

**MINUTES
HARDYSTON TOWNSHIP
MUNICIPAL UTILITIES AUTHORITY
November 2, 2020**

The meeting of the Hardyston Township Municipal Utilities Authority was held on Monday, November 2, 2020 at 7:00 p.m., at the Municipal Building located at 149 Wheatsworth Road. Members present were Mr. Cicerale, Mr. Kula, Mr. Kaminski, Mr. Bazelewich, and via conference call, Mr. O’Grady and Ms. Van Allen. Also present were Carrine Kaufer and Mike Vreeland.

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

MINUTES: A MOTION was made by O’Grady, seconded by Kaminski to approve the minutes of the September 14, 2020 meeting. In favor, Cicerale, Kula, Kaminski, O’Grady, Van Allen and Bazelewich. October meeting was cancelled.

OLD BUSINESS:

Indian Field -

Phase II As-Built Plans – Nothing new to report

Phase III Conveyance – Nothing new to report

Bonds – Nothing new to report

Crystal Springs -

Shotmeyer Tract/ Bypass –Nothing new to report.

Irrigation – Nothing new to report.

Operational Considerations – Nothing new to report.

NEW BUSINESS:

- A. A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AUTHORIZING A WAIVER OF LIEN ENFORCEMENT FOR DELIQUENT WATER AND SEWER PAYMENT DURING EMERGENCY CIRCUMSTANCES**

A MOTION was made by O'Grady and seconded by Kula. In favor, Cicerale, Kula, Kaminski, O'Grady and Van Allen.

HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AUTHORIZING A WAIVER OF LIEN ENFORCEMENT FOR DELINQUENT WATER AND SEWER PAYMENTS DURING EMERGENCYCIRCUMSTANCES

WHEREAS, the Governor signed P.L. 2020, c. 39 into law on June 19, 2020 allowing municipal utilities authorities the discretion to delay enforcement measures on delinquent water and sewer payments when the Governor has declared a state of emergency or public health emergency (the "Law"); and

WHEREAS, the Authority wishes to utilize the Law to assist its customers during Governor-declared emergencies and health emergencies, such as the current Governor-declared emergency related to the Covid-19 pandemic; and

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

1. The Administrator is hereby authorized and directed to waive enforcement of lien enforcement measures during a Governor-declared state of emergency or health emergency affecting the Authority's customers for so long as the emergency or health emergency exists and for a period of 90 days after the emergency or health emergency has been terminated.
2. The Administrator is hereby authorized and directed to implement the waiver of lien enforcement immediately during the current Covid-19 pandemic Governor-declared health emergency.
3. The Administrator is hereby authorized and directed to provide written notification of the Authority's waiver of lien enforcement for 2020 to the Township's tax collector.

BE IT FURTHER RESOLVED that this Resolution of the Authority shall take effect immediately.

B. A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY ADOPTING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT MADE DURING A REMOTE PUBLIC MEETING AS WELL AS FOR PUBLIC COMMENTS SUBMITTED IN WRITING AHEAD OF A REMOTE PUBLIC

A MOTION was made by Kaminski and seconded by Bazelewich. In favor, Cicerale, Kula, Kaminski, O’Grady Van Allen and Bazelewich.

HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY ADOPTING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT MADE DURING A REMOTE PUBLIC MEETING AS WELL AS FOR PUBLIC COMMENTS SUBMITTED IN WRITING AHEAD OF A REMOTE PUBLIC MEETING

WHEREAS, the Hardyston Township Municipal Utilities Authority (the “Authority”) constitutes a public body pursuant to the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 to -20, and, as such, it is required to provide adequate notice of its meetings and activities in the manner provided in N.J.S.A. 10:4-8(d); and

WHEREAS, the Legislature authorized the Director of the Division of Local Government Services, pursuant to P.L. 2020, c.34, to promulgate regulations establishing standard protocols for remote public meetings held by a local public body during a Governor-declared emergency such as the Covid-19 pandemic; and

WHEREAS, the Director of the Division of Local Government Services promulgated emergency regulations codified as N.J.A.C. 5:39-1.1 through 1.7 in accordance with P.L. 2020, c.34; and

WHEREAS, the Authority is a local public body subject to the emergency regulations; and

WHEREAS, the emergency regulations set forth that a local public body shall adopt by resolution standard procedures and requirements for public comment made during a remote public meeting as well as for public comments submitted in writing ahead of the remote public meeting,

