

**TOWNSHIP OF HILLSBOROUGH MUNICIPAL UTILITIES AUTHORITY
MEETING MINUTES
WEDNESDAY – FEBRUARY 22, 2023**

The Township of Hillsborough Municipal Utilities Authority held a scheduled meeting that began at approximately at 5:00 PM on Wednesday, February 22, 2023, with the following members present:

Michael Avolio
Robert Damiano
Robert McCray
Richard Nunn

Also present were Authority Executive Director Robert A. Hough, P.E., Peter Cipparulo, III, Esq., General Counsel.

Mr. Frank Scarantino was noted as absent.

Ms. Borek prepared these meeting minutes.

ANNOUNCEMENT – Open Public Meetings Act

Following the roll call, Chairman Avolio made the following announcement: In accordance with the provisions of the Open Public Meetings, Act, P.L 1975, c. 231, notice of this meeting was duly provided as part of the annual meeting notice on March 4, 2022, and a Meeting Time Change Notice for this meeting was duly provided and advertised in the Courier News on February 17, 2023.

PRESENTATION

2023 Public Officials Annual Risk Management Seminar was presented to the Board by Danskin Agency.

At 6 pm the Regular meeting commenced.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

November 22, 2022 Closed Session Minutes – a motion was made by Mr. Nunn, seconded by Mr. Damiano, all those present voted in favor.

December 14, 2022 Closed Session Minutes – a motion was made by Mr. Damiano, seconded by Mr. Nunn, all those present voted in favor.

January 25, 2023 Regular Meeting Minutes – a motion was made by Mr. Nunn, seconded by Mr. Damiano, all those present voted in favor with the exception of Mr. McCray, who abstained.

February 1, 2023 Reorganization Meeting Minutes – a motion was made by Mr. Damiano, seconded by Mr. Nunn, all those present voted in favor with the exception of Mr. McCray, who abstained.

BUSINESS FROM THE FLOOR

None at this time

CORRESPONDENCE

AEA Conference – March 14-15, 2023: Mr. Hough sent the agenda for the conference to the Board. Mr. Cipparulo inquired about attending on March 14th and reimbursement. The Board will reimburse him for attending.

MATTERS FOR CONSIDERATION

RESOLUTION #23-0222-1: Approving the 2021 Annual Audit and Authorizing the Preparation and Signing of the Group Affidavit

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended November 30, 2021 has been completed and filed with the Township of Hillsborough Municipal Utilities Authority pursuant to N.J.S.A. 40A:5A-15, and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled “General Comments” and “Recommendations”, and has evidenced same by group affidavit in the form prescribed by the Local Finance Board, and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled “General Comments” and “Recommendations” in accordance with N.J.S.A. 40A:5A-17,

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Hillsborough Municipal Utilities Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended November 30, 2021, and specifically has reviewed the sections of the audit report entitled “General Comments” and “Recommendations”, and has evidenced same by group affidavit in the form prescribed by the Local Finance Board:

BE IT FURTHER RESOLVED that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

A motion was made by Mr. Damiano, seconded by Mr. McCray and all present voted in favor of the above resolution.

RESOLUTION # 23-0222-2: Resolution of The Township of Hillsborough Municipal Utilities Authority Honoring and Recognizing Warren Elliott for His 36 Years of Service to The Township of Hillsborough Municipal Utilities Authority

WHEREAS, Warren Elliott has served The Township of Hillsborough Municipal Utilities Authority for 36 years, starting in April 1986 to February 2023; and

WHEREAS, Warren Elliott has served The Township of Hillsborough Municipal Utilities Authority with dedication, devotion, and distinction; and

WHEREAS, Warren Elliott has always represented The Township of Hillsborough Municipal Utilities Authority with the utmost professionalism, character, integrity, and personality; and

WHEREAS, Warren Elliott has provided The Township of Hillsborough Municipal Utilities Authority, with compassion, courtesy, and a “friendly smile”; and

WHEREAS, Warren Elliott has received numerous compliments and “words of thanks” from our customers, business affiliates, and fellow employees for his thoughtfulness throughout his career; and

WHEREAS, Warren Elliott has been a leader of our Infiltration and Inflow Reduction Program which was awarded a 2021 Wave Award in the Best Management Category by the Association of Environmental Authorities (AEA).

NOW THEREFORE BE IT RESOLVED, this 22nd day of February 2023 that Warren Elliott is hereby recognized and commended for 36 years of devoted service to The Township of Hillsborough Municipal Utilities Authority, its employees, and the citizens of The Township of Hillsborough; and

BE IT FURTHER RESOLVED that Warren Elliott be extended congratulations and heartfelt thanks from The Township of Hillsborough Municipal Utilities Authority Board Members and employees for his thoughtfulness and friendship; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be spread upon the minutes of The Township of Hillsborough Municipal Utilities Authority.

