professional Services in connection with the Langdon Lane and Farview Avenue Water Main Replacement Projects
DATE: 12/12/23
CC: Drew Saskowitz, LOR, Executive Director
Charles Maggio, CMFO, QPA, Chief Financial Officer
Alexis Bozza, QPA, Executive Administrative Assistant

Digitally signed by Sophia Dyer Date: 2023.12.12 11:59:43 -0500

Dewberry submitted a proposal for professional services in connection with the Langdon Lane and Farview Avenue water main replacement projects on 12/8/23.

Project Scope

Langdon Lane, Morris Township, covers approximately 900 LF of water main installation and appurtenances on Langdon Lane and Old Turnpike Road. Farview Avenue, Hanover Township, covers approximately 12,500 LF of water main replacement and appurtenances on Farview Avenue, South Belair Avenue, North Belair Avenue, Summit Avenue, Spruce Street, Cooke Place, Chestnut Road, and Cedar Road. Total improvements include 2.5 miles of new water mains in two phases.

Project Driver

The project drivers are to improve water quality throughout the distribution system, replace water mains that have a history of breaks, coordinate improvements ahead of the municipal road improvement programs, and continue to replace galvanized/lead service lines that have been identified on the public utility side.

Proposal Review and Recommendation for Award


Engineering Division has reviewed the proposal. It is recommended that a contract be awarded to Dewberry in the total not-to-exceed maximum amount of \$178,500.

The expense for the professional services has been budgeted in the 2024 capital budget. The Treasurer will certify funds pending approval of the 2024 budget.

Table with 4 columns: Description of Account, Account, Budget Year, Amount. Row 1: Main Rehabilitation and Replacement, CAPITAL: 02-00-500-499, 2024, \$178,500

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

The undersigned hereby certifies that the maximum amount of the contract to be awarded to Dewberry for professional engineering services in connection with the Langdon Lane and Farview Avenue water main replacement projects exceeds \$17,500.



CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

TREASURER'S CERTIFICATION

I hereby certify funds are available in the Budget for payment of a professional service contract with Dewberry for professional engineering services in connection with the Langdon Lane and Farview Avenue water main replacement projects. The total maximum amount of this contract will not exceed \$178,500.00. This item will be charged to Capital Account No. 02-00-500-499 (Main Rehabilitation and Replacement).

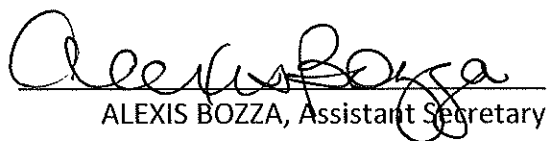


CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



- 19 Saddle Road
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- (973) 326-6880
- (973) 326-6864
- customerservice@smcmua.org
- smcmua.org

Resolution No. 151-23

RESOLUTION AUTHORIZING AWARD OF A PROFESSIONAL SERVICE CONTRACT
FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH
BLACK BROOK WELL NO. 1 AND WELL NO. 2 REDEVELOPMENT

WHEREAS, the Authority requested a proposal from UHL and Associates, Inc. (“UHL”) for professional engineering services in connection with Black Brook Well No. 1 and Well No. 2 Redevelopment; and

WHEREAS, the proposal dated December 11, 2023, in the not to exceed amount of \$56,112.00, was reviewed by the Engineering Manager as set forth in a memorandum dated December 12, 2023, a copy of which is annexed hereto; and

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

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

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

WHEREAS, the Treasurer has certified that sufficient funds are available in the 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 the Authority’s legal advertisement;

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz


Chief Financial Officer: Charles Maggio, CMFO, QPA

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

1. That the proposal of UHL and Associates, Inc., dated December 11, 2023, for professional engineering services in connection with Black Brook Well No. 1 and Well No. 2 Redevelopment, be and the same is hereby accepted and approved at a total not-to-exceed maximum amount of \$56,112.00.
2. The Executive Director be and is hereby authorized and directed to execute a Professional Service Contract on behalf of the Authority.
3. This contract is awarded without competitive bidding as a "Professional Service Contract" in accordance with the Local Public Contracts Law because the services to be rendered are professional services as therein defined; and
4. Copies of this Resolution shall be filed in the office of the Secretary of SMCMUA and in the respective offices of the Clerks of the Township of Hanover, the Township of Morris, the Town of Morristown and the Borough of Morris Plains, and notice of the award shall be printed once in the Daily Record in accordance with the Local Public Contracts Law.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023



