

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, April 17, 2014

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, April 17, 2014 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
Marc Lippman
Steven A. Kurs
Marc Platizky
Leonard Millner
William Lawler
Michael Shifman

Absent: None

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
Dolores Borosko, Board Secretary

Chairperson Moore requested that the Public Notice be read. The Board Secretary read the statement announcing that the notice and agenda of this meeting were mailed to the Windsor Hights Herald, Trenton Times and Trentonian on April 11, 2014. 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 April 11, 2014. Chairperson Moore then asked for a roll call after which she asked if any Member had an objection to holding this meeting as advertised. No one objected.

Chairperson Moore asked if there was anyone present that would like to discuss a matter which was not on tonight's agenda. Mr. Constantine stated he would like to speak to the Board regarding improvements he hoped to make to his property located on Route 130 North (Americana Diner and adjacent property). Mr. Constantine is seeking credits on connection

fees that he thought had been paid for the old Hightstown Motel and other buildings which he has removed for the new construction space. Chairperson Moore thanked Mr. Constantine for his input but explained that before the Board would make any decision on this matter they would consult with MUA staff and consultants. The Chairperson thanked Mr. Constantine for his time and moved to the next item on the agenda the rate hearing for connection fees.

Chairperson Moore turned the meeting over to Mr. Schmierer, attorney representing the MUA. Mr. Schmierer stated that this was a public hearing that had been properly noticed and that there was a court stenographer present to take the transcript of this rate hearing. Mr. Schmierer then began to swear in Mr. Ghrist, Financial Officer for the Authority, as the only witness to be heard during the public hearing. After a short question and answer period it was recommended that the MUA increase the water connection fee to \$2,305.00 and the wastewater connection fee to \$5,735.00. Mr. Schmierer concluded the direct testimony and recommendation for the Board. The Chairperson asked if there were any questions from the Board Members and Mr. Kurs asked if the fees collected are used to offset the debt service. Mr. Ghrist explained that the fees are used to offset the debt service share for new development and Capital Improvements. Mr. Ghrist added that this was a 2 year increase since we had not gone through this process last year. Chairperson Moore than opened up for any questions from the audience and hearing none requested a motion to approve the increase and adopt the resolution. Mr. Millner made a motion to adopt the resolution, seconded by Mr. Kurs and approved with the following vote: AYES: Mr. Millner, Mr. Kurs, Mr. Platizky, Mr. Lippman, and Chairperson Moore. NOES: None. ABSTAIN: None.

Resolution (see attached)

Chairperson Moore moved to a discussion of the K. Hovnanian subdivision on Conover Road. Mr. Brand stated they were seeking Board approval of the application and Capacity Allocation agreement. Before Mr. Brand continued he recognized Mr. Tom Smith a representative for K. Hovnanian was present and asked if he would like to address the Board. Mr. Smith introduced himself to the Board stating that he was legal counsel for K. Hovnanian and just wanted to thank the authority and its staff for working with them to update the Developer's agreement. Mr. Millner asked number of units to be built and approximate cost. Mr. Smith responded 22 houses and approximate cost of \$400,000.00. After brief discussion of the project regarding size, location and when construction would begin Mr. Kurs made a motion to approve and accept the K. Hovnanian Developers Agreement, seconded by Mr. Millner and unanimously approved.

On the limited easement agreement for JCP&L on Old Cranbury Station Road Mr. Brand stated that JCP&L would need access to their equipment for maintenance. Mr. Brand stated that it would actually benefit the MUA and Mr. Millner moved to approve the JCP&L limited easement agreement. Mr. Millner asked if the MUA controlled the land and Mr. Brand responded yes the land will be controlled by the MUA. JCP&L would have the right to come

onto the property to cut trees that interfered with their power lines. The motion was seconded by Mr. Lippman and unanimously carried.

