

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, November 21, 2013

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, November 21, 2013 at the Administration Building on Wiltshire Drive and called to order by Vice Chairperson Lippman at 8:00 p.m.

The following Members were present:

Marc Lippman
Leonard Millner
Steven Kurs
Marc Platizky
William Lawler
Michael Shifman

Absent: Linda Moore

Also present:

Edwin Schmierer, of Mason Griffin & Pierson
James Farry, of Hatch Mott MacDonald
Ronald Ghrist, Finance Officer
Richard Brand, Executive Director
Clark Wolverton, Wastewater Superintendent
Carlin Lovejoy, Water Superintendent
Dolores Borosko, Board Secretary

Vice Chairperson Lippman 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, November 15, 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 November 15, 2013. Vice Chairperson Lippman then asked for a roll call after which he asked if any Members had an objection to holding this meeting as advertised. No one objected.

Vice Chairperson Lippman asked if anyone in the audience would like to make a comment on something which was not on tonight's agenda. No one responded and Vice Chairperson Lippman closed the public portion of the meeting.

Mr. Brand spoke briefly regarding the application for service from Staples/Levcom East Windsor Associates. The applicant proposes to convert a portion of the existing movie theater into a Staples Store. The applicant has EWT Planning Board approval and since both the

applicant and the shopping center are existing customers no new connection or Off Tract Improvement fees are proposed. Staff is recommending and asking the Members to approve the application for service. A motion was made by Mr. Kurs, seconded by Mr. Lawler and unanimously approved.

Resolution 2013-15
Approving Application for EWMUA Service to Levcom East Windsor Associate
(Staples)

WHEREAS, an application has been received from Levcom East Windsor Associates (Staples) (hereinafter Applicant) for sewer and water services from the East Windsor Municipal Utilities Authority (hereinafter EWMUA) in order to build a Staples Store to replace part of the existing movie theater complex; and

WHEREAS, the Applicant has demonstrated to the EWMUA's satisfaction that no additional infrastructure and services will be required beyond that which is currently utilized by the existing movie theaters; and

WHEREAS, the Applicant is current with all service fee payments and no additional fees will be required for the proposed Staples Store; and

WHEREAS, the EWMUA concludes that good cause has been shown to approve the application of Levcom East Windsor Associates (Staples) for EWMUA services.

NOW, THEREFORE, BE IT RESOLVED that the application for EWMUA services by Levcom East Windsor Associates (Staples) for a proposed Staples Store is hereby approved by the East Windsor Municipal Utilities Authority on November 21, 2013.

Mr. Brand spoke briefly on the Adoption of the 2013/14 Budget informing the Board that it was a 4.18% increase over last year. However if you remove the cost of painting the Twin Rivers Tower which is 3.50% of the increase the budget would roughly be a .175% increase. Vice Chairperson Lippman called for a motion to approve the Water Budget Resolution. A motion to adopt was made by Mr. Platizky, seconded by Mr. Millner and unanimously carried.

2013/14 Adopted Budget Resolutions
(See attached)

Vice Chairperson Lippman then asked for discussion of the wastewater budget and Mr. Millner stated that just because an item is in the budget and the Board approves the budget it does not mean that the item is not brought back to the Board for approval of expenditure.

Vice Chairperson Lippman then requested a motion to approve/accept the 2013 Wastewater Budget. A motion to adopt was made by Mr. Millner, seconded by Mr. Platizky and unanimously carried. Mr. Millner requested a brief discussion of the wastewater budget and Mr.

Brand responded that there was a 4% increase over last year due to maintenance projects on the old side of the treatment plant.

On the topic of Communications Mr. Brand informed the Board that during the hydrant flushing period we received a few calls regarding dirty water. While currently we place notification on our website and in the local newspaper as a public service notice. Mr. Brand explained he was looking into different avenues of communication with the residence not just for hydrant flushing but notification of water main breaks as well as storm emergency closings, etc. Just public service kinds of information to the residents. Mr. Brand said he had spoken to the Board about the purchasing of an electric sign to replace current sign in front of administration building. Mr. Brand said he has also spoken to a company that does notifications to the public however there is a cost associated with them. Vice Chairperson Lippman suggested we look into using the Township E-news and stated he is not in favor of placing notices for rusty water on electronic signage. It was also suggested to contact Comcast and Verizon about community news bulletins.

Panera sent a letter requesting a refund of connection fees based on the fact that they are going to have less seating than originally planned. Mr. Brand stated there were still some things to investigate before responding to this issue. The one problem is that the DEP will not give back the allocation and the other is that they have the capacity available and could begin to use additional seating at a later time. Mr. Brand suggested that discussion be tabled for the next meeting when more information will be available.

Mr. Brand stated that Plute Homes is requesting the return of their Performance Guarantees. Mr. Brand said that the Performance Surety Bonds will be released. However the cash performance and inspection escrows associated with the sewer and water improvements shall be retained pending receipt of a certification from the Township engineer as to satisfactory completion. Vice Chairperson Lippman requested a motion to approve the resolution and release the bonds and hold the cash performance and inspection escrows. Mr. Platizky made the motion to approve, seconded by Mr. Kurs and unanimously carried.

Resolution 2013-16

WHEREAS, Pulte Homes of NJ, Limited Partnership, (hereinafter referred to as "Developer") installed certain sanitary sewer and water improvements to serve a 51 lot single-family residential subdivision known as Windsor Cove, more fully described as follows,

Windsor Cove Sanitary Sewer Improvements

Sanitary Sewer improvements which serve Windsor Cove are more fully described in As-Built Plans entitled Sanitary Sewer and Water prepared by FWA Associates, PA consisting of Sheets 1 through 3, dated February 18, 2011, Sheets 1 and 3 revised March 11, 2011 and Sheet 2 revised March 15, 2011, all in accordance with NJDEP TWA (Sewer) Permit #07-0444 and two (2) certifications of Raymond Jordan NJPE, T&M Associates, Inc., dated March 16, 2011 and June 17, 2011.

Windsor Cove Water Improvements

Water Improvements which serve Windsor Cove are more fully described in As-Built Plans entitled Sanitary Sewer and Water prepared by FWA Associates, PA consisting of Sheets 1 through 3, dated February 18, 2011, Sheets 1 and 3 revised March 11, 2011 and Sheet 2 revised March 15, 2011, all in accordance with NJDEP Bureau of Water Systems and Well Permitting (Water) Permit #WCP070002 and a certification of Raymond Jordan NJPE, T&M Associates, Inc., dated March 16, 2011; and,

WHEREAS, the Developer has requested a release of Performance Surety Bonds nos. 5037461 (Sanitary Sewer System) and 5037462 (Water Distribution System); 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 surety bonds subject to certain conditions which shall be more fully described hereinafter.

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 surety bonds is hereby approved and said performance surety bonds are hereby released.
2. Cash performance and inspection escrows associated with the aforementioned sewer and water improvements shall be retained by the East Windsor Municipal Utilities Authority pending receipt of a certification from the East Windsor Township Engineer as to satisfactory completion of road and drainage improvements associated with the Windsor Cove project.
3. Furthermore, the aforementioned cash performance and inspection escrows shall not be released to the Developer except upon the presentation of an acceptable maintenance guarantee bond in the amount of 15% of the engineer's estimate of the construction and related costs of the improvements.

This resolution shall take effect immediately.

Mr. Brand stated that he wanted to give the Board a brief FYI that the NJTPA project is near completion with only a small punch list remaining.

Mr. Platizky made a motion for \$500.00 expenditure toward the Employee Appreciation Party. The second was made by Mr. Millner and unanimously carried. Mr. Kurs made a suggestion that maybe Mr. Brand consider giving an employee of the year award.

Mr. Millner made a motion to approve the operating bills of \$344,008.51; Payroll

10/16/13 of \$58,327.72; Payroll of 10/30/13 of \$67,403.61 and Payroll of 11/13/13 of \$62,054.53. Also a prepaid payment to AFLAC for a payment adjustment of \$5.55. A seconded for the motion was made by Mr. Kurs and unanimously accepted. The differences in payroll are caused by overtime and longevity payments. Mr. Millner noted that we still had a lot of phone bills from various vendors and asked if any would be eliminated since we have updated the phone system. Mr. Brand replied that the phone bill for Level 3 would be eliminated.

