

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Minutes of Regular Meeting

Wednesday, March 5, 2014

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Wednesday, March 5, 2014 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 8:00 p.m.

The following Members were present:

Linda L. Moore
Marc Lippman
Steven A. Kurs
Leonard Millner
Marc Platizky
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 February 18, 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 February 18, 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.

Since this is the annual reorganization meeting, Chairperson Moore appointed Mr. Brand as Chairman Pro-tem. Mr. Brand declared the nominations open for the post of Chairperson. Mr. Millner nominated Linda Moore, seconded by Mr. Kurs. The Chairman Pro-tem called the roll for the election of Linda Moore as Chairperson of the Authority with the following results:

AYES: Steven Kurs
Marc Lippman
Marc Platizky
Leonard Millner
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Linda Moore was declared elected Chairperson of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2015.

Mr. Brand then turned the meeting over to Chairperson Moore who announced that nominations were open for Vice-Chairman of the Authority. Mr. Platizky nominated Marc Lippman for Vice-Chairman, seconded by Mr. Kurs. The Chairperson then called the roll for the election of Marc Lippman as Vice-Chairman of the Authority with the following results:

AYES: Steven Kurs
Marc Platizky
Leonard Millner
Linda Moore
Marc Lippman

NOES: None

There being 5 ayes and 0 noes, Marc Lippman was declared elected Vice-Chairman of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2015.

The Chairperson then announced that nominations were open for Treasurer of the Authority. Mr. Millner nominated Steven Kurs for Treasurer, seconded by Mr. Lippman. The Chairperson then called the roll for the election of Steven Kurs as Treasurer of the Authority with the following results:

AYES: Marc Platizky
Leonard Millner
Marc Lippman
Steven Kurs
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Steven Kurs was declared elected Treasurer of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2015.

The Chairperson then announced that nominations were open for Secretary of the Authority. Mr. Millner nominated Marc Platizky for secretary, seconded by Mr. Lippman. The Chairperson then called the roll for the election of Marc Platizky as Secretary of the Authority with the following results:

AYES: Steven Kurs
Marc Lippman
Leonard Millner
Linda Moore
Marc Platizky

NOES: None

There being 5 ayes and 0 noes, Marc Platizky was declared elected Secretary of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2015.

The Chairperson then announced that nominations were open for Assistant Secretary/Treasurer of the Authority. Mr. Kurs nominated Leonard Millner for Assistant Secretary/Treasurer, seconded by Mr. Lawler. The Chairperson then called the roll for the election of Leonard Millner as Assistant Secretary/Treasurer of the Authority with the following results:

AYES: Steven Kurs
Marc Platizky
Marc Lippman
Linda Moore
Leonard Millner

NOES: None

There being 5 ayes and 0 noes, Leonard Millner was declared elected Assistant Secretary/Treasurer of the Authority for a term to run until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2015.

Chairperson Moore then announced that nominations were opened for the position of Consulting Engineer of the Authority. After a brief discussion Mr. Millner nominated James Farry of Hatch Mott MacDonald as Consulting Engineer with a rate for meeting attendance of \$2,100.00 and consulting fees to be negotiated, seconded by Mr. Kurs. The Chairperson then called the roll for the appointment of James Farry of Hatch Mott MacDonald as Consulting Engineer of the Authority and adoption of the following resolution:

AYES: Marc Platizky
 Marc Lippman
 Steven Kurs
 Leonard Millner
 Linda Moore

NOES: None

There being 5 ayes and 0 noes, James Farry of Hatch Mott MacDonald was appointed Consulting Engineer of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2014-01

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Engineering services for 2014; and

WHEREAS, the Authority is awarding this contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, in accordance with the legal requirements for the Fair and Open Process, the proposal for these services was posted on the EWMUA's web site; and

WHEREAS, two proposal for these services were received, from Hatch Mott MacDonald, 111 Wood Avenue South. , Iselin, NJ 08830; and Cardno BCM, 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462, and the Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for engineering service to Hatch Mott MacDonald for 2014; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A11-1 et seq. authorizes the award of this contract without public bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals and are specifically exempted under N.J.S.A. 40A:11-5.

