

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, May 17, 2022, at 12:00 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Absent and Excused: John T. Ryan and James Kownacki

Also attending: Allan Jacobs of Jacobs Environmental Consulting; Vance Stephens, ELSA Administrative Officer; Mark Colavita, ELSA Operations Supervisor and Robert Jefferson, Incumbent Operations Supervisor.

Mr. Muzaffar called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Muzaffar 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. 39:22. On motion of Mr. Geter and seconded by Mr. Lee and unanimously carried it was moved that the April 19, 2022, Meeting minutes be approved.

Res. 40:22. On motion of Mr. Vereen and seconded by Mr. Geter and unanimously carried it was moved that the April 2022 Flow, Maintenance and Connection Reports be filed.

Res. 41:22. On motion of Mr. Lee and seconded by Mr. Vereen and unanimously carried it was moved that the May 17, 2022 Schedule of Bills in the total amount of \$1,139,640.48 be accepted.

There were no public comments.

Mr. Filler advised that the Regional Sludge Management Committee would be meeting again in mid-June.

The Board welcomed Mark Colavita who is retiring at the end of May and thanked him for his 40 years of service to the Authority. Mr. Colavita was invited to attend the June, 2022 meeting of the Authority to receive his retirement plaque and gift.

Mr. Filler introduced Robert Jefferson to the Board, Mr. Jefferson has been in training to assume the duties of Operations Supervisor since April 1, 2022 and has formally accepted the position effective June 1, 2022. Mr. Jefferson was welcomed by the Board.

Mr. Jacobs advised that he review the application submitted by Marmalade Restaurant proposing the conversion of an existing garage into a 2638 square foot restaurant on Gordon Avenue in Lawrence Township; and

Res. 42:22. On motion of Mr. Vereen and seconded by Mr. Geter the following resolution was presented for adoption:

WHEREAS, MARMALADE RESTAURANT proposes to convert the existing garage into a 2,638 square foot restaurant on Gordon Avenue 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 May 3, 2022.

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

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

Nays: None.

Absent: Messrs. Kownacki and Ryan

Mr. Jacobs advised that he had reviewed the application submitted by Ewing Properties proposing to build a 10,530 square foot two story residential building with an office and 10 bedrooms at 1602 Pennington Road, in Ewing Township; and

Res. 43:22. On motion of Mr. Vereen and seconded by Mr. Lee the following resolution was presented for adoption;

WHEREAS, EWING PROPERTIES proposes to construct a 10,530 square foot, two story residential building with an office and 10 bedrooms at 1602 Pennington Road 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 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 April 13, 2022 and updated May 16, 2022.

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

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

Nays: None.

Absent: Messrs. Kownacki and Ryan

Mr. Filler advised that Dennis Yoder, PE of Remington & Vernick, Engineers submitted a Time Extension – No Cost Change Order Request Letter as requested by National Water Main Cleaning Co., for the Denow Road Area Sewer Rehabilitation project. The No Cost Change Order extends the project closeout completion date to September 14, 2022.

Res. 44:22. On motion of Mr. Vereen and seconded by Mr. Lee and unanimously carried it was moved that the No Cost Change Order requested by National Water Main Cleaning Co., extending the project closeout completion date to September 14, 2022 for the Denow Road Area Sewer Rehabilitation project be approved.

Mr. Filler advised that Dennis Yoder, PE of Remington & Vernick, Engineers submitted a Time Extension – No Cost Change Order Request Letter as requested by National Water Main Cleaning Co., for the Jacobs Creek Area Sewer Rehabilitation project. The No Cost Change Order extends the project closeout completion date to September 14, 2022.

Res. 45:22. On motion of Mr. Lee and seconded by Mr. Geter and unanimously carried it was moved that the No Cost Change Order requested by National Water Main Cleaning Co., extending the project closeout completion date to September 14, 2022 for the Jacobs Creek Area Sewer Rehabilitation project be approved.

