

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, May 16, 2023, at 12:20 P.M. at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

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

Absent and excused: Mr. Ryan

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. 47:23. On motion of Mr. Geter and seconded by Mr. Kownacki and unanimously carried it was moved that the April 18, 2023, Minutes be approved.

Res. 48:23. On motion of Mr. Muzaffar and seconded by Mr. Kownacki and unanimously carried it was moved that the April Flow, Maintenance and Connection Reports be filed.

Res. 49:23. On motion of Mr. Lee and seconded by Mr. Geter and unanimously carried it was moved that the May 16, 2023, Schedule of Bills in the total amount of \$1,726,149.68 be accepted.

Mr. Filler advised that the Regional Sludge Management Committee would be meeting on June 21, 2023. Mr. Filler advised that he was awaiting tour dates.

Mr. Filler advised that bids were received on April 26, 2023, for Maintenance on Trucks over 11, lbs and Semi-Trailers. The bid received was as follows:

On-Site Fleet Services, Inc.	\$125.00 per hr (regular)
East Brunswick, NJ	\$125.00 per hr (overtime)
	\$125.00 per hr (double)
	10% Material Handling Charge
	Est. Annual Cost - \$32,375.00

Christopher Gianotto recommends that the contract be awarded to On-Site Fleet Services, Inc., as the lowest, responsible, responsive bidder.

Res. 50:23. On motion of Mr. Muzaffar and seconded by Mr. Kownacki and unanimously carried it was moved that the contract for Maintenance on Trucks over 11,000 lbs and Semi-Trailers be awarded to On-Site Fleet Services, Inc., for a one-year period in accordance with their bid received on April 26, 2023, as the lowest, responsible, responsive bidder. Funds are available per the Availability of Funds certification of the Administrative Officer.

Mr. Filler advised that bids were received on April 26, 2023, for Maintenance, Emergency Service, Repairs and Replacements on Sewerage Lines. The bids received were as follows:

Joseph Jingoli & Son, Inc., Lawrenceville, NJ	\$ 73,146.00
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Waters & Bugbee, Inc. Trenton, NJ	\$ 76,275.00
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J. Fletcher Creamer & Son, Inc. Hackensack, NJ	\$152,477.00
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Christopher Gianotto recommends that the contract be awarded to Joseph Jingoli & Son, Inc., as the lowest, responsible, responsive bidder.

Res. 51:23. On motion of Mr. Muzaffar and seconded by Mr. Geter and unanimously carried it was moved that the contract for Maintenance, Emergency Service, Repairs and Replacements on Sewerage Lines be awarded to Joseph Jingoli & Son, Inc., for a one-year period in accordance with their bid received on April 26, 2023, as the lowest, responsible, responsive bidder. Funds are available per the Availability of Funds certification of the Administrative Officer.

Mr. Jacobs advised that he had reviewed the application for preliminary approval submitted by Ewing Township Public Schools for construction of a 10,506 square foot, two-story storage and office facility on Ewingville Road connecting to an existing building in Ewing Township; and

Res. 52:23. On motion of Mr. Lee and seconded by Mr. Muzaffar and unanimously carried the following Resolution was presented for adoption:

WHEREAS, EWING TOWNSHIP PUBLIC SCHOOL DISTRICT proposes construction of a 10,506 square foot, two-story storage and office facility on Ewingville Road connecting to an existing building 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 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 April 10, 2023.

Mr. Jacobs advised that he had reviewed the application for preliminary approval submitted by Urban Deco, LLC to construct three duplex homes (six homes) on the South side of Dover Avenue in Ewing Township; and

Res. 53:23. On motion of Mr. Muzaffar and seconded by Mr. Lee and unanimously carried the following Resolution was presented for adoption:

WHEREAS, URBAN DECO, LLC proposes to construct three duplex homes (six homes) on the South side of Dover Avenue 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 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 April 27, 2023.

