

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, June 18, 2013 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Also attending: Allan Jacobs, Jacobs Environmental Consulting; David Sopronyi, ELSA Staff Engineer and Chris Rakow, River Horse Brewing Co.

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. 61:13. On motion of Mr. Geter and seconded by Mrs. Zamonski and unanimously carried, the May 21, 2013 meeting minutes were approved.

Res. 62:13. On motion of Mr. Colavita and seconded by Mr. DiFrancesco and unanimously carried, the May 2013 Flow, Maintenance and Connection Reports were ordered filed.

Res. 63:13. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the Schedule of Bills for June 18, 2013 in the total amount of \$1,294,202.35 was accepted.

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

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

Nays: None.

Absent: None.

There was no public participation.

Mr. Filler reported that the Regional Sludge Management Committee met on May 22, 2013. He shared a status report from Trenton Fuel for review and the Board's leisure.

Mr. Jacobs advised that he has reviewed the application submitted by River Horse Brewing Company. The applicant is relocating their brewery facility from Lambertville to Ewing. The facility will be housed in a 24,500 square foot existing warehouse located at 2 Graphics Drive. Mr. Jacobs recommended granting final approval subject to the comments in his letter dated May 28, 2013.

Res. 64:13. On motion of Mrs. Zamonski and seconded by Mr. Colavita the following resolution was presented for adoption:

WHEREAS, RIVER HORSE BREWING COMPANY proposes to relocate their brewery facility from Lambertville, NJ to a 24,500 square foot existing warehouse at 2 Graphics Drive 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 final approval granted pursuant to this Resolution shall expire two (2) years 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 May 28, 2013.

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

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

Nays: None.

Absent: None.

Mr. Filler reported that bids were received on May 22, 2013 for the Maintenance Services for Instrumentation, Controls and Variable Speed Drives. The bids received are as follows:

Longo Elec-Mechanical \$93,560
Wharton, NJ

Optimum Controls Corp. \$95,475
Reading, PA

Municipal Maintenance Co. \$97,140
Cinnaminson, NJ

All bidders failed to meet the requirement in the specifications which states: "Bidder shall submit with the bid proof of its staff's certifications by the manufacturers of the variable speed drives." Based on this Mr. Filler recommended that the bids be rejected and that the project be re-bid.

Res. 65:13. On motion of Mrs. Zamonski and seconded by Mr. DiFrancesco it was moved that the bids for Maintenance Services for Instrumentation, Controls and Variable Speed Drives be rejected for failing to meeting the following requirement in the specifications "Bidder shall submit with the bid proof of its staff's certifications by the manufacturers of the variable speed drives" and that the project be re-bid.

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

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

Nays: None.

Absent: None.

Mr. Jacobs also reported that he has reviewed an application submitted by The College of New Jersey. The applicant proposes to demolish 13 existing buildings and constructing 9 new buildings and associated parking and roads. Seven of the buildings will consist of commercial uses on the ground/first floor and student dormitories on the upper floors. One hundred and thirty-two dwelling units; 8 one bedroom, 25 two bedroom and 97 four bedroom units and 81,078 square feet of commercial/retail spaced is planned for the project. Mr. Jacobs recommended granting preliminary approval subject to the comments in his letter dated May 29, 2013.

Res. 66:13. On motion of Mr. DiFrancesco and seconded by Mr. Colavita the following resolution was presented for adoption:

WHEREAS, THE COLLEGE OF NEW JERSEY proposes demolition of 13 existing buildings and constructing 9 new buildings and associated parking roads (Seven of the buildings will consist of commercial uses on the ground/first floor and student dormitories on the upper floors – 132 dwelling units; 8 one bedroom, 25 two bedroom and 97 four bedroom units and 81,078 square feet of commercial/retail space known as CAMPUS TOWN) on their campus 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 May 29, 2013.

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

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

Nays: None.

Absent: None.

