

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, February 21, 2023, at 12:20 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Also attending: Allan Jacobs of Jacobs Environmental Consulting.

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).

Res. 22:23. On motion of Mr. Muzaffar and seconded by Mr. Geter and unanimously carried it was moved that the January 17, 2023 Minutes be approved.

Res. 23:23. On motion of Mr. Muzaffar and seconded by Mr. Lee and unanimously carried it was moved that the December Flow, Maintenance and Connection Reports be filed.

Res. 24:23. On motion of Mr. Muzaffar and seconded by Mr. Kownacki and unanimously carried it was moved that the February 21, 2023, Schedule of Bills in the total amount of \$1,428,020.76 be accepted.

Mr. Filler advised that the Regional Sludge Management Committee would be meeting on March 22, 2023 in person.

Mr. Stephens presented the 2023 Annual Charge to the Townships. After adjustments, the total charge to Ewing Township is \$9,109,387.67 and \$6,365,810.29 to Lawrence Township.

Res. 25:23. On motion of Mr. Muzaffar and seconded by Mr. Geter the 2022 Actual Average Flow was set at 57.4701% for Ewing and 42.5299% for Lawrence (including the Plant Sewer Usage).

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

Res. 26:23. On motion of Mr. Muzaffar and seconded by Mr. Kownacki the Authority set the estimated 2023 flow at 57.25% Ewing and 42.75% Lawrence.

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

Res. 27:23. On motion of Mr. Muzaffar and seconded by Mr. Lee the Secretary was authorized to file the 2023 Annual Charge with the Townships.

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

Mr. Filler reported that the Authority must appoint a registered energy agent and is recommending that the current agent, Gabel Associates, be reappointed for a two-year period. He also advised that bids will be received for the energy supplier and requested authorization to enter into a contract since the contract must be approved and awarded within hours of the receipt of bids.

Res. 28:23 On motion of Mr. Muzaffar and seconded by Mr. Geter and unanimously carried it was moved that the following resolution be adopted:

**RESOLUTION AUTHORIZING AGREEMENT FOREXTRAORDINARY,  
UNSPECIFIABLE SERVICES**

**RESOLUTION AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR OR IN HIS/HER ABSENCE THE ADMINISTRATIVE OFFICER TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION**

**WHEREAS**, the Ewing Lawrence Sewerage Authority (“Authority”) has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation (“NJSMUAESA”), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, “the Act”), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

**WHEREAS**, the existing electric power supply contract(s) for the Authority’s electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in March 2022 and then refreshed in July 2022 and August 22, will expire upon the meter read dates in May 2023 for each Authority electric account; and

**WHEREAS**, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

**WHEREAS**, the NJSMUAESA intends to issue a Request for Bids (“RFB”) on or about February 17, 2023 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in May 2023; and

**WHEREAS**, as a participant in the NJSMUAESA the Authority requires the services of an “Energy Agent,” as defined in the “Electric Discount and Energy Competition Act,” to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

**WHEREAS** the Authority previously approved the retention of Gabel Associates, Inc. as the Authority’s Energy Agent in connection with the procurement of electricity supply for the Authority’s electric accounts; and.

**WHEREAS**, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority’s energy needs, quantifying the Authority’s load profile, developing an energy plan for the Authority, preparing bid specifications and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority; and

**WHEREAS**, the Energy Agent shall not receive and monetary compensation directly from the Authority for the services to be provided; and

**WHEREAS**, the Authority and the Energy Agent agree that the electricity supply contract(s) (“ESC”) between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$.0005 per kilowatt-hour for all months of the ESC; and

**WHEREAS**, it is the NJSMUAESA’s intent to receive bid price submittals on or about March 22, 2023 in response to the RFB to be issued on or about February 17, 2023; and

**WHEREAS**, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority’s behalf by its designated representative by no later than 3:00 p.m. on bid day;

**NOW, THEREFORE, BE IT RESOLVED** that the Ewing Lawrence Sewerage Authority (“Authority”) is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2022, pursuant to the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, “the Act”), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and applicable regulations.

**BE IT FURTHER RESOLVED** that the Authority’s Executive Director, or in his/her absence the Administrative Officer, is hereby authorized to act in his/her sole discretion as the Authority’s designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about February 17, 2023. Such authorization to award a contract to the low bidder as the Authority’s designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority’s accounts prior to the date of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

**BE IT FURTHER RESOLVED** that, notwithstanding the foregoing, the Authority's Executive Director or in his/her absence the Administrative Officer, may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*

Mr. Filler advised that the Authority was in receipt of proposals from for the purchase of a Work Horse Easement Machine. After completion of a comprehensive evaluation of several manufacturers the proposal from Jet Vac Equipment Company through the Sourcewell cooperative purchasing program was found to best suit the needs of the Authority, and

Res. 29:23. On motion of Mr. Muzaffar and seconded by Mr. Kownacki and unanimously carried, it was moved that the Authority issue a Notice of Intent to purchase the Work Horse Easement Machine from Jet Vac Equipment Company through the Sourcewell cooperative purchasing program.

Mr. Jacobs Advised that he had reviewed the application for final approval submitted by US Home at Hopewell urban Renewal, LLC to construct 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 in Hopewell Township known as The Collection of Hopewell; and

Res. 30:23. On motion of Mr. Muzaffar and seconded by Mr. Vereen 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 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 improvement, capacity, 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 February 15, 2023.

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

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

Nays: None.

Absent: None.

Mr. Filler updated the board as follows:

1. Nitrates- the DEP has denied the Appeal;
2. Synnergy – The Authority is still awaiting a new agreement with changes.

Res. 31:23. 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