Mr. Jacobs advised that he had reviewed the application for preliminary approval submitted by Circle Management, Inc., to construct a two-story commercial building with a three-bedroom apartment at 1652 Princeton Avenue in Lawrence Township; and

Res. 54:23. On motion of Mr. Muzaffar and seconded by Mr. Geter and unanimously carried the following Resolution was presented for adoption:

WHEREAS, CIRCLE MANAGEMENT, INC., proposes to construct a two-story commercial building with a three-bedroom apartment at 1652 Princeton 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 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 April 27, 2023.

Mr. Jacobs advised that he reviewed the application for preliminary approval submitted by the Friends of Paul Robeson Charter School for construction of a new charter school at 1298 Martin Luther King, Jr., Boulevard in the City of Trenton and Ewing Township. The three-story building will be bounded by Princeton Avenue, New Willow Street and Pritchard Street, the building is in Ewing Township; and

Res. 55:23. On motion of Mr. Geter and seconded by Mr. Muzaffar and unanimously carried the following resolution was presented for adoption:

WHEREAS, FRIENDS OF PAUL ROBESON CHARTER SCHOOL, propose to construct a new charter school at 1298 Martin Luther King, Jr., Boulevard in the City of Trenton and Ewing Township. The three-story building will be bounded by Princeton Avenue, New Willow Street and Pritchard Street. The building is 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 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 1, 2023.

Mr. Jacobs advised that he had reviewed the application for final approval submitted by NJ Nectar Ventures Grow Facility to change the use of an existing warehouse/office space at 1011 Whitehead Road Extension and convert the space into a cannabis growing facility with offices in Ewing Township; and

Res. 56:23. On motion of Mr. Muzaffar and seconded by Mr. Kownacki and unanimously carried the following resolution was presented for adoption:

WHEREAS, NJ NECTAR VENTURES GROW FACILITY proposes to change the use of the existing warehouse/office space at 1011 Whitehead Road Extension and convert the space into a cannabis growing facility with offices 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 May 10, 2023 (revised).

Mr. Jacobs advised that he had reviewed the approval for final approval submitted by Simply Pure Trenton NJ Inc., to convert the existing two-story building at 1531-1545 North Olden Avenue into a retail cannabis store and office in Ewing Township; and

Res. 57:23. On motion of Mr. Muzaffar and seconded by Mr. Vereen and unanimously carried the following resolution was presented for adoption:

WHEREAS, SIMPLY PURE TRENTON NJ INC. proposes to convert the existing two-story building at 1531-1545 North Olden Avenue Extension into a retail cannabis store and office 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 May 12, 2023.

Mr. Rank advised the Board that upon further review, the project known as the Port Mercer Canal House was not in the Authority's sewer service area and the preliminary approval granted in December of 2022 required correction.

NOW, THEREFORE, BE IT RESOLVED by the Ewing-Lawrence Sewerage Authority that a closed session of the Authority shall be held;

BE IT FURTHER RESOLVED that the information pertaining to the aforesaid matters will be made available to the public as soon as possible and once the reasons for non-disclosure no longer exists.

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

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

Nays: None.

Absent: Mr. Ryan.

Mr. Vereen reconvened the meeting and Mr. Rank advised that the only items discussed in Executive Session was ongoing litigation and Port Mercer Canal House.

RESOLUTION 58:23 a

RESOLUTION 58:23 b

(Correcting Resolution Dated December 20, 2022)

WHEREAS, PORT MERCER CANAL HOUSE ("PMCH") is situate on Block 5201.01, Lot 5.01 on the Tax Map of the Township of Lawrence, County of Mercer, State of New Jersey; and

WHEREAS, PMCH desires to connect to the Ewing Lawrence Sewerage Authority System; and

WHEREAS, PMCH's application was considered and granted preliminary approval at the regular meeting of the Ewing Lawrence Sewerage Authority ("ELSA") on December 20,2022; and

WHEREAS, at the time the ELSA Board granted preliminary approval it was not aware that the PMCH property was located in a "non-sewer service area" and as such, pursuant to N.J.A.C. 7:15-1.5,

PMCH was "not designated as eligible to receive sewer service from a NJPDES permitted domestic or industrial treatment works".

NOW THEREFORE BE IT RESOLVED,

- a. The preliminary approval granted to PMCH on December 20, 2022, is VACATED.

