

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, September 18, 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; Drew DiMatteo.

Mr. Geter called the meeting to order and Mr. Filler gave the invocation. The Board recognized a moment of silence in honor of Dr. Steven Paul. 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. 104:12. On motion of Mr. Colavita and seconded by Mr. Cermele it was moved that the August 21, 2012 and September 11, 2012 Special Meeting minutes be approved as presented.

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. 105:12. On motion of Mr. Cermele and seconded by Mrs. Zamonski it was moved that the August 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.

Drew DiMatteo, ELSA Foreman, reviewed some of the use and findings from the Authority's new TV Truck.

Res.106:12. On motion of Mr. Cermele and seconded by Mr. Vereen it was moved that the Schedule of Bills in the total amount of \$1,247,443.02 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 meets later this month. The stand still agreement with Trenton Fuel Works ends November 1, 2012.

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 final approval subject to the comments in his letter dated September 11, 2012.

Res. 107:12. On motion of Mr. Cermele and seconded by Mr. Vereen and unanimously carried, 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 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 11, 2012.

Mr. Filler reported that Charles Allen, Esquire has reviewed the easement for The Gardens at Birmingham project. In a report to the Board Mr. Allen advised that in 1999, 1400 Parkway LLC purchased Block 365, L 9, Ewing Township from the US Navy, which retained adjacent lands (those lands were then conveyed to N&H Mercer Realty in 2001). There is an existing sewer easement over Block 365, Lot 9. The Deed from the Navy to 1400 Parkway LLC provided that the buyer might relocate the easement if it was going to interfere with the buyer's future development. As a condition of any relocation, the Deed requires the owner to obtain the consent of both Ewing Township and ELSA. The present owner, 1400 Parkway LLC, wants to develop the property and the existing easement does interfere with the development. Hence, there is a request for Ewing Township and ELSA to consent to the relocation of the easement.

Mr. Allen has reviewed the Deed from the Navy to 1400 Parkway LLC, and the proposed Deed relocating the easement. ELSA professional staff has also reviewed this request. On such review all appears in order and as represented; and, finds no reason to not consent to the relocation. Ewing Township will, or has, consented to the relocation.

Res. 108:12. On motion of Mr. DiFrancesco and seconded by Mrs. Zamonski the following resolution was presented for adoption:

**A RESOLUTION AUTHORIZING THE EWING LAWRENCE  
SEWERAGE AUTHORITY TO CONSENT TO THE RELOCATION OF A  
SANITARY SEWER EASEMENT ON BLOCK 365, LOT 9, LANDS NOW OR  
FORMERLY OF 1400 PARKWAY, LLC AND TO INDICATE SAME ON A  
DEED OF EASEMENT FOR SUCH RELOCATION**

WHEREAS, by Deed dated March 12, 1999 the United States of America through the Secretary of the Navy deeded Block 365, Lot 9 (the "property") to 1400 Parkway LLC reserving unto itself a temporary sewer easement and granting to 1400 Parkway LLC the right to relocate the easement with the consent of the Township of Ewing and the Ewing-Lawrence Sewerage Authority in the event the easement interfered with any future development of the property; and,

WHEREAS, 1400 Parkway LLC has applied to Ewing Township for a minor subdivision and final site plan approval for a forty-eight (48) unit affordable housing project on part of the property and the location of the easement does in fact interfere with said development; and,

WHEREAS, 1400 Parkway LLC has requested that Ewing Lawrence Sewerage Authority consent to the relocation of the easement to an area as described on the attached Deed of Easement with Exhibits; and,

WHEREAS, the proposal and the relocation of the easement have been reviewed by the Ewing Lawrence Sewerage Authority professional and engineering staff and special counsel; and, they have no objection to the proposed relocation; and,

WHEREAS, the Ewing Lawrence Sewerage Authority will consent to the relocation of the easement as described in the attached Deed of Easement with Exhibits; and,

NOW, THEREFORE, BE IT RESOLVED, by the Ewing Lawrence Sewerage Authority that:

1. The Ewing Lawrence Sewerage Authority consents to the relocation of the easement as described in the attached Deed of Easement.
2. The Executive Director is authorized and directed to execute the Deed of Easement Agreement, a copy of which is attached hereto and incorporated by reference herein on behalf of the Authority; and, to direct any necessary changes to Ewing Lawrence Sewerage Authority maps and documents.

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:

1. Paul Pogorzelski advised that Hopewell Council is meeting tonight and it is expected that they will accept responsibility for maintenance of the main line sewers in the Hamptons project. He further advised that they will also be discussing Wildflowers and that project should be next.
2. A pre-application meeting was held on September 5, 2012 with NJDEP to discuss Wastewater Treatment Plant upgrades planned for the 2014-2015 construction cycle.
3. The Authority is moving forward with the development of its website and it should be online by December 1, 2012.

Mr. Jacobs reported that the Cheesecake Factory at Quakerbridge Mall is opening tomorrow.

Res. 109:12. On motion of Mr. DiFrancesco and seconded by Mr. Cermele and unanimously carried, the Authority went into Executive Session at 12:50 P.M.

Chairman Geter reconvened the meeting at 1:30 P.M. and reported that the only item discussed in Executive Session was a request for information received from the governing bodies of Ewing and Lawrence Township.

Res. 110:12. On motion of Mr. Colavita and seconded by Mr. Cermele and unanimously carried, the meeting was adjourned at 1:30 P.M.

---

Anne M. Zamonski, Secretary