

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, February 22, 2011 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Absent and excused: Mr. DiFrancesco.

Also attending: Allan Jacobs of Jacobs Environmental Consulting; Vance Stephens, ELSA Administrative Officer; David Sopronyi, ELSA Staff Engineer; Raymond Ferrara of Omni Environmental; Paul Pogorzelski representing Hopewell Township; Edward Crutchley, ELSA Maintenance Supervisor; Manuel Ponte of Arcadis.

Mr. Colavita called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Colavita 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. 13:11. On motion of Mrs. Zamonski and seconded by Mr. Cermele and unanimously the public hearing on the 2011 Budget was opened.

There were no public comments.

Res. 14:11. On motion of Mrs. Zamonski and seconded by Mr. Geter and unanimously carried the public hearing on the 2011 Budget was closed.

Res. 15:11. On motion of Mrs. Zamonski and seconded by Mr. Vereen the following resolution was presented for adoption:

2011 ADOPTED BUDGET RESOLUTION
EWING-LAWRENCE SEWERAGE AUTHORITY

WHEREAS, the Annual Budget and Capital Budget for the Ewing-Lawrence Sewerage Authority for the fiscal period beginning January 1, 2011 and ending December 31, 2011 has been presented for adoption before the Commissioners of the Ewing-Lawrence Sewerage Authority at its meeting on February 22, 2011; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$11,957,229.00 Total Appropriations, including any Accumulated Deficit, if any, of \$13,858,360.00 and Total Unrestricted Net Assets utilized of \$1,901,131.00 and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$12,911,000.00, Total Unrestricted Net Assets planned to be utilized of \$951,000.00; and

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the Ewing-Lawrence Sewerage Authority, at an open public meeting held February 22, 2011 that the Annual Budget and Capital Budget of the Ewing-Lawrence Sewerage Authority for the fiscal period beginning January 1, 2011 and ending December 31, 2011 is hereby adopted and shall constitute an appropriation for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

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

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

Nays: None.

Absent: DiFrancesco.

Res. 16:11. On motion of Mr. Geter and seconded by Mrs. Zamonski and unanimously carried the minutes of December 21, 2010 and February 1, 2011 were approved as presented.

Res. 17:11. On motion of Mr. Cermele and seconded by Mr. Geter and unanimously carried the December 2010 and January 2011 Flow, Maintenance and Connection Reports were ordered filed.

Res. 18:11. On motion of Mr. Cermele and seconded by Mr. Vereen it was moved that the Schedule of Bills in the total amount of \$701,404.09 be accepted.

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

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

Nays: None.

Absent: DiFrancesco.

There was no public participation.

Mr. Filler reported that the Regional Sludge Management Committee is moving forward.

Paul Pogorzelski, Hopewell Township Administrator, provided the Board a status report on Hopewell's progress with regard to resolving the contract to provide sewer service. The Board requested that Mr. Pogorzelski deliver a strong message of urgency to Hopewell Township with a deadline for a decision of April 19, 2011.

Mr. Filler reported that bids were received on January 12, 2011 for Maintenance, Emergency Repair Service, Replacements and/or Additions for Sewerage Lines. Two bids were received as follows:

Joseph Jingoli & Son, Inc. Lawrenceville, NJ	\$59,860.00
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Waters & Bugbee, Inc. Trenton, NJ	\$62,745.00
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Ed Crutchley recommends that the contract be awarded to Joseph Jingoli & Son, Inc. as the lowest responsible, responsive bidder.

Res. 19:11. On motion of Mr. Cermele and seconded by Mrs. Zamonski it was moved that the contract for Maintenance, Emergency Repair Service, Replacements and/or Additions for Sewerage Lines be awarded to Joseph Jingoli & Son, Inc. for a one-year period in accordance with their bids received January 12, 2011 as the lowest, responsible, responsive bidder.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler reported that bids were received on January 12, 2011 for furnishing Alkaline Chemical. The only bid received was:

Basic Chemical Solutions, LLC Morrisville, PA	\$1.02 per gallon \$106,080.00 Est Annual Cost
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Hans Kaszuba recommends that the contract be awarded to Basic Chemical Solutions, LLC as the lowest, responsible, responsive bidder.

