

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, February 24, 2011

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, February 24, 2011 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 J. Millner
Steven A. Kurs
Marc Platitzky (arrived late)
William Lawler
Michael Shifman

Absent: Marc Lippman

Also present:

Edwin Schmierer, Esq., of Mason Griffin & Pierson
James Farry, of Harch 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, 2011. An agenda was posted on the official bulletin board of the Authority and delivered to the Township Clerk for posting on Chairperson Moore at the East Windsor Township Municipal complex on February 18, 2011. 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 announced the first order of business was to swear in Mr. Kurs, who has served for 26 years as a Board Member for the MUA. After congratulating Mr. Kurs, Mr. Schmierer asked Mr. Kurs to raise his right hand for the swearing in for his new 4 year term as a member of the East Windsor MUA Board.

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. Mr. Kurs made a motion to close nominations, seconded by Mr. Millner. 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
Leonard Millner
William Lawler
Michael Shifman
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 2012.

Mr. Brand then turned the meeting over to Chairperson Moore who announced that nominations were open for Vice-Chairman of the Authority. Mr. Kurs nominated Leonard

Millner for Vice-Chairman, seconded by Mr. Lawler and Mr. Lawler made a motion to close nominations, seconded by Mr. Kurs. The Chairperson then called the roll for the election of Leonard Millner as Vice-Chairman of the Authority with the following results:

AYES:

Steven Kurs
Marc Platitzky (arrived at 8:15)
William Lawler
Linda Moore
Leonard Millner

NOES:

None

There being 5 ayes and 0 noes, Leonard Millner 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 2012.

The Chairperson then announced that nominations were open for Treasurer of the Authority. Mr. Millner nominated Steven Kurs for Treasurer, seconded by Mr. Lawler and Mr. Kurs made a motion to close the nominations, seconded by Mr. Millner. The Chairperson then called the roll for the election of Steven Kurs as Treasurer of the Authority with the following results:

AYES:

Marc Platitzky
Leonard Millner
William Lawler
Linda Moore
Steven Kurs

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 2012.

The Chairperson then announced that nominations were open for Secretary of the Authority. Mr. Millner nominated Marc Platitzky for secretary, seconded by Mr. Lawler and Mr. Kurs made a motion to close the nominations, seconded by Mr. Lawler. The Chairperson then called the roll for the election of Marc Platitzky as Secretary of the Authority with the following results:

AYES:

Steven Kurs
Leonard Millner
William Lawler
Linda Moore
Marc Platitzky

NOES:

None

There being 5 ayes and 0 noes, Marc Platitzky 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 2012.

The Chairperson then announced that nominations were open for Assistant Secretary/Treasurer of the Authority. Mr. Lawler nominated Marc Lippman for Assistant Secretary/Treasurer, seconded by Mr. Kurs and Mr. Platitzky made a motion to close the nominations, seconded by Mr. Millner. The Chairperson then called the roll for the election of Marc Lippman as Assistant Secretary/Treasurer of the Authority with the following results:

AYES:

Marc Platitzky
Steven Kurs
William Lawler
Linda Moore

NOES:

Mr. Millner

There being 4 ayes and 1 noes, Marc Lippman 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 2012.

Chairperson Moore then announced that nominations were opened for the position of Consulting Engineer of the Authority. Mr. Platizky nominated James Farry of Hatch Mott MacDonald as Consulting Engineer, seconded by Mr. Millner. Mr. Millner made a motion to close the nominations and to adopt the following resolution, seconded by Mr. Platizky. 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
Leonard Millner
Steven Kurs
Michael Shifman
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 2012.

Resolution

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Engineering services for 2011; and

WHEREAS, the Authority is awarding this contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20 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, proposals received in response to the web site notification were opened and publicly read at 12:00 p.m. on Thursday, February 10, 2011 at the Authority offices, and

WHEREAS, one proposal for these services was received, from Hatch Mott MacDonald, 27 Bleeker St., Millburn, NJ 07041, 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 2011; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-1 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-20.5.
2. James Farry of Hatch Mott MacDonald is hereby appointed as Authority Engineer's until a successor is appointed at the annual reorganization meeting of the Authority to be held in February 2012.
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 shall be published as required by law.

