

**Musconetcong Sewerage Authority**  
**Special Meeting**  
**December 19, 2011 – 6:00 PM**  
**Agenda**

1. Call to order – Flag Salute – Announcement – Roll call
2. Open for public discussion
3. 12/14/11 – L. Kron, Esq. - Electric Supply Service & Resolution
4. Adjournment

# NUSBAUM, STEIN, GOLDSTEIN, BRONSTEIN & KRON

A Professional Corporation  
Counsellors At Law  
20 Commerce Boulevard; Suite E  
Succasunna, New Jersey 07876  
973-584-1400  
Direct Fax: 973-927-0090  
Email: [Larry.Kron@verizon.net](mailto:Larry.Kron@verizon.net)

- Of Counsel -  
PAUL R. NUSBAUM

LEWIS STEIN\*  
ALAN D. GOLDSTEIN  
RONALD W. BRONSTEIN  
PATRICIA E. ROCHE ◊  
LARRY I. KRON  
ROBERT D. KOBIN ◻  
SHARON L. FREEMAN+ ^  
SUSAN B. REED  
STEVEN J. LOEWENTHAL ◊

CERTIFIED BY THE SUPREME COURT OF  
NEW JERSEY AS A  
\*Civil Trial Attorney  
◊Matrimonial Attorney  
^Workers' Compensation Attorney  
◻ Member Florida Bar  
◊Member New York Bar  
+Member Pennsylvania Bar

December 14, 2011

Steven Rattner, Chairman and  
Commissioners of the  
Musconetcong Sewerage Authority  
110 Continental Drive  
Budd Lake, New Jersey 07828

Re: Electric Supply Service for Participating Members of the New Jersey  
Sewage and Municipality Utility Authority Electrical Supply Aggregation  
(NJSMUAESA)

Dear Chairman Rattner and Commissioners:

I have reviewed the specifications and bidding documents received from NJSMUAESA. The second paragraph in the introduction indicates that:

"Each participating Member that elects to participate . . . agrees to enter into the Electric Power Supply Agreement . . . with a successful bidder . . . in the form attached to this RFB as Appendix B . . .

The Bids must be received before December 22, 2011, 11 a.m. prevailing time. Bid prices must be held firm until at least 3 p.m. of that date. Representatives for each Participating Member will participate in the review of bids. Participating Members have passed resolutions authorizing this participation in this bid, indicating their agreement to be bound by the issued Notice of Awards pertaining to the bid groups in which their accounts are included, and authorizing a representative of the body to make a commitment on its behalf. The NJSMUAESA may make a contract award for one or more bid groups only if the bid Contract Price is less than or equal to a pre-established trigger price. . . . The Notice of Intent will include an initial line for the authorized representative of each Participating Member that has accounts in the subject bid group, and shall be

considered a binding commitment of each of the Participating Members in the subject bid groups."

Thus, if MSA wishes to participate in the bids that are going to be received on December 22, 2011, by NJSMUAESA, it must pass a Resolution authorizing participation in the bid, and indicating that MSA would be bound by the issued Notice of Award pertaining to this bid group, and must authorize a representative of the MSA to make a commitment on its behalf.

It is my recollection that this is contrary to the procedure that had been followed in past years when the MSA representative could make a determination after the receipt of bids as to whether or not the MSA would enter into a Contract with a bidder.

It is my understanding from talking to Daren Phil and Jim Schilling, that they do not feel that it is in the best interest of the MSA to continue with the NJSMUAESA.

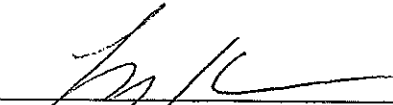
Accordingly, I am requesting that Martha schedule a Special Meeting of the Authority for either Monday, December 19<sup>th</sup> or Tuesday, December 20<sup>th</sup> for Mr. Schilling to make a presentation to the Commissioners, and for the Commissioners to make a determination as to whether or not they want to proceed with NJSMUAESA.

I have prepared a form of Resolution that may be adopted if the MSA decides to proceed with the bidding process.

It is further my understanding that the current agreement expires in May of 2012, so that the MSA will have sufficient time to procure an alternate supplier.

Very truly yours,

Nusbaum, Stein, Goldstein, Bronstein & Kron

By:   
Larry I. Kron, Esq.

/mjs

cc: Lee T. Purcell Associates  
James Schilling  
Daren Phil, PE

**RESOLUTION NO. 11-39**

Resolution of the Musconetcong Sewerage Authority  
Authorizing \_\_\_\_\_ to Accept and Authorize  
a Contract to be Signed for Electric Supply Service  
for the Musconetcong Sewerage Authority as a  
Result of Competitive Bidding Pursuant to Local  
Public Contracts Law, N.J.S.A. 40A:11, et seq.

WHEREAS, effective August 1, 2003, the Electric Discount and Energy  
Competition Act (P.L. 1999, c23) will allow the Musconetcong Sewerage Authority to  
arrange for the purchase of electricity service on a retail basis; and

WHEREAS, the MSA is a Member of the New Jersey Sewage and Municipal  
Utilities Electrical Supply Aggregation (NJSMUAESA) a voluntary and informal  
association of public sewage and environmental authorities formed for the purpose of a  
joint purchasing consortium for electrical supply service; and

WHEREAS, NJSMUAESA will be receiving bids for aggregated electric power  
supply on a full requirement service basis for participating members on December 22,  
2011; and

WHEREAS, NJSMUAESA will report to the MSA the lowest responsible bid to  
provide the electrical service requirement; and

WHEREAS, it is necessary for MSA to be bound by the issued Notice of Award  
pertaining to the bid ground, and to designate an individual to accept and authorize a  
contract to be signed which will make said commitment on behalf of the MSA.

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the  
Musconetcong Sewerage Authority that it hereby agrees to be bound by the issued  
Notice of Award by the NJSMUAESA on December 22, 2011, and hereby authorizes  
\_\_\_\_\_ to accept the Notice of Award and to bind MSA to enter into a  
formal contract..

ATTEST: MUSCONETCONG SEWERAGE AUTHORITY

\_\_\_\_\_  
Joseph Schwab, Secretary

\_\_\_\_\_  
Steven Rattner, Chairman

Dated: