

MEMORANDUM

To: Richard Brand

From: Tod Fryer

Copy: Ron Ghrist, Ed Schmierer

Subject: Allstar Route 130 EW, LLC to Nijjar Realty, LLC

Date: January 7, 2015

You will recall that the EWMUA approved and entered into a Capacity Allocation Agreement with Allstar Route 130 EW, LLC in early 2014. The Development is located near the intersection of Route 130 near Maplestream Road and consists of 40,600 sq. ft. of retail/commercial space. This developer went on to secure the sewer extension permit from the NJDEP for the development and made a 50% OTIF payment of \$48,421.00 per the terms and conditions of the Agreement. Construction did not commence on the approved development during 2014.

We have been advised by Henry Kent-Smith, Esq. that the development has been sold to Nijjar Realty, LLC, and that the purchaser wants to secure a new Capacity Allocation Agreement with the EWMUA.

This is essentially a routine process, and I have updated the existing agreement to note the permit and payment and adjust other figures and facts as appropriate. This new agreement has been reviewed with Ed Schmierer and Henry Kent-Smith, who advises that all terms and conditions are acceptable to Nijjar and they will execute the new agreement shortly. A final draft of the new agreement has been prepared and circulated for signatures and will be delivered to EWMUA for further action.

Henry plans to submit the signed Agreement for Board approval and execution by the Chair and Secretary at the EWMUA Board meeting of January 15, 2015. We recommend that this item be placed on the Agenda and acted on.

EWMUA RESOLUTION NO. 2015-~~00~~
APPROVING AND EXECUTING A CAPACITY ALLOCATION
AGREEMENT WITH NIJJAR REALTY, LLC

Page 1

WHEREAS, there is an existing Capacity Allocation Agreement with Allstar Route 130 EW, LLC for the construction of a 40,600 sq. ft. retail/commercial shopping center near the intersection of Route 130 and Maplestream Road, and

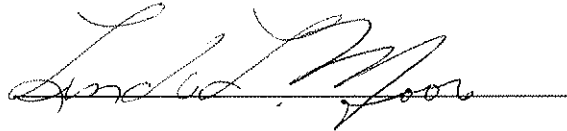
WHEREAS, the EWMUA is advised that the shopping center has been sold to Nijjar Realty, LLC, and

WHEREAS, Nijjar Realty, LLC desires to enter into a new Capacity Allocation Agreement with the EWMUA which recognizes and approves all the rights and responsibilities associated with the existing Agreement, and

WHEREAS, the EWMUA is in agreement with this approach and also desires to enter into a new Agreement,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The terms and conditions of this new Capacity Allocation Agreement between the parties shall be reduced to a written agreement which shall be duly approved and executed by the respective parties, and
2. The EWMUA Board hereby approves the new Capacity Allocation Agreement and the EWMUA Chairperson and Secretary are hereby authorized to review and sign the Agreement, and
3. This resolution shall take effect immediately.

A handwritten signature in black ink, appearing to read "Linda L. Moore", written over a horizontal line.

Linda L. Moore, EWMUA Chairperson

I hereby certify this to be a true and accurate copy of the Resolution adopted by the East Windsor Municipal Utilities Authority, Mercer County, New Jersey at a public meeting held on January 15, 2015.

A handwritten signature in black ink, appearing to read "Marc Platizky", written over a horizontal line.

Marc Platizky. Secretary

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION NO. 2015-11

WHEREAS, the East Windsor Municipal Utilities Authority (“Authority”) has determined that Well Pumps #1 and #2 are in need of repair and rehabilitation; and

WHEREAS, on or about January 20, 2015, bids were solicited to undertake and complete this work as required by the provisions of the New Jersey Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

WHEREAS, in soliciting bids for said work, the Authority followed the Fair and Open process in accordance with *N.J.S.A. 19:44A-20.4*; and

WHEREAS, two bids were received to undertake and complete said work; and

WHEREAS, having reviewed said bids, the Authority has determined that the lowest responsible bidder is A.C. Schultes.

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 enter into an agreement with A.C. Schultes to undertake and complete the specified repair and rehabilitation work to the Authority’s Well Pumps #1 and #2 for a sum not to exceed One Hundred and Forty Four Thousand Three Hundred and Sixty Two Dollars (\$144,362.00). The nature and scope of services to be provided are as set forth in the A.C. Schultes proposal on file with the Authority.

2. A notice of the award of this contract shall be published in a newspaper of general circulation within the Township of East Windsor as required by law.