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

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

Nays: None.

Absent: Mr. Ryan.

Abstain: Mr. Muzaffar

- b. The application of PMCH for preliminary approval to connect to the ELSA sewer system is DENIED.

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

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

Nays: None.

Absent: Mr. Ryan.

Abstain: Mr. Muzaffar

Resolution No. 60:23

A RESOLUTION OBJECTING TO THE PROPOSED MERCER COUNTY WATER QUALITY MANAGEMENT (“WQM”) PLAN AMENDMENT

WHEREAS, the PORT MERCER CANAL HOUSE (“PMCH”), in Lawrence Township, Mercer County, New Jersey is part of the New Jersey State Park System on Block 5201.01, Lot 5.01 on the Lawrence Township, Mercer County, New Jersey Municipal Tax Map and is NOT located within the Ewing Lawrence Sewerage Authority (“ELSA”) sewer service area; and

WHEREAS, presently, the provision by ELSA of wastewater facilities to serve PMCH would not conform with the approved Mercer County WQM Plan as required by the New Jersey Department of Environmental Protection (“NJDEP”); and

WHEREAS, the NJDEP has established a WQM Plan amendment procedure through the WQM Plan rules at N.J.A.C. 7:15 as a method of incorporating unplanned facilities into a WQM Plan; and

WHEREAS, a proposed WQM Plan amendment publicly noticed in the New Jersey Register on April 17, 2023 for PMCH (Program interest No. 435452, Activity No AMD 220001) has been prepared by the NJDEP;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Ewing Lawrence Sewerage Authority that;

1. The Ewing Lawrence Sewerage Authority hereby **OBJECTS** to the proposed WQM Plan for the following reasons.

- a. The ELSA Wastewater Treatment Plant has a permitted capacity of 16.0 million gallons per day (mgd), with summer BOD and Suspended Solids limits of 10 milligrams per liter (mg./L). The Treatment Plant provides secondary treatment. Meeting these limits and probably more stringent levels in the future, will be challenging. An increase in future flows beyond 16.0 mgd will require the construction of additional treatment facilities to meet ELSA's permit limitation. The existing Mercer County 2013 Wastewater Management Plan projects ELSA flows from the currently approved sewer service area will exceed the permitted capacity by over 2 million gallons per day and the proposed Mercer County 2019 Wastewater Management Plan projects ELSA flows from the currently approved sewer service area will exceed the permitted capacity by over 600,000 gpd. Accordingly, the Mercer County WQM Plan projected full build-out flow already exceeds the ELSA permitted plant capacity. As such, ELSA strongly **OBJECTS** to the inclusion of the proposed area in the ELSA sewer service area.
2. This objection shall be submitted to the NJDEP pursuant to N.J.A.C.7:15-3.5(g) 6 (ii).

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

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

Nays: None.

Absent: Mr. Ryan.

Abstain: Mr. Muzaffar

Mr. Filler updated the board as follows:

1. There was a USEPA inspection on May 9, 2023. Mr., Filler advised the Board that Mary Ellen Danyo had coordinated the documents for the inspection and that it was a job well done.
2. The Authority's NJPDES Permit renewal application had been submitted.
3. There is a pre-argument conference scheduled in the Nitrates matter.
4. On May 17, 2023 Authority staff attended "Sensitivity Training" regarding Discrimination/Harassment in the workplace given by Kathleen M. Connelly, Esq., partner in the law firm of Lindabury, McCormick, Estabrook and Cooper, P.C., the Co-Chair of the Labor and Employment Group;
5. Mr, Filler and Mr. Rank attended a meeting with representatives of Hopewell and Ewing Townships to discuss the Wedderburn agreement for 2350 Pennington Road.

Mr. Rank provided a brief history to the Board of the issues surrounding the Wedderburn agreement which led to the meeting with all interested parties. The Authority is awaiting a revised agreement from Hopewell Township counsel.

Res. 60:23. On motion of Mr. Lee and seconded by Mr. Kownacki and unanimously carried, the meeting was adjourned at 1:25 PM

Submitted by Susan Dorio for the
Ewing Lawrence Sewerage Authority