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

1. The Authority hereby specifically determines that the procedures followed in connection with award of this contract were in full compliance with the Fair and Open Process for awarding such contracts, as set forth in N.J.S.A. 19:44A-20.4.

2. James Farry of Hatch Mott MacDonald is hereby appointed as Authority Engineer until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2015.

3. Hatch Mott MacDonald is required to comply with the Affirmative Action requirements of N.J.A.C. 17:27.

4. The chairperson of the Authority is hereby authorized to execute a professional services agreement with Hatch Mott MacDonald for engineering services for the Authority.

5. Notice of this contract award will be published as required by law.

Chairperson Moore than announced that nominations were open for the position of Auditor for the Authority. Mr. Millner nominated Mercadien Group, seconded by Mr. Kurs. The Chairperson then called the roll for the appointment of Mercadien Group as Auditors of the Authority and adoption of the following resolution.

AYES: Marc Lippman
 Steven Kurs
 Leonard Millner
 Marc Platizky
 Linda Moore

NOES: None

There being 5 ayes and 0 noes, Mercadien Group was appointed as Authority Auditors, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2014-02

WHEREAS, N.J.S.A. 40:14A-7.1 requires that every utilities Authority shall cause an annual audit of the accounts of the Authority to be made by a registered municipal accountant or certified public account of New Jersey, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be made available for public inspection; and

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) is awarding this

contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, in accordance with the legal requirements for the Fair and Open Process, the proposal for these services was posted on the Authority's web site; and

WHEREAS, one proposal for these services was received, from The Mercadien Group, 3625 Quakerbridge Road, Hamilton, NJ 08619 and the Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for Financial Auditing Services to The Mercadien Group; and

WHEREAS, the maximum amount of the contract is \$14,700.00 and funds are available in the Operating Account No. 01-201-6202 entitled Basic Contract - Auditor as evidenced by the Chief Financial Officer's Certification.

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

1. That the Chairperson and Secretary are hereby authorized to award this agreement for annual audit service with The Mercadien Group, registered municipal accountants in the State of New Jersey, for the period of March 5, 2014 to the annual reorganization meeting to be held in February, 2015.

2. The Authority hereby specifically determines that the procedures followed in connection with an award of this contract were in full compliance with the Fair and Open process for awarding such contracts, as set forth in N.J.S.A. 19:44A-20.4.

3. The Mercadien Group is required to comply with the Affirmative Action Requirements of N.J.A.C. 17:27.

4. It is hereby directed that notice of an award of a contract be published once in the official designated newspaper of the Authority within ten (10) days of the date hereof.

5. This Resolution will take effect immediately.

Chairperson Moore then announced that nominations were open for the position of Attorney of the Authority. Mr. Kurs made a motion to nominate Mason, Griffin & Pierson as Attorney's for the Authority and adopt the following resolution, seconded by Mr. Millner and approved by the following vote:

AYES: Steven Kurs
Marc Lippman
Marc Platizky
Leonard Millner
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Mason, Griffin & Pierson was appointed as Authority Attorney, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2014-03

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Legal services for 2014; and

WHEREAS, the Authority is awarding this contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, in accordance with the legal requirements for the Fair and Open Process, the proposal for these services was posted on the Authority's web site; and

WHEREAS, one proposal for these services was received, from Mason Griffin & Pierson, 101 Poor Farm Road, Princeton, New Jersey 08540 and the Authority has determined, price and other factors considered, that it is in the best interest of the Authority to award a contract for legal service to Mason Griffin & Pierson for 2014; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A11-1 et seq. authorizes the award of this contract without public bidding on the basis that the services are to be performed by persons who are recognized as licensed and regulated professionals and are specifically exempted under N.J.S.A. 40A:11-5.

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

1. The Authority hereby specifically determines that the procedures followed in connection with an award of this contract were in full compliance with the Fair and Open Process for awarding such contracts, as set forth in N.J.S.A. 19:44A-20.4.

2. Mason Griffin & Pierson is hereby appointed as Authority Attorney until a successor is appointed at the annual reorganization meeting of the Authority to be held in February, 2015.

