

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, October 15, 2019 at 12:00 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

Present: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen and S. Robert Filler, Executive Director; W. Barry Rank, Esquire.

Also attending: Allan Jacobs of Jacobs Environmental, Inc. and Jerry Mitchell of Arcadis; Vance Stephens, ELSA Administrative Officer.

Absent and excused: Mr. Colavita.

Mr. Vereen called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Vereen 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. 81:19. On motion of Mr. Geter and seconded by Mr. Kownacki the September 17, 2019 minutes were presented for adoption.

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

Ayes: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Colavita.

Res. 82:19. On motion of Mr. Geter and seconded by Mr. Muzaffar and unanimously carried, the September 2019 Flow, Maintenance and Connection Reports were ordered filed.

Res. 83:19. On motion of Mr. Muzaffar and seconded by Mr. Kownacki it was moved that the October 15, 2019 Schedule of Bills in the total amount of \$791,032.70 be accepted.

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

Ayes: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Colavita.

Mr. Filler noted that the check for Ovivo will be held until an outstanding issue is resolved.

There was no public participation

Mr. Filler updated the Board on the Regional Sludge Facility and advised that a tour of the facility will be scheduled for all those interested.

Mr. Filler reported that bids were received on September 18, 2019 for furnishing polymers. The only bid received is as follows:

Polydyne, Inc. \$1.85 per pound
Riceboro, GA

Mark Colavita recommends that the contract be awarded to Polydyne, Inc. as the lowest, responsible, responsive bidder.

Res. 84:19. On motion of Mr. Geter and seconded by Mr. Kownacki it was moved that the contract for furnishing Polymers be awarded to Polydyne, Inc. for a one-year period in accordance with their bid received September 18, 2019 as the lowest, responsible, responsive bidder. Funds are available per the Availability of Funds certification of the Administrative Officer.

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

Ayes: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Colavita.

Mr. Filler reported that bids were received on October 2, 2019, for Maintenance, Emergency Repair Service and/or Replacement of Instrumentation (VFD's). The bids received are as follows:

Longo Electrical-Mechanical, Inc. \$80,950.00
Wharton, NJ

Municipal Maintenance Corp. \$76,640.00
Cinnaminson, NJ

William Hill recommends that the contract be awarded to Municipal Maintenance Corp., as the lowest, responsible, responsive bidder.

Res. 85:19. On motion of Mr. Muzaffar and seconded by Mr. Lee it was moved that the contract for Maintenance, Emergency Repair Service and/or Replacements of Instrumentation (VFD's) be awarded to Municipal Maintenance Co. for a one-year period in accordance with their bid received October 2, 2019 as the lowest, responsible, responsive bidder. Funds are available per the Availability of Funds certification of the Administrative Officer.

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

Ayes: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Colavita.

Jerry Mitchell requested approval of Change Order No. 1 to the Authority's contract with Arcadis for the Lawrence Township Flow Study and Capacity Analysis. The additional costs were due to unexpected requirements of police presence for traffic control and removal and

installation of three flow meters. The total cost of the change order is \$6,5232.40 less the \$300.00 contingency originally allotted in the contract for a total cost for Change Order No. 1 of \$6,232.40.

Res. 86:19. On motion of Mr. Muzaffar and seconded by Mr. Kownacki it was moved that the Authority approve Change Order No. 1 to the contract with Arcadis for the Lawrence Township Flow Study and Capacity Analysis. The additional costs were due to unexpected requirements of police presence for traffic control and removal and installation of three flow meters. The total cost of the change order is \$6,532.40 less the \$300.00 contingency originally allotted in the contract for a total cost for Change Order No. 1 of \$6,232.40.

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

Ayes: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Colavita.

Mr. Filler reported that the Authority received a visit from Don Orpen, NJDEP Enforcement Officer, on September 30, 2019. Mr. Orpen advised that NJDEP Administration wants the Jacobs Creek Road Administrative Consent Order (ACO) terminated. Mr. Filler provided the Board with the history of the ACO. He advised that NJDEP is encouraging the Authority to build a satellite plant at Jacobs Creek Road, which the Authority is not interested in doing. The Authority has only had two overflows at Jacobs Creek Road in the last 9-10 years (caused by blockages in the line) which would not justify building a \$3,000,000 to \$5,000,000 satellite plant.

Mr. Filler advised that he will notify NJDEP of the Board's position, which will cause NJDEP to closeout the ACO. He also advised that the Authority will continue with its I&I Program in that area.

Mr. Filler reported that the NJSMAESA will be accepting bids on December 3, 2019, which will include the Authority's Fourth Street Pump Station and nine (9) of the Authority's other pump stations. Mr. Filler requested approval of the following resolution to allow him to act on these bids on the day they are received.

