EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, September 24, 2015

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday September 24, 2015 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 7:30 p.m.

The following Members were present:

Linda L. Moore
Steven Kurs
Leonard Millner
William Lawler
Michael Shifman

Absent: Marc Platizky
Marc Lippman

Also present:

Edwin Schmierer, Esq., of Mason Griffin & Pierson
James Farry, of Hatch Mott MacDonald
Ronald Ghrist, Finance Officer
Richard Brand, Executive Director
Clark Wolverton, Wastewater Superintendent
Skip Lovejoy, Water Superintendent

Chairperson Moore read the Public Notice statement announcing that the notice and agenda of this meeting were mailed to the Windsor Hights Herald, Trenton Times and Trentonian on September 18, 2015. An agenda was posted on the official bulletin board of the Authority and delivered to the Township Clerk for posting on the bulletin board at the East Windsor Township Municipal Complex on September 18, 2015. The roll was called and the Chairperson asked if any Member had an objection to holding this meeting as advertised. No one objected.

Mr. Brand explained to the Members that the NJ Turnpike was going to expand the central maintenance building in Hightstown. They have submitted plans and specifications to the MUA for service. The MUA will be paid water and sewer connection fees as well as Off Tract Improvement Fees. Mr. Brand stated he is seeking Board approval of the application for service. There being no additional discussion on this matter Mr. Kurs made a motion to adopt the resolution authorizing connection, seconded by Mr. Lawler and unanimously carried.

Resolution #18 NJ Turnpike

WHEREAS, the New Jersey Turnpike Authority (hereinafter the "NJTA" or "Applicant")

is the owner of a parcel of land located within the Township of East Windsor more particularly located at Exit 8; and

WHEREAS, the NJTA has submitted to the East Windsor Municipal Utilities Authority (hereinafter "Authority" or "EWMUA") for approval Plans, Specifications and Details for the construction of certain maintenance facility improvements to be located on and in the immediate vicinity of Exit 8 as shown on the Official Tax Map of the Township of East Windsor (hereinafter the "Improvements"), consisting of additions to existing administrative offices and maintenance facilities. The Improvements are more particularly described on site plan and utility plan documents and details prepared by Michael Baker International, Inc. for NJTA facilities improvement program, Contract T500.363; and

WHEREAS, the NJTA agrees as a condition of EWMUA's approval of this application for service that it will schedule on an expedited basis an appearance before East Windsor Township officials for the purpose of presenting additional information to the Township related to the size, scope and impact of the Improvements; and

WHEREAS, the EWMUA approves the aforementioned plans, specifications and details consisting of 5 sheets dated May, 2015, with revisions, as approved by the Authority ("Approved Plans and Specifications") and any other governmental entity having jurisdiction there over; and

WHEREAS, the NJTA and the Authority desire to memorialize by resolution an agreement setting forth the rights, duties and obligations of the parties in connection with the construction of the Improvements, including sewer and water service requirements and capacity allocations, as well as all water and sewer connection and off-tract improvement fees and related obligations of the NJTA.

NOW, THEREFORE, BE IT RESOLVED BY THE EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY as follows:

1. The EWMUA hereby approves the application for service from the NJTA and allocates 3,550 gallons per day of water treatment capacity and 907 gallons per day of wastewater treatment capacity in the facilities of the EWMUA for the purposes of facilities improvement project. The capacities allocated in this resolution are for the exclusive use of the Applicant at this site and may not be allocated, sold or otherwise redirected by the Applicant to any other entity. All unused or excess water and wastewater treatment capacity not needed by this improvement project shall revert to the Authority. The capacity allocations granted shall be valid for a period of one year from the date of this resolution and shall not be renewed without subsequent resolution or other official action by the EWMUA, and

2. The EWMUA hereby approves and the NJTA hereby agrees to pay connection and off-tract improvement fees to the EWMUA in the following amounts. Sewer and Water Connection Fees are calculated in the amount of $29,220. (water connection fee) and $17,685. (sewer connection fee) for a total of $46,905. and Off-Tract Improvement Fees are calculated in the amount of $48,400.00. Connection and Off-tract Improvement Fees are due and payable in full to the EWMUA upon application by the NJTA to any governmental agency having jurisdiction for such matters for any permits related to the construction of the Improvements. There will be no refund of any fees set forth in this paragraph under any circumstances. Fees are calculated in accordance with EWMUA rules and regulations and in accordance with the prevailing fees in effect at the time an application for permits is presented to any officials having jurisdiction and are subject to recalculation, and

3. The EWMUA further directs that the Executive Director shall take all necessary steps

to expedite the directions specified in this resolution, as appropriate, and

4. This resolution shall take effect immediately.

The next item on the agenda was the approval of the wastewater and water budgets. Mr. Lawler made a motion to approve the water 2015/2016 Operating Budget, seconded by Mr. Kurs and unanimously carried. Mr. Lawler also made a motion to approve the wastewater 2015/2016 Operating Budget, seconded by Mr. Shifman and unanimously carried.

