

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, August 21, 2012 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Also attending: Allan Jacobs of Jacobs Environmental Consulting; William Carmichael, ELSA Pretreatment Coordinator; Nick Teoh of 136 Pennsylvania Avenue; David Sopronyi, ELSA Staff Engineer; Jerry Mitchell of Arcadis.

Mr. Geter called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Geter 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. 82:12. On motion of Mr. Colavita and seconded by Mr. Cermele it was moved that the public hearing on the Authority's Sewer Use Ordinance be opened.

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 were no public comments. Mr. Carmichael advised that the Authority's Sewer Use Ordinance was modified because ELSA became a non-delegated agency.

Res. 83:12. On motion of Mrs. Zamonski and seconded by Mr. Vereen it was moved that the public hearing on the Authority's Sewer Use Ordinance be closed.

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. 84:12. On motion of Mr. Cermele and seconded by Mr. Vereen it was moved that the Authority adopt its revised Sewer Use Ordinance dated June 19, 2012.

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. Teoh requested full or partial relief from payment of the Authority's connection fee for his property at 136 Pennsylvania Avenue in Ewing Township. A house on the property was torn down and the sewer capped in 2009. He has now built a 12 bedroom single-family dwelling for TCNJ students at the site. Since the sewer line was capped three years ago and no sewer bills have been paid, a connection fee for the new dwelling is required by ELSA. ELSA's regulations require that a connection fee must be paid if no sewer bill has been paid for the property for over 12 months.

Res. 85:12. On motion of Mr. DiFrancesco and seconded by Mr. Cermele it was moved that the Authority table this matter for further discussion.

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. 86:12. On motion of Mr. Vereen and seconded by Mrs. Zamonski it was moved that the July 17, 2012 minutes be approved as presented.

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

Ayes: Messrs. Cermele, DiFrancesco, Geter and Vereen  
and Mrs. Zamonski

Nays: None.

Absent: None.

Abstain: Mr. Colavita.

Res. 87:12. On motion of Mr. Cermele and seconded by Mrs. Zamonski it was moved that the July 2012 Flow, Maintenance and Connection Reports be filed.

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. 88:12. On motion of Mr. DiFrancesco and seconded by Mr. Vereen it was moved that the Schedule of Bills in the total amount of \$2,210,094.24 be accepted.

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 sent a letter to Trenton Fuel Works advising they are in default of paying their monthly payments. Trenton Fuel Works has advised that they will be paying the required monthly payments. They will also be at the August Regional Sludge Management Committee meeting to give a status report. Their letter of credit is expiring on August 31, 2012 and they have advised that they will be replacing it.

Mr. Filler reported that bids were received on July 25, 2012 for furnishing polymers. The only bid received is as follows:

Polydyne, Inc.	\$1.79 per pound
Riceboro, GA	Est Annual Cost - \$58,891

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

Res. 89:12. On motion of Mr. Cermele and seconded by Mr. DiFrancesco it was moved that the contract for furnishing Polymers be awarded to Polydyne, Inc. of Riceboro, GA for a one-year period in accordance with their bid received July 25, 2012 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 also reported that bids were received on August 8, 2012 for Maintenance, Emergency Service, Repairs and Replacements to the Authority's Medium Voltage (formerly High Voltage) Electrical Equipment. The bids received are as follows:

Longo Elec-Mech Inc.	\$7,500.00 per annual inspection
Wharton, NJ	95.00 per hr regular
	110.00 per hr overtime
	120.00 per hr double time
	6% Material Handling Charge
	\$13,510.00 Estimated Annual Cost
Reuter Hanney, Inc	\$7,620.00 per annual inspection
Ivyland, PA	102.00 per hr regular
	115.00 per hr overtime
	140.00 per hr double time
	5% Material Handling Charge
	\$14,025.00 Estimated Annual Cost.