Res. 87:19. On motion of Mr. Muzaffar and seconded by Mr. Geter it was moved that the following resolution be adopted:

RESOLUTION AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR IN HIS/HER ABSENCE THE ADMINISTRATIVE OFFICER TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

WHEREAS, the Ewing-Lawrence Sewerage Authority ("Authority") has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority

Electrical Supply Aggregation (“NJSMUAESA”), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 et. seq., “the Act”), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

WHEREAS, the existing electric power supply contract(s) for the Authority’s electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in December 2017, will expire upon the meter read dates in May 2020 for each Authority electric account; and

WHEREAS, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

WHEREAS, due to current favorable market conditions the NJSMUAESA intends to issue a Request for Bids (“RFB”) on or about November 1, 2019 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in May 2020; and

WHEREAS, as a participant in the NJSMUAESA the Authority requires the services of an “Energy Agent,” as defined in the “Electric Discount and Energy Competition Act,” to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

WHEREAS, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority’s energy needs, quantifying the Authority’s load profile, developing an energy plan for the Authority, preparing bid specifications and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority; and

WHEREAS, the Energy Agent shall not receive and monetary compensation directly from the Authority for the services to be provided; and

WHEREAS, the Authority and the Energy Agent agree that the electricity supply contract(s) (“ESC”) between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$.0005 per kilowatt-hour for all months of the ESC; and

WHEREAS, Gabel Associates, Inc., with a principal place of business located at 417 Denison Street, Highland Park, New Jersey 08904, is a duly registered Energy Agent pursuant to the Act; and

WHEREAS, the Authority is desirous of authorizing the award of a contract to Gabel Associates, Inc. to serve as Energy Agent in connection with the bid for electric generation service through the NJSMUAESA, as an extraordinary, unspecifiable service without competitive bidding pursuant to N.J.S.A. 40A:11.1 et. seq.; and

WHEREAS, it is the NJSMUAESA's intent to receive bid price submittals on or about December 3, 2019 in response to the RFB to be issued on or about November 1, 2019; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day;

NOW, THEREFORE, BE IT RESOLVED that the Ewing-Lawrence Sewerage Authority ("Authority") is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2020, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 et. seq., "the Act"), Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., and applicable regulations.

BE IT FURTHER RESOLVED that the Authority hereby approves the retention of Gabel Associates, Inc. as the Authority's Energy Agent in connection with the procurement of electricity supply for the Authority's electric accounts.

BE IT FURTHER RESOLVED that the Executive Director is hereby authorized and directed to execute any documents reasonably required to effectuate the retention of Gabel Associates, Inc. as the Authority's Energy Agent.

BE IT FURTHER RESOLVED that the Authority's Executive Director, or in his/her absence the Administrative Officer, is hereby authorized to act in his/her sole discretion as the Authority's designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about November 1, 2019. Such authorization to award a contract to the low bidder as the Authority's designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority's accounts prior to the date of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

BE IT FURTHER RESOLVED that, notwithstanding the foregoing, the Authority's Executive Director or in his/her absence the [Title], may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.

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

Ayes: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Colavita.

Mr. Filler reported that JEV is doing a great job on the installation of the masts. Unfortunately, two of the masts were manufactured incorrectly and had to be sent back and corrections made by the manufacturer. One of them had already been installed so had to be removed and installed again after the repairs were made. The additional costs will be \$37,400, which the Authority expects Ovivo, the manufacturer, to pay.

Res. 88:19. On motion of Mr. Muzaffar and seconded by Mr. Kownacki it was moved that the Authority approved Change Order No. 1 to the contract with JEV Construction, Inc. for the Installation of Four (4) Rotary Distributors and Masts in the amount of \$37,400.00.

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

Ayes: Messrs. Geter, Kownacki, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Colavita.

Mr. Filler also reported:

1. The County is work on the Wastewater Management Plan.
2. FLSA is reviewing ELSA's shift differential policy.

Res. 89:19. On motion of Mr. Geter and seconded by Mr. Kownacki and unanimously carried, the following resolution was adopted:

WHEREAS, the Ewing-Lawrence Sewerage Authority must discuss items dealing with labor negotiations and pending or on-going litigation, etc.; and

WHEREAS, the aforesaid subjects to be discussed are not appropriate for a public meeting; and

WHEREAS, the aforesaid subjects to be discussed are within the exemptions which are permitted to be discussed and acted upon in closed executive session pursuant to N.J.S.A. 10:4-12b;

NOW, THEREFORE, BE IT RESOLVED by the Ewing-Lawrence Sewerage Authority that a closed session of the Authority shall be held;

BE IT FURTHER RESOLVED that the information pertaining to the aforesaid matters will be made available to the public as soon as possible and once the reasons for non-disclosure no longer exists.

Mr. Vereen reconvened the meeting. The only items discussed in Executive Session involved labor negotiations and on-going/pending litigation.

Mr. Muzaffar left the meeting at 1:40 P.M.

Res. 90:19. On motion of Mr. Kownacki and seconded by Mr. Vereen and unanimously carried, the meeting was adjourned at 1:42 P.M.

Secretary