MEMORANDUM

TO: SMCMUA Board

FROM: Sophia (Heng) Dyer, PE, Engineering Manager Dyer Digitally signed by
Sophia Dyer
Date: 2023.12.12
14:03:13 -05'00'

RE: Recommendation of Award – Professional Services in Connection with Redevelopment of Black Brook Well No. 1 and Black Brook Well No. 2

DATE: 12/12/23

CC: Drew Saskowitz, LOR, Executive Director
Charles Maggio, CMFO, QPA, Chief Financial Officer
Alexis Bozza, QPA, Executive Administrative Assistant

UHL and Associates, Inc. submitted a proposal for professional services in connection with the redevelopment of the existing Black Brook groundwater supply wells on 12/12/23.

Project Scope

The project scope includes technical assistance during design phase as well as construction administration and observation during the construction phase of the well redevelopment project.

Project Driver

The driver is to redevelop existing groundwater supply wells.

Proposal Review and Recommendation for Award

It is recommended that a contract be awarded to UHL and Associates, Inc. in the total not-to-exceed maximum amount of \$56,112.

The Treasurer has certified that sufficient funds are available in the 2023 Budget.

Description of Account	Account	Budget Year	Amount
T&P Wells Pumps Motors Etc	CAPITAL: 02-00-500-494	2023	\$56,112

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

The undersigned hereby certifies that the maximum amount of the contract to be awarded to UHL and Associates, Inc. for professional engineering services in connection with Black Brook Well No. 1 and Well No. 2 Redevelopment exceeds \$17,500.



CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

TREASURER'S CERTIFICATION

I hereby certify funds are available in the Budget for payment of a professional service contract with Dewberry for professional engineering services in connection with Black Brook Well No. 1 and Well No. 2 Redevelopment. The total maximum amount of this contract will not exceed \$56,112.00. This item will be charged to Capital Account No. 02-00-500-494 (T&P Wells Pumps Motors, Etc.).




CHARLES MAGGIO, Treasurer

Dated: December 21, 2023

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 152-23

RESOLUTION APPROVING CONNECTION AGREEMENT WITH HANOVER TOWNE CENTER LLC

WHEREAS, the Authority has received an application for water service from Hanover Towne Center LLC ("HTC") for a development known as Hanover Towne Center located at Block 4001, Lots 10-14, and Block 8803, Lot 17, in Hanover Township, New Jersey (the "Development"); and

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

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

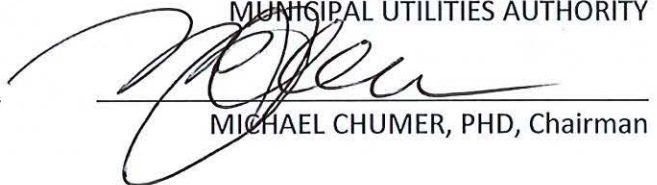
NOW THEREFORE, BE IT RESOLVED, by The Southeast Morris County Municipal Utilities Authority as follows:

1. The form of Connection Agreement annexed hereto as Exhibit "A" be and the same is hereby approved substantially in the form annexed hereto;
2. The Chairman or Vice Chairman and Secretary or Assistant Secretary be and the same are hereby authorized and directed to execute the aforementioned Connection Agreement, substantially in the form annexed hereto, on behalf of the Authority in the manner prescribed by law and By-Laws of the Authority.

ATTEST:


ALEXIS BOZZA, Assistant Secretary

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
Arthur Clarke, JD, CQM
Max Huber

Morris Township:
Michael Chumer, PhD
Matthew Loughman

Morris Plains:
Ralph R. Rotando
Patricia Webster

Hanover Township:
Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

WATER UTILITY CONNECTION AGREEMENT made this _____ day of December, 2023,
between:

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

HANOVER TOWNE CENTER, LLC, having its principal office at 80 South Jefferson Road, Suite 202, Whippany, NJ 07981, herein designated as the "Developer" or "Contractor".

WITNESSETH:

WHEREAS, the Developer has communicated a request to the SMCMUA for water service and a main extension to a development in the Township of Hanover, known as Hanover Towne Center and located at Block 4001, Lots 10-14, and Block 8803, Lot 17, known as (the "Project"); and

WHEREAS, the Plans that are the subject of this Project are included as Attachment A to this Agreement; and

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

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

1. The SMCMUA agrees to supply water service to the Project pursuant to the terms and conditions set forth herein.
2. The SMCMUA shall have the right to refuse to supply water until all requirements of this Agreement and the Rules and Regulations of the SMCMUA ("Tariff") are fully satisfied and all charges for water service, including Connection Fees, are paid.
3. The Developer shall comply with all applicable rules and regulations of the SMCMUA and all laws, ordinances, rules, regulations and orders of any other governmental agency or entity having jurisdiction.