Mr. Jacobs advised that he had reviewed the application submitted by US Homes Corporation (DBA Lennar) proposing construction of a multi-family project in Hopewell Township as follows:

The North section is proposed to be 542 residential dwelling units consisting of 338 multifamily units, 92 stacked town houses, 30 town houses and 82 single family homes;

The South section is proposed to be 535 residential dwelling units consisting of 132 multifamily units, 224 stacked town houses, 70 town houses and 109 single family homes for a total of 1077 area residential dwelling units; and

Res. 46:22. On motion of Mr. Lee and seconded by Mr. Vereen the following resolution was presented for adoption;

WHEREAS, U.S. HOMES CORPORATION (DBA LENNAR) proposes construction of a multi-family project in Hopewell Township as follows:

The North section is proposed to be 542 residential dwelling units consisting of 338 multifamily units, 92 stacked town houses, 30 town houses and 82 single family homes;

The South section is proposed to be 535 residential dwelling units consisting of 132 multifamily units, 224 stacked town houses, 70 town houses and 109 single family homes for a total of 1077 area residential dwelling units; 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 May 12, 2022.

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

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

Nays: None.

Absent: Messrs. Kownacki and Ryan

Mr. Filler updated the Board as follows:

1. The Authority is reviewing a proposal submitted for a new audio system for the Board room. The proposal estimate was in the amount of \$14,645.00
2. With Mark Colavita retiring, the only S-4 license on the plant would be Mr. Jefferson's and there exists a need to have an S-3 available for back-up coverage in Mr. Jefferson's absence.

Current Licenses in the Collection System not including supervision are as follows:

C-4 - 1
C-3 - 2
C-2 - 3
C-1 - 4

Current Licenses on the Plant (Operations) not including supervision are as follows:

S-4 - None
S-3 - None
S-2 - 3
S-1 - 3

Accordingly, the Authority obtained a proposal from Resource Management to provide back-up coverage at a cost of \$2,875.00 per month plus an hourly charge of \$140.00. This would be needed until one of the S-2 license holders reaches his S-3 license which is anticipated to be during the Spring of 2023.

Res. 47:22. On motion of Mr. Lee and seconded by Mr. Geter and unanimously carried it was moved that the Authority accept the proposal submitted by Resource Management to provide back-up coverage at a cost of \$2,875.00 plus an hourly charge of \$140.00 per hour until a current S-2 license holder reaches his S-3 license.

3. No decision has been received on the Nitrates issue and that our Legislators are still weighing in on the subject.

Mr. Rank confirmed that no decision has been received as of yet and it is his recommendation that in the event of an unfavorable ruling that all parties continue to fight and appeal all the way to the Supreme Court which by that time, a new administration would be in place in the Governor's office.

Mr. Rank discussed the letter dated May 13, 2022, received from Jonathan King, Esq., counsel for Synnergy which contained the following offer:

“ELSA will purchase all power that is generated by the system as measured by the approved PSE&G meter as currently called for in the existing executed agreement, Synnergy will reduce the PPA price to \$.075 per kWh. In addition, as opposed to the Power Provider keeping any excess produced by the system, instead ELSA will retain any excess power to be credited to their account on the anniversary date of the system”.

Mr. Rank noted that this offer was different from the conversations had with Mr. King wherein ELSA would buy what we use as opposed to what was offered above.

The Board requested that Mr. Rank review the May 13th offer and compare to the existing agreement and report to the Board at the June meeting.

Res. 49:22. On motion of Mr. Geter and seconded by Mr. Vereen and unanimously carried it was moved that Mr. Rank review the existing Purchase Power Agreement with Synnergy and compare it to the offer of May 13, 2022 and advise the Board at the June meeting.

Res. 50:22. On motion of Mr. Lee and seconded by Mr. Geter and unanimously carried, the meeting was adjourned at 1:20 PM.

Submitted by Susan Dorio for the
Ewing Lawrence Sewerage Authority