

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, June 19, 2014

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, June 19, 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
Marc Platizky
Leonard Millner
William Lawler
Michael Shifman

Absent: Steven Kurs

Also present:

Amanda Nini, 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 June 13, 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 June 13, 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. Hearing no one Chairperson Moore stated that she was going to move items around on the agenda allowing Mr. Smith representative from Hankins Road Project to be heard first. Mr. Smith explained that recently the developer had encountered a major stumbling block. Aqua American will not allow water service in their area to be provided from another purveyor. This is a major additional cost for the developer and they are in negotiations at this time. The developer still feels it makes sense to get sewer from East Windsor even if they are forced to get water service from the Aqua American System. The first option

for the Hankins Road developer now is to just run the sewer line. After some discussions with Mr. Brand they may be able to run a dry water line with some credits in the OTIF program. The developer is requesting that the Board consider the sewer service. Chairperson Moore stated that the MUA would have to table the resolution for tonight because the Township resolution should come first and the MUA's resolution should be backing up the Township resolution. Chairperson Moore stated that the Board would have to discuss the situation and see if there is a benefit to the Authority and then will hold a special meeting to either approve or not approve the project. Mr. Millner moved to have the item tabled, seconded by Mr. Lippman and unanimously approved.

Mr. Brand gave the Board a brief update on computers and the evaluation of our system by Princeton Computer Company. Mr. Brand stated that system has been cleared of all viruses and the IT Company has recommended that we upgrade to Windows 7 to prevent further issues. Mr. Brand added that not all of our computers will be capable of running Windows 7 some hardware will also have to be purchased. Mr. Brand stated that this was just an update of the discussion from last month about computer problems and no Board action was required.

Mr. Brand informed the Members that the attorney's office has supplied a compliance resolution for Board approval. Mr. Brand stated that with the recent payment made by McGraw Hill Financial, Inc. for the water service satisfied all the terms and conditions of both the 2007 and 2008 agreements. A motion to approve Resolution 2014-15 confirming compliance with and satisfaction of terms and conditions for water and wastewater obligations of McGraw Hill was made by Mr. Lawler, seconded by Mr. Millner and carried with the following vote: AYES: Mr. Lawler, Mr. Lippman, Mr. Millner, Mr. Platizky and Chairperson Moore.

Resolution 2014-15

WHEREAS, the McGraw-Hill Companies, Inc. d/b/a McGraw-Hill Financial, Inc. (hereinafter "McGraw-Hill") obtained approval from the East Windsor Township Planning Board for various improvements to be undertaken by McGraw-Hill with regard to their property located on Block 63, Lots 6, 8, 9, 10, 48, 49 and 51 East Windsor Township Tax Map ("Property"), said approval granted on September 25, 2006 as amended by approvals on January 7, 2008; and

WHEREAS, the aforementioned approvals required that McGraw-Hill enter into a Capacity Allocation and Developer's On-Tract and Off-Tract Agreement for Wastewater Services; and

WHEREAS, McGraw-Hill and the East Windsor Municipal Utilities Authority (“Authority”) entered into said Agreement dated March 20, 2008; and

WHEREAS, the requirements for the Authority to provide water service to McGraw-Hill are set forth in a Developer’s Agreement dated January 31, 2007 between the Township of East Windsor and McGraw-Hill, paragraph 25; and

WHEREAS, McGraw-Hill as a result of the adoption of a resolution by the Authority on March 20, 2014 has paid to the Authority all required connection fees and off-tract improvement fees associated with the Authority’s providing water service to the McGraw-Hill Property and in particular the McGraw-Hill Data Center; and

WHEREAS, McGraw-Hill is in the process of selling a portion of said Property and wish to confirm that all of McGraw-Hill’s obligations to the Authority for wastewater service pursuant to the aforementioned March 20, 2008 Capacity Allocation and Developer’s On-Tract and Off-Tract Agreement for Wastewater and Water Service as set forth in the East Windsor Township Developer’s Agreement dated January 31, 2007 have been fully satisfied.