A motion was made by Mr. Nunn, seconded by Mr. Damiano and all present voted in favor of the above resolution.

RESOLUTION # 23-0222-3 – Resolution Authorizing an Addendum to the Existing Agreement with Gardner & Rosario LLC for Financial Accounting and Consulting Services

WHEREAS, there continues to exist a need for Financial Accounting and Consulting Services to The Township of Hillsborough Municipal Utilities Authority (TTHMUA); and

WHEREAS, Gardner & Rosario LLC was previously authorized by Resolution # 22-1122-3 to provide the sought-after services to TTHMUA in accordance with Gardner & Rosario LLC proposal dated November 22, 2022 in an amount not-to-exceed \$10,000.00; and

WHEREAS, Gardner & Rosario LLC has agreed to continue to provide the sought-after services to TTHMUA in accordance with Resolution # 22-1122-3 and Gardner & Rosario LLC proposal dated November 22, 2022; and

WHEREAS, the sought-after services to TTHMUA will require an increase in fees for an additional not-to-exceed amount of \$10,000.00; and

WHEREAS, funds are available for this purpose, and

WHEREAS, TTHMUA has a need to acquire these services and is subject to the profession exemption as defined by P.L. 2004, c.19, the “Local Unit Pay-to-Play Law” and in connection therewith, Gardner & Rosario LLC has completed and filed with TTHMUA the required Campaign Contributions Affidavit pursuant to N.J.S.A. 19:44A-20.8, Certification Regarding Political Contributions pursuant to N.J.S.A. 19:44A-20.26 and TTHMUA’s “Pay-to-Play Forms”; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), authorizes TTHMUA to award this agreement as a Professional Services Agreement, without public bidding.

NOW, THEREFORE, BE IT RESOLVED by The Township of Hillsborough Municipal Utilities Authority as follows:

1. The Chairman and Executive Director be and they are hereby authorized and directed to execute an addendum in the additional not-to-exceed amount of \$10,000.00 to the original agreement dated November 22, 2022 and filed with the Executive Director of the Authority between the Authority and Gardner & Rosario LLC beginning upon authorization.
2. The amended agreement is awarded without competitive bidding as a Professional Services Agreement as authorized under N.J.S.A. 40A:11-5(1)(a)(i).

3. The agreement shall terminate when the above-referenced services are no longer needed.
4. A copy of this resolution, the “Pay-to-Play Forms and the original and amended agreements shall be kept on file in the offices of TTHMUA.
5. A notice of this action shall be published in the Courier News and Hillsborough Beacon in accordance with the provisions of the Local Public Contracts Law.

A motion was made by Mr. Nunn, seconded by Mr. Damiano and all present voted in favor of the above resolution.

RESOLUTION # 23-0222-4 – Resolution of The Township of Hillsborough Municipal Utilities Authority (TTHMUA) Authorizing a Contract with Sterling DiSanto & Associates for Real Estate Valuation and Appraisal Services for Various Properties Located in the Township of Hillsborough in the Amount of \$14,000.00

WHEREAS, the Township of Hillsborough Municipal Utilities Authority (“TTHMUA”) requires real estate valuation and appraisal services in anticipation of possible easements for underground sanitary sewer lines on properties located at Block 71, Lot 6 (2160 Camplain Road); Block 81, Lot 2 (2151 Camplain Road); Block 77, Lot 4.01 (2161 Camplain Road); Block 78, Lot 3.02 (Taylor Street); Block 79, Lot 3 (Sunnymead Road); Block 116, Lot 10.01 (2194 Jackson Street) and Block 117, Lot 3 (40 Sunnymead Road) in the Township of Hillsborough; and

WHEREAS, TTHMUA has received a proposal from Sterling DiSanto & Associates, 145 West End Avenue, Somerville, NJ 08876 (“Sterling”), in the amount of \$14,000 for real estate valuation and appraisal services for the properties with any additional work outside of the Scope of Work to be billed at a hourly rate of \$250 per hour; and

WHEREAS, TTHMUA wishes to enter into a contract with Sterling for real estate valuation and appraisal services; and

WHEREAS, in accordance with N.J.S.A. 5:30-5.4(a)(3), TTHMUA certifies the availability of funds to cover the maximum dollar value of the pending contract as set forth in the Resolution.