4. Except for good cause, water service shall not be provided until the entire Project is completed and the Project's connection fee is received by the SMCMUA. In exceptional cases of extreme hardship, extenuating circumstances or other good cause, the SMCMUA may consider supplying water service to completed portions of a development provided that such service can be provided without any adverse effect on the SMCMUA's system or other users thereof. If service is provided to any portion of the Project, the Developer shall not be excused from its obligation to furnish and install the Water Facilities to the entire Project by reason of abandonment or other failure to complete the Project.
5. The Developer shall at its own expense furnish and install all water mains and necessary appurtenances ("Water Facilities"). All Water Facilities material, construction and installation shall comply with the current standards of the SMCMUA. The Developer agrees that all hydrants, valves, equipment, fittings and appurtenances shall be supplied by manufacturers approved in advance by the SMCMUA except where such specifications (ie: hydrant) shall be specific to an 'out-of-district' Municipality.
6. The Developer shall prepare and obtain at its expense any required road opening permits. The Developer shall submit copies of all permits approved by the respective agencies to the SMCMUA before beginning work. The Developer shall be responsible for excavation and maintenance of all road openings, restoration of the road and final pavement.
7. The Developer shall submit an application to the SMCMUA for all wet taps, cut-in connections and branch lines to existing mains and shall pay for the cost of such taps in accordance with the applicable schedule of service charges of the SMCMUA.
8. Pressure, disinfection and bacteriological tests of all new mains and services shall be conducted under the direction of and in the manner prescribed by the SMCMUA. No facilities shall be accepted by the SMCMUA prior to the satisfactory completion and approval of all such tests.
9. The Developer shall notify the SMCMUA at least five (5) working days in advance of the installation of any of the Water Facilities.
10. The Developer shall retain a licensed professional engineer to oversee the inspection work during construction of the water utilities. Upon completion of construction, the professional engineer shall execute a certification that the water utility was constructed in accordance with the approved plans.

11. Developer shall convey such easements and rights of way for the Water Facilities as may reasonably be required by the SMCMUA. Such easements and rights of way shall be in recordable form and shall be prepared or approved by counsel to the SMCMUA at Developer's expense. No construction shall commence until all required easements and rights of way are executed, recorded in the Morris County Clerk's Office and delivered to the SMCMUA.
12. All Water Facilities installed by the Developer shall become the property of the SMCMUA. Developer shall execute and deliver to the SMCMUA such bills of sale for the Water Facilities as may be requested by the SMCMUA.
13. Prior to the SMCMUA's acceptance of the Water Facilities installed hereunder, the Developer shall submit "As-Built" plans prepared by and certified by a licensed New Jersey professional engineer and land surveyor, which plans shall be subject to the approval by the SMCMUA's engineer and which shall show the location of the Water Facilities installed by the Developer.
14. Upon completion of all work to be performed by the Developer and acceptance of the Water Facilities by the SMCMUA, the Developer shall furnish a maintenance bond, to guaranty and secure the performance of any repairs or corrective work for a period of two (2) years from the date of acceptance. The amount of the maintenance bond shall not exceed 15% of the cost of the improvement as per N.J.S.A. 40:55D-53 and shall be provided by a surety company and on a form satisfactory to the SMCMUA and its legal counsel.
15. In the event of default by the Developer, the SMCMUA shall have such remedies as may be provided herein or as may be otherwise provided in law or at equity. Nothing herein shall preclude the SMCMUA from completing the work upon default by the Developer when necessary to protect the public health, safety and welfare. In such event, Developer shall be responsible for the full cost of such completion incurred or paid by the SMCMUA; provided the SMCMUA shall have no obligation to complete such work as permitted by this Section.
16. Upon execution of this Agreement by the Developer, the Developer shall submit the Water Main Extension Fee as outlined in the SMCMUA Fee Schedule.
17. The Developer understands that SMCMUA does not guaranty the supply of any uniform quality or quantity of water or to maintain any fixed pressure for fire protection or any other purpose. Developer agrees that SMCMUA will not be responsible or liable for any loss or damage sustained as a result of service interruption or irregularity due to accident, breakdown, emergency or from other causes beyond the control of the SMCMUA and hereby releases the SMCMUA from any such liability.

