

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, January 28, 2016 @7:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, January 28, 2016 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 7:30 p.m.

The following Members were present:

Linda L. Moore
Marc Platizky
Leonard Millner
William Lawler
Michael Shifman (arrived late 8:12 PM)

Absent: Marc Lippman
Steven Kurs

Also present:

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

Chairperson Moore requested that the Public Notice be read. The secretary read the statement stating that the agenda for this meeting was mailed to the Windsor Hights Herald, Trenton Times and Trentonian on January 22, 2016. 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 22, 2016. Chairperson Moore then asked for a roll call after which she asked if any Member had any objection to holding this meeting as advertised. No one objected.

Mr. Brand reviewed the power shedding agreement with Energy Curtailment Systems (ECS). Mr. Brand explained that during periods of warm weather when electric usage is expected to be high ECS will issue and alert putting us on standby to run our generators if necessary. Just for participating in this program weather or not we have to run the generators the Authority received \$30,000.00 a year. To date while we have been on alert/standby several times we have not had to run the generators Mr. Millner commented that he had recently read an article in the paper about the program which was very positive. Mr. Brand stated that it was a good program and we will participate again this year.

Mr. Brand noted that at a JIF meeting there was some discussion about a group of Alum distributors that were bid rigging from 1997-2010. The Alum distributors had pled guilty and

now a group of authorities is organizing for a possible class action law suit. Mr. Schmierer stated that he has been in contact with the attorney that is working on the draft complaint. Mr. Schmierer added that it appears the attorney bringing the suit would like the EWMUA to become the lead agency in the case. Mr. Schmierer does not believe that it would be beneficial for the MUA to participate in the action and certainly not in favor of the MUA being the lead agency. Mr. Schmiere is not sure if the time and effort required gathering the materials would justify what the MUA might expect to recover. The Board stated they would like to know the value to the MUA before they make a decision. Mr. Schmierer stated he and Mr. Brand would have a discussion with the attorney and make a recommendation to the Board.

Mr. Platizky suggested that the staff review stored documents to make sure materials are destroyed at the appropriate times according to State retention requirements.

Mr. Brand informed the Members that Brooktree Estates project was completed and met all EWMUA requirements. A maintenance bond was presented and the developer has requested release of the performance bond. Tod has prepared a resolution and staff recommendation is for Board approval. A motion to adopt the resolution and release the performance bond was made by Mr. Millner, seconded by Mr. Platizky and unanimously carried.

Resolution 2016-01

AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES FOR SANITARY SEWER FOR THE DEVELOPMENT PROJECT GENERALLY KNOWN AS "BROOKTREE ESTATES"

WHEREAS, Brooktree Swim Club, LLC, (hereinafter referred to as "Developer") installed certain sanitary sewer facilities to serve a residential development generally known as Brooktree Estates which are more fully described as follows,

Sanitary Sewer Facilities which serve Brooktree Estates are more fully described in Record Plans for Brooktree Estates, prepared by Van Cleef Engineering Associates dated August 7, 2013, revised September 6, 2013 all in accordance with NJDEP TWA (Sewer) Permit #10-0288 per certification of Raymond Jordan NJPE, T&M Associates, Inc., dated September 25, 2013.

WHEREAS, the Developer has requested a complete release of a Subdivision/Site Plan Bond nos. 1059836 (Sanitary Sewer System) and nos. 1059835 (Water Distribution System) issued on December 14, 2011 by Lexon Insurance Company with an address at 256 Jackson Meadows Drive, Suite 201, Hermitage, TN 37076 and Cash Performance Guarantees in the amount of \$11,166.00 and \$4,619.00 (exclusive of interest), and Inspection Escrow accounts in the total amount of \$116.53 (exclusive of interest); and,

WHEREAS, the Developer has presented a maintenance bond in the form of an Irrevocable Standby Letter of Credit #15-01 dated February 24, 2015 issued by the Manasquan Savings Bank with an address of 2221 Landmark Place Wall Township, New Jersey 08736 in the amount of \$21,309.50; 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 bonds and cash performance guarantees and inspection escrow accounts 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 bonds and cash performance guarantees and inspection escrow accounts is hereby approved and said bonds and cash performance guarantees and inspection escrow account are hereby released.

2. This resolution shall take effect immediately.

Mr. Brand spoke briefly about meeting on Tuesday with representatives from Seasons, Aurobindo and Wyckoff Mills (old NJ site). Mr. Brand mentioned each of the development projects and plans for water and sewer extensions. Seasons has agreed to run a 12" water line from their property to Route 571 running the line under 571 thus looping the line and giving the Authority redundancy in the area. Aurobindo will install the sewer line down Route 571 and tie into the corner allowing several residents and business along 571 to connect to the sewer system

Wyckoff Mills is going to make connections on both ends of Wyckoff Mills which will add a second feed into the Twin Rivers area. Mr. Brand informed the Board that Aurobindo signed the Off Tract Agreement and returned it for Board signature. No other action required from the Board tonight.

Mr. Millner questioned the status of the 18" sewer line from Hankins Road down Route 130. The Board would like to review the plans before the work is begun.

Mr. Platizky requested an update on the Galleria project. Mr. Brand announced that some issues had come up that do not pertain to the MUA. Currently all work has been completed to MUA satisfaction. As far as tenants there will be a Chicken Barbeque and Pizzeria. Mr. Brand added that if they decide to put in the child care they will have to come back to the MUA because they will need a fire suppression system.

Mr. Platizky made a motion to approve Operating Bills in the amount of \$419,207.28; Payroll 12/23/15 in the amount of \$72,477.36 and Payroll 1/6/16 in the amount of \$73,608.16, seconded by Mr. Lawler and unanimously carried.

Mr. Lawler made a motion to accept the Operating Report for December, seconded by Mr. Platizky and unanimously carried.

Mr. Millner made a motion to accept the Development Report for January, seconded by Mr. Lawler and unanimously carried.

Mr. Platizky made a motion to accept the Finance Officer's Report for December, seconded by Mr. Millner and unanimously carried.

Mr. Millner made a motion to accept the Attorney's Report for December, seconded by Mr. Lawler and unanimously carried.

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

The minutes of the October 15, 2015 Regular Meeting were unanimously approved on a motion made by Mr. Millner, seconded by Mr. Lawler.

Respectfully submitted,



Marc Platizky, Secretary