

MINUTES OF SPECIAL MEETING

JUNE 29, 2023

The Special Meeting of the Morris County Municipal Utilities Authority was held on June 29, 2023 at 11:00 a.m. in the First Floor Conference Room at the MCMUA Offices located at 214A Center Grove Road, Randolph, New Jersey as well as remotely using conference call software.

Chairman Guadagno called the meeting to order and read the following:

In accordance with the Open Public Meetings Act, notice of the location, date and time of this meeting was made by posting on the MCMUA website, the Morris County Clerk's bulletin board and the officially designated newspapers for the MCMUA. The meeting may be attended in person or through remote communication in conformance with the directives of the State of New Jersey. Additional notice regarding remote public access is provided at the MCMUA entrance, on its website and in the Daily Record.

The purpose of the meeting was to consider the following Agenda item:

- A. Closed session to discuss pending litigation re: Aqueous Film-Forming Foams Product Liability Litigation, MDL No. 2:18-MN-2873-RMG in the United States District Court for the District of South Carolina, Charleston Division and contract negotiations of professional services agreements for potential retention of special legal counsel to represent the MCMUA in said litigation.
- B. Open Session for public comment.
- C. Resolution No. 2023-054
Resolution Authorizing Professional Services Agreement Between The Morris County Municipal Utilities Authority And The Law Firm (To be determined)
As Special Counsel In the Matter Entitled Litigation Re: Aqueous Film-Forming Foams Product Liability Litigation, MDL No. 2'18-MN-2873-RMG In The United States District Court for the District of South Carolina, Charleston Division

Chairman Guadagno requested a roll call.

PRESENT: Mr. Christopher Dour, Mr. Frank Druetzler, Ms. Maria Farris, Mr. Michael Guadagno and Dr. Arthur Nusbaum.

ABSENT: Mr. James Barry, Mr. William Hudzik, Dr. Dorothea Kominos and Ms. Laura Szwak.

Also present were Larry Gindoff, Executive Director; Marilyn Regner, Secretary; Brad Carney, Esq., Maraziti Falcon LLP; Michael McAloon, P.E., Suburban Consulting Engineers; Larry Kaletcher, Treasurer; Anthony Milonas, Water Superintendent; and James Deacon, Solid Waste Coordinator.

Vice Chairman Guadagno asked for a Motion for the meeting to go into closed session at 11:03 a.m.

MOTION: Mr. Druetzler made a Motion to go into closed session at 11:03 a.m. and Mr. Dour seconded the Motion.

ROLL CALL: AYES: 5 NAYES: NONE ABSTENTIONS: NONE

Vice Chairman Guadagno asked for a Motion for the meeting to go into open session at 11:24 a.m.

MOTION: Mr. Druetzler made a Motion to go into open session at 11:24 a.m. and Mr. Dour seconded the Motion.

ROLL CALL: AYES: 5 NAYES: NONE ABSTENTIONS: NONE

Vice Chairman Guadagno asked for the Board's approval of following Resolution:

RESOLUTION NO. 2023-054
RESOLUTION AUTHORIZING PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY AND
THE LAW FIRM OF WILENTZ, GOLDMAN & SPITZER, P.A. AS SPECIAL
COUNSEL IN THE MATTER ENTITLED IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCT LAIBILITY LITIGATION, MDL NO. 2:18-MN-2873-RMG
PENDING IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
SOUTH CAROLINA, CHARLESTON DIVISION

WHEREAS, there is pending multidistrict litigation (MDL) pending in the United States District Court for the District of South Carolina, Charleston Division regarding the presence of per- and polyfluoroalkyl substances (PFAS) in drinking water supplies entitled In Re: Aqueous Film-Forming Foams Product Liability Litigation, MDL No. 2:18-mn-2873-RMG; and

WHEREAS, there exists the need for the Morris County Municipal Utilities Authority (MCMUA) to obtain professional legal services as special counsel in the aforementioned MDL; and

WHEREAS, the law firms of Baron & Budd, P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219 and Cossich, Sumich, Parsiola & Taylor, LLC, 8397 Hhighway 23, Suite 100, Belle Chasse, Louisiana 70037 have submitted a joint legal services agreement to the MCMUA for the aforementioned representation; and

WHEREAS, the law firm of Wilentz, Goldman & Spitzer, P.A., 125 Half Mile Road, Suite 100, Red Bank, New Jersey 07701 has submitted a legal services agreement to the MCMUA for the aforementioned representation; and

WHEREAS, after reviewing the aforementioned proposed legal service agreements, the MCMUA desires to retain the firm of Wilentz. Goldman & Spitzer, P.A. as special legal counsel to represent the MCMUA in the aforementioned MDL; and

WHEREAS, the MCMUA Chief Financial Officer need not certify that funds are available for this purpose because the legal services agreement of Wilentz, Goldman & Spitzer, P.A. provide that they will represent the MCMUA on a contingency fee basis and will cover all litigation costs at no risk to the MCMUA meaning that if the litigation is unsuccessful, the MCMUA will not be responsible for any costs.

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

1. The Executive Director is authorized to execute the professional services contract with Wilentz, Goldman & Spitzer, P.A. as special legal counsel for a period not to exceed one year in substantially the form provided, subject to receipt of the completed vendor pay to play compliance packet for goods and services and information required to be submitted to the MCMUA as required therein and all such documents required by law.
2. This contract is awarded as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by person(s) authorized by law to practice a recognized profession that is regulated by law.
3. A notice of the adoption of this Resolution which provides for the nature, duration, service and amount of the contract shall be published in the official newspaper and shall state that the Resolution and contract are on file and available for public inspection in accordance with the requirements of N.J.S.A. 40A:11-5.
4. The Executive Director is hereby authorized and directed to execute any other necessary documentation and to take all other actions necessary or desirable to effectuate the terms and conditions of his Resolution.
5. This Resolution shall take effect immediately.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Morris County Municipal Utilities Authority at a Special Meeting held on Thursday, June 29, 2023.

MORRIS COUNTY
MUNICIPAL UTILITIES AUTHORITY

By: _____
Michael Guadagno, Vice Chairman

ATTEST:

Marilyn Regner, Secretary

MOTION: Mr. Druetzler made a Motion to authorize Professional Services Agreement Between The Morris County Municipal Utilities Authority And The Law Firm of Wilentz, Goldman & Spitzer, P.A. As Special Counsel and Mr. Dour seconded the Motion.

ROLL CALL: AYES: 5 NAYES: NONE ABSTENTIONS: NONE

Vice Chairman Guadagno asked if there was any Public Comment. There being none, this portion of the meeting was closed.

There being no further business, Vice Chairman Guadagno asked the Board for a Motion to adjourn the meeting at 11:27 a.m.

MOTION: Mr. Dour made a Motion to adjourn the meeting at 11:27 a.m. Ms. Farris seconded the Motion and it was carried unanimously.

Marilyn Regner
Secretary

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