Res. 67:13. On motion of Mr. and seconded by Mr. the following resolution was presented for adoption:

**RESOLUTION OF THE EWING-LAWRENCE SEWERAGE AUTHORITY CONCERNING
REVIEW OF FINDINGS AND RECOMMENDATIONS OF THE LOCAL FINANCE BOARD
MADE AT A MEETING OF SAID BOARD ON MAY 8, 2013, IN ACCORDANCE WITH
N.J.S.A. 40A:5A-6 AND N.J.S.A. 58:11-B-9(a).**

WHEREAS, the findings and recommendations issued by the Local Finance Board (the "Board") at a meeting held by said Board on May 8, 2013, relating to the issuance of not to exceed \$27,000,000 in bonds, including any interim financing related thereto (the "Bonds") by The Ewing-Lawrence Sewerage Authority (the "Authority") through the New Jersey Environmental Infrastructure Trust (the "NJEIT") to permanently finance the construction costs associated with associated with: (1) capital improvements consisting of (a) construction of a new UV disinfection facility to enable compliance with a new DCBM effluent limitation, (b) replacement various equipment and systems at or near the end of their useful service life, (c) correcting hydraulic bottlenecks that during severe wet weather conditions can cause the primary clarifiers to overflow, and (d) construction of new preliminary treatment facilities to provide screening of influent wastewater and improved grit removal, (2) the payment of any interim financing related to the 2013 Project as defined herein, (3) the payment of costs associated with the issuance of the Bonds pursuant to this 2013 Supplemental Resolution (as hereinafter defined) and (4) the financing of capitalized interest, as necessary; (collectively, the "Project"), have been filed with the Secretary of the Authority, and a copy of such has been received by each member of the governing body; and

WHEREAS, N.J.S.A. 40A:5A-7 requires that the governing body of the Authority, within 45 days of receipt of the Local Finance Board's findings and recommendations, shall certify by resolution to the Local Finance Board that the members thereof have personally reviewed the findings and recommendations; and

WHEREAS, the members of the governing body of the Authority have personally reviewed the form of Local Finance Board's findings and recommendations on the proposed project financing as evidenced by group affidavit of the governing body; and

WHEREAS, failure to comply with this requirement may subject the members of the Authority to the penalty provisions of R.S. 52:27BB-52.

NOW THEREFORE, BE IT RESOLVED that the governing body of the Authority hereby states that it has complied with the requirements of N.J.S.A. 40A:5A-7 and does hereby submit a certified copy of this resolution and the required affidavit to the Board to show evidence of said compliance.

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

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

Nays: None.

Absent: None.

Res. 68:13. On motion of Mr. DiFrancesco and seconded by Mr. Geter it was moved that the following resolution be adopted:

Resolution of the Ewing-Lawrence Sewerage Authority for Specifying Proprietary Goods for a Grit Removal System

WHEREAS, Ewing-Lawrence Sewerage Authority has the need for a new Preliminary Treatment Facility at its Wastewater Treatment Plant (WWTP) which will be constructed as part of its WWTP Upgrade Project; and

WHEREAS, as part of this new facility it is necessary to include a system to efficiently and reliably remove grit from the influent wastewater, and

WHEREAS, Ewing-Lawrence Sewerage Authority (“Authority”) needs to specify equipment for this system that has a proven track record and low maintenance requirements to ensure successful, efficient and reliable operation of the new Preliminary Treatment Facility, and

WHEREAS, the Grit King® grit removal system as manufactured by Hydro International has a successful proven track record at numerous wastewater treatment plants in efficiently remove grit over a wide range of flows, and is able to remove grit without the need for mechanical equipment in the main wastewater flow; and

WHEREAS exclusively specifying the “Grit King®” grit removal system as manufactured by Hydro International will significantly improve the operational performance and reliability of the Preliminary Treatment Facility, and

WHEREAS, the Ewing-Lawrence Sewerage Authority has determined that the Grit King® grit removal system is necessary for the conduct of its affairs; and

WHEREAS, the Ewing-Lawrence Sewerage Authority therefore has a compelling need to specify this equipment as authorized by N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1(a) 1.i

and 2.i where the proprietary designation overshadows the public benefit of use of “brand name or equivalent”; and

WHEREAS, the Ewing-Lawrence Sewerage Authority’s attorney Pellettieri, Rabstein & Altman has reviewed the proposed certification for the special need for the proprietary equipment and has advised of its applicability and acceptability pursuant to N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF EWING-LAWRENCE SEWERAGE AUTHORITY AS FOLLOWS:

1. That the Authority agrees that due to the specialized nature of this equipment necessary for the conduct of its affairs, the only acceptable manufacturer for the grit removal system to be installed as part of the WWTP Upgrade Project is the “Grit King® grit removal system as manufactured by Hydro International, Chalfont, OR.
2. Funds for the WWTP Upgrade Project will be provided through the New Jersey Environmental Infrastructure Financing Program.
3. This resolution for proprietary equipment shall be made part of the bid documents.

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

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

Nays: None.

Absent: None.

