

**MINUTES
HARDYSTON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
November 6, 2023**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, November 6, 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. Brian Kaminski, Mr. Ellis Marples, Mr. Mike O’Grady, Mr. Robert Codner, Mr. George Wortche.

Members Absent: Mr. Dave Van Ginneken,

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 October 2, 2023 meeting. In favor, Cicerale, Kaminski, Marples, O’ Grady, and Codner.

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. Discussion was had by my members of the board regarding the delay and Mr. Scerbo was directed to send a letter to enforce a timeline for the deliverables.

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 – Mr. Vreeland reported that the operator has been locating the clean-outs and shut-offs and about 50% have been geolocated.

Indian Fields Well 3# - Mr. Vreeland discussed that the 2nd round of sampling results were received. Well 1 was found to be at risk for under the influence of surface water. The results were submitted to the NJDEP and we are awaiting a conference to call to get feedback and discuss next steps. The operator is preparing to do a 3rd round of sampling to coincide with a peak weather event.

NEW BUSINESS:

- a. A **MOTION** was made by O’Grady and seconded by Codner to adopt a Resolution of the Hardyston Township Municipal Utilities Authority Ratifying the Execution of an Indemnification Agreement with Veolia Water New Jersey, LLC In favor: Cicerale, Kaminski, Marples, O’Grady, and Codner.

RATIFYING THE EXECUTION OF AN INDEMNIFICATION AGREEMENT WITH VEOLIA WATER NEW JERSEY LLC

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

WHEREAS, the Authority authorized the issuance of a Request for Bids (“RFB”) for the sale of its Systems and received two bids in response thereto, one being from Veolia Water New Jersey LLC (“Veolia”); and

WHEREAS, the Authority has received an Open Public Records Act Request (“OPRA”) for copies of the bids received in response to the RFB; and

WHEREAS, Veolia has requested that certain parts of its Bid be redacted when responding to the OPRA request; and

WHEREAS, OPRA allows for certain information to redacted and certain consequences for the redaction or withholding of information that should otherwise be released under OPRA; and

WHEREAS, the Authority believes that Veolia’s redaction requests are reasonable but has asked that Veolia indemnify the Authority in the event that it is determined that the redactions are in violation of OPRA; and

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

1. That the Board hereby ratifies the Administrator’s execution of an indemnification agreement by and between the Authority and Veolia addressing the redaction of the Veolia bid in response to any OPRA requests that may be submitted seeking a copy of said bid, a copy of said agreement is attached hereto as **Exhibit A**.
2. That this Resolution shall take effect upon adoption.

- b. **A MOTION** was made by Kaminski and seconded by O’Grady to adopt a Resolution Authorizing the Execution of a Third-Party Energy Supply Contract with Direct Energy In favor: Cicerale, Kaminski, O’Grady, Marples, and Codner.

RATIFYING THE EXECUTION OF A THIRD-PARTY ENERGY SUPPLY CONTRACT WITH DIRECT ENERGY BUSINESS, LLC AND NRG BUSINESS MARKETING, LLC

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

WHEREAS, the Hardyston Township undertook a request for bids process on behalf of the Township and the Authority to obtain bids for third-party energy supply; and

WHEREAS, the Township selected team of Direct Energy Business, LLC/NRG Business Marketing, LLC to provide third-party energy services for a 24-month period; and

WHEREAS, due to the volatile nature of energy pricing, it was necessary for the Township and the Authority to execute a third-party energy supply contract shortly after receiving bids; and

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

1. That the Board hereby ratifies the Administrator’s execution of a third-party energy supply contract with Direct Energy Business, LLC for a period of 24 months, a copy of said agreement is attached hereto as **Exhibit A**.
2. That this Resolution shall take effect upon adoption.

PAYMENT OF BILLS:

A MOTION was made by Kaminski and seconded by O’Grady to pay the bills, as per the bills lists for November 6, 2023. In favor: Cicerale, Kaminski, Marples, O’Grady and Codner.

CORRESPONDENCE:

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

OFFICER’S REPORTS: Nothing further to report.

PROFESSIONAL’S REPORTS:

Administrator – Nothing further to report.

Operator – Not present.

Billing Clerk – Nothing further to report.

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 7:38 p.m.

Respectfully submitted,
Nicole Niebuhr
Recording Secretary