NOW THEREFORE BE IT RESOLVED by The Township of Hillsborough Municipal Utilities Authority (TTHMUA) as follows:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Board Members of the Township of Hillsborough Municipal Utilities Authority do hereby authorize the proposal submitted by Sterling DiSanto & Associates, attached hereto and incorporated herein, for the provision of the required real estate valuation and appraisal services in connection with above-referenced properties in the Township of Hillsborough,

for the total amount of \$14,000.00, with delivery of the reports within 4 to 6 weeks from the notice to proceed.

3. TTHMUA's Executive Director and Chairman of TTHMUA be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
4. TTHMUA shall publish a notice of this contract pursuant to the Local Public Contracts Law.
5. A copy of this Resolution shall be sent to:
 - a) Russell K. Sterling, MAI, AI-GRS, CRE of Sterling DiSanto & Associates
 - b) Peter Cipparulo, General Counsel
 - c) John A. Napolitano, Esq., Special Counsel

A motion was made by Mr. Damiano, seconded by Mr. McCray and all present voted in favor of the above resolution.

Mr. Damiano inquired if the property owner has to permit the appraiser on the property. Mr. Hough advised yes, the property owner can refuse and it was further clarified that the appraisal would be for the existing easement as well as the proposed new one.

DISCUSSION / POSSIBLE MATTERS FOR CONSIDERATION

Remnants of Hurricane Ida – TTHMUA Impacts / Update on FEMA / Insurance Claims

▪ Sunnymead Pump Station

Mr. Hough reported that everything has been submitted to FEMA for processing regarding the generator and the pump station.

Sunnymead Pump Station and Force Main Project

○ New Generator / ATS Installation

▪ Installation / Electrical Work Status

The generator is on the stand and the electrician is ready to hook it up. Mr. Nunn inquired as to what would be the worst case scenario or any other concerns? Mr. Hough stated that there remains concern if the generator falls. He asked the Board what is their position on getting it hooked up? The consensus of the Board is to have the generator hooked up but to get insurance involved for liability purposes. Mr. Nunn advised that the timeframe to obtain the coverage would be needed then the hookup should be scheduled, once coverage is obtained.

○ Design / Easement Update

▪ Permit Update

▪ Easement Update

○ Copart Update

○ Green Acres Update

○ Norfolk Southern Railway Company Agreement

- Santos Property
 - Issues with proposed realignment
- Flow meter installation
 - Pump station design flows
- NJDEP Water Bank Financing Program
 - Status / Update
 - Report on Bond Counsel's Review of Rate Impacts
- Mott MacDonald Value Engineering / Peer Review
 - Concrete Testing - Update / Status
 - Request for Additional Fees for Initial Report / Meetings

Mr. Hough reported that the concrete testing of the platform has been completed. Mr. Damiano inquired about core testing. Mr. Hough stated that yes, core testing will still be done. Pricing will be obtained and a proposal provided for two (2) core tests. Further discussion ensued regarding the location of the core testing. Mr. Hough will call for a quote. Mr. Nunn asked for the carrying cost amount in dollars for new station versus the rehabilitation, and even if a rehabilitation is possible at this point. Mr. Hough informed the Board that the report is being sent to VNHA for review. Mr. Nunn advised that if the core testing comes back unacceptable, do not send the report to VNHA.

Blackwell's Mills Pump Station Replacement (TTHMUA Contract No. 51)

- Project Status
 - Construction Update

Mr. Hough reported that construction start up is scheduled for the week of March 6th.

RESOLUTION # 22-0222-5 – Resolution Authorizing the Award of a Contract to GenServe via the Morris County Cooperative Pricing Council for the Purchase and Installation of a New Generator for Temporary Use at Blackwell's Mill Pump Station and then Permanent Use at the Mulford Pump Station Pump Station in the Amount of \$51,496.00

WHEREAS, the Staff of the Township of Hillsborough Municipal Utilities Authority (TTHMUA) recommends that a new generator be purchased and used temporarily at the Blackwell's Mill Pump Station (until the new generator ordered under the reconstruction contract is delivered) and then moved to the Mulford Pump Station for permanent use; and

WHEREAS, the Morris County Cooperative Pricing Council (MCCPC) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, TTHMUA is a member of the MCCPC; and

WHEREAS, TTHMUA has researched vendors that would achieve TTHMUA's goals and determined that the sought-after equipment and labor may be procured through an accepted cooperative purchasing contract, MCCPC Contract #46, in effect until June 30, 2023 between MCCPC and GenServe; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, consistent with the MCCPC cooperative purchasing contract and the needs of TTHMUA, GenServe has submitted a specific quotation, Quote # Q-05399, to provide a new emergency generator and required labor to install and test said equipment for use by TTHMUA for the sum of \$51,496.00.