Resolution (see attached)

The discussion moved to the emergency sewer main repair and Mr. Brand stated that on Friday March 28th, the Collections department was performing a scheduled inspection and cleaning of an 8" main sewer line along the bike path between the Township offices and the Senior Building. Upon televising the main, it was noticed that a build-up of grease was prevalent on the top side of the pipe. The Collections department proceeded to remove the grease with a root cutter which is standard procedure when the root cutter became lodged in the pipe. Mr. Wolverton and I went to the site and determined that the pipe would have to be dug up and exposed to retrieve the root cutter. Since sanitary sewer was flowing through the pipe we decided to monitor it over the weekend and start the repair on Monday. Waters and Bugsbee, Henkles and McCoy and Sambol Inc. were contacted to perform the work. Waters and Bugsbee sent out an inspection crew immediately to survey the break. Sambol contacted Mr. Brand on Saturday morning and stated they would not be able to get a crew mobilized until Wednesday. Henkles and McCoy contacted me on Monday. Based on health and safety issues Mr. Brand contacted Water and Bugsbee to precede with the repairs. Mr. Brand informed the Board that they had to approve the emergency repair. Mr. Millner moved to approve the emergency expenditure, seconded by Mr. Lippman and unanimously carried.

Resolution (see attached)

Mr. Brand had another emergency repair resolution for Well #7. The pump had to be pulled and because wells 1 and 2 were under major electrical repairs it was decided to contact a contractor to do the work immediately. Mr. Brand reached out to 3 companies for quotes. Two responded and of the two Shulties was the lowest quote. After a brief discussion Mr. Millner made a motion to approve the expenditure, seconded by Mr. Platizky and unanimously approved.

Resolution (see attached)

A discussion of the MUA Rules and Regulations regarding snow removal from fire hydrants was begun by Mr. Brand. Mr. Lippman stated he had looked into the issue and it is a Township responsibility and they have procedures in place to handle snow removal from fire hydrants. Mr. Lippman added that he was told it had never been an issue within the Township.

Mr. Schmierer stated that he had found the same to be true. Mr. Brand added that the MUA also sends a crew out to clear hydrants. Since there has never been a problem the Board stopped the discussion and moved to the next topic on the agenda.

Chairperson Moore asked Mr. Brand if we were moving forward with the GPS system

and he replied that he was moving forward in two phases and that the first 8 had been ordered. These 8 units would be placed in the water department first and the next 7 would be for wastewater.

During the General Discussion/Topics from the Board Mr. Platizky asked about the Americana Diner. Mr. Brand stated that he has been told that the OTIF and connections fees for the project will be around \$250,000.00. Plus Mr. Constantine will have to connect to the 12" water line on the opposite side of Route 130 which Mr. Constantine claims will cost \$150,000.00. Mr. Constantine has not paid any money toward OTIF or connection fees but has requested help to reduce the cost through credits from the MUA for connection fees made in the past on buildings that have been demolished. Mr. Brand stated that there were no credits to be given since connection fees had never been paid for the buildings being removed. However they may give some credits toward the OTIF. Chairperson Moore requested that Mr. Brand sit with Mr. Fryer and put all the facts together on this issue and put it on agenda for next month.

Mr. Millner asked if we had received the check from McGraw Hill and Mr. Brand responded that we had not but it should be in shortly. Mr. Brand also informed the Board that the new company buying the South campus from McGraw Hill has inquired about expansion of the building.

Mr. Platizky asked about the painting of the water tower in Twin Rivers. Mr. Brand stated that we had 3 companies out to inspect and review the specification and we will be going out to bid and painting in the fall. Mr. Brand will notify both the Township and the Twin Rivers Trust.

Mr. Kurs made a motion to pay Operating bills in the amount of \$423,430.00; Payroll 3/19/14 in the amount of \$68,501.31 and Payroll 4/2/14 in the amount of \$71,913.77, a second was made by Mr. Platizky and unanimously approved.