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

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

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

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

As required by SMCMUA during construction, all fire hydrants, with the exception of the hydrant utilized for temporary water as per an application filed with SMCMUA, shall be locked using SMCMUA installed locking devices.

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

WITNESS OR ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

By: _____

MICHAEL CHUMER, Chair

WITNESS OR ATTEST:

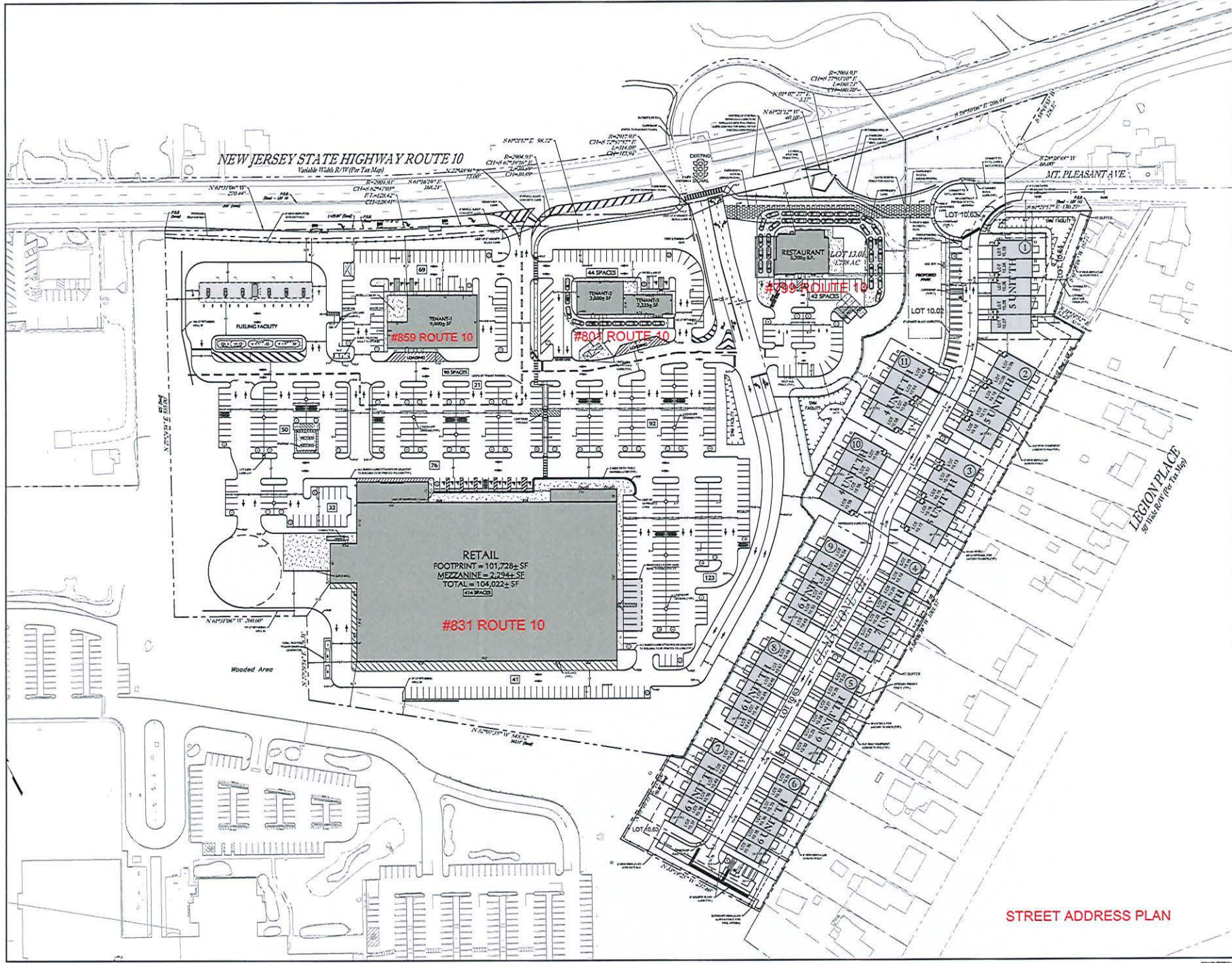
(APPLICANT)

