

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, February 19, 2013 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Absent and excused: Messrs. Colavita and DiFrancesco

Also attending: Allan Jacobs, Jacobs Environmental Consulting; Vance Stephens, ELSA Administrative Officer.

Mr. Cermele called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Cermele 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).

Res. 23:13. On motion of Mr. Geter and seconded by Mrs. Zamonski it was moved that the January 22, 2013 meeting minutes be approved as presented.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Res. 24:13. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the January 2013 Flow, Maintenance and Connection Reports be filed.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Res. 25:13. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the Schedule of Bills for February 19, 2013 in the total amount of \$1,090,013.91 be accepted.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Filler reported that bids were received on January 30, 2013 for Welding and Lathe. The bids received are follows:

Municipal Maintenance
Cinnaminson, NJ

At Owner's Shop:

Labor (regular rate)	\$60.00/hr
Labor (overtime)	\$90.00/hr
Labor (double time)	\$100.00/hr

At Authority's Facilities

Labor (regular rate)	\$100.00/hr
Labor (overtime)	\$130.00/hr
Labor (double time)	\$140.00/hr
Material Handling Charge	0%
Estimated Annual Cost	\$27,800.00

GMH Associates of America, Inc.
Trenton, NJ

At Owner's Shop:

Labor (regular rate)	\$85.00/hr
Labor (overtime)	\$127.50/hr
Labor (double time)	\$170.00/hr

At Authority's Facilities

Labor (regular rate)	\$105.00/hr
Labor (overtime)	\$157.50/hr
Labor (double time)	\$210.00/hr
Material Handling Charge	10%
Estimated Annual Cost	\$35,925.00

William Hill, Maintenance Supervisor, recommends that the contract be awarded to Municipal Maintenance Co., Inc. as the lowest, responsible, responsive bidder.

Res. 26:13. On motion of Mrs. Zamonski and seconded by Mr. Geter it was moved that the contract for Welding and Lathe Work be awarded to Municipal Maintenance Co., Inc. of Cinnaminson, NJ for a one-year period in accordance with their bid received January 30, 2013 as the lowest, responsible, responsive bidder.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Filler reported that bids were received on January 30, 2013 for Maintenance, Emergency Repair Service and/or Replacements of Instrumentation. Only one bid was received as follows:

ABB Automation, Inc.	\$1,200.00 per monthly inspection
Warminster, PA	\$580.00 per quarterly inspection
	\$136.00 labor (regular rate)
	\$136.00 labor (overtime)
	\$136.00 labor (double time)
	10% Material Handling Charge
	\$23,340.00 Estimated Annual Cost

Hans Kaszuba recommends that the contract be awarded to ABB Automation, Inc. as the lowest, responsible, responsive bidder.

Res. 27:13. On motion of Mr. Geter and seconded by Mrs. Zamonski it was moved that the contract for Maintenance, Emergency Repair Service and/or Replacements of Instrumentation be awarded to ABB Automation, Inc. of Warminster, PA for a one-year period in accordance with their bid received January 30, 2013 as the lowest, responsible, responsive bidder.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Filler also reported that bids were received on January 30, 2013 for furnishing Sodium Hypochlorite. The bids received are as follows:

Univar USA, Inc.	\$.7284 per gallon
Middletown, PA	\$172,812.90 Annual Cost
JCI Jones Chemicals, Inc.	\$.75 per gallon
Merrimack, NH	\$177,937.50 Annual Cost
Surpass Chemical	\$.758 per gallon
Albany, NY	\$179,835.50 Annual Cost
Kuehne Chemical Company	\$1.05 per gallon
South Kearny, NJ	\$249,112.50 Annual Cost
Miracle Chemical Company	\$1.088 per gallon
Farmingdale, NJ	\$258,128.00

Hans Kaszuba recommends that the contract be awarded to Univar USA, Inc. as the lowest, responsible, responsive bidder.

Res. 28:13. On motion of Mr. Geter and seconded by Mr. Vereen it was moved that the contract for furnishing Sodium Hypochlorite be awarded to Univar USA, Inc. of Middletown, PA for a one-year period in accordance with their bid received January 30, 2013 as the lowest, responsible, responsive bidder.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Filler reported that bids were received on February 6, 2013 for furnishing Alkaline Chemical. The only bid received was:

Univar USA, Inc.	\$1.25 per gallon
Middletown, PA	\$130,000.00 Est Annual Cost

Hans Kaszuba recommends that the contract be awarded to Univar USA, Inc. as the lowest, responsible, responsive bidder.

Res. 29:13. On motion of Mrs. Zamonski and seconded by Mr. Geter it was moved that the contract for furnishing Alkaline Chemical be awarded to Univar USA, Inc. of Middletown, PA for a one-year period in accordance with their bid received February 6, 2013 as the lowest, responsible, responsive bidder.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Stephens presented the 2013 Annual Charge to the Township of Ewing and the Township of Lawrence. The Annual Charge to the Townships after adjustments is \$8,248,568.43 to Ewing and \$5,188,946.04 to Lawrence.

Res. 30:13. On motion of Mr. Geter and seconded by Mr. Vereen it was moved that the Authority set the 2013 Annual Charge at \$8,248,568.43 to Ewing and \$5,188,946.04 to Lawrence and that the following be approved:

A. Setting the 2012 Actual Average Flow at 6.277134 (60.0602%) for Ewing and 4.174276 (39.9398%) for Lawrence (including the Plant Sewer Usage).

