

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, October 19, 2010 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Also attending: Allan Jacobs of Jacobs Environmental Consulting; Vance Stephens, ELSA Administrative Officer; Manuel Ponte of Arcadis; Warren Broudy of Mercadien; David Sopronyi, ELSA Staff Engineer

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

Res. 112:10. On motion of Mr. Colavita and seconded by Mrs. Zamonski and unanimously carried, the public hearing on the 2010 Connection Fee was opened.

There were no public comments.

Res. 113:10. On motion of Mr. Colavita and seconded by Mr. Geter and unanimously carried, the public hearing the 2010 Connection Fee was closed.

Res. 114:10. On motion of Mr. Cermele 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 \$2,885 (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. Cermele, Colavita, DiFrancesco, Geter and Vereen and
Mrs. Zamonski.

Nays: None.

Absent: None.

Res. 115:10. On motion of Mr. Geter and seconded by Mrs. Zamonski and unanimously carried, the minutes of September 21, 2010 were approved as presented.

Res. 116:10. On motion of Mr. Colavita and seconded by Mr. Cermele and unanimously carried, the September 2010 Flow, Maintenance and Connection Reports were ordered filed.

Res. 117:10. On motion of Mr. Cermele and seconded by Mr. Geter the Schedule of Bills in the total amount of \$792,574.82 was presented for approval.

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 has been notified by NJDEP that their requirements with respect to the remediation plan have been satisfied. Planet Fuel is not ready to move forward financially and has requested a standstill agreement. They have offered to post a refundable \$75,000 escrow account which will be replenished monthly. The Board agreed to Planet Fuel's request provided the \$75,000 escrow is non-refundable.

Mr. Filler requested an increase of \$74,000 for Arcadis for the Mountain View Force Main design project and NJEIT Loan Application efforts and he also requested that the unused balance from the Environmental Study also be allowed to be used towards the Mountain View Force Main design project and NJEIT Loan Application efforts.

Res. 118:10. On motion of Mr. Colavita and seconded by Mr. Vereen it was moved that the Authority approve a budget increase of \$74,000 for Arcadis for the Mountain View Force Main design and project and NJEIT Loan Application efforts and that the unused balance of from the Environmental Study also be allowed to be used towards the Mountain View Force Main design project and NJEIT Loan Application efforts.

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 reported that he has reviewed the application submitted by Merck consisting of a 15,000 square foot hangar and a 2600 square foot office addition adjacent to the existing Merck hangar off Sam Weinroth Road in Ewing Township. Mr. Jacobs recommended granting preliminary approval subject to the comments in his letter dated September 22, 2010.

Res. 119:10. On motion of Mrs. Zamonski and seconded by Mr. Geter the following resolution was presented for adoption:

WHEREAS, MERCK proposes construction of a 15,000 square foot hangar and a 2600 square foot office addition adjacent to the existing Merck hangar off Sam Weinroth Road 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 September 22, 2010.

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 October 13, 2010 for Maintenance, Emergency Service and/or Replacements to the Authority's Electrical Equipment. The bids received are as follows:

Longo Electrical	\$ 9,800 per annual inspection
Wharton, NJ	\$98.00 per hr (regular)
	\$110.00 per hr (overtime)
	\$110.00 per hr (double time)

8% Material Handling Charge
\$22,330.00 Est. Annual Cost

Zsenak Electric Co.
Lambertville, NJ

\$10,200. per annual inspection
105.00 per hr (regular)
160.00 per hr (overtime)
100.00 per hr (double time)
10% Material Handling Charge
\$24,400.00 Est. Annual Cost

A.C. Scott Electric
Trenton, NJ

\$11,725 per annual inspection
\$97.50 per hr (regular)
\$146.25 per hr (overtime)
\$195.00 per hr (double time)
10% Material Handling Charge
\$25,012.50.00 Est. Annual Cost

Marshall Industrial
Trenton, NJ

\$12,500 per annual inspection
98.00 per hr (regular)
147.00 per hr (overtime)
196.00 per hr (double time)
10% Material Handling Charge
\$25,750.00 Est. Annual Cost

Edward Crutchley recommends that the contract be awarded to Longo Electrical as the lowest, responsible, responsive bidder.

Res. 120:10. On motion of Mr. Cermele and seconded by Mrs. Zamonski it was moved that the contract for Maintenance of Electrical Equipment be awarded to Longo Electrical-Mechanical, Inc. of Wharton, NJ for a one-year period as the lowest, responsible, responsive bidder.

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 requested authorization to enter into and execute a contract with Remington Vernick for the design of the Scotch Road Relief Sewer. Qualifications and proposals were received for the project and interviews conducted with the four most qualified. The Engineering Committee, Executive Director and Consulting Engineer agree that Remington Vernick, although not the lowest proposal, was by far the most qualified for this project. Mr. Filler has negotiated a lower price with them and requested authorization to execute a contract upon approval by ELSA's Attorney.

Res. 121:10. On motion of Mrs. Zamonski and seconded by Mr. Cermele it was moved that the Authority enter into and execute a contract with Remington Vernick for the design of the Scotch Road Relief Sewer upon approval by ELSA's Attorney.

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 also requested an additional \$2,000 for the additional effort required by Jacobs Environmental Consulting on the Scotch Road project.

Res. 122:10. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the Authority approve an additional \$2,000 for Jacobs Environmental Consulting for the Scotch Road Relief Sewer project.

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. 123:10. On motion of Mr. Colavita and seconded by Mr. Vereen 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 JUNE 9, 2010, 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 June 9, 2010, relating to the issuance of not to exceed \$10,000,000 in subordinated bonds (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 certain capital improvements of the Authority (the "Project") and to pay the costs of issuance associated with the Bonds, 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.

Mr. Filler presented the 2011 Preliminary Budget to the Board and noted that the Operating Budget represents an increase of .6% over 2010. The Finance Committee and Chairman have met and reviewed the budget and recommend its approval.

Res. 124:10. On motion of Mr. Cermele and seconded by Mr. Vereen it was moved that the 2011 Preliminary Budget be approved to be submitted to the State for approval and that the public hearing be set for the Authority's December 21, 2010 meeting.

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 advised that the BEMS settlement agreement has been approved and ELSA's share will be a little over \$21,000.

Mr. Rank also reported that ELSA met with Hopewell and the mediator and we are still waiting on Hopewell as to the gallons of sewer service they will require.

Res. 125:10. On motion of Mr. Cermele and seconded by Mr. Colavita and unanimously carried the meeting was adjourned at 12:45 P.M.

Joseph Cermele, Secretary

