

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, March 16, 2021 at 12:00 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648 via teleconferencing.

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

Absent and Excused: Messrs. Colavita and Vereen

Also attending: Allan Jacobs of Jacobs Environmental Consulting, Vance Stephens, ELSA Administrative Officer, Warren Broudy and Matthew Daly of the Mercadien Group

Mr. Kownacki called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Filler 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. 28:21. On motion of Mr. Geter and seconded by Mr. Lee it was moved that the February 16, 2021 Reorganization Meeting and the February 16, 2021 Regular Meeting minutes be approved as presented.

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

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

Nays: None.

Abstain: None.

Absent: Messrs Colavita and Vereen

Res. 29:21. On motion of Mr. Muzaffar and seconded by Mr. Geter and unanimously carried it was moved that the February 2021 Flow, Maintenance and Connection Reports be filed.

Res. 30:21. On motion of Mr. Muzaffar and seconded by Mr. Lee it was moved that the March 2021 Schedule of Bills in the total amount of \$952,732.97 be accepted.

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

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

Nays: None.

Abstain: None.

Absent: Messrs: Colavita and Vereen

Res. 31:21. On motion of Mr. Geter and seconded by Mr. Lee and unanimously carried the public hearing on the Authority's 2020 Budget was opened.

There were no public comments.

Res. 32:21. On motion of Mr. Geter and seconded by Mr. Muzaffar and unanimously carried the public hearing on the Authority's 2021 Budget was closed.

Res. 33:21. On motion of Mr. Muzaffar and seconded by Mr. Lee it was moved that the following resolution be adopted:

## 2021 BUDGET RESOLUTION

Ewing Lawrence Sewerage Authority

FISCAL YEAR: FROM: January 1, 2021 TO: DECEMBER 31, 2021

WHEREAS, the Annual Budget and Capital Budget for the Ewing Lawrence Sewerage Authority for the fiscal year beginning, January 1, 2021 and ending, December 31, 2021 has been presented for approval before the governing body of the Ewing Lawrence Sewerage Authority at its open public meeting of March 16, 2021; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$15,245,754 Total Appropriations, including any Accumulated Deficit if any, of \$15,745,754 and Total Unrestricted Net Position utilized of \$500,000.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$4,003,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$2,028,000; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Ewing Lawrence Sewerage Authority, at an open public meeting held on March 16, 2021 that the Annual Budget, and the Capital Budget/Program of the Ewing Lawrence Sewerage Authority for the fiscal year beginning, January 1, 2021 and ending, December 31, 2021 is hereby approved and shall constitute appropriates for the purposes stated; 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 FUTHER RESOLVED, that the governing body of the Ewing Lawrence Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on May 18, 2021.

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

Res. 34:21. On motion of Mr. Lee and seconded by Mr. Muzaffar it was moved that the 2021 Budget for the Ewing-Lawrence Sewerage Authority was submitted late due to a computer crash and reduced staffing due to COVID 19.

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

Mr. Filler advised that the next meeting of the Regional Sludge Management Committee would be on March 17, 2021 remotely.

Mr. Filler reported that bids were received on March 10, 2021 for furnishing Calcium Hydroxide. The only bid received is as follows:

Univar Solutions, USA, Inc. Middletown, PA	\$1.515 per gallon
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Mark Colavita recommends that the contract be awarded to Univar Solutions, USA, Inc. as the lowest, responsible, responsive bidder.

Res. 35:21. On motion of Mr. Geter and seconded by Mr. Lee it was moved that the contract for furnishing Calcium Hydroxide be awarded to Univar solutions, USA, Inc. for a one-year period in accordance with their bid received March 10, 2021 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 and Muzaffar.  
Nays: None.  
Abstain: None  
Absent: Messrs. Colavita and Vereen.

Messrs. Broudy and Daly presented the 2019 Audit to the Board and advised that they have provided an unmodified, clean opinion.

Res. 36:21. On motion of Mr. Geter and seconded by Mr. Lee it was moved that the reason the 2019 Audit for the Authority was submitted late was due to reduced staffing due to COVID 19.

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

Ayes: Messrs. Geter, Kownacki, Lee and Muzaffar

Nays: None.

Abstain: None

Absent: Colavita and Vereen.

Res. 37:21. On motion of Mr. Geter and seconded by Mr. Lee 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, 2019 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, 2019, 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. Geter, Kownacki, Lee and Muzaffar.  
Nays: None.  
Abstain: None  
Absent: Messrs. Colavita and Vereen.

Mr. Jacobs advised that he had reviewed the application submitted by the Trails at Princeton Pike proposing construction of 145 three-bedroom townhouses; 10 three bedroom apartments; 24 two-bedroom apartments; 8 one bedroom affordable apartment units; one two bedroom sales leasing office and one two bedroom managers unit on a 51.75 acre parcel located east of Lenox Drive and South of Meadow Road in Lawrence Township.

