

**MINUTES
HARDYSTON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
October 2, 2023**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, October 2, 2023 at 7:00 p.m., at the Municipal Building located at 149 Wheatsworth Road.

After salute to the flag, Mr. Cicerale stated compliance with the Open Public Meetings Act.

Members Present: Mr. Frank Cicerale, Mr. Ellis Marples, Mr. Mike O’Grady, Mr. Robert Codner, Mr. Dave Van Ginneken,

Members Absent: Mr. Brian Kaminski and Mr. George Wortche.

Also present: Mrs. Carrine Kaufer, Mr. Mike Vreeland, and Mr. Ryan Scerbo.

Minutes: A **MOTION** was made by Codner seconded by Marples to approve the minutes of the August 7, 2023 meeting. In favor, Cicerale, Marples, Codner, Van Ginneken, O’ Grady Abstain

OLD BUSINESS: Indian Field

Phase II As-Built Plans-Mr. Vreeland reported he is still waiting on the surveyor to send the draft set of As-Built plans by the end of October

OLD BUSINESS: Crystal Springs

Shotmeyer Tract/ Bypass-Nothing new to report.

Operational Considerations / Metering / Strategic Planning:

Conversion to a Meter Based Billing System – Nothing further to report.

Fixed Assets/Developer Conveyance – Nothing further to report.

NEW BUSINESS:

- A. A **MOTION** was made by Codner and seconded by O’ Grady Resolution authorizing a retainer agreement with the law firm of Kevin Madonna, PLLC to investigate and assess potential claims against various defendants related to PFAS contamination affecting Hardyston Township Municipal Utilities Authority’s wells to provide legal representation in any civil action as may be filed on behalf of the Authority. In favor: Cicerale, Marples, Codner.

RESOLUTION AUTHORIZING A RETAINER AGREEMENT WITH THE LAW FIRM OF KEVIN MADONNA, PLLC TO INVESTIGATE AND ASSESS POTENTIAL CLAIMS AGAINST VARIOUS DEFENDANTS RELATED TO PFAS CONTAMINATION AFFECTING HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY'S WELLS TO PROVIDE LEGAL REPRESENTATION IN ANY CIVIL ACTION AS MAY BE FILED ON BEHALF OF THE AUTHORITY

WHEREAS, the Hardyston Township Municipal Utilities Authority (the "Authority") owns and operates a potable water supply, treatment, storage and distribution system servicing the residents of Hardyston Township (the "System"); and

WHEREAS, the Authority is committed to delivering clean drinking water to its customers, and is also committed to identifying responsible parties whose actions impair the water quality and taking reasonable steps to avoid passing on the costs to its customers for the treatment and remediation of contamination in its drinking water supplies; and

WHEREAS, the Law Office of Kevin Madonna, PLLC (the "Firm") engages with a team of attorneys (collectively, the "Team") to assist public entities facing the challenges posed by contamination with per- and polyfluoroalkyl substances ("PFAS"); and

WHEREAS, the Team is comprised of attorneys with experience both in PFAS litigation and in the representation of public entities and water suppliers in cases involving groundwater and property contamination; and

WHEREAS, the Team represents various public entities in the State of New Jersey and across the nation in multi-district litigation against various defendants related to PFAS contamination; and

WHEREAS, the Firm has offered to provide representation to the Authority on a contingency basis, and to be responsible for all pre-litigation investigations costs and fees pursuant to a Retainer Agreement attached hereto as **Exhibit A**,

NOW, THEREFORE, BE IT RESOLVED by the Board of the Hardyston Township Municipal Utilities Authority as follows:

1. The aforesaid recitals are incorporated herein as if set forth at length;
2. The Retainer Agreement with the Firm is hereby authorized subject to the following:
 - a. Receipt from the Firm of a Business Entity Disclosure Form pursuant to N.J.S.A. 19:44A-20.8;
 - b. Receipt from the Firm of a Political Contributions Disclosure Statement pursuant to P.L. 2005, c. 271; and
 - c. Receipt from the Firm of its Business Registration Certificate pursuant to N.J.S.A. 52:32-44;

3. Subject to receipt of the items listed in paragraph 2, above, the Administrator is hereby authorized and directed to execute the Retainer Agreement with the Firm.