2015 WATER BUDGET RESOLUTION

WHEREAS, the Annual Budget and Capital Budget for the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2015 and ending, November 30, 2016 has been presented before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of September 24, 2015; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of $3,473,642, Total Appropriations, $4,121,520 including any Accumulated Deficit if any, of $NONE and Total Unrestricted Net Position utilized of $647,878; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of $1,380,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of $830,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the East Windsor Municipal Utilities Authority, at an open public meeting held on September 24, 2015 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2015 and ending, November 30, 2016 is hereby approved; 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 FURTHER RESOLVED, that the governing body of the East Windsor Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on November 19, 2015.

2015 WASTEWATER BUDGET RESOLUTION

WHEREAS, the Annual Budget and Capital Budget for the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2015 and ending, November 30, 2016 has been presented before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of September 24, 2015; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of $4,908,746, Total Appropriations, $4,667,973 including any Accumulated Deficit if any, of $NONE and Total Unrestricted Net Position utilized of $NONE; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of $980,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of $980,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the East Windsor Municipal Utilities Authority, at an open public meeting held on September 24, 2015 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2015 and ending, November 30, 2016 is hereby approved; 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 FURTHER RESOLVED, that the governing body of the East Windsor Municipal Utilities Authority will consider the Annual Budget and Capital ~~Budget/~~Program for adoption on November 19, 2015.

Because of an error in the dates on the Stony Brook Sludge Disposal of Liquid Sludge Agreement the Board decided to hold discussion and approval for the October 2015 meeting.

Mr. Brand informed the Board that some of the MUA employees have opted to have Aflac/Wage Works Flexible Spending Accounts. The cost of the plan is a pre-tax deduction from the employees pay. The Board needs to approve a modification to the plan. The modification provides for a carryover of up to $500 of any remaining unused funds in FSA accounts as of the end of the Plan year. The carryover amount may be used to pay or reimburse medical expenses under the health FSA incurred during the entire Plan Year to which it is carried over. Mr. Lawler made the motion approving the modifications to the Aflac/Wage Works Flexible Spending, seconded by Mr. Shifman and unanimously carried.

FLEXIBLE SPENDING ACCOUNT CARRYOVER PLAN
(see attached)

There was a brief discussion by Mr. Brand about the Inflow and Infiltration Study which had been determined to be a necessity last year and money was budgeted for that study. Hatch Mott McDonald looked at the project and gave the MUA a price on the project which was under budget. Mr. Brand stated that since quote was under budget the work was given to Hatch Mott McDonald.

We will have to apply for wetlands permits in order to move forward with water main replacement in the Twin Rivers Area because 6 of the 7 mains on the replacement schedule fall within the wetlands 150 foot buffer zone. The permits will be good for 5years and all the streets

will be completed within that period. Mr. Kurs asked why the mains were being replaced and Mr. Brand responded that from the acidic soil in the area the water mains are decaying from the outside in. When asked if Twin Rivers Trust had been notified Mr. Brand respond yes. Mr. Brand continued by saying that the project would begin in the spring of 2016.

Mr. Brand updated the Board on the Twin Rivers Tank painting. The water department may drain the tank next week once Pro Spec gives us in writing their plan to proceed. Mr. Schmierer stated that communications are taking place with the bonding attorney and he has been told it is a manageable final check list. The only thing the MUA is waiting for is Pro Scan's protocol for compilation.

There was a brief discussion of the Galleria development during which Mr. Brand notified the Members that the Galleria had agreed to the terms of the Capacity Allocation and Off Tract Improvement terms. Mr. Brand also stated that a meeting was set for next week to review the agreement and Chairperson Moore requested that she be notified of the meeting so she could attend.

There was some discussion of the MUA sign and the hours that it should operate. It was the decision of the Board that it should be turned off at 8:15 PM.

Mr. Kurs made a motion to approve the Operating Bills in the amount of $296,308.55; Payroll for 8/19/15 of $71,604.42; Payroll for 9/2/15 of $78.733/82; and 9/16/15 $67,653.12. Also a hand check for Conair Corporation – Refund of OTIF Fee's for #34,267.00. A second was made and the Operating Bills were unanimously approved.

After a brief discussion of repairs needed at well no. 6 and the HDPE (high density piping) seminar at the Wastewater Treatment Plant, Mr. Kurs made a motion to approve the August Operating Report, seconded by Mr. Lawler and unanimously carried.