Res. 38:21. On motion of Mr. Muzaffar and seconded by Mr. Lee the following resolution was presented for adoption:

WHEREAS, THE TRAILS AT PRINCETON PIKE proposes construction of 145 three-bedroom townhouses; 10 three bedroom apartments; 24 two-bedroom apartments; 8 one bedroom affordable apartment units; one two bedroom sales leasing office and one two bedroom managers unit on a 51.75 acre parcel located east of Lenox Drive and South of Meadow Road in Lawrence Township. An existing office building and open space occupies the rest of the parcel; 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 March 5, 2021.

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

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

Nays: None.

Abstain: None

Absent: Messrs. Colavita and Vereen.

Mr. Jacobs advised that he had reviewed the application submitted by Rider University proposing a 9,500 square foot addition to the Science and Technology Building on campus at 2083 Lawrenceville road in Lawrence Township.

Res. 39:21. On motion of Mr. Muzaffar and seconded by Mr. Geter the following resolution was presented for adoption:

WHEREAS, RIDER UNIVERSITY proposes a 9,500 square foot addition to the Science and Technology Building on campus at 2083 Lawrenceville 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 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 March 15, 2021.

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

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

Nays: None.

Abstain: None

Absent: Messrs. Colavita and Vereen.

Mr. Filler advised that the Authority had recently been made aware that in order for State Health Benefits to bill retirees that did not meet the requirements of Chapter 78 and receive paid health benefits in retirement an Addendum to the Authority's existing Chapter 48 Resolution would have to be considered by the Board, passed and filed with the State.

Res. 40:21. On motion of Mr. Lee and seconded by Mr. Muzaffar the following resolution was presented for adoption:

A RESOLUTION TO AMEND THE AUTHORITY'S CHAPTER 48 RESOLUTION  
THE PROVISIONS OF N.J.S.A. 52:14-17.38  
UNDER WHICH A PUBLIC EMPLOYER MAY AGREE TO PAY FOR THE STATE  
HEALTH BENEFITS PROGRAM (SHBP) COVERAGE FOR CERTAIN RETIREES

BE IT RESOLVED:

The Ewing-Lawrence Sewerage Authority previously elected to adopt the provisions of N.J.S.A. 52:14-17.38 and adhere to the rules and regulations promulgated by the State Health Benefits Commission to implement the provisions of that law. This resolution affects employees as shown on the attached Chapter 48 Resolution Addendum. It is effective immediately after acceptance by the State Health Benefits Commission.

We are aware that amendment of this resolution does not free us of the obligation to pay for post-retirement medical benefits of retirees or employees who qualified for those payments under any Chapter 88 or Chapter 48 Resolution adopted previously by the governing body.

We agree that this Resolution will remain in effect until properly amended or revoked with the State Health Benefits Program. We recognize that, while we remain in the State Health Benefits Program, we are responsible for providing the payment of post-retirement medical coverage as listed in the attached Chapter 48 Resolution Addendum for all employees who qualify for this coverage while this Resolution is in force.

We understand that we are required to provide the Division of Pensions and Benefits complete copies of all contracts, ordinances and resolutions that detail post-retirement medical payment obligations we undertake. We also recognize that we may be required to provide the Division with information needed to carry out the terms of this Resolution.

Mr. Filler reported:

1. The Union has filed an Unfair Labor Practice Charge against the Authority on February 26, 2021 citing lack of negotiation. The Authority is waiting on PERC to determine if the Charge will be heard.
2. That the Authority was awaiting word on the FEMA grant filed for the upgrades of the Fackler Road and Lower Ferry Pump Stations.
3. That the Authority had met with Donald Orpen of the DEP regarding the Jacobs Creek Road Diversion Chamber who advised that the Administrative Consent Order was being terminated and that the Chamber must be filed in or fines would be assessed. The Authority anticipates filling in the Chamber by early April, 2021.
4. The Authority's Engineering Committee would be meeting to discuss the Dualization of the Force Main for the 4<sup>th</sup> Street Pump Street. Engineers will be selected to submit proposals thereafter.
5. The Authority's Engineering Committee would be meeting to discuss the Sullivan Way Force Main and replacement of 1,300 square feet of pipe. Engineers will be selected to submit proposals thereafter.
6. The Authority would be requesting proposals for the grouting and repair of the Denow Road Sub-Basin.

Mr. Rank advised that:

1. The US Homes litigation has encountered an issue regarding where the flow will enter the Authority's system. US Homes wants the flow to enter through Federal City Road and not MH 459 as previously understood by the parties. A Motion to Enforce Settlement and for Summary Judgment has been filed as has our Brief in Opposition. It is anticipated that the matter will be argued before Judge Jacobsen by the end of the month and that the Board would be updated in April.



2. Hopewell originally approached ELSA in 2017 requesting 818,000 gallons for various projects. The Authority advised that it did not have the capacity to serve and advised that there was 600,000 gallons available at that time. Over time, the gallons requested was reduced and the Authority was advised that the Deer Valley piece was not part of the capacity requested. Deer Valley has filed a complaint and the answer on behalf of the Authority will contain a third-party complaint against Lennar and Hopewell,

Res. 41:21. On motion of Mr. Lee and seconded by Mr. Muzaffar and unanimously carried, the meeting was adjourned at 1:00 pm.

Submitted by Susan Dorio for the  
Ewing Lawrence Sewerage Authority