

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, December 18, 2012 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

Present: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski; Robert Filler, Executive Director and W. Barry Rank, Esquire.

Absent and excused: Mr. Cermele and DiFrancesco.

Also attending: Allan Jacobs, Jacobs Environmental Consulting; Vance Stephens, ELSA Administrative Officer; David Sopronyi, ELSA Staff Engineer and Warren Broudy of Mercadien, P.C.

Mr. Geter called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Geter advised that all requirements of the Local Public Meetings Act have been met. He also advised that any contracts awarded today would comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27).

The Board recognized a moment of silence in light of recent national tragedies.

Res. 133:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the public hearing on the Connection Fee be opened.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Mr. Broudy advised that his firm has calculated the Authority's connection fee in accordance with acceptable practices. The new connection fee is \$2,957 per EDU.

There were no public comments.

Res. 134:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the public hearing on the Connection Fee be closed.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Res. 135:13. On motion of Mr. Colavita and seconded by Mrs. Zamonski the following resolution was presented for adoption:

WHEREAS, the Ewing-Lawrence Sewerage Authority, hereinafter "Authority", pursuant to N.J.S.A. 40:14A-2(2) and N.J.S.A. 40:14A-8 is authorized to establish, collect

and enforce service charges to occupants or owners of property, within the area serviced by the Authority, for direct or indirect connection with, the use of products or services of said Authority; and

WHEREAS, public notice and a public hearing as required pursuant to N.J.S.A. 40:14A-8 have been provided; and

WHEREAS, at said public hearing the Authority has provided evidence showing that the proposed calculation of the connection fee is necessary and reasonable and has provided the opportunity for cross-examination of persons offering the evidence; and

WHEREAS, at said public hearing the Authority has considered the proposed definitions for the term "Equivalent Dwelling Unit" (EDU); and

WHEREAS, after examining the supporting documentation as presented and listening to the public comment, if any, the Authority is of the opinion that the following fees should be charged to sanitary sewer connection.

NOW, THEREFORE, BE IT RESOLVED that the Ewing-Lawrence Sewerage Authority shall assess, collect and enforce sewer connection fees as follows:

1. Connection Fee

The owner or occupant of any property within Ewing and/or Lawrence Township who may wish to, or is legally required to connect said property to a sanitary sewer line of the Authority for the purpose of the discharge of human and/or processed waste (including only those wastes acceptable pursuant to this Authority's Rules and Regulations or other applicable requirements of the State, Federal or Local Governments) shall pay a non-refundable connection fee in the amount of \$2,957 (minimum fee) for each EDU subject to rules and regulations established by the Ewing-Lawrence Sewerage Authority Board. The owner or occupant of any property not located within Ewing and/or Lawrence Township shall pay such costs, improvement contributions and connection fees as may be determined by the Authority.

2. "Equivalent Dwelling Unit"

"Equivalent Dwelling Unit" (EDU) shall mean each and every individual unit, whether in a single or multiple unit structure having a demand upon the sewer system equal to that of a 3-bedroom residential Dwelling Unit (300 GPD).

3. Determination of EDU's

For all connections the number of EDU's shall be calculated using the attached table entitled "Ewing-Lawrence Sewerage Authority, Connection Fee - Equivalent Dwelling Unit Determination". Multiple use properties and/or buildings shall determine the EDU for each action, and sum the results for a total assessment.

Any change in use or increase in flow from the same use of any existing property or facility shall be subject to review and re-evaluation of the sewer connection service and the number of EDU's assigned by the Authority. Any increase in the number of EDU's shall subject the applicant to additional connection fees.

4. Time of Payment

The sewer connection fee shall be due and payable to the Authority at the time a property owner requests sewer connection permits.

5. Effective Date

This Resolution shall take effect upon approval by a majority of all members of the Authority.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Res. 136:12. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the November 20, 2012 meeting minutes be approved as presented.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Res. 137:12. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the November 2012 Flow, Maintenance and Connection Reports be filed.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Res. 138:12. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the Schedule of Bills in the total amount of \$1,131,632.14 be accepted.

