

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, September 20, 2022, at 12:00 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

Present: Messrs. Geter, Kownacki, Lee and Vereen; S. Robert Filler, Executive Director, Vance Stephens, Administrative Officer and W. Barry Rank, Esquire.

Absent and Excused: Messrs. Muzaffar and Ryan

Also attending: Allan Jacobs of Jacobs Environmental Consulting

The meeting began at 12:10 pm.

Mr. Vereen called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Vereen 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 observed by all present for Pasquale Colavita who passed away on September 20, 2022.

Res. 80:22. On motion of Mr. Kownacki and seconded by Mr. Geter and unanimously carried it was moved that the August 16, 2022 Minutes be approved.

Res. 81:22. On motion of Mr. Lee and seconded by Mr. Geter and unanimously carried it was moved that the August Flow, Maintenance and Connection Reports be filed.

Res. 82:22. On motion of Mr. Geter and seconded by Mr. Kownacki and unanimously carried it was moved that the September 20, 2022, Schedule of Bills in the total amount of \$1,126,149.97 be accepted.

There were no public comments.

Mr. Filler advised that the Regional Sludge Management Committee would be meeting September 21, 2022, at 9:30 AM and that Trenton Bio-Gas was looking at Phase II and raising money to use the Trenton Digesters. Payments are up to date.

Mr. Jacobs advised that he had reviewed the application submitted by Noble Valley Harvest proposing to construct a Class 1 medical marijuana cultivation facility in a portion of the existing building at 4 Jane Street, in Ewing Township; and

Res. 83:22. On motion of Mr. Lee and seconded by Mr. Geter and unanimously carried the following resolution was presented for adoption:

WHEREAS, NOBLE VALLEY HARVEST proposes to construct a Class 1 medical marijuana cultivation facility in a portion (5,746 sf) of the existing building at 4 Jane Street, 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 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 201 Agency 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 September 2, 2022.

Mr. Jacobs advised that he had reviewed the application submitted by US Homes at Hopewell Urban Renewal, LLC proposing construction of a multi-family project in Hopewell Township known as the Collection of Hopewell consisting of 61 three-bedroom townhouses, 72 three-bedroom stacked townhouses, 72 two-bedroom stacked townhouses, 15 one-bedroom apartments, 143 two-bedroom apartments and 16 three-bedroom apartments, a club house and a pool; and

Res. 84:22. On motion of Mr. Lee and seconded by Mr. Kownacki the following resolution was presented for adoption:

WHEREAS, U.S. HOME AT HOPEWELL URBAN RENEWAL, LLC proposes construction of a multi-family project in Hopewell Township known as The Collection of Hopewell as follows:

The project consists of 61 three-bedroom townhouses, 72 three-bedroom stacked townhouses, 72 two-bedroom stacked townhouses, 15 one-bedroom apartments, 143 two-bedroom apartments and 16 three-bedroom apartments, a club house and a pool; 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 September 16, 2022.

The above resolution was not adopted and the roll call vote was as follows:

Ayes: Messrs. Kownacki, Lee and Vereen.

Nays: None.

Absent: Messrs. Muzaffar and Ryan

Abstain: Mr. Geter

Mr. Rank advised the Board that the Resolution did not pass and advised the board that they could discuss the matter further at this time or reconsider the matter at the next meeting of the ELSA Board;

After discussion the above resolution was presented again and adopted on the following roll call vote:

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

Nays: None.

Absent: Messrs. Muzaffar and Ryan

Mr. Filler advised that he was in receipt of a formal agreement with Atlantic County Utilities Authority "ACUA" for back-up acceptance of sludge in the event Stony Brook was unable to accept our sludge at a future date. Mr. Filler advised that in prior years ACUA had accepted our sludge without a formal agreement upon reasonable notice.

Res. 85:22. On motion of Mr. Geter and seconded by Mr. Lee and unanimously carried it was moved that the Executive Director is authorized to enter into a formal agreement with Atlantic County Utilities Authority for back-up sludge handling after the Agreement is reviewed by counsel for the Authority.

Mr. Filler updated the board as follows:

1. Authority staff is working on the 2023 Budget;
2. Synnergy-Hoping to move the new contract document forward with the new entity but the new contract document contains major differences in start-up expenses and requires further review with counsel and Bob Chilton of Gabel Associates. The Authority still has the 2015 contract in place.
3. Nitrates- The Authority and its consultant were in receipt of new proposed Water Quality Standards – exceptions were noted and comments on the proposed Rule Amendment were submitted by Tyler & Krantz, Esqs;
4. Ferriero Engineering's most recent project update was in the Agenda for information.

Mr. Rank advised that the Authority was in receipt of a Will Serve request for the converted gas station on Route 31 in Hopewell Township at the Pennington Circle. Mr. Rank advised that the new intended use is for a marijuana dispensary but reminded the Board that gallonage is reserved for failed septic systems and the septic system for this property is not failing. Accordingly, ELSA Authority has no capacity to serve the project.

Mr. Rank reported that advised the Motion to Amend its Complaint adding the Townships of Ewing, Lawrence and Hopewell filed by Deer Valley was denied but the motion to add Lennar as a plaintiff was granted. Mr. Rank again stated that the Deer Valley project is not in the SSA and we are unable to provide sewer service.

Res. 86:22. On motion of Mr. Lee and seconded by Mr. Geter and unanimously carried, the meeting was adjourned at 12:55 PM.

Submitted by Susan Dorio for the
Ewing Lawrence Sewerage Authority