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

1. The following procedures are hereby adopted for public comments at remote public meetings:

- a. Public comment shall be allowed at a remote public meeting, by audio, or by audio and video (if the meeting is held with audio and video).
- b. The public shall be advised at the beginning of a remote public meeting that the meeting is being recorded.
- c. The Authority may require members of the public to state, prior to providing public comment, whether they wish to speak and to identify themselves prior to speaking.
- d. In advance of a remote public meeting, the Authority shall allow public comments to be submitted to the Administrator by email and in written letter form by a reasonable deadline set forth on the meeting notice. Such comments shall be read aloud and addressed during the remote meeting in a manner audible to all meeting participants and the public. If time limits are imposed on public comments made during the meeting, the same time limit may be placed on the reading of written comments; in which case, comments must be read from the beginning until the time limit is reached. Duplicate comments may be skipped but noted for the record with the content summarized; however, all duplicative comments shall be treated the same, i.e., certain duplicative comments cannot be summarized while others are read in their entirety.
- e. The Authority has the discretion to accept text-based public comment received during a remote public hearing held through an electronic communications platform or Internet-accessible technology.
- f. Capacity in a remote public meeting “room” will be consistent with the reasonable expectation of the Authority for public meetings of the type being held, but not fewer than 50 participants.
- g. The Authority shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology.
- h. If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Administrator shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking

during the remote public meeting or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

- i. A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting or removed from the remote public meeting.
 - j. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting.
2. The Administrator is he hereby authorized and directed to take all actions necessary to satisfy the requirements of the Open Public Meetings Act and the Emergency Regulations codified as N.J.A.C. 5:39-1.1 through 1.7 in accordance with P.L. 2020, c.34; and

BE IT FURTHER RESOLVED that this Resolution of the Authority shall take effect immediately.

C. A RESOLUTION OF THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AUTHORIZING AND CONFIRMING THE PERFORMANCE OF EMERGENCY SERVICES IN ACCORDANCE WITH N.J.S.A. 40A:11-6

A MOTION was made by Kaminski and seconded by O’Grady. In favor, Cicerale, Kula, Kaminski, O’Grady, Van Allen and Bazelewich.

**HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY
A RESOLUTION OF THE
HARDYSTON TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY AUTHORIZING AND CONFIRMING THE
PERFORMANCE OF EMERGENCY SERVICES IN
ACCORDANCE WITH N.J.S.A. 40A:11-6**

WHEREAS, N.J.S.A. 40A:11-6 authorizes the award of a contract where emergency circumstances dictate the need for immediate action to prevent harm to the public health, safety and welfare; and

WHEREAS, on July 7, 2020 a routine sample collected at the Meadow Pond sampling station yielded a positive test result for coliform and E-coli; and

WHEREAS, the Authority collected raw water samples from Well 3 and Well 4 on July 9, 2020 in an attempt to identify the source of the positive test results; and

WHEREAS, the results of the July 9, 2020, and subsequent samples from July 11, 2020, confirmed that the source of the coliform and E-coli was Well 3; and

WHEREAS, while the Authority investigated and addressed the source of the E-coli at Well 3, Well 3 was taken off-line; and

WHEREAS, with Well 3 off-line, the Authority relied on Well 1 and Well 4 to service its customers; and

WHEREAS, the pump in Well 1 was not operating correctly and required replacement; and

WHEREAS, having both Well 1 and Well 4 operating when Well 3 is off-line is necessary to ensure the safe and efficient operation of the Authority water supply system; and

WHEREAS, the Authority authorized Sam Stothoff Co., Inc., the company the Authority retained to address repairs needed at Well 3, to also replace the pump in Well 1 (“Repair Work”); and

WHEREAS, the Authority is satisfied that an emergency existed requiring the authorization of services to remedy the situation as provided by law; and

NOW, THEREFORE, BE IT RESOLVED by the Hardyston Township Municipal Utilities Authority in the County of Sussex in the State of New Jersey on this 2nd day of November 2020 as follows:

1. That the Authority’s Billing Specialist is authorized and directed to provide payment to Sam Stothoff Co., Inc. in connection with the Repair Work in the amounts set forth in the invoices attached hereto and made a part hereof as **Exhibit A**.
2. This Resolution shall take effect immediately.

PAYMENT OF BILLS:

A MOTION was made by Kula and seconded by Kaminski to pay the bills as per the bill lists of October 5, 2020 and November 2, 2020. In favor: Cicerale, Kula, Kaminski, O’Grady, Van Allen and Bazelewich.

CORRESPONDENCE:

There was no correspondence

OFFICERS’ REPORTS

Nothing to report

PROFESSIONALS' REPORTS

Administrator – nothing further

Operator – not present

Billing Clerk – nothing further

CFO – not present

Accountant – not present

Attorney – not present

Engineer – nothing further

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.

There being no further business, A MOTION was made by Kaminski to adjourn, meeting adjourned.

Respectfully submitted,

Patty Egan

Recording Secretary