

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, February 18, 2020 at 12:00 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Also attending: Allan Jacobs of Jacobs Environmental Consulting and Vance Stephens, ELSA Administrative Officer.

Mr. Lee called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Lee 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. 4:20. On motion of Mr. Geter and seconded by Mr. Vereen and unanimously carried, the December 17, 2019 Regular and Executive Session minutes were presented for adoption.

Rs. 5:20. On motion of Mr. Muzaffar and seconded by Mr. Colavita and unanimously carried, the December 2019 and January 2020 Flow, Maintenance and Connection Reports were ordered filed.

Res. 6:20. On motion of Mr. Muzaffar and seconded by Mr. Vereen it was moved that the end of year December 31, 2019 Schedule of Bills in the total amount of \$369,113.26, the January 21, 2020 Schedule of Bills in the total amount of \$679,227.09 and the February 18, 2020 Schedule of Bills in the total amount of \$797,231.93 be accepted.

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

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

Nays: None.

Absent: Mr. Kownacki.

There was no public participation.

Mr. Filler requested dates from the Board Members when they would be available for the tour at the Regional Sludge Facility.

Mr. Jacobs reported that he has reviewed the application submitted by Lidl Grocery Store. The applicant proposes to locate at the 25,634 square foot for Acme Supermarket in the Lawrence Shopping Center on U.S. 1 in Lawrence Township. Mr. Jacobs recommended granting final approval subject to the comments in his letter dated February 18, 2020.

Res. 7:20. On motion of Mr. Muzaffar and seconded by Mr. Vereen the following resolution was presented for adoption:

WHEREAS, LIDL GROCERY STORE is locating at the 25,634 sq ft former ACME Supermarket in the Lawrence Shopping Center on U.S. 1 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 final approval granted pursuant to this Resolution shall expire two (2) years 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 February 11, 2020.

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

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

Nays: None.

Absent: Mr. Kownacki.

Mr. Filler recommended acceptance of sewer in The Boro's of Lawrenceville Roxboro Road subdivision be accepted.

Res. 8:20. On motion of Mr. Colavita and seconded by Mr. Muzaffar and unanimously carried the sewers in The Boro's of Lawrenceville – Roxboro Road, Lawrence Township (\$14,900) were accepted.

Mr. Stephens presented the 2020 Annual Charge to the Townships. After adjustments, the total charge to Ewing Township is \$8,769,240.10 and \$5,681,581.50 to Lawrence Township.

Res. 9:20. On motion of Mr. Colavita and seconded by Mr. Muzaffar the 2019 Actual Average Flow was set at 56.7766% for Ewing and 43.2234% for Lawrence (including the Plant Sewer Usage). The Authority set the estimated 2020 flow at 58% Ewing and 42% Lawrence and authorized the Authority to file the 2020 Annual Charge with the Townships.

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

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

Nays: None.

Absent: Mr. Kownacki.

Mr. Filler reported:

1. The Judge has forced Synnergy to go to the Zoning Board. If they are turned down there, they can return to the courts for a ruling. Synnergy has also requested that their contract with ELSA be extended from 15 to 25 years. This will be discussed with the Engineering Committee.
2. Mercer County has asked if the Authority is interested in serving a six-acre property located at 538 Village Road West. After discussion the Board directed Mr. Filler to notify Mercer County that the Authority is not interested in entertaining this request from West Windsor.

Mr. Rank advised that ELSA been sued by the affordable, inclusionary developers in Hopewell Township.

Mr. Filler reported that another vote was taken on the Union contract and was voted down. Fact Finding will be moving forward in March. Mr. Filler advised that he would invite Leslie London to the Authority's March meeting to give a status update.

Res. 9:20. On motion of Mr. Geter and seconded by Mr. Muzaffar and unanimously carried, the following resolution was adopted:

WHEREAS, the Ewing-Lawrence Sewerage Authority must discuss items dealing with labor negotiations; 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. Lee reconvened the meeting and Mr. Rank advised that the Board discussed the overall feelings of the Board Members regarding the status of the Union negotiations.

Mr. Jacobs advised that it is necessary for the Authority to investigate the condition of the Fackler Road Force Main. He advised that the Authority could do it through their contract with Jacobs Environmental Consulting at a cost not to exceed \$35,000.

Res. 10:20. On motion of Mr. Muzaffar and seconded by Mr. Geter it was moved that the Authority authorize Jacobs Environmental Consulting to proceed with an investigation of the Fackler Road Force Main at a cost not to exceed \$35,000.

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

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

Nays: None.

Absent: Mr. Kownacki.

Mr. Jacobs also advised that Arcadis has requested a change order to their contract with the Authority for the Lawrence Flow Study in the not-to-exceed amount of \$3520 to survey two critical locations required for the study.

Res. 11:20. On motion of Mr. Muzaffar and seconded by Mr. Vereen it was moved that the Authority approved a change order to the contract with Arcadis for the Lawrence Flow Study in the not-to-exceed amount of \$3520 to survey two critical locations required for the study.

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

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

Nays: None.

Absent: Mr. Kownacki.

Mr. Rank reported that the Authority won a motion to demand litigation in the Pact Two matter.

Mr. Filler reported that the Authority will be looking at a 20,000 sq ft garage for storage and archive/office building.

Mr. Filler also advised that he is in negotiations with Ovivo to settle.

Res. 12:20. On motion of Mr. Colavita and seconded by Mr. Muzaffar and unanimously carried, the meeting was adjourned at 1:40 P.M.