Chairperson Moore requested a motion to approve the March Operating Report. Mr. Kurs made the motion to approve. Followed by a brief discussion of the meter changeover program during which Mr. Brand stated that once we begin the changeover to the Automatic Meter Readers we may find the MUA does not have the personnel to replace the meters timely and we might have to hire an outside contractor for installation. Chairperson Moore asked if anyone had additional items to discuss and hearing none requested a second to Mr. Kurs motion to accept the March Operating Report. Mr. Lippman seconded the motion and the Operating Report was unanimously approved.

There was a motion made by Mr. Lippman to approve the Development Report. There being no discussion on the development report Chairperson Moore requested a second for Mr. Lippman's motion and vote for approval of the Development Report. Mr. Millner seconded the motion and the report was unanimously approved.

A motion to approve the Finance Officer's Report for March was made by Mr. Millner, seconded by Mr. Lippman and unanimously approved with a vote of the Members. Mr. Kurs requested that we correct an error on Cycle A billing dates. There being no additional discussion the report was unanimously approved.

A motion to approve the Attorney's Report was made by Mr. Millner, seconded by Mr. Lippman and unanimously approved with a vote of the Members. Mr. Millner questioned status of Missak Litigation Mr. Schmierer stated that insurance company is moving to have claims dismissed.

A motion to approve the Engineer's Report for April was made by Mr. Platizky, seconded by Mr. Kurs and unanimously approved with a vote of the Members.

Chairperson Moore stated that there was no additional information to be discussed in the regular portion of the April 17, 2014 meeting and requested a motion to go into Executive Session. Mr. Kurs made the motion, seconded by Mr. Platizky and unanimously carried for the Board to enter Executive Session.

Resolution (see attached)

After discussion in executive session of the emergency sewer main repair along the bike path between the Township Offices and the Senior building as well as a discussion of the emergency repairs for Well #7 the Board returned to open session and Mr. Millner made a motion to approve Resolution 2014-10 confirming and memorializing the award of the emergency contract to Waters and Bugsbee and Resolution 2014- to award emergency repair to Well #7 to Shulties. The motion was seconded by Mr. Platizky and unanimously carried.

Respectfully submitted,



Marc Platizky, Secretary

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION NO. 2014- 09

WHEREAS, Jersey Central Power & Light (“JCP&L”) has requested a limited right-of-way easement for electrical transmission lines within an easement area owned by the East Windsor Municipal Utilities Authority (“EWMUA”) along Cranbury Station Road on property designated as Block 12, Lot 4, East Windsor Township Tax Map; and

WHEREAS, EWMUA is willing to grant to JCP&L limited access to use a portion of the above-referenced property for the installation, repair and maintenance of JCP&L electrical transmission lines.

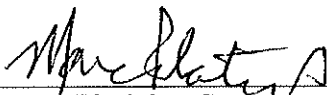
NOW THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority as follows:

1. The Chairperson and Secretary of the East Windsor Municipal Utilities Authority are hereby authorized and directed to execute on behalf of said Authority a deed of right-of-way easement as referenced hereinabove.

2. A certified true copy of this resolution shall be furnished upon its adoption to JCP&L Real Estate, 300 Madison Avenue, P. O. Box 1911, Morristown, NJ 07962, Attention: Michael M. Espinosa upon its adoption.

CERTIFICATION

I, Marc Platizky, Secretary to the East Windsor Municipal Utilities Authority, do hereby certify that the above Resolution was adopted by the Authority at its regular meeting held on the 17th day of April, 2014.



