

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, October 16, 2012 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Absent and excused: Mr. DiFrancesco.

Also attending: Allan Jacobs of Jacobs Environmental Consulting; Timothy Bradley of Omni Environmental; Vance Stephens, ELSA Administrative Officer; Jerry Mitchell of Arcadis; David Sopronyi, ELSA Staff Engineer; William Hill, ELSA Maintenance Supervisor; Tony Ramsey, ELSA Foreman; Robert Geiger representing Briar Cliffe (The Hamptons); Hans Kaszuba, ELSA Operations Supervisor; Russ Forsythe, ELSA Foreman; Myron Jurczynski, ELSA Operator.

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).

Res. 111:12. On motion of Mrs. Zamonski and seconded by Mr. Cermele it was moved that the September 18, 2012 meeting minutes be approved as presented.

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

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

Nays: None.

Absent: Mr. DiFrancesco.

Res. 112:12. On motion of Mr. Cermele and seconded by Mr. Colavita it was moved that the September 2012 Flow, Maintenance and Connection Reports be filed.

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. 113:12. On motion of Mr. Cermele and seconded by Mr. Vereen it was moved that the Schedule of Bills in the total amount of \$698,313.37 be 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 meets on October 24, 2012. Trenton Fuel Works is investigating alternative technology.

Mr. Filler reported that the Authority received the Agreement Between the Township of Hopewell and the Ewing-Lawrence Sewerage Authority Relating to the Subdivision Known as "The Hamptons at Hopewell". This agreement sets forth that all sewer infrastructure will be owned and maintained by the Township of Hopewell, with the exception that Hopewell Township will not own or maintain laterals connecting individual residential units to the ELSA system. It also states that Hopewell Township will not issue any plumbing permits for this project until the property owner has proven that all ELSA fees and requirements have been met. Mr. Filler requested authorization to execute this agreement. The Board discussed clarification that is required before the agreement could be executed. Mr. Geter suggested that the Board go into Executive Session to discuss this.

Res. 114:12. On motion of Mr. Cermele and seconded by Mrs. Zamonski and unanimously carried, the Board went into Executive Session.

Mr. Geter reconvened the meeting and advised that the only item discussed in Executive Session was a proposed agreement regarding Briar Cliffe (The Hamptons).

Res. 115:12. On motion of Mr. Colavita and seconded by Mr. Cermele it was moved that the Executive Director be authorized to execute the Agreement Between the Township of Hopewell and the Ewing-Lawrence Sewerage Authority Relating to the Subdivision Known as "The Hamptons at Hopewell" subject to:

1. Identification of the three (3) lots in Exhibit "A".
2. Agreement to pay fees outlined in Exhibit "B" for all 41 lots prior to connection.
3. Signed agreement between ELSA, Hopewell Township and Ewing Township to serve the 22 off-site homes.

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

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

Nays: None.

Absent: Mr. DiFrancesco.

Mr. Jacobs reported that he has reviewed the application submitted by Briar Cliffe a.k.a. Hamptons at Hopewell. The applicant proposes construction of 19 new 4 bedroom single family homes located on Brandon Farm Road and Flower Hill Lane in Hopewell Township. The proposed sewer facilities will also provide service for the future connection of 22 existing single family homes along Brandon Road West and Brigham

Way. Mr. Jacobs recommended granting preliminary approval subject to the comments in his letter dated October 11, 2012.

Res. 116:12. On motion of Mrs. Zamonski and seconded by Mr. Vereen the following resolution was presented for adoption:

WHEREAS, BRIAR CLIFFE (HAMPTONS AT HOPEWELL) proposes construction of 19 new 4 bedroom single family homes located on Brandon Farm Road and Flower Hill Lane in Hopewell Township and said new sewer facilities will also provide service for the future connection of 21 existing single family homes along Brand Road West and Brigham Way; 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 180 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 July 30, 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: Mr. DiFrancesco.

Mr. Stephens presented the 2013 Preliminary Budget to the Board in the amount of \$12,346,600.00 Operating Budget and \$2,532,000.00 Capital Program. The Operating Budget is approximately \$7,300 more than last year's budget. The Finance Committee met and reviewed the budget and recommends its approval. The Finance Committee thanked Mr. Filler and Mr. Stephens for doing a great job with the budget.

Res. 117:12. On motion of Mr. Colavita and seconded by Mr. Vereen it was moved that the 2013 Preliminary Budget be approved to be submitted to the State for approval, that the public hearing be set for the Authority's December 18, 2012 meeting and the following be adopted:

WHEREAS, the Annual Budget and Capital Budget for the Ewing Lawrence Sewerage Authority for the fiscal year beginning, January 1, 2013 and ending, December 31, 2013 has been presented before the governing body of the Ewing Lawrence Sewerage Authority at its open public meeting of October 16, 2012; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 13,584,014 Total Appropriations, including any Accumulated Deficit if any, of \$14,937,514 and Total Unrestricted Net Assets utilized of \$1,353,500; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$2,532,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$431,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Ewing Lawrence Sewerage Authority, at an open public meeting held on October 16, 2012 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Ewing Lawrence Sewerage Authority for the fiscal year beginning, January 1, 2013 and ending, December 31, 2013 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Ewing Lawrence Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 18, 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: Mr. DiFrancesco.

