

A RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT NO.4 BETWEEN THE TOWNSHIP OF NORTH BRUNSWICK AND AMERICAN WATER FOR THE 2002-2022 WATER SERVICES MANAGEMENT AND MAINTENANCE AGREEMENT FOR THE TOWNSHIP'S WATER TREATMENT AND DISTRIBUTION SYSTEM

WHEREAS, the Township is the owner of its water treatment plant and distribution system (the "Water System") which services the North Brunswick community and had a 20-year Water Services Agreement (the "contract") with American Water Enterprises, LLC (which includes all of the pertinent American Water entities in contract with North Brunswick) for the management and maintenance of the Water System that includes, but is not limited to, American Water providing billing and collections for water and sewer usage, customer service, and maintenance and plant operation services; and

WHEREAS, in 2018, it was determined to be in the best interest of the Township to amend the contract with American Water to bring in-house billing and collections to enable municipal staff to efficiently provide billing, online access to customers for usage reporting, and alerts to residents experiencing unusual consumption; and

WHEREAS, representatives for the Township and American Water met and agreed on a Memorandum of Agreement (the "Memorandum No. 1") amending terms and conditions within the contract to address billing and collections as well as other change-in-condition items; and

WHEREAS, the Township is the owner of the approximate 12,000 water meters that are part of the water distribution system; and

WHEREAS, in 2019, it was determined in the best interest of the community to replace the meters, most of which were approximately 20 years old and had exceeded their useful life, along with installing an automated system, to enable the Township to efficiently provide monthly billing, online access to water consumption, and receive usage alerts; and

WHEREAS, in 2019, pursuant to Resolution 157-5.19, the Township entered into a contract with In-Line Services Inc. for Purchase and Installation of Water Meters, BID19004, in the amount of \$5,426,404.50 for Items 1 through 17, plus \$217,600.00 for the Alternate (Software), for a total bid of \$5,644,004.50; and

WHEREAS, subsequent to the award, Change Order 1 -\$38,630.98 and Change Order 2 \$11,591.75 were authorized for a revised contract authorization of \$5,616,964.77; and

WHEREAS, as of November 2021, most of the residents had received a new meter, leaving less than 100 customers to be scheduled to receive an updated meter; and

WHEREAS, In-Line Services Inc. agreed to deliver the remaining new water meters that were now the property of the Township over to American Water for installation as these homes become accessible; and

WHEREAS, American Water was agreeable to providing meter replacement services, which was not included within the scope of the 2002 Agreement; and

WHEREAS, on December 6, 2021 the Parties amended the Agreement to further amend the scope of work such that American Water shall perform certain *meter replacement services* for the Township's customers as per the agreed price schedule (Memorandum No. 2); and

WHEREAS, nearing the end of the contract, the Parties further wished to amend the original scope of work such that if personnel in identified vital positions employed by the American Water were needed to become Township employees for the remainder of the contract, while still under the oversight and supervision of American Water, in the event such action was needed; and

WHEREAS, on February 7, 2022 pursuant to Resolution 75-2.22, the Township authorized Memorandum No. 3 addressing potential personnel changes; and

WHEREAS, with the 20-year contract set to expire the end of September 2022, the Parties have reviewed open items in September and wish to include within the contract (Closeout Memorandum No. 4), to address the following:

- Exhibit A - Chemical Inventory as of 9/30/2022
- Exhibit B - Stock E - parts and materials inventory
- Exhibit C - In-Kind Services
- Exhibit D – Personnel Costs 10/2018 to 9/2022
- Exhibit E - Outstanding Accounts Receivable from North Brunswick Township

NOW, THEREFORE, BE IT RESOLVED, on this 11th day of October 2022, the Township Council of the Township of North Brunswick does hereby authorize the Memorandum of Agreement to be executed in substantially similar form to the attached Memorandum No. 4 for aforesaid contract changes; and

BE IT FURTHER RESOLVED, that the Township Council of the Township of North Brunswick hereby authorizes the Mayor and/or Business Administrator to take necessary steps to execute the Memorandum of Agreement.

Justine Progebin
Business Administrator

Ronald Gordon, Esq.
Township Attorney
Approved as to legal form

RECORDED VOTE:

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
HUTCHINSON				
MEHTA				
GUADAGNINO				
ANDREWS				
SOCIO				
DAVIS				
MAYOR WOMACK				

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on October 11, 2022.

Lisa Russo
Township Clerk