

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, January 19, 2012

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, January 19, 2012 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
Marc Platizky
Marc Lippman - by phone
Michael Shifman

Absent: Steven K urs
William Lawler

Also present:

Edwin Schmierer, Esq., of Mason Griffin & Pierson
James Farry, of Hatch Mott MacDonald
Ronald Christ, 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 January 13, 2012. 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 January 13, 2012. 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 requested a motion to adopt the resolution authorizing the advertisement of an RFP for Professional Services for 2012 Attorney. Mr. Lippman made the motion to authorize, seconded by Mr. Millner and unanimously carried.

Resolution

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") wishes to issue a Request for Proposals ("RFP") for professional legal services for a term commencing February 2012 and terminating February 2013; and

WHEREAS, the Authority desires to request proposals in full compliance with the Fair and Open Process set forth at *N.J.S.A. 19:44A-20.5 et seq.*; and

WHEREAS, in soliciting RFPs for the position of Authority Attorney, the Authority will follow its Standard Operating Procedures for requesting proposals for professional services as reviewed and adopted by the Authority's Board.

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

1. The Executive Director of the Authority is hereby authorized and directed to solicit RFPs for the position of Authority Attorney from February 2012 through February 2013.
2. The solicitation of RFPs shall be in strict accordance with the requirements of the "Fair and Open" Process as set forth at *N.J.S.A. 19:44A-20.5 et seq.*
3. The solicitation of the RFP proposals shall be in strict accordance with the Authority's Standard Operating Procedures in requesting proposals for professional services as on file with the Board Secretary.

Chairperson Moore requested a motion to adopt a resolution authorizing the advertisement of an RFP for Professional Services for 2012 Consulting Engineer. Mr. Platitzky made the motion to authorize, seconded by Mr. Millner and unanimously carried.

Resolution

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") wishes to issue a Request for Proposals ("RFP") for professional consulting engineering services for a term commencing February 2012 and terminating February 2013; and

WHEREAS, the Authority desires to request proposals in full compliance with the Fair and Open Process set forth at *N.J.S.A. 19:44A-20.5 et seq.*; and

WHEREAS, in soliciting RFPs for the position of Authority Consulting Engineer, the Authority will follow its Standard Operating Procedures for requesting proposals for professional services as reviewed and adopted by the Authority's Board.

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

1. The Executive Director of the Authority is hereby authorized and directed to solicit RFPs for the position of Authority Consulting Engineer from February 2012 through February 2013.
2. The solicitation of RFPs shall be in strict accordance with the requirements of the "Fair and Open" Process as set forth at *N.J.S.A. 19:44A-20.5 et seq.*
3. The solicitation of the RFP proposals shall be in strict accordance with the Authority's Standard Operating Procedures in requesting proposals for professional services as on file with the Board Secretary.

Chairperson Moore requested a motion to adopt a resolution authorizing the advertisement of an RFP for Professional Services for 2012 Auditor. Mr. Shifman made the motion to authorize, seconded by Mr. Millner and unanimously carried.

Resolution

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") wishes to issue a Request for Proposals ("RFP") for professional auditing services for a term commencing February 2012 and terminating February 2013; and

WHEREAS, the Authority desires to request proposals in full compliance with the Fair and Open Process set forth at *N.J.S.A. 19:44A-20.5 et seq.*; and

WHEREAS, in soliciting RFPs for the position of Authority Auditor, the Authority will follow its Standard Operating Procedures for requesting proposals for professional services as reviewed and adopted by the Authority's Board.

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

1. The Executive Director of the Authority is hereby authorized and directed to solicit RFPs for the position of Authority Auditor from February 2012 through February 2013.
2. The solicitation of RFPs shall be in strict accordance with the requirements of the "Fair and Open" Process as set forth at *N.J.S.A. 19:44A-20.5 et seq.*
3. The solicitation of the RFP proposals shall be in strict accordance with the Authority's Standard Operating Procedures in requesting proposals for professional services as on file with the Board Secretary.

Chairperson Moore asked Mr. Brand about the next item on the agenda the award of a bid for Professional Services on Solar Project. Mr. Brand stated that no award would be made this evening since RFP's were still being processed and reviewed. Mr. Brand continued by stating that RFP's were received and opened on January 12, 2012. Mr. Brand added that 21 RFP's had been distributed and 8 Engineering firms submitted proposals. In addition Mr. Brand presented a packet with a chart showing current SREC's at \$220. Mr. Brand stated that while the Authority would make money at this rate if SREC's go below \$200 the Authority would not be able to meet debt service. Currently the PPA option would appear to be more feasible with no risk for the Authority and lower electric cost. Mr. Brand added that he would continue the evaluation process and the Board agreed to schedule a special meeting for February 2, 2012 @ 8:00 p.m. to further discuss solar options.

Mr. Brand explained that the next item on the agenda was for informational purposes only no Board action required. The new insurance policy had been received and there was a savings of \$9,000.00 from last year. Mr. Millner asked if insurance was a bid item and Mr. Brand respond that insurance is purchased through the Joint Insurance Fund for Municipal Government Agencies.

