

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY  
Minutes of Regular Meeting  
Thursday, April 21, 2016 @7:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, April 21, 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  
Steve Kurs  
William Lawler  
Michael Shifman (arrived late 8:12 PM)

Absent: Marc Lippman

Also present:

Edwin Schmierer, Esq., of Mason Griffin & Pierson  
James Farry, of Hatch Mott MacDonald  
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 April 15, 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 April 15, 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 stated that the MUA had received a TWA application for a pre-Treatment facility on Shiseido America's property located at 366 Princeton-Hightstown Road. Shiseido intends to construct the wastewater pre-treatment facility to treat their manufacturing process wastewater on-site. Prior to submitting the application the NJDEP requires Shiseido to obtain the MUA's consent for the project. Mr. Brand assured the Members that giving MUA consent does not commit the Authority to the project but simply allows Shiseido to move forward with the NJDEP TWA application. Tonight's consent also puts Shiseido on notice that they have 30 days to sign a Capacity Allocation Agreement. After a brief discussion Chairperson Moore requested a motion to adopt the resolution. Mr. Millner made a motion to approve and adopt Resolution 2016-15 approving submittal of an application to the NJDEP on behalf of Shiseido America. Mr. Lawler seconded the motion which was unanimously carried.

Resolution 2016-15

WHEREAS, the East Windsor Municipal Utilities Authority (EWMUA) has received the necessary NJDEP application materials for a wastewater pre-treatment facility from AECOM Technical services, Inc. on behalf of Shiseido America, Inc. (SAI) to be located at the company's facilities with an address at 366 Princeton-Hightstown Road; and

WHEREAS, SAI intends to construct a wastewater pre-treatment facility to treat manufacturing process wastewater on-site; and

WHEREAS, SAI has already received a New Jersey Pollutant Discharge Elimination System (NJPDES) Significant Industrial user (SIU) permit for the project; and

WHEREAS, the treated wastewater will be discharged to the EWMUA wastewater treatment facilities located on Millstone Road; and

WHEREAS, prior to submitting the application to the NJDEP, SAI is required to obtain the EWMUA's consent for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY, COUNTY OF MERCER, NEW JERSEY AS FOLLOWS:

1. The EWMUA hereby consents to the submittal of an application for a TWA to the NJDEP for a wastewater pre-treatment facility as described herein; and
2. EWMUA and SAI representatives are directed to mutually prepare and present a Capacity Allocation Agreement for EWMUA Board consideration, not later than the EWMUA's regularly scheduled meeting on May 19, 2016; and
3. The EWMUA Executive Director is directed to commence and diligently pursue all activities needed in order to fulfill the requirements of this resolution; and
4. This resolution shall take effect immediately.

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A lengthy discussion ensued regarding private fire hydrant fees and what defines a private fire hydrant. Mr. Brand began the discussion by showing the Members a spread sheet and other materials that he had prepared to describe the issue. There are several private fire hydrants in the

Township which are not currently billed. However Schedule 1 of the Rules and Regulations outlines fees for private fire hydrants and fire services. Mr. Brand would like to clarify the definition of private hydrants in the regulations. Mr. Brand feels that all commercial accounts (including apartment complexes) with private hydrants should be billed. Mr. Schmierer agreed that the Rules and Regulations should be revised to better define private fire hydrants. Mr. Brand stated that commercial properties could avoid paying a flat quarterly fee for each private fire hydrant if they metered the hydrants so water used could be billed. Mr. Brand added he would be sure that the list was complete before the billing was implemented.

Mr. Brand stated he had a request from the Kreps School for the MUA to provide water for an irrigation system for resurfaced ball fields. Mr. Brand explained that this would be a new connection for the school with a very high water use and a substantial connection fee. The administrator requested that the Board omit the connection fee. Mr. Brand said that his suggestion would be for the schools that the school has a well drilled for the irrigation of ball fields. Mr. Brand would not like to loss MUA water allocation for irrigation purposes. Ms. Moore said that she agreed and thought that in the long run the well would save the school money. Ms. Moore suggested that Mr. Brand speak to the school administrator again and strongly recommend the use of a well. However if the school administrator continues in the direction of the MUA as the water provider the Board will require more details on the proposed project from the school.