Chairperson Moore then announced that nominations were open for the position of

Auditor of the Authority. Mr. Kurs made a motion nominating Mercadien, P.C. as Auditor for the Authority and to adopt the following resolution, seconded by Mr. Platizky. The resolution was adopted by the following vote:

AYES:

Steven Kurs

Leonard Milner

William Lawler

Marc Platizky

Linda Moore

NOES:

None

There being 5 ayes and 0 noes, Mercadien, P.C. 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 2012.

Resolution

WHEREAS, N.J.S.A. 40:14A-7.1 requires that every utility's Authority shall cause an annual audit of the accounts of the Authority to be made by a registered municipal accountant or certified public accountant 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 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, P.C., 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, P.C.; and

WHEREAS, the maximum amount of the contract is \$14,500.00 and funds are available in the Operating Account No. 01-201-6202-0 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, P.C., registered municipal accountants in the State of New Jersey, for the period of February 24, 2011 to the annual reorganization meeting to be held in February 2012.

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-20.5.

3. The Mercadien, P.C. 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.

5. This Resolution shall take effect immediately.

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

AYES: Steven Kurs
Leonard Millner
Marc Platizky
Michael Shifman
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 2012.

Resolution

WHEREAS, the East Windsor Municipal Utilities Authority (Authority) desires to award a professional services contract for Legal services for 2011; and

WHEREAS, the Authority is awarding this contract under a Fair and Open Process, pursuant to N.J.S.A. 19:44A-20 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, two proposals for these services were received, from Mason Griffin & Pierson, 101 Poor Farm Road, Princeton, New Jersey 08540 and The Law Offices of Bolanle Mayowa, P.C., 991 US Highway 22 West, Suite 200, Bridgewater, NJ 08880, 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 2011; 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-20.5.
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 2012.
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 shall 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. Millner made a motion appointing Tod Fryer as Public Agency Compliance Officer (PACO) and adopting the following resolution, seconded by Mr. Kurs. 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
Michael Shifman
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 2012.

Resolution

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 2012.

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. Platizky. Chairperson Moore called for a roll call vote to appoint the Insurance Agents of Record and adopt the following resolution.

AYES:
Michael Shifman
Leonard Millner
Steven Kurs
Marc Platizky
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 2012.

Resolution

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, the annual reorganization meeting of the East Windsor Municipal Utilities Authority, until resolution.

The Chairperson announced that the Bank of New York, Wachovia/Wells Fargo and The Bank, First Washington Division be appointed depositories for the funds of the East Windsor Municipal Utilities Authority. Mr. Kurs made a motion to appoint the Bank of New York, Wachovia/Wells Fargo and The Bank, First Washington Division as depositories for the funds of the East Windsor Municipal Utilities Authority and to adopt the following resolution, seconded by Mr. Platizky. The Chairperson then called the roll for the appointment of the Bank of New York, Wachovia/Wells Fargo and The Bank, First Washington Division and to adopt the following resolution.

AYES: Steven Kurs

Leonard Millner

Marc Platizky

Michael Shifman

Linda Moore

NOES: None

There being 5 ayes and 0 noes, the Bank of New York, Wachovia/Wells Fargo and The Bank, First Washington Division, 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 2012.

Resolution

BE IT RESOLVED, by the East Windsor Municipal Utilities Authority, that the Bank of New York, Wachovia/Wells Fargo and The Bank, First Washington Division be, and hereby are, annual reorganization meeting of the Authority, to be held in February 2012.

The Chairperson announced that the Trenton Times and Windsor Hights Herald be designated as the official newspapers of the Authority. Mr. Kurs 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: William Lawler

Leonard Millner

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 2012.

Resolution

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 2012.