The above resolution was adopted on the following roll call vote:
Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski
Nays: None.
Absent: Messrs. Cermele and DiFrancesco.

There was no public participation.

Mr. Filler reported that the Regional Sludge Management Committee meets in early January 2013.

Mr. Stephens reported that Willis Insurance was the only company to submit a proposal for the Authority's business insurance. Their quote in the amount of \$104,859.17 is comparable to the Authority's current coverage. The quote is approximately 5% higher than the current premiums. New Jersey Manufacturers Insurance Company has submitted a price of \$208,771 for the Authority's Workers Compensation Coverage. He recommends acceptance of both of these proposals.

Res. 139:12. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the Authority accept the proposal submitted by Willis Insurance in the amount of \$104,859.17 for the Authority's business insurance and New Jersey Manufacturers Insurance Company in the amount of \$208,771 for Workers Compensation Coverage.

The above resolution was adopted on the following roll call vote:
Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski
Nays: None.
Absent: Messrs. Cermele and DiFrancesco.

Res. 140:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski the following meeting schedule was presented for approval:

SCHEDULE OF REGULAR MEETING DATES

2013 – 2014

12:00 P.M.

2013 JANUARY 15th (7:30 P.M.)

FEBRUARY 19th (Reorganization & Regular)

MARCH 19th

APRIL 16th

MAY 21st

JUNE 18th

JULY 16th

AUGUST 20th

SEPTEMBER 17th

OCTOBER 15th

NOVEMBER 19th

DECEMBER 17th

2014 JANUARY 21st

FEBRUARY 18th (REORGANIZATION & REGULAR)

The above are the third Tuesdays of each month. All meetings will be held at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Mr. Filler reported bids were received on November 28, 2012 for Laboratory Testing Services. The bids received are as follows:

| | |
|---|-----------------------------------|
| New Jersey Analytical Labs Pennington, NJ | \$10,016.00 Estimated Annual Cost |
|---|-----------------------------------|

| | |
|------------------------------------|-----------------------------------|
| QC Laboratories Southampton, PA | \$10,746.00 Estimated Annual Cost |
|------------------------------------|-----------------------------------|

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|-----------------------------------|-----------------------------------|
| Garden State Labs Hillside, NJ | \$14,468.00 Estimated Annual Cost |
|-----------------------------------|-----------------------------------|

Michael Post recommends that the contract be awarded to NJ Analytical Labs as the lowest, responsible, responsive bidder.

Res. 141:12. On motion of Mr. Colavita and seconded by Mr. Vereen it was moved that the contract for Laboratory Testing be awarded to New Jersey Analytical Labs of Pennington, NJ for a one-year period in accordance with their bid received November 28, 2012 as the lowest, responsible, responsive bidder.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.
Absent: Messrs. Cermele and DiFrancesco.

Mr. Filler recommended approval of Change Order No. 1 Final to the contract with Mazzara Trucking and Excavating Corporation for the Scotch Road Extension Relief Sewer in the amount of (-\$1,573.35). This change order covers unforeseen conditions encountered in the field and final adjustment of as-built quantities.

Res. 142:12. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the Authority approve Change Order No. 1 Final to the contract with Mazzara Trucking and Excavating Corporation for the Scotch Road Extension Relief Sewer in the amount of (-\$1,573.35).

The above resolution was adopted on the following roll call vote:
Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski
Nays: None.
Absent: Messrs. Cermele and DiFrancesco.