Res. 69:13. On motion of Mr. DiFrancesco and seconded by Mr. Geter the following resolution was presented for adoption:

Resolution of the Ewing-Lawrence Sewerage Authority for Specifying Proprietary Goods for UV Disinfection System

WHEREAS, Ewing-Lawrence Sewerage Authority has the need for a UV Disinfection System to enable compliance with a new effluent limitation imposed by the New Jersey Department of Environmental Protection, and

WHEREAS, the UV Disinfection System will be installed as part of Ewing-Lawrence Sewerage Authority’s WWTP Upgrade Project; and

WHEREAS, Ewing-Lawrence Sewerage Authority (“Authority”) needs to specify equipment for this system that can achieve reliable compliance with the new effluent limitation while minimizing the effort and cost for equipment maintenance so as to ensure efficient and reliable operation of the new UV Disinfection System, and

WHEREAS, the TrojanUVSigna™ UV disinfection equipment as manufactured by Trojan Technologies offers significant maintenance advantages based on substantially less

UV lamps to maintain compared to all other low pressure, high intensity UV disinfection equipment, as well as easy access to the UV lamps for inspection and replacement; and

WHEREAS, exclusively specifying the “TrojanUVSigna™” UV disinfection equipment as manufactured by Trojan Technologies will significantly improve the efficiency and ease of maintaining the UV Disinfection System, and

WHEREAS, the Ewing-Lawrence Sewerage Authority has determined that the TrojanUVSigna™ UV disinfection equipment is necessary for the conduct of its affairs; and

WHEREAS, the Ewing-Lawrence Sewerage Authority therefore has a compelling need to specify this equipment as authorized by N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1(a) 1.i and 2.i where the proprietary designation overshadows the public benefit of use of “brand name or equivalent”; and

WHEREAS, the Ewing-Lawrence Sewerage Authority’s attorney Pellettieri, Rabstein & Altman has reviewed the proposed certification for the special need for the proprietary equipment and has advised of its applicability and acceptability pursuant to N.J.S.A. 40A:11-13(d) and N.J.A.C. 5:34-9.1.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF EWING-LAWRENCE SEWERAGE AUTHORITY AS FOLLOWS:

1. That the Authority agrees that due to the specialized nature of this equipment necessary for the conduct of its affairs, the only acceptable manufacturer for the UV Disinfection System to be installed as part of the WWTP Upgrade Project is the “TrojanUVSigna™ UV disinfection equipment as manufactured by Trojan Technologies, London, Ontario, Canada
2. Funds for the WWTP Upgrade Project will be provided through the New Jersey Environmental Infrastructure Financing Program.
4. This resolution for proprietary equipment shall be made part of the bid documents.

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

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

Nays: None.

Absent: None.

Mr. Filler reported that the Engineering Committee and ELSA representatives met with Hopewell representatives on May 23, 2013. As a follow-up to that meeting Mr. Pogorzelski has sent a request to ELSA to provide a list of conditions that must be satisfied in order to secure sewer treatment for properties within Hopewell Township. Mr. Filler also advised that he received an email from Mr. Dougherty of 20 Brandon Road in Hopewell requesting the status of his request to connect to the ELSA system. The Board discussed these requests and agreed that the cost per gallon to connect should be set at \$45 as of January 1, 2013 and that the cost will be

re-visited annually. With regard to Mr. Dougherty the Board agreed to allow him to connect subject to a contract to be prepared by Messrs. Filler and Rank.

Res. 70:13. On motion of Mr. DiFrancesco and seconded by Mrs. Zamonski it was moved that the per gallon cost as of January 1, 2013 for properties in Hopewell Township be set at \$45 with the understanding that the rate will be re-visited annually and the homeowners' of 20 Brandon Road in Hopewell Township be permitted to connect to the ELSA sewer system subject to a satisfactory contract to be prepared by Messrs. Filler and Rank.

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

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

Nays: None.

Absent: None.

Mr. Rank reported that he received an agreement signed by the Pennington Circle property owners. The agreement will now have to be signed by Hopewell Township, Ewing Township and ELSA. Mr. Rank said that he will work with Mr. Jacobs to determine the proper gallonage to be included in the contract.

Mr. Filler informed the Board that payment from the Robertson Douglas Group for the Hamptons at Hopewell project is past due.

Res. 71:13. On motion of Mr. Colavita and seconded by Mr. DiFrancesco and unanimously carried, the meeting was adjourned at 1:00 P.M.

Charles Geter, Secretary