

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, September 17, 2013 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Absent: Messrs. Cermele and DiFrancesco.

Also attending: Allan Jacobs, Jacobs Environmental Consulting; Timothy Bradley of Kleinfelder Omni; David Sopronyi, ELSA Staff Engineer

Mrs. Zamonski called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mrs. Zamonski advised that all requirements of the Local Public Meetings Act have been met. She 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. 89:13. On motion of Mr. Colavita and seconded by Mr. Geter and unanimously carried, the August 20, 2013 meeting minutes were approved.

Res. 90:13. On motion of Mr. Colavita and seconded by Mr. Vereen and unanimously carried, the August 2013 Flow, Maintenance and Connection Reports were ordered filed.

Res. 91:13. On motion of Mr. Colavita and seconded by Mr. Geter it was moved that the Schedule of Bills for September 17, 2013 in the total amount of \$783,759.01 was accepted.

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

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

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

There was no public participation.

Mr. Filler reported that the Regional Management Committee meets on September 25, 2013. The Standstill Agreement has been extended through the end of the year.

Mr. Filler presented a proposal submitted by Kleinfelder Omni for engineering services during construction of the ELSA Wastewater Treatment Plant Upgrade project. The total estimated cost is \$1,800,000, which will not be exceeded without ELSA's prior approval and issuance of an amendment to their professional services agreement. The Engineering Committee has reviewed the proposal and recommends its approval. Mr. Rank has also advised that the Authority may approve the amendment.

Res. 92:13. On motion of Mr. Colavita and seconded by Mr. Geter it was moved that the Authority accept the proposal submitted by Kleinfelder Omni for engineering services during construction of the ELSA Wastewater Treatment Plant Upgrade project in the amount of

\$1,800,000, which will not be exceeded without ELSA's prior approval and issuance of an amendment (Amendment No. 3) to their professional services agreement.

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

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

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Mr. Filler also presented an amendment (Amendment No. 2) to Kleinfelder Omni's engineering service agreement for the Wastewater Treatment Plant Upgrade Design for additional services related to UV pilot testing and various additional plant improvements that were incorporated into the project. The additional work totals \$101,570 which would increase the current budget from \$1,504,460 to \$1,606,030. However, since the NJEIFP loan application includes an Allowance for Planning and Design of \$1,600,000, Kleinfelder Omni is willing to reduce the increase by \$6,030 so that the planning and design allowance is not exceeded. There Kleinfelder Omni is requesting an increase of \$95,540 taking the total engineering cost to \$1,600,000. The Engineering Committee has reviewed the proposal amendment and recommends approval.

Res. 93:13. On motion of Mr. Colavita and seconded by Mr. Vereen it was moved that the Authority approve Amendment No. 2 to increase the Engineering Consulting Service Agreement by \$95,540 for the Wastewater Treatment Plant Upgrade Design to cover UV Pilot Testing and additional plant improvements for Kleinfelder Omni.

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

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

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

The Engineering Committee suggested that the ELSA Board approve ELSA's submittal of a Letter of Intent to apply for grant funds applicable to our 2014 projects for improvements to preserve and protect treatment "works" equipment in the event of flood or natural disaster. These improvements are estimated to cost \$3,524,000.

Res. 94:13. On motion of Mr. Colavita and seconded by Mr. Geter it was moved that the Authority be authorized to submit a Letter of Intent to apply for grant fund applicable to ELSA's 2014 projects for improvements to preserve and protect treatment "works" equipment in the event of flood or natural disaster. The improvements are estimated to cost \$3,524,000.

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

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

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Mr. Jacobs reported that he has reviewed the final application for River Links, Scenic Drive, Ewing Township. The project consists of 124 two bedroom units and a clubhouse. Mr.

Jacobs recommended granting final approval subject to the comments in his letter dated September 12, 2013.

Res. 95:13. On motion of Mr. Geter and seconded by Mr. Colavita it was moved that the following resolution be adopted:

WHEREAS, River Links proposes construction of a project consisting of 124 two bedroom units and a clubhouse on the south side of Scenic 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 September 12, 2013.

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

Res. 96:13. On motion of Mr. Geter and seconded by Mr. Vereen the following resolution was presented for adoption:

Resolution of the Ewing-Lawrence Sewerage Authority for Specifying Proprietary Goods for Spare Comminutor

WHEREAS, the Ewing-Lawrence Sewerage Authority utilizes a comminutor at the Lawrence Screening Chamber to grind wastewater prior to pumping in order to prevent pump blockages; and

WHEREAS, the Ewing-Lawrence Sewerage Authority has the need for an uninstalled spare comminutor that can be temporarily installed and utilized during periods when the existing comminutor must be physically removed from service for maintenance, thereby enhancing the Ewing-Lawrence Sewerage Authority's reliability of wastewater grinding and thereby improving the reliability of wastewater pumping; and

WHEREAS, the uninstalled spare comminutor will be furnished as part of Ewing-Lawrence Sewerage Authority's WWTP Upgrade Project; and

WHEREAS, the spare comminutor must be a duplicate of the existing comminutor so that it can be readily installed by ELSA staff in the location of the existing comminutor; and

WHEREAS, the existing comminutor is the "Channel Monster®" manufactured by JWC Environmental; and

WHEREAS, only a single vendor is capable of furnishing a duplicate of the existing comminutor; and

WHEREAS, the Ewing-Lawrence Sewerage Authority has determined that specifying a Channel Monster® comminutor 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 uninstalled spare comminutor to be furnished as part of the WWTP Upgrade Project is the Channel Monster® comminutor as manufactured by JWC Environmental, Costa Mesa, CA
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. Colavita, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: Messrs. Cermele and DiFrancesco.

Mr. Filler reported:

1. Tim Dougherty, 20 Brandon Road, Hopewell contract has been approved by Hopewell Township Committee. The contract has been forwarded to Ewing Township for approval at the next Council meeting.
2. ELSA Engineering Committee and staff met with representatives from Synnergy, LLC to discuss reduced energy costs for ELSA’s Wastewater Treatment Plant over the next 15 years by providing a solar complex at no cost to ELSA. The Board agreed that ELSA staff should continue to look into this option.

Mr. Geter advised that he feels that ELSA is at a disadvantage by not attending WEFTEC. He proposed that starting in 2014 the Executive Director and the Chairman (or his/her designee) attend the annual WEFTEC conference. The Board concurred with Mr. Geter’s recommendation.

Mr. Jacobs reported that the Authority has received an application from Costco to construct a facility on Quakerbridge Road near Avalon Run. He met with their engineers yesterday and will be drafting a response to their inquiry.

Mr. Jacobs also reported that the Authority received an application for Lawrence Corners at the intersection of Route 1 and Bakers Basin Road.

Res. 97:13. On motion of Mr. Colavita and seconded by Mr. Vereen and unanimously carried, the meeting was adjourned at 1:20 P.M.

Pasquale Colavita, Secretary