3. Mason Griffin & Pierson is required to comply with the Affirmative Action requirements of N.J.A.C. 17:27.

4. The chairperson of the Authority is hereby authorized to execute a professional services agreement with Mason Griffin & Pierson for legal services for the Authority.

5. Notice of this contract award will be published as required by law.

Chairperson Moore announced that Tod Fryer would act as liaison to the Affirmative Action Office as Public Agency Compliance Officer (PACO). Mr. Miller made a motion appointing Tod Fryer as Public Agency Compliance Officer (PACO) and moved to adopt the following resolution, seconded by Mr. Platizky. The Chairperson then called for a roll call vote for the appointment of Tod Fryer as PACO Officer with the following results:

AYES: Steven Kurs
Marc Platizky
Leonard Millner
Marc Lippman
Linda Moore

NOES: None

There being 5 ayes and 0 noes, Tod Fryer was appointed as Public Agency Compliance Officer of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2014-04

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) is a local government unit of the State of New Jersey; and

WHEREAS, all local government units are required to implement the Affirmative Action Rules, N.J.A.C. 17:27 et seq., promulgated pursuant to P.L. 1975, C.127; and

WHEREAS, pursuant to the Affirmative Action rules, each unit is to designate a person to serve as a Public Compliance Officer (PACO); and

WHEREAS, the Authority desires to comply with a said mandate with the appointment of Tod Fryer, as the Authority PACO Officer.

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

1. The Authority hereby appoints Tod Fryer, to act as liaison to the Affirmative Action Office of the New Jersey Department of the Treasury as Public Agency Compliance Officer for the Authority until a successor is elected at the annual reorganization meeting of the Authority to be held in February 2015.

2. This Resolution will take effect immediately.

Chairperson Moore announced that Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting would serve as the Insurance Agents of Record for the Authority. Mr. Kurs moved to appoint Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting and to adopt the following resolution, seconded by Mr. Millner. Chairperson Moore called for a roll call vote to appoint the Insurance Agents of Record and adopt the following resolution.

AYES: Marc Platizky
 Marc Lippman
 Steven Kurs
 Leonard Millner
 Linda Moore

NOES: None

There being 5 ayes and 0 noes, Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting, were appointed as the Insurance Agents of Record of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2014-05

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that Mary Ann Costabile of Rue Insurance and Donald D. Gallo, Jr. of Gallo Benefits Consulting, hereby are, appointed as Insurance Agents of Record for the East Windsor Municipal Utilities Authority, until the annual reorganization meeting of the Authority to be held in February 2015.

This Resolution shall take effect immediately.

The Chairperson announced that the Bank of New York, Wells Fargo and Fulton Bank of New Jersey be appointed depositories for the funds of the East Windsor Municipal Utilities Authority. Mr. Millner made a motion to appoint the Bank of New York, Wells Fargo and Fulton Bank of New Jersey as depositories for the funds of the East Windsor Municipal Utilities Authority and to adopt the following resolution, seconded by Mr. Lippman. The Chairperson then called the roll for the appointment of the Bank of New York, Wells Fargo and Fulton Bank of New Jersey and to adopt the following resolution.

AYES: Steven Kurs
 Leonard Millner
 Marc Platizky
 Marc Lippman

Linda Moore

NOES: None

There being 5 ayes and 0 noes, the Bank of New York, Wells Fargo and Fulton Bank of New Jersey, were appointed as the depositories for the funds of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2014-06

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that the Bank of New York, Wells Fargo and Fulton Bank of New Jersey be, and hereby are, appointed depositories for the funds of the East Windsor Municipal Utilities Authority, until the annual reorganization meeting of the Authority, to be held in February 2015.

This resolution shall take effect immediately.

The Chairperson announced that the Trenton Times and Windsor Hights Herald be designated as the official newspapers of the Authority. Mr. Platizky moved to appoint the Trenton Times and Windsor Hights Herald as the official newspapers of the Authority and adopt the following resolution, seconded by Mr. Millner. The Chairperson called the roll for the designation of the Trenton Times and Windsor Hights Herald as the official newspapers of the Authority and adopt the resolution.