Marc Platizky, Secretary

RESOLUTION
2014-10
EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
MERCER COUNTY

WHEREAS, on March 28, 2014, the East Windsor Municipal Utilities Authority (referred to in this Resolution as “EWMUA”) was performing maintenance on the Jamesway Line sewer main and a root cutter became lodged in the sewer line; and

WHEREAS, the EWMUA made several attempts to dislodge and remove the root cutter from the sewer line, to no avail, because the root cutter had broken through the pipe and was buried in the ground; and

WHEREAS, the root cutter had to be immediately removed from the ground, and the sewer line had to be immediately repaired to protect the public health, safety, and welfare from discharge from the broken sewer line, and the possibility of the sewer main backing up; and

WHEREAS, the Executive Director of the EWMUA, Richard Brand, was present during the aforementioned incident and was satisfied that, due to the nature of the emergency, it was necessary to award an emergency contract in accordance with N.J.S.A. 40A:11-6; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, the EWMUA immediately contacted Waters and Bugbee, Inc., located at 75 South Gold Drive, Hamilton, New Jersey 08691 (referred to in this Resolution as “Waters”), to perform the emergency repair of the broken sewer line because Waters had previously performed other emergency repair work for the EWMUA; and

WHEREAS, Waters subsequently performed the emergency repair work to fix the sewer line and submitted an invoice for payment to the EWMUA for the services rendered; and

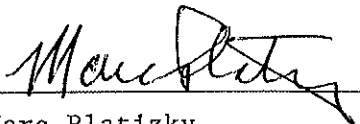
WHEREAS, the EWMUA wishes to confirm and memorialize the award of this emergency contract.

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority as follows:

1. The EWMUA hereby authorizes and confirms the actions taken by the EWMUA's Executive Director when, to preserve the public health, safety, and welfare, he immediately contacted Waters and had Waters perform the necessary repair work on the sewer line due to the damage that occurred on March 28, 2014; and
2. The EWMUA authorizes an emergency contract with Waters pursuant to N.J.S.A. 40A:11-6 for the repair work performed by Waters.

CERTIFICATION

I, Marc Platizky , Secretary to the East Windsor Municipal Utilities Authority, do hereby certify that this Resolution was adopted by the EWMUA at its regular meeting held on April 17, 2014.



Marc Platizky

RESOLUTION NO. 14- 11

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

MERCER COUNTY

WHEREAS, on or about February 25, 2014, the East Windsor Municipal Utilities Authority (referred to in this resolution as "EWMUA") discovered a significant drop off in pressure and flow from Well #7 for which the EWMUA is responsible and which provide a significant portion of the potable well supply to the East Windsor Township community; and

WHEREAS, upon further investigation, it was determined that the pump for Well #7 was failing; and

WHEREAS, when this failure of the pump for Well #7 occurred, Well #7 was put out of service; and

WHEREAS, when this failure of Well #7 occurred, other EWMUA wells were under construction and not available to assist with the providing of a potable water supply (Well #1 and Well #2); and

WHEREAS, the EWMUA immediately solicited emergency proposals for the repair of Well #7; and

WHEREAS, the EWMUA executive director determined that Well #7 needed immediate repair and rehabilitation in order to protect the public health, safety and welfare of the East Windsor Township community and that it was necessary to award an emergency contract as authorized by *N.J.S.A. 40A:11-6*.

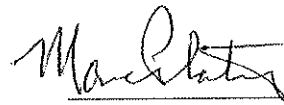
NOW THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority as follows:

1. The EWMUA hereby authorizes the award of an emergency contract for Well #7 repair to A.C. Schultes, Inc., 664 South Evergreen Avenue, Woodbury Heights, New Jersey, 08097 for a sum not to exceed \$62,810.

2. The EWMUA hereby authorizes an emergency contract with A. C. Schultes, Inc. as permitted by the provisions of the New Jersey Local Public Contracts Law, *N.J.S.A.* 40A:11-6.

CERTIFICATION

I, Marc Platizky, Secretary to the East Windsor Municipal Utilities Authority, do hereby certify that the above Resolution was adopted by the EWMUA at its regular meeting held on the 17th day of April, 2014.



Marc Platizky, Secretary

Executive Session Resolution

April 17, 2014

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"

<u>General Subject Matter</u>	<u>Basis Under For Exclusion of Public</u>	<u>Anticipated Date when Discussion Will Be Disclosed to Public</u>
Personnel Matters	Attorney/Client Privilege	Certain information at The discretion of the Board tonight. Other information will remain confidential.