NOW THEREFORE BE IT RESOLVED by The Township of Hillsborough Municipal Utilities Authority (TTHMUA) as follows:

1. The foregoing “WHEREAS” clauses are hereby incorporated as if fully restated.
2. A purchase order for a new emergency generator and required labor to install and test said equipment for use by TTHMUA in the amount of \$51,496.00 is hereby awarded to GenServe without public bidding as permitted by law.
3. TTHMUA Chairman and Executive Director are hereby authorized and directed to execute that appropriate purchase order with GenServe pursuant to the terms and conditions of the cooperative purchasing contract with GenServe.
4. This Resolution shall take effect immediately upon final passage according to law.

A motion was made by Mr. Nunn, seconded by Mr. Damiano and all present voted in favor of the above resolution.

Rehabilitation of Route 206 Gravity Sanitary Sewer Laterals (TTHMUA Contract No. 52)

- **Project Status**
 - **Project Closeout Status**
 - **Final NJDOT Inspections Completed / Acceptable**

The Authority is awaiting the final documents for the closeout.

Mulford Lane Pump Station Replacement (TTHMUA Contract No. 53)

- **Submission of Somerset County American Recovery Plan Application**
- **Project Status**
 - **Design work update**

The project meeting is scheduled for next week.

Rehabilitation of Sanitary Sewer Mains (TTHMUA Contract No. 54)

- **Project Status – Request Engineering Proposals**

Proposals are going out.

Inflow / Infiltration (I/I) Reduction / Removal Program

- **Status of Sewer System Flow Monitoring by Flow Assessments**
- **Data Received and Being Reviewed**

This will be for the March meeting.

Borough of Millstone Sanitary Sewer Connection

- **Project / Design Status**

Rules and Regulations of the Township of Hillsborough Municipal Utilities Authority

- **Review of Current Rules and Regulations**

RESOLUTION #23-0222-6 - Resolution Approving Amendments to the Rules and Regulations of The Township of Hillsborough Municipal Utilities Authority (TTHMUA)

WHEREAS, The Township of Hillsborough Municipal Utilities Authority (THMUA) has determined upon examination of its existing Rules and Regulations that it shall codify its existing practices as follows to include:

Article 3 shall be amended by adding Article 3.8 as follows:

3.8 “The property owner, commercial owner, and/or developer (“owner/developer”) shall not be entitled to nor shall they receive credit, reimbursement or payment for subsequent connection fees paid to The Hillsborough Municipal Utilities Authority for hookups or connection to the improvements installed by owner / developer including and / or any service areas utilizing any portion of the improvements.”

Article 5 shall be amended as follows:

5.3 The fine for a violation shall be increased from “\$50.00” to “\$500.00.”

Article 6.1.1 shall be amended by adding as follows:

6.1.1 “Under no circumstance will TTHMUA allow any entity to tap into an existing high pressure line.”

Article 6.3 shall be amended by adding as follows:

6.3 “Low pressure laterals shall belong to the property owner in their entirety including the public right of way;

NOW, THEREFORE, BE IT RESOLVED by The Township of Hillsborough Municipal Utilities Authority that the Rules and Regulations are amended to include the amendments as set forth above.

A motion was made by Mr. Nunn, seconded by Mr. Damiano and all present voted in favor of the above resolution.

Easement Maintenance

- **Status Update**

Attorney Cipparulo inquired about the easements and if there is an inventory. Mr. Hough advised that there a summary which he will provide to Attorney Cipparulo.

2022 Facilities Plan Update

- **Project Status**

2022 Summary (Last revised February 17, 2023) of Will Serve Letters – For Informational Purposes Only

- **No new projects added**

2022 Summary (Last revised February 17, 2023) of Sewer Connection Approvals – For Informational Purposes Only

- **No new projects added**

Mr. Nunn asked Mr. Hough to provide a listing of the bank accounts and the balances for the next meeting.

COMMITTEE REPORTS

Engineering / Facilities – No report at this time.

Finance – Mr. Hough distributed documents to the Board.

I/I and GIS – No report at this time.

Personnel – No report at this time.

CLAIMS LIST

- **Operating Fund** \$1,389,821.68
- **General Fund** \$629,296.81

Motion to approve claims lists was made by Mr. Damiano, seconded by Mr. McCray and all those present voted in favor.

ADJOURNMENT

Motion to adjourn was made at 7:08 pm by Mr. Damiano, seconded by Mr. Nunn and the meeting adjourned.