B. A MOTION was made by Codner and seconded by O’Grady to adopt Resolution Authorizing the Purchase of a Natural Gas Generator Through the Sourcewell Purchasing Cooperative with Cummins a Contract Participant Pursuant to Contract Number 092222-CMM and Ratifying the Execution of the Sourcewell Cooperative Purchasing Program Participation Agreement In favor: Cicerale, O’Grady, Marples, Codner.

RESOLUTION AUTHORIZING THE PURCHASE OF NATURAL GAS GENERATOR THROUGH THE SOURCEWELL PURCHASING COOPERATIVE WITH CUMMINS A CONTRACT PARTICIPANT PURSUANT TO CONTRACT NUMBER 092222-CMM AND RATIFYING THE EXECUTION OF THE SOURCEWELL COOPERATIVE PURCHASING PROGRAM PARTICIPATION AGREEMENT

WHEREAS, the Hardyston Township Municipal Utilities Authority (the “Authority”) owns and operates a potable water supply, treatment and distribution system and a wastewater conveyance system servicing the residents of Hardyston Township (the “Systems”); and

WHEREAS, the Systems includes certain generators, including one located in the Indian Fields (the “Indian Fields Generator”); and

WHEREAS, the Indian Fields Generator is in need of replacement; and

WHEREAS, the Authority desires to become a member of the Sourcewell Cooperative Purchasing Program (“Sourcewell”) to obtain a new generator to replace the Indian Fields Generator; and

WHEREAS, Cummins, located at 500 Jackson Street, Box 3005, Columbus, IN 47201 (“Contractor”) has been awarded a Contract No. 092222-CMM by Sourcewell to provide generators to Sourcewell members; and

WHEREAS, the Authority desires to enter into a contract with the Contractor to provide a new generator to replace the Indian Fields Generator for an amount not to exceed twenty-five thousand five hundred twenty-one dollars and seventy-three cents (\$25,521.73) as noted in the information attached hereto as **Exhibit A**; and

WHEREAS, the Authority has the funds necessary for this contract; and

NOW, THEREFORE, BE IT RESOLVED by the Board of the Hardyston Township Municipal Utilities Authority as follows:

1. That the Board of Commissioners ratifies the Administrator’s execution of a Sourcewell Participation Agreement.
2. That the Authority’s award of a contract to Cummins, Inc., in an amount not to exceed twenty-five thousand five hundred twenty-one dollars and seventy-three cents (\$25,521.73) pursuant to Sourcewell Contract No. 092222-CMM.

C. A MOTION was made by Marples and seconded by O’Grady to authorize the solicitation of bids for additional cellular carriers to locate on HTMUA properties. In favor Cicerale, Marples, O’Grady, Codner, and VanGinneken

PAYMENT OF BILLS:

A MOTION was made by Cicerale and seconded by Marples to pay the bills, as per the bills lists for October 2, 2023. In favor: Cicerale, O’Grady, Marples, Codner, and VanGinneken.

CORRESPONDENCE:

A MOTION was made by O’Grady and seconded by Marples to accept the correspondence. In favor: Cicerale, O’Grady, Marples, Codner, and VanGinneken.

OFFICER’S REPORTS: Nothing further to report.

PROFESSIONAL’S REPORTS:

Administrator – Nothing further to report.

Operator – Not present.

Billing Clerk – Discussed upcoming tax sale and properties subject to sale for prior year charges.

CFO – Not present.

Accountant – Nothing further to report.

Attorney – Nothing further to report.

Engineer – Nothing further to report.

OPEN PUBLIC PORTION:

The meeting was opened to the public.

As there were no members of the public present, the meeting was closed to the public.

Having no further business, **A MOTION** was made by Cicerale to adjourn. All were in favor. The meeting concluded at 7:30 p.m.

Respectfully submitted,

Nicole Niebuhr

Recording Secretary