Chairperson Moore moved to a discussion of the Memorandum of Understanding with Johnson Controls and Mr. Brand referred to a memo from Mr. Schmierer which stated that after a review of the Memorandum of Understanding Mr. Schmierer is satisfied with having the Authority execute the MOU and adopt a resolution allowing Johnson Controls to perform a preliminary energy savings analysis for the Authority. Mr. Schmierer stated that the MOU does

not commit the Authority financially. If the Board wished to implement any of the recommendations, the formal Contract which would obligate the Authority financially would involve the execution of a Project Development Agreement. Mr. Schmierer recommends authorization of the proposed MOU. A motion to authorize the MOU and adopted the resolution was made by Mr. Milner, seconded by Mr. Shifman and unanimously carried.

Resolution

WHEREAS, the East Windsor Municipal Utilities Authority ("Authority") would like to obtain a preliminary energy savings analysis without cost to the Authority; and

WHEREAS, Johnson Controls, Inc. has proposed to undertake and complete this analysis in accordance with a proposed Memorandum of Understanding ("MOU").

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

1. The Authority hereby authorizes its Executive Director, Richard A. Brand, to execute an MOU with Johnson Controls, Inc. in order to complete a preliminary energy savings analysis of the Authority's facilities. The MOU authorized by this Resolution is attached as Exhibit A and made a part hereof.
2. The Authority is authorizing this MOU with the understanding that said preliminary energy savings analysis requires no financial obligation on behalf of the Authority for the completion of said analysis.

Mr. Brand stated the engineer for T&M Associates has certified that the facilities have been properly installed in accordance with MUA construction guidelines. Mr. Schmierer has prepared a resolution authorizing the release of both the Letters of Credit and Cash Performance Guarantees posted for both the sanitary sewer and water distribution facilities. The facilities will continue to be owned and maintained by the developer or its successor so there is no requirement for the posting of a Maintenance Guarantee. A motion to approve release was made by Mr. Milner, seconded by Mr. Platitzky and unanimously.

Resolution

WHEREAS, Wyncrest Commons, L.P. and Wyncrest Development, Inc., Corporate General Partner (hereinafter referred to as "Developer") installed certain sanitary sewer and water facilities to serve an 84 unit apartment complex in the development project commonly known as Wyncrest at East Windsor, more fully described as follows on or in the immediate vicinity of Block 6, Lot 2, East Windsor Township Tax Map as follows:

- A. **Sanitary Sewer collection facilities** which serve Wyncrest at East Windsor consist of 1,235 lineal feet of 8-inch diameter pipe and are more fully described in As-Built Plans for Wyncrest at East Windsor, prepared by Control Layouts, Inc., Gregg A. Gaffney, NJPLS #GS43304, consisting of Sheet 1, dated August 16, 2011, all in accordance with NJDEP TWA (Sewer) Permit #10-0236 issued September 15, 2010 per certification of Raymond Jordan NJPE, T&M Associates, Inc., dated October 31, 2011.

B. **Water distribution facilities** which serve Wyncrest at East Windsor consist of 1,052 1,052 lineal feet of 8-inch diameter CLDIP pipe and are more fully described in As-Built Plans for Wyncrest at East Windsor, prepared by Control Layouts, Inc., Gregg A. Gaffney, NJPLS #GS43304, consisting of Sheet 1, dated August 16, 2011, 2011, all in accordance with NJDEP Watermain Extension Permit #W/CP 100002 issued September 21, 2010 per certification of Raymond Jordan NJPE, T&M Associates, Inc., dated October 31, 2011.

WHEREAS, the Developer has requested a complete release of Irrevocable Letter of Credit #1765 (Water Distribution System) in the amount of \$122,165.00 and Irrevocable Letter of Credit #1764 (Wastewater Collection System) in the amount of \$120,120.00 with both performance sureties issued by Amboy Bank, Old Bridge, New Jersey and Cash Performance Bonds in the amount of \$13,577.58 and \$13,350.53, exclusive of interest, said Letters of Credit having been posted within East Windsor Municipal Utilities Authority ("Authority") to guarantee to the Authority's specifications construction of the aforementioned sanitary sewer collection facilities and water distribution facilities as required by the Authority pursuant to *N.J.S.A. 40:14B-40* and *N.J.S.A. 40:5SD-53*; and

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

WHEREAS, the Authority desires to release the aforementioned performance guarantees subject to certain conditions which shall be more fully described hereinafter; and

WHEREAS, the sanitary sewer connection facilities and water distribution facilities shall continue to be owned by the Developer so that the operation, maintenance and replacement of said facilities shall remain the responsibility of the Developer or its successor and thus no maintenance guarantees are required.

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 irrevocable letters of credit and cash performance sureties is hereby approved and said performance sureties are hereby released.
2. All sanitary sewer mains and other appurtenances comprising the sanitary sewer system described herein and all water mains, hydrants, valves, facilities and other appurtenances comprising

the water distribution system described herein and constructed by the Developer in public rights of way or easement areas shall remain the responsibility of the Developer or its successor for the purposes of construction, operation, maintenance and replacement upon completion thereof.