Res. 20:11. On motion of Mr. Geter and seconded by Mr. Vereen it was moved that the contract for furnishing Alkaline Chemical be awarded to Basic Chemical Solutions, LLC of Morrisville, PA for a one-year period in accordance with their bid received January 12, 2011 of \$1.02 per gallon as the lowest, responsible, responsive bidder.

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

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and

Mrs. Zamonski.
Nays: None.
Absent: DiFrancesco.

Mr. Filler reported that bids were received on January 19, 2011 for Maintenance, Emergency Service, Replacements and/or Additions to the Authority's Generators. Bids received are as follows:

Power Equipment Co. Moorestown, NJ	\$975.00 per semi-annual inspection \$ 95.00 per hr (regular rate) \$120.00 per hr (overtime) \$120.00 per hr (double time) Material Handling Charge – 10% \$18,350.00 Estimated Annual Cost
Johnson & Towers Mt. Laurel, NJ	\$2,800 per semi-annual inspection \$ 85.00 per hr (regular rate) \$100.00 per hr (overtime) \$115.00 per hr (double time) Material Handling Charge – 10% \$19,550.00 Estimated Annual Cost
Foley, Inc. Piscataway, NJ	\$6,800 per semi-annual inspection \$125.00 per hr (regular rate) \$187.50 per hr (overtime) \$250.00 per hr (double time) Material Handling Charge – None \$35,350.00 Estimated Annual Cost

Edward Crutchley recommends that the contract be awarded to Power Equipment Co., Inc. as the lowest, responsible, responsive bidder.

Res. 21:11. On motion of Mrs. Zamonski and seconded by Mr. Geter it was moved that the contract for Maintenance, Emergency Service, Replacements and/or Additions to the Authority's Generators be awarded to Power Equipment Company of Moorestown, NJ for a one-year period in accordance with their bid received January 19, 2011 as the lowest, responsible, responsive bidder.

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

Mr. Filler report that bids were received on January 19, 2011 for Maintenance on Trucks over 11,000 lbs and Semi-Trailers. The bids received are as follows:

Hub Truck Leasing	\$65.00 per hr (regular)
Trenton, NJ	\$97.50 per hr (overtime)
	\$130.00 per hr (double)
	10% Material Handling Charge
	Estimated Annual Cost - \$20,125.00

Stout Charter	\$85.00 per hr (regular)
Trenton, NJ	\$100.00 per hr (overtime)
	\$125.00 per hr (double)
	No Material Handling Charge
	Estimated Annual Cost - \$23,625.00

Ed Crutchley recommends that the contract be awarded to Hub Truck Leasing as the lowest, responsible, responsive bidder.

Res. 22:11. On motion of Mr. Cermele and seconded by Mr. Geter it was moved that the contract for Maintenance of Trucks over 11,000 lbs. be awarded to Hub Truck Leasing of Trenton, NJ for a one-year period in accordance with their bid received January 19, 2011 as the lowest, responsible, responsive bidder.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler reported that bids were received on February 2, 2011 for furnishing Sodium Hypochlorite. The bids received are as follows:

JCI Jones Chemicals, Inc.	\$.73 per gallon
Merrimack, NH	\$173,192.50 Annual Cost

Univar USA, Inc.	\$.744 per gallon
Middletown, PA	\$176,514.00 Annual Cost

Miracle Chemical Co.	\$1.05 per gallon
Farmingdale, NJ	\$249,112.50 Annual Cost

Kuehne Chemical Company	\$.95 per gallon
South Kearny, NJ	\$225,387.50 Annual Cost

George S. Coyne Chemical	\$995 per gallon
Croydon, PA	\$236,063.75

Hans Kaszbua, Operations Supervisor, recommends that the contract be awarded to JCI Jones Chemicals, Inc. as the lowest, responsible responsive bidder.