Mr. Filler reported that bids were received on December 12, 2012 for Welding and Lathe. Only one bid was received are follows:

GMH Associates of America, Inc.
Trenton, NJ

At Owner's Shop:

| | |
|----------------------|-------------|
| Labor (regular rate) | \$110.00/hr |
| Labor (overtime) | \$165.00/hr |
| Labor (double time) | \$220.00/hr |

At Authority's Facilities

| | |
|--------------------------|-------------|
| Labor (regular rate) | \$115.00/hr |
| Labor (overtime) | \$172.50/hr |
| Labor (double time) | \$230.00/hr |
| Material Handling Charge | 10% |
| Estimated Annual Cost | \$42,525.00 |

The Authority's current contract is as follows:

Precision Tool & Machine Service
Trenton, NJ

At Owner's Shop:

| | |
|----------------------|------------|
| Labor (regular rate) | \$45.00/hr |
| Labor (overtime) | \$55.00/hr |
| Labor (double time) | \$65.00/hr |

| | |
|---------------------------|-------------|
| At Authority's Facilities | |
| Labor (regular rate) | \$45.00/hr |
| Labor (overtime) | \$55.00/hr |
| Labor (double time) | \$65.00/hr |
| Material Handling Charge | -0- |
| Estimated Annual Cost | \$22,075.00 |

Mr. Filler recommend that the bid submitted by GMH Associates be rejected and that the Authority re-bid the project.

Res. 143:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the bid received on December 12, 2012 from GMH Associates of America, Inc. for Welding and Lathe Work be rejected and that the Authority re-bid the project.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Mr. Jacobs reported that he has reviewed the application submitted by the Quakerbridge Mall for construction of a 3,722 square foot, 275 seat capacity restaurant next to the Cheesecake Factory. Mr. Jacobs recommends granting preliminary approval subject to the comments in his letter dated December 17, 2012.

Res. 144:12. On motion of Mr. Vereen and seconded by Mrs. Zamonski it was moved that the following resolution be adopted:

WHEREAS, QUAKERBRIDGE MALL proposes construction of a 3,722 square foot, 275 seat capacity restaurant adjacent to the new Cheesecake Factory on Route 1 in Lawrence Township; and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system;

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of connection that there is adequate capacity in such system to serve the Developer's proposed Development.

2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.

3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.

4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.

5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.

6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.

7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.

8. This preliminary approval granted pursuant to this Resolution shall expire ninety (90) days from the date hereof.

9. The Developer shall pay the appropriate connection and inspection fees.

10. The sewers shall conform to the Authority's Rules and Regulations.

11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated December 17, 2012.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Mr. Filler reported:

1. Lawrence Township Council has invited him to attend their meeting on January 8, 2013 at 6:30 P.M. to address ELSA's budget. Ewing Township has not yet asked him to attend one of their meetings.

2. On November 28, 2012 a request for qualifications was published pursuant to a fair and open process. Qualification were submitted on December 12, 2012 as follows:

CME Associates, Inc.

R3M Engineering, Inc.

Birdsall Service Group
Alaimo Group
T&M Associates
Arcadis
Kleinfelder – Omni Environmental
Hatch Mott MacDonald
Remington & Vernick Engineers

The Engineering Committee met at ELSA on December 13, 2012 to develop a short list and have requested proposals for Engineering Consulting Services for the Main Wastewater Treatment Plant Facilities Upgrade to be submitted on January 7, 2013. The short list of engineers includes:

Hatch Mott MacDonald
Kleinfelder – Omni Environmental
Arcadis
Remington & Vernick Engineers

3. We are moving forward with the ELSA website.

Mr. Rank reported that the Authority's permit appeal should be favorably resolved in the next six months.

Res. 145:12. On motion of Mr. Colavita and seconded by Mr. Vereen and unanimously carried, it was moved that the Authority go into Executive Session

Mr. Geter reconvened the meeting the advised that the only item discussed in Executive Session involved non-union personnel contractual issues.

The Personnel Committee recommended that non-union employees be given a cost of living increase for 2013 of 2.25%, which is the same as union employees.

Res. 146:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that non-union employees be given a cost of living increase for 2013 of 2.25%.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Res. 147:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the Operations/Compliance Clerk be granted a step increase of \$1,000 for 2013 subject to discussion with the Executive Director.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, Geter and Vereen and Mrs. Zamonski

Nays: None.
Absent: Messrs. Cermele and DiFrancesco.

Res. 148:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski and unanimously carried, the meeting was adjourned at 12:55 P.M.

Anne M. Zamonski, Secretary