Mr. Brand informed the Members that the schools requested that the MUA test for lead. Mr. Brand stated that testing was done free of charge for the schools. He also stated that since the MUA water is clear any lead found would be coming from an internal source. Mr. Brand stated that the water samples were under the limits for lead recommended by DEP.

A very brief discuss took place regarding the Crest Engineering study of the Route 539 sewer extension. Mr. Brand stated that a report would be ready for the Board to consider at the next meeting.

Continuing discussion during the Old Business portion of the meeting reducing the Performance Bond for Hovnanian "Magnolia Ridge Development" Mr. Brand told the Members the developer has satisfactorily constructed the sanitary sewer and water facilities as required. Therefore staff is recommending the Members give the authorization for a reduction in the Performance Guarantees. A motion was made by Mr. Millner to approve the reduction for Hovnanian, seconded by Mr. Kurs and unanimously carried.

#### Resolution 2016-14

WHEREAS, K. Hovnanian at East Windsor, LLC, (hereinafter referred to as "Developer") installed certain sanitary sewer and potable water facilities to serve a residential development generally known as Magnolia Ridge which are more fully described as follows,

Sanitary Sewer facilities which serve Magnolia Ridge are more fully described in Water System Asbuilt Plan for Magnolia Ridge Estates, prepared by DW

Smith Associates dated December 2, 2015, revised February 17, 2016 in accordance with NJDEP Treatment Works Approval Permit No. 11-0037 (NJDEP Form WQM-005) and per certification of John B. Taylor III, NJPE, Act Associates, dated February 19, 2016.

Potable Water facilities which serve Magnolia Ridge are more fully described in Water System Asbuilt Plan for Magnolia Ridge Estates, prepared by DW Smith Associates dated December 2, 2015, revised February 17, 2016 per certification of John B. Taylor III, NJPE, Act Engineers, dated February 19, 2016.

WHEREAS, the Developer has requested a partial release of a Utility Bond no. 1085990 (Sanitary Sewer Improvements) and no. 1085991 (Water Improvements) both issued on May 28 2014 by Lexon Insurance Company with an address at 12890 Lebanon Rd. Mt. Juliet, TN 37122; 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 reduce the aforementioned utility bonds by 70% 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 reduce the aforementioned utility bonds by 70% is hereby approved and said bonds are hereby reduced.
2. The Sanitary Sewer Utility Improvements Bond shall be reduced from \$104,803.20 to \$31,330.96, which represents a 70% reduction.
3. The water Improvements Utility Bond shall be reduced from \$105,332.40 to \$31,599.72, which represents a 70% reduction.
4. This resolution shall take effect immediately.

Before the Members approved the bill list Mr. Brand spoke briefly about the Pre-paid check for Pro Spec which he stated was a parcel good faith payment. Mr. Brand requested that the Board approve and sign the payment now that Pro Spec's work is technically completed. Mr. Schmierer added that he had discussed payment with Mr. Brand and agreed MUA should make this good faith payment at this time. Mr. Kurs made a motion to approve Operating Bills in the amount of \$473,393.33; Payroll 3/16/16 in the amount of \$69,614.14 and Payroll 3/30/16 in the amount of \$74,334.29, Payroll 4/13/16 in the amount of \$118,834.94; Prepays Pro Spec for

\$60,000.00 and JCP&L for \$2,407.36. The motion was seconded by Mr. Platizky and unanimously carried.

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

Mr. Lawler made a motion to accept the Development Report for April. Mr. Shifman asked if there were any tenants for the Galleria development and Mr. Brand stated there are three restaurants scheduled for that development. Mr. Platizky questioned if there was any word on tenants in the All Stars development located at Maple Stream and Route 130. Mr. Brand responded that he is not aware of any at this time. A seconded was made to Mr. Lawler's motion to approve the Development Report by Mr. Millner and it was unanimously carried.

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

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

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

The minutes of the January 28, 2016 Regular Meeting were unanimously approved on a motion made by Mr. Platizky, seconded by Mr. Millner.

The minutes of the February 18, 2016 Regular Meeting were unanimously approved on a motion made by Mr. Platizky, seconded by Mr. Kurs.

Respectfully submitted,

A handwritten signature in black ink that reads "Marc Platizky". The signature is written in a cursive style with a large, sweeping initial "M".

Marc Platizky, Secretary