AYES: Leonard Millner
Marc Lippman
Steven Kurs
Marc Platizky
Linda Moore

NOES: None

There being 5 ayes and 0 noes, the Trenton Times and Windsor Hights Herald , were designated as the official newspapers of the Authority, for a term to run until a successor is appointed at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2014-07

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that the Trenton Times and Windsor Hights Herald be designated as the official newspapers for the East Windsor Municipal Utilities Authority, until the annual reorganization meeting of the Authority, to be held

in February 2015.

This Resolution shall take effect immediately.

The Chairperson announced that the Schedule of the Regular Meetings of the Authority was set. Mr. Lippman made a motion to approve the schedule with a change in starting time from 8:00 p.m. to 7:30 p.m. and adopt the following resolution, seconded by Mr. Millner. The Chairperson called for a vote to approve the schedule of meeting dates and change in starting time to 7:30 p.m. and adopt the resolution.

AYES: Marc Lippman
 Marc Platizky
 Leonard Millner
 Steven Kurs
 Linda Moore

NOES: None

There being 5 ayes and 0 noes, the Schedule of the Regular Meetings of the Authority, was approved, for a term to run until the new schedule is approved at the annual reorganization meeting of the Authority, to be held in February 2015.

Resolution 2012-08

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

I. During the year 2014/2015 the Regular Meetings of the East Windsor Municipal Utilities Authority Board will be held at 7:30 p.m., in the Administration Building at 7 Wiltshire Drive, in accordance with the dates listed below.

February 20, 2014
March 20, 2014
April 17, 2014
May 15, 2014
June 19, 2014
July 17, 2014
August 21, 2014
September 18, 2014
October 16, 2014
November 20, 2014
December 18, 2014
January 15, 2015
February 19, 2015

2. This Resolution shall take effect immediately.

Chairperson Moore suggested that the Board take the application for service for Allstar as the next item for discussion since a representative of Allstar was present. None of the Members objected. Mr. Brand stated that Allstar was located on Route 130 and Maple Stream and originally approved in 2008 as a retail commercial building and accepted by the Authority. The Capacity Allocation Agreement has been signed by the applicant and is ready for Board approval and signature. Mr. Platizky asked if there were any amendments to the agreement and Mr. Brand responded that there were none. A motion to approve the Capacity Allocation Agreement was made by Mr. Millner, seconded by Mr. Kurs and unanimously approved.

Chairperson Moore moved to the comments from the audience portion of the meeting and stated that representatives for McGraw Hill were present and wished to give a brief presentation to the Board. Mr. Rosensweig, attorney representing McGraw Hill, began by introducing himself, Mr. Ackerman of McGraw Hill, Mr. Nelson and Mr. Fester of Van Note Harvey. Mr. Fester began presentation with several charts demonstrating an executive summary of what has transpired, MUA responses, and McGraw Hill's position as to EWMUA Water Connection and Off Tract fees. The presentation chronologically went from McGraw Hill's application for water service in 2006 to the present. The position of McGraw Hill is that the average daily demand is not correct and should not be based on the average daily and peak demand on the original application for the cooling tower service. McGraw Hill as suggested by the MUA attended a technical meeting with the NJDEP and is of the opinion that the average daily demand should be based on the industry standard discussed at the meeting with the NJDEP or actual data accumulated from McGraw Hill's well over the past four years and not the projected use on the original application. Mr. Fester also presented Table 1 as a summary which represented off-set credits for McGraw Hill and requested Board consideration. The Chairperson thanked Mr. Fester and other McGraw representatives for their time and the presentation and stated that the Members would discuss information provided in Executive Session but that there would be no action taken this evening.

Chairperson Moore continued the meeting with a discussion of Public Notification System. Mr. Brand stated that the public notification system and the asset management – renewal and replacement program funding both be held for another meeting

Mr. Brand reminded each of the Members that they need to complete the Ethics Training online so that the Authority can save \$250.00 on our insurance premium for each Member.