Res. 22A:11. On motion of Mr. Cermele and seconded by Mr. Geter it was moved that the contract for furnishing Sodium Hypochlorite be awarded to JCI Jones Chemicals of Merrimack, NH for a one-year period in accordance with their bid received February 2, 2011 as the lowest, responsible, responsive bidder.

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

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and

Mrs. Zamonski.

Nays: None.

Absent: DiFrancesco.

Mr. Stephens presented the 2011 Annual Charge to the Township of Ewing and the Township of Lawrence. The Annual Charge to the Townships after adjustments is \$7,068,593.52 to Ewing and \$4,565,635.33 to Lawrence.

Res. 23:11. On motion of Mr. Geter and seconded by Mrs. Zamonski it was moved that the Authority set the 2010 Annual Charge at \$7,068,593.52 to Ewing and \$4,471,237.80 to Lawrence and that the following be approved:

- A. Setting the 2010 Actual Average Flow at 6.821679 (59.8287%) for Ewing and 4.580345 (40.1713%) for Lawrence (including the Plant Sewer Usage).
- B. Establishing the 2011 Estimated Flow at 59.4% Ewing and 40.6% Lawrence.
- C. Authorize the Secretary to file the 2011 Annual Charge with the Townships.

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

Ayes: Messrs. Cermele, Colavita, Geter and Vereen and

Mrs. Zamonski.

Nays: None.

Absent: DiFrancesco.

Mr. Filler requested approval of Change Order No. 1 to the contract with Electrical Design & Construction Corp. (EDC) for the ELSA Plant and Fourth Street Grinders extending the contract period by 30 days due to a delay in fabrication of the new grinders at the JWC Environmental factory. Mr. Cermele wanted to make sure that the Authority receives written confirmation from the contractor that this is a no-cost extension of time.

Res. 24:11. On motion of Mr. Cermele and seconded by Mr. Geter it was moved that the Authority approve Change Order No. 1 to the contract with Electrical Design & Construction Corp. (EDC) for the ELSA Plant and Fourth Street Grinders extending the contract period by 30 days due to a delay in fabrication of the new grinders at the JWC

Environmental factory subject to receipt of written confirmation from the contractor that this is a no-cost extension of time.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler requested approval of a budget increase in the amount of \$32,000 for Omni Environmental for NJPDES Permit Activities in accordance with their breakdown dated January 24, 2011.

Res. 25:11. On motion of Mr. Cermele and seconded by Mrs. Zamonski it was moved that the Authority approve a budget increase in the amount of \$32,000 for Omni Environmental for NJPDES Permit Activities.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler recommended award of the contract for the Mountain View Force Main to Underground Utilities Corp. of Linden, NJ in accordance with their bid received December 23, 2010 as the lowest, responsible, responsive bidder. Although the Authority has received a protest from the second low bidder, Metra Industries, the Authority has received an opinion from ELSA's attorney that the contract must be awarded to the Underground Utilities Corp. as the lowest, responsible, responsive bidder.

Res. 26:11. On motion of Mrs. Zamonski and seconded by Mr. Cermele it was moved that the contract for the Mountain View Force Main be awarded to Underground Utilities Corp. of Linden, NJ in accordance with their bid received December 23, 2010 as the lowest, responsible, responsive bidder.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler requested approval of the proposal submitted by Remington & Vernick Engineers to provide engineering support services for NJEIT Financing in an amount not to exceed \$14,202.85. He advised that the Authority intends to apply for financing through the NJEIT for the Scotch Road Relief Sewer and the TV Truck.

Res. 27:11. On motion of Mrs. Zamonski and seconded by Mr. Cermele it was moved that the Authority approve the proposal submitted by Remington & Vernick Engineers to provide engineering support services for NJEIT Financing in an amount not to exceed \$14,202.85.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler requested authorization to proceed with negotiations with Omni Environmental on the solar panels project and to negotiate the required property acquisitions.