Res. 118:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski the following resolution was presented for adoption:

**A RESOLUTION AUTHORIZING THE EWING LAWRENCE
SEWERAGE AUTHORITY TO CONSENT TO AN AMENDMENT TO A DEED
RELOCATING AN EASEMENT ON B. 365, L. 9, PREVIOUSLY APPROVED SO
AS TO CLARIFY THAT THE EASEMENT EXISTING PRIOR TO
RELOCATION BE AND THE SAME IS EXTINGUISHED AND TERMINATED.**

WHEREAS, by Deed dated March 12, 1999 the United States of America through the Secretary of the Navy deeded Block 365, Lot 9 (the "property") to 1400 Parkway LLC reserving unto itself a temporary sewer easement and granting to 1400 Parkway LLC the right to relocate the easement with the consent of the Township of Ewing and the Ewing-Lawrence Sewerage Authority in the event the easement interfered with any future development of the property; and,

WHEREAS, 1400 Parkway LLC has applied to Ewing Township for a minor subdivision and final site plan approval for a forty-eight (48) unit affordable housing project on part of the property and the location of the easement does in fact interfere with said development; and,

WHEREAS, 1400 Parkway LLC previously requested that Ewing Lawrence Sewerage Authority consent to the relocation of the easement to an area as described on a Deed submitted by the applicant; and,

WHEREAS, the Ewing Lawrence Sewerage Authority granted such request and consented to the relocation of the easement to an area as described on the Deed of Easement; and,

WHEREAS, the title company for 1400 Parkway LLC subsequently requested that the easement existing prior to the relocation be extinguished or terminated; and, 1400 Parkway LLC has proposed an amendment to reflect same; and,

WHEREAS, the proposal and the amendment have been reviewed by the Ewing Lawrence Sewerage Authority professional and engineering staff and special counsel; and, they have no objection to the proposed amendment; and,

WHEREAS, the Ewing Lawrence Sewerage Authority will consent to the amendment as described in the attached "Amended Easement" with Exhibits;

NOW, THEREFORE, BE IT RESOLVED, by the Ewing Lawrence Sewerage Authority that:

1. The Ewing Lawrence Sewerage Authority consents to the amendment to the Deed / Easement previously approved so as to extinguish or terminate the original easement, as described in the attached "Amended Easement"
2. The Executive Director is authorized and directed to execute the "Amended Easement", a copy of which is attached hereto and incorporated by reference herein on behalf of the Authority; and, to direct any necessary changes to Ewing Lawrence Sewerage Authority maps and documents.

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

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

Nays: None.

Absent: Mr. DiFrancesco.

Mr. Filler reported that he and the Lawrence Board Members met with Lawrence Councilwoman Lewis, Councilman Puliti and Township Manager, Rich Krawczun to discuss ways to improve communication between ELSA and Lawrence Township. They have requested that ELSA present its annual budget at a public hearing at a Lawrence Council meeting.

Mr. Filler advised that the Letter of Intent for 2014 for the Facilities Plan has been filed with the New Jersey Environmental Infrastructure Financing Program following the approval via telephone he received from the ELSA Members. Mr. Filler requested that the Board ratify this action.

Res. 119:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the Board ratify the action taken following the telephone approval of submitting ELSA's Letter of Intent for State Fiscal Year 2014 to the New Jersey Environmental Infrastructure Financing Program for the Facilities Plan.

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

Mr. Filler reported that the Engineering Committee will be meeting to discuss design of the Facilities Upgrade Project.

Mr. Filler requested a budget increase of \$10,000 for Jacobs Environmental Consulting for the Facilities Upgrade Project.

Res. 120:12. On motion of Mr. Cermele and seconded by Mrs. Zamonski it was moved that the Authority approve a budget increase of \$10,000 for Jacobs Environmental Consulting for the Facilities Upgrade Project.

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

Timothy Bradley of Omni Environmental provided a power point presentation on the Main Wastewater Treatment Plant Facilities Planning Project.

Mr. Jacobs reported that the Church & Dwight project is almost complete.

Jerry Mitchell updated the Board on the Mountain View Pump Force Main project.

Res. 121:12. On motion of Mr. Cermele and seconded by Mrs. Zamonski and unanimously carried, the meeting was adjourned at 2:00 P.M.

Anne M. Zamonski, Secretary