AEA is involved in BPU study of energy consumption analysis for wastewater treatment plants. Since MUA is very involved with AEA they pushed EWMUA to consultants doing the analysis which could lead to the MUA receiving funding that might become available for implementing energy savings found during MUA participation in the audit. The analyses will be

conducted free for the MUA.

Mr. Brand informed the Members that he and Mr. Fryer had meet with D & E Realty for Panera Bread and discussed the issue of connection fees. They have come to an agreement and everything has been settled.

Chairperson Moore requested update on security system and GPS. Mr. Brand stated he is still getting prices. The GPS is a service that the MUA would pay for and includes the equipment in our vehicles. We will be able to monitor each of the vehicles from the office. Mr. Platizky asked if we can get reporting from the program and Mr. Brand answered yes. We can also put up what is referred to as fencing and if a vehicle goes outside the fencing leaving the township it will send an email to the computer and cell phones. The quote on the camera system was about \$20,000 which is high. Mr. Brand is looking into going through the co-op and will have additional information for the April Board meeting.

During the general discussion topics from Board Members Mr. Shifman asked whose responsibility to clear snow from fire hydrants. Mr. Brand responded that it is the homeowner's responsibility. Chairperson Moore asked if homeowners are aware of it being their responsibility and Mr. Brand responded no. Mr. Platizky stated that this is something that should be posted by the MUA to inform residents of the responsibility to clear the snow. Mr. Wolverton stated that in his township they send out a reverse 911 call to all residents asking them to adopt a hydrant and clear the snow.

Mr. Lawler requested update on website and Mr. Brand stated that due to current workloads this has been put to the side. However Mr. Brand added that he is looking into paying someone to set up and maintain the site at least temporarily for the Authority. Mr. Millner asked if we are required to have a website and Mr. Brand responded yes by law we are and there is a long list of requirements to be posted, the result is to be more transparent. Mr. Brand added that we are not in violation at this time but that we must do something by next year or we will be. Chairperson Moore requested that Mr. Brand look into cost and get back to Board details.

Mr. Kurs made a motion to pay Operating Bills in the amount of \$217,510.26; Payroll 2/19/14 of \$69,775.13 and Payroll 3/5/14 of \$71,008.30 the motion was seconded by Mr. Platizky and unanimously approved.

The Operating Report for January was approved on a motion made by Mr. Platizky, seconded by Mr. Lippman and unanimously carried with a vote of the Members.

After some discuss of the status of the Staples impending relocation the Development Report for February was approved on a motion made by Mr. Platizky, seconded by Mr. Lippman and unanimously carried with a vote of the Members.

Mr. Kurs noted an error with the date of the revised Finance Officer's report and made a motion to approve the corrected Finance Officer's Report, seconded by Mr. Lippman and unanimously carried with a vote of the Members.

After a brief discussion of status on continued litigation Mr. Platizky made a motion to approve the Attorney's Report for January, seconded by Mr. Lippman and unanimously carried.

Mr. Kurs made a motion to approve the Engineers Report for February, seconded by Mr. Platizky and unanimously approved with a vote of the Members.

The Regular Board Meeting minutes of the September 19, 2013 were approved on a motion made by Mr. Kurs, seconded by Mr. Lippman and unanimously approved with vote of the Members.

The Regular and Executive Session Board meeting minutes of October 17, 2013 were approved on a motion made by Mr. Lippman, seconded by Mr. Platizky and unanimously carried with a vote of the Members.


The Regular Board meeting minutes for November 21, 2013 were approved on a motion made by Mr. Kurs, seconded by Mr. Millner and unanimously carried with a vote of the Members.

The Regular Board meeting of December 19, 2013 was approved on a motion made by Mr. Millner, seconded by Mr. Kurs and unanimously carried with a vote of the Members.

The Regular Board meeting of January 16, 2014 was approved on a motion made by Mr. Lawler, seconded by Mr. Shifman and unanimously carried with a vote of the Members.

There being no additional information to be discussed during the Regular session of the March 5, 2014 meeting Chairperson Moore closed the open session and requested a motion to enter into Executive Session. A motion was made by Mr. Kurs, seconded by Mr. Millner and unanimously approved with a vote of the Members.

Respectfully submitted,


Marc Platizky, Secretary