The Chairperson announced that the Schedule of the Regular Meetings of the Authority was

set. Mr. Kurs made a motion to approve the schedule and adopt the following resolution, seconded by Mr. Millner. The Chairperson called for a vote to approve the schedule and adopt the resolution.

AYES:
Leonard Millner
Marc Platizky
William Lawler
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 2012.

Resolution

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

1. During the year 2011/2012 the Regular Meetings of the East Windsor Municipal Utilities Authority Board will be held at 8:00 p.m., in the Administration Building at 7 Wiltshire Drive, in accordance with the dates listed below.
 - February 24, 2011
 - March 17, 2011
 - April 21, 2011
 - May 19, 2011
 - June 16, 2011
 - July 21, 2011
 - August 18, 2011
 - September 15, 2011
 - October 20, 2011
 - November 17, 2011
 - December 15, 2011
 - January 19, 2012
 - February 16, 2012

2. This Resolution shall take effect immediately.

Chairperson Moore asked if anyone in the audience had a comment on anything not on tonight's agenda, hearing no one Chairperson Moore moved to the next item on the agenda Resolution to Award the Bid for Lab Testing Wastewater and Water. Mr. Brand recommended Chairperson Moore and adoption of resolution to Garden State Labs as the lowest responsible bidder and informative. Then Chairperson Moore commented on the presentation stating that it was very clear contract for 2 years to Garden State Labs for both Wastewater and Water Testing. A motion was made by Mr. Millner, seconded by Mr. Lawler and unanimously carried.

Resolution

WHEREAS, in accordance with a properly advertised Notice to Bidders, two (2) bidders submitted bids for the provision of Lab Testing for Wastewater and Potable Water, which were received on February 10, 2011, Garden State Lab Inc. and QC Laboratories; and

WHEREAS, after review of the bids submitted there was one (1) apparent low bidder:

- 1) Garden State Lab, Inc., 410 Hillside Ave., Hillside, NJ 07205 for the provision of Wastewater Lab Testing in 2011/2012 at \$4,788.00 and for the provision of Potable Water Lab Testing in 2011/2012 at \$3,560.00; and

WHEREAS, it is the recommendation of the Executive Director that Garden State Lab Inc. be awarded the contracts for the provision of Lab Testing for Wastewater and Potable Water as the

Lowest responsible bidder; and

WHEREAS, the Financial Officer has certified that sufficient funds are available for the award of these contracts; and

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority ("MUA" or "Authority") as follows:

1. The preamble to this Resolution shall be incorporated herein as if fully restated.
2. The bid of Garden State Lab Inc. for the provision of Wastewater Lab Testing in 2011/2012 at \$4,788.00 and for the provision of Potable Water Lab Testing in 2011/2012 at \$3,560.00 are hereby accepted and the contracts awarded to Garden State Lab Inc.
3. The Authority Chairperson and Secretary are hereby authorized and directed to sign any necessary documents, and the Authority staff and professionals are authorized and directed to undertake any and all action's necessary, to effectuate the terms and intent hereof.

Mr. Brand then recommended the execution for the award of bids for Chemicals for Wastewater and Water based on the lowest responsible bidders for the various chemicals. Mr. Brand explained that the low bidder, Kuehne Chemical, for Sodium Hypochlorite was rejected because the bid submittal was not complete. In the same category Univar USA Inc. was rejected because they had an exception to the bid specs with a minimum delivery of 500 gallons of sodium hypochlorite and there would be times in the winter months when we would not require delivery of that amount. After some questions and comments on the chemical bids Mr. Millner made a motion to adopt the resolution for chemical bids, seconded by Mr. Kurs and unanimously carried.