B. Establishing the 2014 Estimated Flow at 59.8% Ewing and 40.2% Lawrence.

C. Authorize the Secretary to file the 2013 Annual Charge with the Townships.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Filler reported that the Authority received a request for capacity reservation consideration from Sansome Pacific Properties. They have requested a capacity of 100,000 gallons per day for the property previously referred to as Garden Property LLC on the west side of Scotch Road in Hopewell Township. After discussion it was agreed that; 1) the Engineering Committee should meet concerning this request; 2) Mr. Jacobs is to prepare a proposal to perform the study to determine what upgrades will be required to handle the additional capacity; 3) develop terms to reserve capacity.

Res. 31:13. On motion of Mr. Geter and seconded by Mrs. Zamonski the following resolution was presented for adoption:

RESOLUTION OF THE EWING-LAWRENCE SEWERAGE AUTHORITY DECLARING
ITS OFFICIAL INTENT TO REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM
THE PROCEEDS OF DEBT OBLIGATIONS IN CONNECTION WITH ITS
PARTICIPATION IN THE 2013-2014 NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Ewing-Lawrence Sewerage Authority (the "Borrower") is a public body corporate and politic of the State of New Jersey organized pursuant to the sewerage authorities law (N.J.S.A. 40:14A-1 et seq.) (the "Act"); and

WHEREAS, the Borrower intends to acquire, construct, renovate and/or install the environmental infrastructure project more fully described in Exhibit A attached hereto (the "Project"); and

WHEREAS, the Borrower intends to finance the Project with debt obligations of the Borrower (the "Project Debt Obligations") but may pay for certain costs of the Project (the "Project Costs") prior to the issuance of the Project Debt Obligations with funds of the Borrower that are not borrowed funds; and

WHEREAS, the Borrower reasonably anticipates that obligations, the interest on which is excluded from gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), will be issued by the New Jersey Environmental Infrastructure Trust (the "Issuer") to finance the Project on a long-term basis by making a loan to the Borrower with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Borrower desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance

of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borrower as follows:

Section 1. The Borrower reasonably expects to reimburse its expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with proceeds of its Project Debt Obligations.

Section 2. This resolution is intended to be and hereby is a declaration of the Borrower's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Borrower, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$24,000,000.00.

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Bonds used to reimburse the Borrower for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Borrower, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This resolution shall take effect immediately.

EXHIBIT A

The Ewing-Lawrence Sewerage Authority (ELSA) desires to implement the Phase 1 recommendations of the Facilities Plan recently completed by Omni Environmental LLC. The objectives of the Phase 1 recommendations are to:

- Achieve compliance with the DCBM (dichlorobromomethane) effluent limitation by constructing a new UV disinfection system and related effluent pumping system.
- Remedy various aging infrastructure issues so that ELSA's ability to continue achieving reliable permit compliance is not compromised. This will be accomplished by replacing mechanical and electrical equipment at the end of its useful service life and by repairing existing structures.
- Eliminate hydraulic bottlenecks to prevent certain structures from overflowing during severe wet weather flows.
- Construct a new preliminary treatment facility to provide effective screening and grit removal consistent with industry standards.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Filler requested approval of the following resolution.

Res. 32:13. On motion of Mr. Geter and seconded by Mrs. Zamonski the following resolution was presented for adoption:

AUTHORIZING APPLICATION FOR A LOAN
FROM THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE FINANCING PROGRAM
EWING-LAWRENCE SEWERAGE AUTHORITY
FACILITIES UPGRADE PROJECT

WHEREAS, the Ewing-Lawrence Sewerage Authority intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Ewing-Lawrence Sewerage Authority Facilities Upgrade Project.

NOW, THEREFORE BE IT RESOLVED that S. Robert Filler, Executive Director of the Ewing-Lawrence Sewerage Authority be authorized to act as the Authorized Representative to represent the Ewing-Lawrence Sewerage Authority in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey

Environmental Infrastructure Trust. The Authorized Representative may be contacted at:
Ewing-Lawrence Sewerage Authority, 600 Whitehead Road, Lawrenceville, NJ 08648 (609)587-4061.

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

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

Nays: None.

Absent: Messrs. Colavita and DiFrancesco.

Mr. Filler reported:

1. Hopewell Township Administrator has requested that two vacant lots within Brandon Farms be sewerred. The Hopewell Township Administrator stated that these two lots were in the original plan. Mr. Jacobs requested the block and lot numbers so he could determine if these were in fact in the original plans.
2. The Hamptons payment for capacity is past due. Mark Ellenbogen has been contacted. Mr. Ellenbogen has advised that they are in the process of selling the property and will be in a position to make payment right after closing. The Board requested that Mr. Filler contact Mr. Ellenbogen to obtain the name of the prospective buyer's attorney so that ELSA's attorney may contact him/her. A possible agreement could be developed to allow for late payment subject to some sort of interest or penalty.
3. ELSA website is up and running (elsanj.org). Ewing Township has requested that the names of the Board Members be added to the website as well as the general number along with the Executive Director and senior staff names. The Board agreed that the Board Members names would be added to the website, but that the decision on staff names would be left up to the Executive Director. Mr. Geter indicated that Township Administration should be contacting their appointed Board Members instead of the ELSA Staff on policy matters.

Res. 33:13. On motion of Mr. Geter and seconded by Mrs. Zamonski and unanimously carried, the meeting was adjourned at 1:30 P.M.

Pasquale Colavita, Secretary