

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, August 15, 2013

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, August 15, 2013 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
Leonard Millner
Steven Kurs
Marc Platizky
William Lawler
Michael Shifman

Absent: Marc Lippman

Also present:

Amanda Nini, of Mason Griffin & Pierson
James Farry, of Hatch Mott MacDonald
Ronald Ghrist, Finance Officer
Richard Brand, Executive Director
Carlin 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 Heights Herald, Trenton Times and Trentonian on Friday, August 9, 2013. 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 August 9, 2013. Chairperson Moore then asked for a roll call after which she asked if any Members had an objection to holding this meeting as advertised. No one objected.

Mr. Brand spoke briefly addressed the Board about additional training on use of the iPads for Board Members and some Administrative staff. After the discussion the Board directed Mr. Brand to continue to researching the options and cost for training and report back to the Board next month.

After a brief discussion of the request from Edinwood One, LLC for release of letters of credit, cash performance bonds and inspection escrow accounts for the development known as SCI Park the Board agreed to release said documents. Mr. Platizky made a motion to accept and adopt the resolution with corrections to the refund amount in the Inspection Escrow account and since there were no exceptions noted the line referring to exceptions in the resolution should be removed. The motion was seconded by Mr. Milner and unanimously approved and adopted.

Resolution 2013-14

AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES FOR
SANITARY SEWER AND WATER FACILITIES FOR A PORTION OF THE
DEVELOPMENT PROJECT GENERALLY KNOWN AS "SCI-PARK – PHASE ONE"

WHEREAS, Edinwood One, LLC, (hereinafter referred to as "Developer") installed certain sanitary sewer and water facilities to serve a portion of a research and development office park generally known as SciPark – Phase One, which are more fully described as follows,

SciPark – Phase One

Sanitary Sewer and Water Facilities which serve SciPark – Phase One are more fully described in

Record Plans for SciPark – Phase One, prepared by Chester, Ploussas, Lisowski Partnership, LLP, per Richard G. Ruchalski, NJPE consisting of Sheet 1, dated December 8, 2008, all in accordance with NJDEP TWA (Sewer) Permit #05-0564 and NJDEP BSDW (Water) Permit #WCP 050003 per certifications of Raymond Jordan NJPE, T&M Associates, Inc., dated August 12, 2013.

WHEREAS, the Developer has requested a complete release of Irrevocable Standby Letters of Credit nos. OD11001607 (Sanitary Sewer System) and OD11001606 (Water Distribution System) issued on July 12, 2012 by Valley National Bank with an address at 924 Broadway, New York, NY 10010 and Cash Performance Bonds in the amount of \$5,185.94 and \$5,179.04, and an Inspection Escrow account in the amount of \$16,891.71 inclusive of interest; and,

WHEREAS, the Developer has satisfactorily constructed the sanitary sewer and water facilities, as required; and,

WHEREAS, the East Windsor Municipal Utilities Authority desires to release the aforementioned performance guarantees and inspection escrow account.

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

1. The request of the Developer to release the aforementioned performance guarantees and inspection escrow account is hereby approved and said bonded and cash performance guarantees and inspection escrow account are hereby released.

2. This resolution shall take effect immediately.

According to a study prepared by Hatch Mott MacDonald they have been looking at both diesel generators and natural gas generators as replacement for standby power to the West Side of the wastewater treatment facility. Mr. Brand added that staff will have recommendations ready for meeting next month. The cost of the diesel fueled generator is significantly less than natural gas unit and there are also some other issues/differences that Mr. Brand and Mr. Farry want to investigate further before making final recommendation.

Mr. Brand informed the Board that AT&T was seeking approval for the installation of a gas powered generator for their cell site at the Wastewater Treatment facility on Millstone Road. Mr. Brand explained by requiring a natural gas emergency generator, AT&T will pay the construction cost to get a Natural Gas line to the plant. Mr. Lawler had some concerns regarding the installation of a generator at the site. He stated that we would be opening the flood gates to other Cell sites by doing so. Mr. Brand stated that the footprint of the generator was within the footprint of their lease. Mr. Brand also stated that the generator was located in a non residential area which would have no adverse effect on the community compared to other cell tower locations. Mr. Brand explained the Township is now reviewing their application for approval. Mr. Millner mentioned since Hurricane Sandy he has witnessed many generators being installed throughout the community and was not opposed to this one. Chairperson Linda Moore also agreed but asked to table this matter for future discussion.

Mr. Brand reminded the Members that the AEA Conference in Atlantic City is coming up in November and that he would get an agenda and information to all Members.

Mr. Millner made a motion to approve the Operating Bills of \$194,483.30; Payroll 7/18/13 of \$1,797.07 and Payroll 7/24/13 of \$66,812.78, seconded by Mr. Kurs and unanimously carried.

After a discussion of the missing wastewater department portion of the report a motion to accept the Operating Report was made by Mr. Platzky, seconded by Mr. Lawler and unanimously approved.

Chairperson Moore requested a motion to approve the Development Report and the motion to accept was made by Mr. Platzky. The Board again requested that the last date of

activity be placed by the projects in the Development Report. Mr. Millner seconded the motion to approve the Development Report and it was unanimously carried.

Chairperson Moore requested a motion to approve the Finance Officer's report. Before making a motion to approve Mr. Millner requested information on the capital budget and a list of projects. Mr. Ghrist responded that the capital budget would be included in the budget report in September. Mr. Platizky seconded the motion for approval which was unanimously carried.

Mr. Kurs made a motion to accept and approve the Attorney's Report, seconded by Mr. Platizky and unanimously approved.

Mr. Lawler made a motion to approve the Engineer's Report, seconded by Mr. Millner unanimously carried.

There being no other topics for discussion Chairperson Moore adjourned the regular meeting and requested a motion to approve the resolution to enter into Executive Session. A motion was made by Mr. Kurs, seconded by Mr. Platizky and unanimously carried.

Executive Session 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:

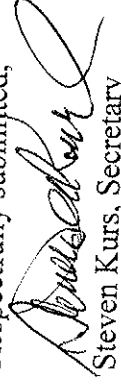
1. The public shall be excluded from discussion and action upon the specified subject matter as set forth in Exhibit "A" attached hereto and made a part hereof.
2. The general nature of the subject matter to be discussed as set forth in Section 7b of the Act (N.J.S.A. 10:4-12b) is set forth next to the 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>
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Personnel	Attorney/Client Privilege	Certain information at the discretion of the Board tonight. Other information will remain confidential.
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Respectfully submitted,



Steven Kurs, Secretary

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The following Members were present:

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

Absent: Marc Lippman

Also present:

Richard Brand, Executive Director

Chairperson Moore announced the purpose of the closed session was to evaluate Mr. Brand's performance for 2012/2013. After a discussion of his accomplishments and goals and objectives for the next year the Board complimented his performance and agreed to a salary increase. The Board also accepted Mr. Brand's goals for 2013/2014.

Respectfully submitted,



Steven Kurs, Secretary