Resolution

WHEREAS, in accordance with a properly advertised Notice to Bidders, seven (7) bidders submitted bids for the provision of Chemicals for Wastewater and Water Treatment, which were received on February 10, 2011; and

WHEREAS, after review of the bids submitted there were six (6) apparent low bidders:

- 1) Delta Chemical Corp., 2601 Cannery Avenue, Baltimore, MD 21226 for the provision of Aluminum Sulfate in 2011 at \$365.00 per dry ton and 2012 at \$369.01 per dry ton;
- 2) JCI Jones Chemicals Inc., 40 Railroad Avenue, Merrimack, NH 03054 for the provision of Chlorine in 2011 at \$53.30 cwt. and 2012 at \$53.30 cwt., and for the provision of Sulfur Dioxide in 2012 at \$50.00 cwt.;
- 3) Miracle Chemical, 1151 B Hwy. 33, Farmingdale, NJ 07727 for the provision of Sodium Hypochlorite in 2011 at \$1.575 per gal. and 2012 at \$1.675 per gal.
- 4) Premier Magnesia LLC, 300 Barr Harbor Drive, West Conshohocken, PA 19428 for the provision of Magnesium Hydroxide in 2011 at 493.44 per dry ton and 2012 at \$518.00 per dry ton.
- 5) Univar USA Inc., 532 E. Emaus Street, Middletown, PA 17057 for the provision of Hydro Fluosilicic Acid in 2011 at \$58.80 cwt. and 2012 at \$60.80 cwt., for the provision of Sulfur Dioxide in 2011 at \$49.00 cwt., and for the provision of Accu-Tab/chlorine in 2011 at \$1.84/lb and 2012 at \$1.92/lb;
- 6) Yardville Supply, 47 Yardville-Groveville Road, Yardville, NJ 08620 for

the provision of Lime in 2011 at \$13.38 cwt and 2012 at \$13.48 cwt, and

WHEREAS, it is the recommendation of the Executive Director that Delta Chemical Corp., JCI Jones Chemical Inc., Miracle Chemical, Premier Magnesai LLC, Univar USA Inc. and Yardville Supply be awarded the contracts for the provision of Chemicals for Wastewater and Water Treatment as the lowest responsible bidders; and

WHEREAS, the Financial Officer has certified that sufficient funds are available for the award of these contracts; and

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority ("MUA" or "Authority") as follows:

- 1) The preamble to this Resolution shall be incorporated herein as if fully restated.
- 2) The bid of Delta Chemical Corp., for the provision of Aluminum Sulfate in 2011 at \$365.00 per dry ton and 2012 at \$369.01 per dry ton;
- 3) The bids for JCI Jones Chemicals Inc., for the provision of Chlorine in 2011 at \$53.30 cwt. and 2012 at \$53.30 cwt., and for the provision of Sulfur Dioxide in 2012 at \$50.00 cwt.;
- 4) The bid for Miracle Chemical, for the provision of Sodium Hypochlorite in 2011 at \$1.575 per gal. and 2012 at \$1.675 per gal.
- 5) The bid for Premier Magnesia LLC, for the provision of Magnesium Hydroxide in 2011 at \$493.44 per dry ton and 2012 at \$518.00 per dry ton.
- 6) The bids for Univar USA Inc., for the provision of Hydro Fluosilicic Acid in 2011 at \$58.80 cwt. and 2012 at \$60.80 cwt., for the provision of Sulfur Dioxide in 2011 at \$49.00 cwt., and for the provision of Accu-Tab/chlorine in 2011 at \$1.84/lb and 2012 at \$1.92/lb;
- 7) The bid for Yardville Supply, for the provision of Lime in 2011 at \$13.38 cwt and 2012 at \$13.48 cwt, and
- 8) The Authority Chairperson and Secretary are hereby authorized and directed to sign any necessary documents, and the Authority staff and professionals are authorized and directed to undertake any and all action's necessary, to effectuate the terms and intent hereof.

Mr. Brand recommended execution of the award for Well #6 Pump, Motor and Piping to A.C. Schultes for a bid price of \$48,812.00. Mr. Millner asked how often the pump needs to be replaced and Mr. Lovejoy responded every three years due to corrosive raw water and the fact that the pump is continuously running. Mr. Millner then made a motion to approve the purchase of the submersible pump from A. C. Schultes, seconded by Mr. Kurs and unanimously carried.