By: _____

Print Name and Title

Print Name and Title

Attachment A: Preliminary Site Plan



ARNA Engineering Inc.
1456 Ferry Road, Suite 603
Doylesstown, PA 18901
T: 215.766.8200
F: 215.434.5280
NJ Certificate of Authorization: 246A0014290



0 10 20 30
SCALE IN FEET

Project:
HANOVER TOWNE CENTER - COMMERCIAL
BLOCK No. 401; LOTS 10, 11, 12, 13, 14 & BLOCK No. 402; LOT 17
TOWNSHIP OF HANOVER MORRIS COUNTY NEW JERSEY

Drawing Title:
SITE PLAN EXHIBIT

CHIRAG V. THAKKAR
PROFESSIONAL ENGINEER
NJ Lic. No. 2402681000

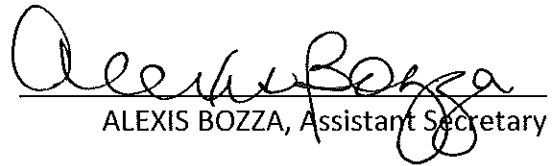
DATE	COMMENTS	NO.
REVISIONS		
Project No.	2200006801	
Date	10-20-2023	
Scale	1" = 50'	
Drawn By	CT	
Checked By	CT	
Drawing No.		

STREET ADDRESS PLAN

EX-SP

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023



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

Resolution No. 154-23

RESOLUTION APPOINTING A PUBLIC AGENCY COMPLIANCE OFFICER

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

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

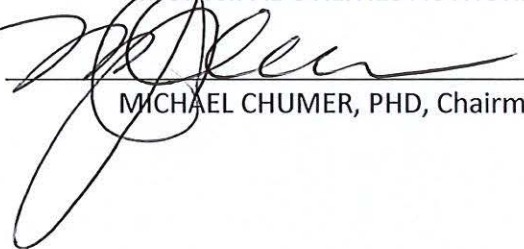
WHEREAS, The Southeast Morris County Municipal Utilities Authority is required to annually appoint a PACO by formal action of SMCMUA.

NOW THEREFORE BE IT RESOLVED by The Southeast Morris County Municipal Utilities Authority as follows that Alexis Bozza be and she is hereby appointed as the Public Agency Compliance Officer for SMCMUA for 2024 in accordance with N.J.A.C. 17:27-3.3, with all of the duties and responsibilities therein enumerated and provided by law.

ATTEST:

THE SOUTHEAST MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY


ALEXIS BOZZA, Assistant Secretary


MICHAEL CHUMER, PHD, Chairman

Dated: December 21, 2023

Board Members

Morristown:
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Max Huber

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Nathan Kiracofe, EIT
Nicola Marucci, PE

Executive Director: Drew Saskowitz

Chief Financial Officer: Charles Maggio, CMFO, QPA

STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF CONTRACT COMPLIANCE &
EQUAL EMPLOYMENT OPPORTUNITY
IN PUBLIC CONTRACTS

Designation of Public Agency Compliance Officer (P.A.C.O.)

The designated Public Agency Compliance Officer (P.A.C.O.) is:

Public Agency:	<u>Southeast Morris County MUA</u>	Telephone:	<u>973-326-6867</u>
Name:	<u>Alexis Bozza</u>	Fax:	<u>973-326-9521</u>
Title:	<u>Executive Administrative Assistant</u>	Email:	<u>abozza@smcmua.org</u>
Business Address:	<u>19 Saddle Road</u> <u>Cedar Knolls, NJ 07927</u>		

Current Highest Elected or Appointed Official: Michael Chumer, PhD, Board Chairman

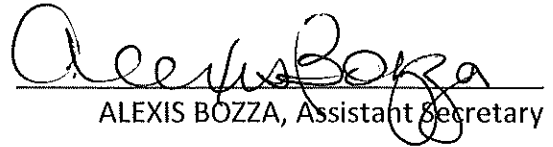
- No Person currently serving as the P.A.C.O.
- The P.A.C.O. will be appointed at the next Board/Council meeting. A copy of the resolution designating the appointee will be sent to the Division of Contract Compliance & Equal Opportunity in Public Contracts.
- Additional technical assistance is required.
- A copy of the resolution designating the appointee is attached.

Public Agency Official Signature: _____

Date: 12/21/23

CERTIFICATION

I hereby certify the foregoing to be a true copy of the resolution adopted by The Southeast Morris County Municipal Utilities Authority on December 21, 2023, at a meeting duly convened of the Authority.


ALEXIS BOZZA, Assistant Secretary

Dated: December 21, 2023