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

1. The East Windsor Municipal Utilities Authority hereby acknowledges that McGraw Hill has satisfied all of the terms and conditions of the Capacity Allocation and Developer’s On-Tract and Off-Tract Agreement for Wastewater dated March 20, 2008 and the terms and conditions of the East Windsor Township Developer’s Agreement dated January 31, 2007, paragraph 25.

2. A certified true copy of this resolution shall be furnished to the McGraw-Hill attorney upon its adoption: Gary S. Rosenstein, Esq., Sokol, Behot & Fiorenzo, 229 Nassau Street, Princeton, New Jersey, 08542-4601.

Mr. Brand stated that the second resolution is accompanied by three easements, two for sanitary sewer service and one for water service. Mr. Brand insured the Board that the staff has reviewed and approved the deeds of easement and descriptions. Mr. Lippman made a motion to approve Resolution 2014-16, seconded by Mr. Millner and carried with the following vote: Mr. Lippman, Mr. Platizky, Mr. Millner, Mr. Lawler and Chairperson Moore.

Resolution 2014-16

WHEREAS, McGraw-Hill Financial, Inc. are the owners of certain real property located within the Township of East Windsor, County of Mercer, State of New Jersey, said properties requiring public sanitary sewer and water services; and

WHEREAS, McGraw-Hill Financial, Inc. wishes to convey an easement to the East Windsor Municipal Utilities Authority (“Authority”) involving the following properties for the following purposes:

- A. Block 63, Lot 9 East Windsor Township Tax Map: thirty foot (30’) wide sanitary sewer easement.
- B. Block 5.01, Lots 12 and 13 East Windsor Township Tax Map: thirty foot (30’) wide sanitary sewer easement.
- C. Block 63, Lots 8 and 9 East Windsor Township Tax Map: variable width waterline maintenance easement; and

WHEREAS, *N.J.S.A.* 40:14B-19 permits the Authority to acquire easements from property owners requiring service from the Authority.

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 enter into the above three easement agreements with the McGraw-Hill Financial, Inc. for public sanitary sewer and water easements.

2. A certified true copy of this resolution shall be furnished to McGraw-Hill Financial, Inc.'s attorney upon adoption: Gary S. Rosensweig, Esq., Sokol, Behot & Fiorenzo, 229 Nassau Street, Princeton, New Jersey, 08542-4601.

Mr. Platizky made a motion to approve the operating bills in the amount of \$478,427.14; Payroll 5/14/14 in the amount of \$67,054.02; Payroll 5/28/14 in the amount of \$67,250.51 and Payroll 6/11/14 in the amount of \$74,788.20. Mr. Millner questioned payments for a conference and asked that conference information be attached for Board information. Chairperson Moore requested a second to Mr. Platizky's motion and one was made by Mr. Millner. The bill list was unanimously approved.

A motion to approve the May Operating Report was made by Mr. Platizky and after some brief discussion of Monthly Flow Comparison chart raised by Mr. Lawler a second was made by Mr. Lippman and the report was unanimously approved.

Chairperson Moore requested a motion to approve the Development Report. Mr. Lippman made a motion to accept, seconded by Mr. Platizky and unanimously carried.

A motion to approve the Attorney's Report for May was made by Mr. Millner. After some discussion of the ongoing litigation with Missak, Mr. Lippman seconded the motion and the report was unanimously carried.

Chairperson Moore requested a motion for the Engineer's report was made by Mr. Platizky, seconded by Mr. Lippman and unanimously carried.

There being no other items for discussion Chairperson Moore asked for a motion to approve the resolution to go into Executive Session. Mr. Lippman made a motion to close the Regular Session and enter Executive Session, seconded by Mr. Millner and unanimously carried.

Resolution

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	Attorney/Client Privilege	Certain information at the discretion of the Board tonight. Other information will remain confidential.

Respectfully submitted,


Marc Platizky, Secretary