Resolution

WHEREAS, in accordance with a properly advertised Notice to Bidders, three (3) bidders submitted bids for the provision of Well #6 Submersible Pumping Equipment, which were received on February 10, 2011, Layne Christensen Co., A.C. Schultes, and Uni-Tech Drilling Co. Inc.; and

WHEREAS, after review of the bids submitted there was one (1) apparent low bidder:

- 1) A.C. Schultes, 664 South Evergreen Ave., Woodbury Heights, NJ 08097 for the provision of Well #6 Submersible Pumping Equipment at \$48,812.00; and

WHEREAS, it is the recommendation of the Executive Director that A.C. Schultes be awarded the contracts for the provision of Well #6 Submersible Pumping Equipment as the lowest responsible bidder; and

WHEREAS, the Financial Officer has certified that sufficient funds are available for the award of these contracts; and

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority ("MUA" or "Authority") as follows:

1. The preamble to this Resolution shall be incorporated herein as if fully restated.
2. The bid of A.C. Schultes for Well #6 Submersible Pumping Equipment for \$48,812.00 is hereby accepted and the contract awarded to A.C. Schultes.
3. The Authority Chairperson and Secretary are hereby authorized and directed to sign any necessary documents, and the Authority staff and professionals are authorized and directed to undertake any and all action's necessary, to effectuate the terms and intent hereof.

Mr. Brand stated that he was recommending the execution of the resolution to accept temporary construction and permanent easement for a water main extension on North Main St. Mr. Brand continued adding that he would also like the Board to authorize advertisement and receipt of bids for the North Main St. Water Main Extension. Chairperson Moore suggested that we go out to bid on the project and see what cost were received for the project. Mr. Farry was instructed to investigate with the County the options for installing the water main on North Main Street to see if it is possible to dig a trench across the road or if we must bore under the road to install the water line and make the connection. If the County agrees to allow either installation option then the Authority will bid the project requesting bids for both digging the trench or boring under the road. Chairperson Moore requested a motion to accept the easement from the Zaitz family. Mr. Millner moved to accept the easement resolution, seconded by Mr. Platizky and unanimously carried.

Resolution

WHEREAS, the East Windsor Municipal Utilities Authority (the "Authority") proposes to construct water main improvements for the benefit of the general public along a portion of certain real property designated on the East Windsor municipal tax maps as Lot 5 in Block 11.01 and Lot 2 in Block 9.01 (collectively, the "Property"); and,

WHEREAS, in order to proceed with the installation of the said water main improvements and for the purposes of installation, operation and maintenance of a water main, valves, hydrants and other necessary appurtenances, the Authority must acquire from the owner of the Property a temporary construction easement on Lot 5 in Block 11.01 and a permanent easement for water main purposes on Lot 2 in Block 9.01; and,

WHEREAS, Benjamin J. Zaitz is the owner of the Property (the "Owner"), and the Owner is willing to grant to the Authority the aforesaid easements for the aforesaid purposes,

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 the Authority a Temporary Construction Easement for Lot 5 in Block 11.01 and a Permanent Easement for Water Main Purposes for Lot 2 in Block 9.01.
2. The form and content of said Deeds of Easement shall be reviewed and approved by the Authority's attorney and the Project Engineer prior to execution.

3. A certified true copy of this Resolution shall be furnished upon its adoption to the attorney for the East Windsor Municipal Utilities Authority, Edwin W. Schmierer, Esquire, Mason, Griffin & Pierson, P.C., 101 Poor Farm Road, Princeton, New Jersey 08540.

During a discussion of the next item on the agenda the purchase of a new tractor for the wastewater treatment plant, Mr. Brand informed the Members that there was \$50,000.00 in the budget for the purchase of the vehicle. Mr. Brand added that by purchasing the tractor with an 84-inch bucket and a plow it would add dual functionality to the equipment and requested Board permission to go out to bid. Permission was granted.