Scott Testing, Inc.	\$7,518.00 per annual inspection
Ewing, NJ	106.00 per hr regular
	127.00 per hr overtime
	180.00 per hr double time
	7 Material Handling Charge
	\$14,365.00 Estimated Annual Cost

William Hill recommends that the contract be awarded to Reuter & Hanney, Inc. as the lowest, responsible, responsive bidder since Longo Electrical-Mechanical, Inc. did not meet the NETA certification requirement of the Authority's specifications.

Res. 90:12. On motion of Mr. Cermele and seconded by Mr. Colavita it was moved that the contract for Maintenance of Medium Voltage Electrical Equipment be awarded to Reuter & Hanney, Inc. in accordance with their bid received August 8, 2012 as the lowest, responsible, responsive bidder since Longo Electrical-Mechanical, Inc. did not meet the NETA certification requirement of the Authority's specifications.

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 advised that he has reviewed the application submitted by Lawrence Toyota. The applicant proposes demolition of two existing buildings and expanding the car sales and service building by 21,171 square feet, expanding the used car showroom by 1,304 square feet and a 5,680 square foot exiting carpet store on lot 23 will be converted into a detail center at their facility on Route 1 in Lawrence Township. He recommended granting preliminary approval subject to the comments in his letter dated July 27, 2012.

Res. 91:12. On motion of Mr. Cermele and seconded by Mrs. Zamonski the following resolution was presented for adoption:

WHEREAS, LAWRENCE TOYOTA proposes demolition of two existing buildings and expanding the car sales and service building by 21,171 square feet, the used car showroom expanded by 1,304 square feet and a 5,680 square foot exiting carpet store on lot 23 will be converted into a detail center at their facility on Route 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 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 180 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 July 27, 2012.

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 also advised that he has reviewed the application submitted by The Gardens at Birmingham. Mr. Rank left the meeting for discussion and action on this project. The applicant proposes construction of 48 residential dwelling units on the north side of Parkway Avenue just east of the Conrail tracks and the former US Naval Facility in Ewing Township. Mr. Jacobs recommended granting preliminary approval subject to the comments in his letter dated July 27, 2012. Mr. Filler also advised that there is a deed of easement for this project that requires legal review prior to the Board's approval of the easement.

Res. 92:12. On motion of Mr. DiFrancesco and seconded by Mrs. Zamonski the following resolution was presented for adoption:

WHEREAS, THE GARDENS AT BIRMINGHAM proposes construction of 48 residential dwelling units on the north side of Parkway Avenue just east of the Conrail tracks and the former US Naval Facility 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 180 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 July 27, 2012.

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. 93:12. On motion of Mr. DiFrancesco and seconded by Mr. Vereen it was moved that the Authority hire an outside attorney to review the proposed deed of easement for The Gardens at Birmingham 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.

Mr. Jacobs advised that he has reviewed the application submitted by First Baptist Church. The applicant proposes construction of a new 4,120 square foot church on Hillcrest Avenue in Lawrence Township to replace the existing 1,860 square foot church at the same location. Mr. Jacobs recommended granting final approval subject to the comments in his letter dated August 2, 2012.

Res. 94:12. On motion of Mr. Cermele and seconded by Mr. Colavita the following resolution was presented for adoption:

WHEREAS, FIRST BAPTIST CHURCH proposes construction of a new 4,120 square foot church on Hillcrest Avenue in Lawrence Township to replace the existing 1,860 square foot church at the same location; 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 August 2, 2012.

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 advised that he has reviewed the application submitted by Project Freedom (Freedom Village at Hopewell). The applicant proposes construction of seven buildings, six of which will have 12 housing units and one club house north of Denow Road in the Wellington Manor area of Hopewell Township. Mr. Jacobs recommended granting final approval subject to the comments in his letter dated August 2, 2012.

Res. 95:12. On motion of Mrs. Zamonski and seconded by Mr. Colavita the following resolution was presented for adoption:

WHEREAS, PROJECT FREEDOM (FREEDOM VILLAGE AT HOPEWELL) proposes construction of seven buildings, six of which will have 12 housing units and one club house north of Denow Road in the Wellington Manor area of Hopewell 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 August 2, 2012.

