

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, November 19, 2019 at 12:00 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Also attending: Vance Stephens, ELSA Administrative Officer; Warren Broudy and Matthew Daly of Mercadien P.C.; William Hill, ELSA Maintenance Supervisor and Dave Sopronyi, ELSA Staff Engineer.

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. 91:19. On motion of Mr. Kownacki and seconded by Mr. Geter the October 15, 2019 Regular and Executive Session minutes were presented for adoption.

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

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

Nays: None.

Absent: None.

Res. 92:19. On motion of Mr. Kownacki and seconded by Mr. Muzaffar and unanimously carried, the October 2019 Flow, Maintenance and Connection Reports were ordered filed.

Res. 93:19. On motion of Mr. Colavita and seconded by Mr. Muzaffar it was moved that the November 19, 2019 Schedule of Bills in the total amount of \$994,669.02 be accepted.

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

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

Nays: None.

Absent: None.

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.

Messrs. Broudy and Daly presented the 2018 Audit to the Board and advised that they have provided an unmodified, clean opinion.

Res. 94:19. On motion of Mr. Geter and seconded by Mr. Kownacki it was moved that the reason the 2018 Audit for the Authority was submitted late was due to the delay in receiving information needed from the State of New Jersey for compliance with GASB 75.

The above resolution was adopted on the following roll call vote:
Ayes: Messrs. Colavita, Geter, Kownacki, Lee, Muzaffar and Vereen.
Nays: None.
Absent: None.

Res. 95:19. On motion of Mr. Colavita and seconded by Mr. Kownacki the following resolution was presented for adoption:

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended December 31, 2018 has been completed and filed with the Ewing-Lawrence Sewerage Authority pursuant to N.J.S.A. 40A:5A-15, and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board, and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Ewing-Lawrence Sewerage Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended December 31, 2018, and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED that the secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

The above resolution was adopted on the following roll call vote:
Ayes: Messrs. Colavita, Geter, Kownacki, Lee, Muzaffar and Vereen.
Nays: None.
Absent: None.

Mr. Filler reported that bids were received on October 23, 2019 for the Ewing Creek Easement project. Three bids were received as follows:

Diversified Infrastructure Services	\$434,300.40
National Water Main Cleaning	\$652,570.50
North American Pipeline Services	\$777,856.50

Mr. Rank questioned the discrepancy in price between the low bidder and the other bidders. He asked if the contractor would be able to file a claim with the Authority in the event of delays. Mr. Sopronyi assured the Board that the contract does not permit the contractor to file a claim for delays. After discussion it was agreed that Mr. Rank should review the contract. Mr. Filler recommended awarding the project to Diversified Infrastructure Services in the amount of \$434,300.40 as the lowest, responsible, responsive bidder subject to review by the Authority's attorney.

Res. 95:19. On motion of Mr. Muzaffar and seconded Mr. Lee it was moved that the contract for the Ewing Creek Easement project be awarded to Diversified Infrastructure Services in the amount of \$434,300.40 as the lowest, responsible, responsive bidder. Funds are available per the Availability of Funds certification of the Administrative Officer. This approval is subject to review and approval by ELSA's attorney.

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

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

Nays: None.

Absent: None.

Mr. Stephens presented the 2020 Preliminary Budget to the Board. He advised that the 2020 Operating Budget represents slightly less than a 1% increase over the 2019 Budget.

Res. 96:19. On motion of Mr. Muzaffar and seconded by Mr. Colavita it was moved that the 2020 Budget for the Authority was submitted late due to prolonged discussion concerning the Capital program and financing of that program.

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

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

Nays: None.

Absent: None.

Res. 97:19. On motion of Mr. Muzaffar and seconded by Mr. Colavita the following resolution was presented for adoption:

**EWING-LAWRENCE SEWERAGE AUTHORITY
2020 AUTHORITY BUDGET RESOLUTION**

The 2020 Preliminary Budget be approved to be submitted to the State for approval, that the public hearing be set for the Authority's December 17, 2019 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, 2020 and ending, December 31, 2020 has been presented before the governing body of the Ewing Lawrence Sewerage Authority at its open public meeting of November 19, 2019; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$14,955,752.00 Total Appropriations, including any Accumulated Deficit if any, of \$15,555,752.00 and Total Unrestricted Net Assets utilized of \$600,000.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$2,853,000.00 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$1,753,000.00; 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 November 19, 2019 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, 2020 and ending, December 31, 2020 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 17, 2019.

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

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

Nays: None.

Absent: None.

Mr. Sopronyi reported that Mr. Jacobs has reviewed the application submitted by Chick-Fil-A. The applicant proposes construction of a 5,180 square foot building at the Lawrence Corner Shopping Center at the corner of Route 1 and Bakers Basin Road. Mr. Jacobs recommended granting preliminary approval subject to the comments in his letter dated October 29, 2019. (Mr. Geter left the meeting at 12:45 P.M.)

Res. 98:19. On motion of Mr. Muzaffar and seconded by Mr. Lee it was moved that the following resolution be presented for adoption:

WHEREAS, CHICK-FIL-A proposes construction of a 5,180 square foot building at the Lawrence Corner Shopping Center at Route 1 and Bakers Basin Road in Lawrence 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 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.
2. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.
3. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.
4. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.
5. The Authority hereby endorses this project and further certifies that said project meets the 208 Wastewater Management Plan requirements and expects to continue to meet the NJPDES Permit requirements.
6. This preliminary approval granted pursuant to this Resolution shall expire ninety (90) days from the date hereof.
7. The Developer shall pay the appropriate connection and inspection fees.
8. The sewers shall conform to the Authority's Rules and Regulations.
9. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated October 29, 2019.

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

Ayes: Messrs. Colavita, Lee, Muzaffar and Vereen.

Nays: None.

Absent: Mr. Geter.

Abstain: Mr. Kownacki

Mr. Geter returned to the meeting at 12:50 P.M.

Mr. Filler reported:

1. The NJSMUAESA is out to bid for energy for the Authority's pumping stations.
2. Will be meeting to discuss Union negotiations.
3. Mediation with Pact Two was held on November 6, 2019.
4. Arcadis is working on the Lawrence Flow Study.
5. Installation of the rotary distributors and mast is being completed.
6. Met with Lawrence Township representatives on November 4, 2019 to discuss the Annual Charge.

Res. 99:19. On motion of Mr. Colavita and seconded by Mr. Muzaffar and unanimously carried, the following resolution was adopted:

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

WHEREAS, the aforesaid subject to be discussed is not appropriate for a public meeting; and

WHEREAS, the aforesaid subject to be discussed is 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. Colavita left the meeting at 1:15 P.M.

Mr. Vereen reconvened the meeting and Mr. Rank advised that the only item discussed was the status of the Pact Two mediation, now arbitration, conference.

Res. 100:19. On motion of Mr. Muzaffar and seconded by Mr. Kownacki and unanimously carried, the meeting was adjourned at 1:30 P.M.

Secretary