Chairperson Moore requested an update on the Magnolia Ridge project for the next meeting. There being no further discussion on the September Development Report, Mr. Kurs made a motion to accept the report, seconded by Mr. Lawler and unanimously carried.

Mr. Kurs made the motion to accept the Finance Officer's report for August, seconded by Mr. Lawler and unanimously carried.

There was a discussion of the various issues raised by the residents on Hankins Road about the construction taking place for CT Hankins Shopping Center project. Mr. Brand informed the members that there had been a meeting at the Township with Township officials, MUA staff and the developer's to discuss the complaints and resolve the issues. Mr. Shifman made a motion to accept the Attorney's August report, seconded by Mr. Lawler and unanimously carried.

The Engineers September report was unanimously approved on a motion by Mr. Shifman, seconded by Mr. Lawler.

The being no additional items to discuss Chairperson Moore requested a motion to enter into Executive Session. A motion to enter into Executive Session was made by Mr. Kurs, seconded by Mr. Lawler and unanimously carried.

Resolution for Executive Session

WHEREAS, Section 7 of the Open Public Meetings Act, ("Act") C. 231, P.L. 1975 the (N.J.S.A. 10:4-12B) permits the exclusion of the public from a meeting of the East Windsor Municipal utilities Authority ("Authority") under certain circumstances; and

WHEREAS, the Authority is of the opinion that such circumstances presently exist and desires to authorize the exclusion of the public from that portion of the meeting in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority, in the county of Mercer, State of New Jersey, as follows:

1. The public shall be excluded from discussion and action upon the specified subject matter as set forth in Exhibit "A" attached hereto and made a part hereof.

2. The general nature of the subject matter to be discussed as set forth in Section 7b of the Act (N.J.S.A. 10:4-12b) is set forth next to the subject matter in the attached Exhibit "A".

3. It is anticipated at this time that the stated subject matter will be made public on or about the time set forth next to the subject matter in attached Exhibit "A".

4. This Resolution shall take effect immediately.

Exhibit "A"

General Subject Matter	Basis Under for Exclusion of Public	Anticipated Date when Discussion Will Be Disclosed to Public
Personnel	Attorney/Client Privilege	certain information at the discretion of the Board tonight. Other information will remain confidential.

Respectively submitted,

Marc Platizky, Secretary

SUMMARY OF MATERIAL MODIFICATIONS (SMM)

For the

Flexible spending Account carryover Plan

(Name of Plan)

(1) **General.** This is a Summary of Material Modifications regarding the above referenced Plan ("Plan"). This Summary of Material Modifications supplements and amends the Summary Plan Description (SPD) previously provided to you. You should retain this document with your copy of the SPD.

(2) **Identification of Employer.** The legal name, address and Federal Employer Identification number of the Employer are:

East Windsor "MUA" EIN: 221776265

Employer name

7 Wiltshire Drive

Employer street address

East Windsor NJ. 08520

Employer city, state and zip code

FOR CAFETERIA PLANS:

(3) **Description of Modifications.** The Employer has amended your Plan effective for ☐ the 2013 Plan year and beyond, ☐ the 2014 Plan year and beyond or ☒ the 2015 Plan year and beyond.

If you have any questions regarding the application of this provision to you, contact your Employer.

BENEFITS

Health Care Flexible Spending Account Funds. Carryover provision. The Plan provides for a carryover of up to $500 of any remaining unused funds in your health FSA as of the end of the Plan year. Such carryover amount may be used to pay or reimburse medical expenses under the health FSA incurred during the entire Plan year to which it is carried over.

For example: If you elected $1,500 for the 2013 plan year and only spent $1,000 for 2013 eligible medical expenses you will be able to carryover, into the 2014 Plan year, $500 to reimburse eligible medical expenses incurred in 2014. Please contact your Employer if you have questions about this Carryover provision.

If you are enrolled in a Health Savings Account (HSA) for a future Plan year, the carryover amount from the current Plan year will be deposited into a Limited-Purpose Health FSA in the future Plan year.

CERTIFICATE OF ADOPTING RESOLUTION

The undersigned authorized representative of East Windsor Municipal Utilities Authority

(the Employer) hereby certifies that the following resolutions were duly adopted by Employer on

September 24, 2015, and that such resolutions have not been modified or rescinded as of the date hereof;

RESOLVED, that the Amendment to the Flexible Spending Account

Flexible Spending Plan Carryover Plan is hereby approved and adopted, and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counter parts of the Amendment.

The undersigned further certifies that attached hereto is a copy of the Amendment approved and adopted in the foregoing resolution.

Date: 9/24/15

Signed: Linda L. Moore

Linda Moore, Chairperson