A motion was made by Mr. Platizky, seconded by Mr. Millner and unanimously approved to accept the October Operating Report. Mr. Kurs questioned how the convention was and if there was any important legislation coming up. Mr. Brand responded that wastewater permits were supposed to have a significant increase. Mr. Millner asked if there was anything the MUA should be doing to oppose this change. Mr. Brand stated that AEA is going to adamantly oppose it and the MUA should send a letter in support of the AEA's position.

Vice Chairperson Lippman requested a motion to approve the Development Report. Mr. Kurs made a motion, seconded by Mr. Platizky and unanimously carried. There was a brief discussion of the move by Staples into a portion of the Movie Theater and plans for the remainder of the space occupied by the movie theater.

Mr. Kurs made a motion to accept the Finance Officer's Report, seconded by Mr. Millner and unanimously carried. Mr. Ghrist pointed out that the Authority had collected about \$1,400,000.00 more in cash this year. About \$800,000.00 was due to the rate increase and Mr. Ghrist also noted that the after 90 days delinquencies' were down because of the new policy set by the Board. A correction will be made to the date for the balance under Cash Balance in Renewal Fund which read 11/31/13 and should be 10/31/13.

Mr. Kurs made a motion to accept the Attorney's Report, seconded by Mr. Platizky and unanimously carried. Mr. Kurs questioned Mr. Schmierer about ongoing litigation. Mr. Schmierer stated that since Zurich Insurance Co. sent the reservation of rights letter and their position concerning the decline of coverage for the MUA with regard to mold or bacteria claims this has put the case in his hands. Mr. Schmierer now needs to review all materials gathered concerning the Plaintiff's claim from the filing. Mr. Schmierer will update the Members as case progresses.

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

Mr. Shifman made a motion to approve the June 20, 2013 Executive Session minutes, seconded by Mr. Kurs and unanimously carried.

Mr. Platizky made a motion to approve the July 18, 2013 Regular Meeting minutes, seconded by Mr. Lawler and unanimously carried.

Mr. Kurs made a motion to approve the August 15, 2013 Regular Meeting minutes, seconded by Mr. Millner and unanimously carried.

Mr. Platizky made a motion to approve the August 15, 2013 Executive Session minutes, seconded by Mr. Kurs and unanimously carried.

There being no additional information to discuss Vice Chairperson Lippman adjourned the meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven Kurs". The signature is written in a cursive style with a large, stylized initial "S".

Steven Kurs, Secretary

2013 ADOPTED BUDGET RESOLUTION

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

AUTHORITY

FISCAL YEAR: FROM DECEMBER 1, 2013 TO NOVEMBER 30, 2014

WHEREAS, the Annual Budget and Capital Budget/Program for the East Windsor Municipal Utilities Authority for the fiscal year beginning December 1, 2013 and ending, November 30, 2014 has been presented for adoption before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of November 21, 2013; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$3,198,950, Total Appropriations, including any Accumulated Deficit, if any, of \$3,720,995 and Total Unrestricted Net Assets utilized of \$522,045, and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$949,000 and Total Unrestricted Net Assets planned to be utilized of \$799,000; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of East Windsor Municipal Utilities Authority, at an open public meeting held on November 21, 2013 that the Annual Budget and Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2013 and ending, November 30, 2014 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.



(Secretary's Signature)

November 21, 2013
(Date)

Governing Body Member:	Recorded Vote			
	Aye	Nay	Abstain	Absent
Moore				✓
Lippman	✓			
Platizky	✓			
Kurs	✓			
Millner	✓			
Lawler	✓			
Shifman	✓			

2013 ADOPTED BUDGET RESOLUTION

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

(Name)

AUTHORITY

FISCAL YEAR: FROM DECEMBER 1, 2013 TO NOVEMBER 30, 2014

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WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$4,498,875, Total Appropriations, including any Accumulated Deficit, if any, of \$4,467,472 and Total Unrestricted Net Assets utilized of \$NONE, and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$1,164,000 and Total Unrestricted Net Assets planned to be utilized of \$1,164,000; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of East Windsor Municipal Utilities Authority, at an open public meeting held on November 21, 2013 that the Annual Budget and Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2013 and ending, November 30, 2014 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.



(Secretary's Signature)

November 21, 2013
(Date)

Governing Body Member:	Recorded Vote			
	Aye	Nay	Abstain	Absent
Moore				✓
Lippman	✓			
Platizky	✓			
Kurs	✓			
Millner	✓			
Lawler	✓			
Shifman				