The next item Mr. Brand wanted to discuss with the Board was the need to repair two sand filters at the wastewater treatment plant. The cost would be approximately \$300,000.00 and staff is recommending that we attempt to get permission from NJEIT Clean Water loan program to use monies available from the original project to fund replacement/repair of the two sand filters. Mr. Brand stated that he had pictures of the sand filtration which he would share with the Members. Chairperson Moore asked if any of the Members had an objection to Mr. Farry following up with NJEIT Clean Water loan program. No one objected.

Mr. Brand discussed with the Board the need for having a new water line installed across the NJ Turnpike and along Wyckoff Mills Road. Mr. Brand stated that the timing for the turnpike crossing was good because the turnpike is moving a sewer line which runs in that area and could use the same trenching to add the water line and by running the 12" main using the turnpike contractor the Authority would save money because surveys and permits were already in place for the road crossing. Mr. Brand explained the need for the project was twofold, it would open up the area for new development and also serve as an alternate water access for the Twin Rivers area should the well serving the area go down. Mr. Brand stated that Mr. Farry would have to design the project for the turnpike at a cost of \$70,000.00 and asked the Board to authorize Mr. Farry to proceed with the design. Chairperson Moore asked for a motion to have Mr. Farry, of Hatch Mott MacDonald, design the project at a cost not to exceed \$70,000.00. A motion was made by Mr. Millner authorizing Mr. Farry to do the design work for the water main crossing of the NJ Turnpike, seconded by Mr. Platizky and unanimously carried. Mr. Christ stated that he would be in contact with Malcolm Piernie to have them approach the NJEIT to see if we can use remaining monies from the drinking water loan to finance this project.

During the Topics from Board Members portion of the meeting Chairperson Moore urged the Members to review an article appearing in the Burlington County Time about the Governor's plans for overseeing MUA spending.

Mr. Kurs asked if either Super Fresh or Charlie Browns were delinquent in their accounts since both have left their locations. Mr. Christ responded that both were current.

After asking several questions regarding different invoices presented for payment Mr. Kurs made a motion to approve Operating bills in the amount of \$358,363.99 and payrolls in the amount \$43,160.79 and 48,008.99; Prepaid NJEIT Trust Admin. Fee for \$2,871.13 and Prepaid NJDOT Utility Opening Permit for \$800.00; NJEIT Clean Water Loan Construction Fund Requisition #23 - \$225,294.79; NJEIT Drinking Water Loan Construction Fund Requisition #22 - \$58,648.69 and the ARRA Millstone Road Water Pollution Control Misc. Improvement Requisition #12 - \$2,960.44, seconded by Mr. Platizky and unanimously carried.

After a brief discussion of the water use chart contained in the Operating Report Chairperson Moore asked if there was any further discussion and hearing none requested a motion to approve Operating Report. A motion was made by Mr. Millner, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to accept the Development Report. A motion to accept was made by Mr. Platizky, seconded by Mr. Lawler. Mr. Brand informed the Board that the Authority had received a half million dollars in developer fees this month. After a brief discussion of a proposed project on Hickory Corner Road the development report was unanimously approved.

A motion was made by Mr. Platizky, seconded by Mr. Shifman and unanimously carried to approve the February Finance Officer's Reports.

The Attorney's Reports were approved on a motion made by Mr. Platizky, seconded by Mr. Lawler and unanimously carried.

The Engineer's Report was approved on a motion made by Mr. Kurs, seconded by Mr. Platizky and unanimously carried.

Mr. Platizky made a motion to accept the minutes of the November 30, 2010 Special Telephone Conference Meeting, seconded by Mr. Lawler and unanimously approved.

Mr. Kurs made a motion to accept the minutes of the December 16, 2010 Regular Board Meeting, seconded by Mr. Platizky and unanimously approved.

There being no further items for discussion the meeting was adjourned.

Respectfully,


Marc Platizky, Secretary