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 a meeting is scheduled for Friday, August 24, 2012 at 9:00 A.M. with representatives of Hopewell Township to discuss the Hamptons project.

Mr. Filler also advised that the Authority received a letter from Lawrence Township requesting a voluntary contribution of \$50,988.31 for the four tax exempt properties ELSA owns in Lawrence Township.

Jerry Mitchell recommended approval of a change order to the Mountain View Force Main contract with Underground Utilities in the amount of \$195,592.97 to cover additional work not provided for in the original contract and as required by Mercer County and the State of New Jersey. Mr. Rank advised that the appropriate procedures must be followed prior to approval by the Authority.

Res. 96:12. On motion of Mr. DiFrancesco and seconded by Mr. Vereen it was moved that the Authority table the approval of a change order in the amount of \$195,592.97 for the Mountain View Force Main contract until the appropriate procedures are followed.

Mr. Filler requested a budget increase of \$10,000 in the Miscellaneous Account.

Res. 97:12. On motion of Mr. Colavita and seconded by Mr. Vereen it was moved that the Authority approve a budget increase of \$10,000 in the Miscellaneous Account.

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 approval of a budget in the amount of \$26,020 for Omni Environmental, Inc. to proceed with the required NJEIFP assistance.

Res. 98:12. On motion of Mr. DiFrancesco and seconded by Mr. Cermele it was moved that the Authority approve a budget in the amount of \$26,020 for Omni Environmental, Inc. to proceed with the required NJEIFP assistance.

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:

1. Seix Academy Phase I - Almost complete and should be open in September.

2. Bakers Basin Motor Vehicle Station – Sewer work is complete.

Res. 99:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the Authority go into Executive Session to discuss legal aspects of a waiver of the Authority's connection fee and contract negotiations regarding The Hamptons.

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. Geter reconvened the meeting and Mr. Rank advised that the only items discussed in Executive Session were the legal aspects of a waiver of the Authority's connection fee and contract negotiations regarding The Hamptons.

Res. 100:12. On motion of Mr. DiFrancesco and seconded by Mr. Cermele it was moved that the request for a full or partial waiver of the Authority's connection fee for 136 Pennsylvania Avenue, Ewing Township be denied unless Mr. Rank finds a legal reason to grant a full or partial waiver by Friday, August 24, 2012.

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. 101:12. On motion of Mr. Cermele and seconded by Mr. Colavita and unanimously carried, the meeting was adjourned at 1:47 P.M.

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Anne M. Zamonski, Secretary

A special meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, September 11, 2012 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Absent and excused: Mr. DiFrancesco.

Also attending: Allan Jacobs of Jacobs Environmental Consulting; Jerry Mitchell of Arcadis.

Mr. Geter called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Geter 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). A moment of silence was recognized in memory of 9-11.

Mr. Filler requested approval of Change Order #6 to the contract with Underground Utilities Corporation for the Mountain View Pump Station Force Main. This change order in the amount of \$195,592.97 covers additional work not provided for in the original contract and is required by Mercer County and the State of New Jersey.

Mr. Rank advised that since the Authority would be exceeding 20% of the original contract with Underground Utilities Corporation for the Mountain View Pump Station Force Main there are certain certifications required by the contractor and ELSA. The Authority has received the necessary certifications from Underground Utilities Corporation for Change Order #6 which has been reviewed and approved by Mr. Rank.

Res. 102:12. On motion of Mr. Colavita and seconded by Mrs. Zamonski it was moved that the Authority approve Change Order #6 to the contract with Underground Utilities Corporation for the Mountain View Pump Station Force Main in the total amount of \$195,592.97. This change order was not foreseeable by the contractor and was in the best interest of the Authority because NJDEP advised that this change order would be funded by the NJEIT.

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

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

Nays: None.

Absent: Mr. DiFrancesco.

Res. 103:12. On motion of Mr. Cermele and seconded by Mrs. Zamonski and unanimously carried, the meeting was adjourned at 12:15 PM.

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Anne M. Zamonski, Secretary