3. This Resolution shall take effect immediately.

Mr. Brand stated that Mr. Schmierer had prepared a resolution authorizing him to execute the Deed for a small portion of the property at the Pump Station on Daniel Street to the New Jersey Turnpike Authority. This resolution will also facilitate the payment for the property of \$3,500.00. A motion to adopt the resolution was made by Mr. Milner, seconded by Mr. Shifman and unanimously carried.

Resolution

WHEREAS, the New Jersey Turnpike Authority has undertaken a Road Widening Program between Interchanges 6 and 9; and

WHEREAS, said Turnpike Authority wishes to acquire from the East Windsor Municipal Utilities Authority approximately one hundred (100 s.f.) square feet of land and a Temporary Construction Easement on the East Windsor Municipal Utilities Authority Pump Station located at 34 Daniel Street; and

WHEREAS, the East Windsor Municipal Utilities Authority has agreed to convey a portion of said property to the New Jersey Turnpike Authority in consideration of the payment of three thousand five hundred (\$3,500.00) dollars.

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

1. The East Windsor Municipal Utilities Authority Executive Director is hereby authorized and directed to execute a Deed of conveyance for a portion of Block 22, Lot 34, East Windsor Township Tax Map, as well as to provide a Temporary Construction Easement for said property to the New Jersey Turnpike Authority.

A tour of the plant had not been set and the Board decided to wait until Spring sometime in April. Mr. Shifman stated that the Members should do a tour of the water tower at the same time. Mr. Brand will contact Board Members with dates for tour.

Chairperson Moore requested an update on McGraw Hill. Mr. Brand stated there was a developer's agreement made in 2007. At that time the Authority was not capable of supplying water. Now that the Well 7 upgrade is complete, we should be able to supply them with water and now McGraw Hill will have to pay the Connection Fees and Impact fees - OTIF money. Mr. Milner stated that the Board should direct the Executive Director to proceed with discussions with McGraw Hill.

Mr. Brand informed the Members that there was a meeting with McGraw Hill to discuss a problem with the 8" meter on the South side. McGraw Hill is to replace this meter and

according to Van Note Harvey the work will be completed by the end of January. Mr. Brand mentioned that the Authority will be estimating the bill until the work is complete.

Mr. Brand informed the Board that the insurance carrier notified us that the wastewater plant was not in a flood zone and we would be receiving a check for \$43,288.71. Then FEMA will reimburse the Authority for 75% of the insurance deductible.

Mr. Platitzky made a motion to approve Operating bills in the amount of \$307,633.73. Payrolls of 478,402.55; \$61,970.58; and \$65,081.52. NJEIT Clean Water Loan Construction Fund Requisition #34 - \$ 18,090.69, seconded by Mr. Shifman and unanimously approved. After a brief discussion during which Mr. Millner asked several questions the Chairperson moved to the next item on the agenda.

The Operating Report was approved on a motion made by Mr. Millner, seconded by Mr. Platitzky. When asked about the Bid Specifications for the AMR Mr. Brand responded that it is an Automated Meter Reading System. An antenna would be placed on one of the MUA towers and automatically send a signal out to read the meters and transmit information directly to the computer. This would free water department personnel to work on other things -, i.e., meter change outs, repairs and maintenance. Mr. Brand informed the Board of a water and wastewater billing problem with a service station in the Twin Rivers area. Chairperson Moore asked if there were any additional questions about the Operating Report and hearing none polled the Members and received unanimous approval of the report.

A motion was made by Mr. Platitzky to approve the Finance Officer's report, seconded by Mr. Millner and unanimously carried.

The Attorney's Report was approved on a motion made by Mr. Shifman, seconded by Mr. Millner and unanimously carried.

The Engineer's Report was approved on a motion made by Mr. Shifman, seconded by Mr. Platitzky and unanimously carried. A brief discussion ensued regarding the completion date for the wastewater treatment plant to which Mr. Farry responded the project should be complete in the next month. There was also a question regarding Hatch Mott MacDonald's involvement in the McGraw Hill project and Mr. Brand informed the Members that Mr. Farry's fees are being paid through a McGraw Hill escrow account.

The minutes of the Regular Board Meeting of October 27, 2011 were approved on a motion by Mr. Shifman, seconded by Mr. Lippman and unanimously approved.

The minutes of the Closed Session Meeting of October 27, 2011 were approved on a motion by Mr. Shifman, seconded by Mr. Lippman and unanimously approved.

The minutes of the November 17, 2011 Regular Meeting were approved on a motion by Mr. Shifman, seconded by Mr. Lippman and unanimously approved.

The November 30, 2011 Special Telephone Conference meeting minutes were approved on a motion by Mr. Platitzky, seconded by Mr. Millner and unanimously approved.

Chairperson Moore stated there would be no Executive Session tonight and adjourned the meeting.

Respectfully,



Marc Platitzky, Secretary