Res. 28:11. On motion of Mrs. Zamonski and seconded by Mr. Geter it was moved that the Executive Director be authorized to negotiate with Omni Environmental on the solar panels projects and to negotiate the required property acquisitions.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler requested approval of the required resolution to apply for funding through the New Jersey Environmental Infrastructure Trust Financing Program.

Res. 29:11. 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 INTENT TO APPLY FOR
FUNDING THROUGH THE NEW JERSEY ENVIRONMENTAL
INFRASTRUCTURE TRUST FINANCING PROGRAM AND
AUTHORIZING CERTAIN ACTIONS RELATED THERETO**

WHEREAS, the Ewing-Lawrence Sewerage Authority (the "Authority") 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 Authority intends to acquire, construct, renovate and/or install certain environmental infrastructure projects (the "Project"); and

WHEREAS, the Authority intends to finance the Project with debt obligations of the Authority (the "Project Debt Obligations") the interest on which is excluded from

gross income under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and which 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 Authority with the proceeds of the Issuer's obligations (the "Project Bonds"); and

WHEREAS, the Authority will need to make application to the Issuer to qualify for the Project Bonds;

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

Section 1. The Authority hereby authorizes the Executive Director to (i) authorize the actions of any professionals of the Authority necessary to make application to the Issuer, (ii) sign any and all required documents, and (iii) take all steps necessary or required in order to allow the Authority to make application to the Issuer for its current funding cycle.

Section 2. This resolution shall take effect immediately.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Ponte requested a budget of \$39,746 to cover the change in scope of services for the Mountain View Pump Station – Vibrations/Pump Upgrade and a budget of \$5,000 to permit ARCADIS to assist ELSA with negotiations with NJDEP/NJEIT to allow constructing the improvements as a change order rather than as a stand-alone contract.

Res. 30:11. On motion of Mr. Cermele and seconded by Mr. Vereen it was moved that the Authority approve a budget of \$39,746 to cover the change in scope of services for the Mountain View Pump Station – Vibrations/Pump Upgrade and a budget of \$5,000 to permit ARCADIS to assist ELSA with negotiations with NJDEP/NJEIT to allow constructing the improvements as a change order rather than as a stand-alone contract.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler requested approval of the Agreement between Metro Employee Assistance Service (MEAS) and ELSA to provide employee assistance services for the period March 1, 2011 through February 28, 2012.

Res. 31:11. On motion of Mrs. Zamonski and seconded by Mr. Geter it was moved that the Authority approve the Agreement between Metro Employee Assistance Service (MEAS) and ELSA to provide employee assistance services for the period March 1, 2011 through February 28, 2012.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Jacobs recommended granting preliminary approval to the Christina Seix Academy. The project consists of a new residence academic center for underprivileged children located at 1600 Stuyvesant Avenue in Ewing Township.

Res. 32:11. On motion of Mrs. Zamonski and seconded by Mr. Cermele the following resolution was presented for adoption:

WHEREAS, SEIX ACADEMY proposes construction of a new residence academic center for underprivileged children located at 1600 Stuyvesant Avenue in Ewing 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 February 18, 2011.

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

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

Nays: None.

Absent: DiFrancesco.

Mr. Filler reported that he will be attending a meeting on Friday, February 25, 2011 with representatives of Ewing Township and The College of New Jersey to discuss flows and billings.

Mr. Jacobs advised that the Authority will be filing to fund the study of the facilities upgrade through the Interim Financing Plan through the NJEIT.

Mr. Rank reported that he has received the final version of the agreement on BEMS.

Res. 33:11. On motion of Mr. Geter and seconded by Mr. Vereen and unanimously carried, the meeting was adjourned at 1:40 P.M.

Anne M. Zamonski, Secretary