

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, August 18, 2016 @7:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, August 18, 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 Lippman
Marc Platizky
Leonard Millner
Steven Kurs
William Lawler
Michael Shifman

Absent: None

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
Skip Lovejoy, Water 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 August 12, 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 August 12, 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.

Chairperson Moore asked if there was anyone present that would like to speak on any issue not on tonight's agenda. Hearing no one Chairperson Moore closed the public portion of the meeting.

Chairperson Moore asked Mr. Brand to speak about the Acceptance of the Auditors Report. Mr. Brand introduced Warren Brody and Digesh Patel from Mercadien Group, who have been the authorities Auditor for the last several years. Mr. Brody explained Mercadien utilizes auditing standards issued by the comptroller General of the United States. Mr. Patel stated that no

recommendations were required and that management has followed GASB 68, GASB 72, GASB 73 and GASB 75. He also stated that all financial records are in order and follow all accounting standards. Chairperson Moore requested a motion and second to accept the audit report for the year ending November 30, 2015. The motion was made by Mr. Lippman accepting the audit report and adopting Resolution 2016-23, seconded by Mr. Millner and unanimously carried.

Resolution 2016-23

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and;

WHEREAS, THE Annual Report of Audit for the year November 30, 2015 has been filed by a Certified Public Accountant with the Commissioner as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and;

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27bb-34, and;

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each Authority shall, by resolution, certify to the Local Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled;

General Comments
Recommendations

and:

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled;

General Comments
Recommendations

As evidenced by the group affidavit form of the governing body, and:

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, and ;

WHEREAS, all members of the governing body have received and have familiarized themselves with at least the minimum requirements of the local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and;

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52-to wit;

R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the East Windsor Municipal Utilities Authority, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Chairperson Moore asked Mr. Brand to speak about the Capacity Allocation Agreement with Gateway Twin Rivers LLC. Mr. Brand asked the Board for approval of the Capacity Allocation Agreement with Gateway Twin Rivers, LLC. Mr. Brand explained that the Gateway development was a new development that was formally owned by Conair Corporation.

Gateway was approved for a 478,000 sq. ft. building for office and warehouse. Mr. Brand explained that the East Windsor Township Planning Board granted preliminary, final major subdivision and site plan approval on May 16, 2016 and memorialized on June 20, 2016. Gateway has gone through our technical review process including review of plans, square footage of facility and head count of employees. Mr. Brand explained Gateway was requested to loop the water line between Lake Road and Milford Road. The agreement consisted of 7,030 gallons per day for water and 6,544 gallons per day wastewater service requirement. Connection and Off Tract Fees total \$319,914.00. Mr. Kurs asked if any harmful chemicals will be discharged into the sewer system and will it have an adverse effect to our treatment process. Mr. Brand explained the all of the discharge will be of domestic waste

A motion to approve resolution # 2016-22 approving the Capacity Allocation Agreement was made by Mr. Lawler, seconded by Mr. Lippman and unanimously carried.

Resolution 2016-22

WHEREAS, GATEWAY TWIN RIVERS LLC (hereinafter the “Developer”) is the owner of a parcel of land located within the Township of East Windsor more particularly described as Block 20.06, Lot 4 on the Official Tax Map of the Township of East Windsor consisting of approximately 27.568 acres; and

WHEREAS, the Developer has submitted to the East Windsor Municipal Utilities Authority (hereinafter “Authority” or “EWMUA”) for approval Plans and Specifications for the construction of certain water, sanitary sewer and

fire service improvements to be located on and in the vicinity of Block 20.06, Lot 4 on the Official Tax Map of the Township of East Windsor for that development known as "Gateway at Twin Rivers" (the "Development"), consisting of a building with a footprint of 478,390 square feet containing 458,950 square feet of warehouse use and 19,440 square feet of office use. The Development is more particularly described on plans entitled "Preliminary and Final Site Plan for 159 Milford Road, Lot 4, Block 20.06, East Windsor Township, New Jersey" prepared by Maser Consulting, P. A. dated April 1, 2016, latest revisions dated June 7, 2016, as approved by the Authority ("Approved Plans and Specifications") and any other governmental entity having jurisdiction thereover; and

WHEREAS, the Planning Board of the Township of East Windsor ("Approving Board" or "Board") granted amended preliminary and final site plan approval for the Development on May 16, 2016, memorialized on June 20, 2016 for the subject property; and

WHEREAS, the Developer and the Authority desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the construction of the water, sanitary sewer and fire service utility improvements related to said Development, including off-tract improvement obligations of the Developer.

NOW, THEREFORE, BE IT RESOLVED BY THE EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY as follows:

1. The EWMUA hereby approves the Capacity Allocation Agreement and Developer's On-tract and Off-tract Agreement with Gateway Twin Rivers LLC , and

execute the Capacity Allocation Agreement and Developer's On-tract and Off-tract Agreement with Gateway Twin Rivers LLC , and

3. The EWMUA further directs that a certified copy of this resolution be delivered to The New Jersey Department of Environmental Protection as evidence of its approval of the Development, and

4. The EWMUA further directs that the Executive Director shall take all necessary steps to expedite the directions specified in this resolution, as appropriate, and

5. This resolution shall take effect immediately.

Chairperson Moore asked Mr. Brand to speak about the Hankins Road project. Mr. Brand reported that the project was moving along very well. The sewer line was almost completed and the water line would be installed shortly afterwards. Mr. Brand stated that he was in constant communications with several neighbors to address any complaints.

Chairperson Moore asked Mr. Brand to speak about the Twin Rivers water main replacement project. Mr. Brand stated that the project was moving along very well. The first piece of pipe was installed across Twin Rivers Drive North and into the court area. Mr. Brand said by the end of the week (tomorrow) the other line should be across the street and out of the way of traffic along Twin Rivers Drive North. The water line is in the shape of a U with two connections on Twin Rivers Drive North.

Chairperson Moore asked for a motion to approve the Operating Bill list. Mr. Millner made a motion to pay Operating Bills of \$314,715.32; Payroll 7/20/16 of \$74,508.69 and Payroll 8/03/16 of \$79,098.28, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to accept the Operating Report for July and Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for a motion to approve the Development Report for July and Mr. Lawler made the motion seconded by Mr. Shifman and unanimously carried.

Mr. Lippman made the motion to approve the Finance Officer's Report for July, seconded by Mr. Millner and unanimously carried.

The Engineer's Report for July was approved on a motion made by Mr. Millner, seconded by Mr. Platizky and unanimously carried.

Having nothing further to discuss Chairperson Moore adjourned the meeting.

Respectfully submitted,



Marc Platizky, Secretary