

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Minutes of Regular Meeting

Thursday November 21, 2019 @ 7:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday November 21, 2019 at the Administration Building on 7 Wiltshire Drive and called to order by Chairperson Moore at 7:30 P.M.

The following Members were present:

Linda Moore
Marc Lippman
Leonard Millner
Marc Platizky
Bill Lawler
Michael Shifman

Absent: Steve Kurs

Also present: Edwin W. Schmierer, Esq., of Mason, Griffin & Pierson
David Klemm, Mott Mac Donald
Ronald Ghrist, Finance Officer
Richard Brand, Executive Director
Clark Wolverton, Operations Manager
James Mackie, Assistant Operations Manager
Susan Pretz, Board Secretary

Chairperson Moore requested that the Public Notice be read. The secretary read the statement stating that the agenda for this meeting was e-mailed to the Cranbury Press-Windsor Hights Herald and Trenton Times on Tuesday November 12, 2019. 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 Friday November 15, 2019. 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 today's agenda. Hearing no one Chairperson Moore closed the public portion of the meeting.

Chairperson Moore asked for an update on the Solar project. Mr. Brand said they are waiting on permits and are predicting to break ground January/February 2020.

Mr. Brand also gave an update on the new Water treatment plant and said that he and Chairperson Moore spoke to QTS and now they are in the process of getting comparable on the property so we could possibly purchase part of the property and they would donate the rest. It is moving forward. Hopefully he will have update at our next meeting.

Chairperson Moore asked for a motion to adopt the 2019/2020 Wastewater budget Resolution #2019-31. Mr. Millner made the motion, seconded by Mr. Platizky and unanimously carried.

2020 ADOPTED BUDGET RESOLUTION

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

AUTHORITY BUDGET – Resolution #2019-31

FISCAL YEAR: FROM DECEMBER 1, 2019 TO NOVEMBER 30, 2020

WHEREAS, the Annual Budget and Capital Budget/Program for the East Windsor Municipal Utilities Authority for the fiscal year beginning December 1, 2019 and ending, November 30, 2020 has been presented for adoption before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of, November 21, 2019; 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 \$4,900,372.00 Total Appropriations, \$4,651,754.00 including any Accumulated Deficit, if any, of \$ NONE and Total Unrestricted Net Position utilized of \$ NONE and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$970,000.00 and Total Unrestricted Net Position planned to be utilized of \$970,000.00; 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, 2019 that the Annual Budget and Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning December 1, 2019 and ending November 30, 2020 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, 2019

(Date)

Governing Body	Recorded Vote				
	<u>Member:</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Moore		X			
Lippman		X			
Platizky		X			
Kurs					X
Millner		x			
Lawler		X			
Shifman		X			

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Chairperson Moore asked for a motion to adopt the 2019/2020 Water budget Resolution #2019-32. Mr. Lawler made the motion, seconded by Mr. Lippman and unanimously carried.

2020ADOPTED BUDGET RESOLUTION

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

AUTHORITY BUDGET - Resolution #2019-32

FISCAL YEAR: FROM DECEMBER 1, 2019 TO NOVEMBER 30, 2020

WHEREAS, the Annual Budget and Capital Budget/Program for the East Windsor Municipal Utilities Authority for the fiscal year beginning December 1, 2019 and ending, November 30, 2020 has been presented for adoption before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of November 21st, 2019; 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 \$3,224,501.00, Total Appropriations, \$3,222,236.00 including any Accumulated Deficit, if any, of \$ NONE and Total Unrestricted Net Position utilized of \$ NONE; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$4,027,000.00 and Total Unrestricted Net Position planned to be utilized of \$1,752,000.00; 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, 2019 that the Annual Budget and Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning December 1, 2019 and ending November 30, 2020 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, 2019
(Date)

Governing Body Member:	Recorded Vote				
	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>	
Moore	X				
Lippman	X				
Platizky	X				
Kurs					X
Millner	X				
Lawler	X				
Shifman	X				

Chairperson Moore asked for approval of Resolution #2019-33 Bond financing for future projects, Mr. Millner made the motion, seconded by Mr. Lippman and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER, STATE OF NEW JERSEY

RESOLUTION NO. 2019-33

RESOLUTION OF THE EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

EXPRESSING ITS INTENTION TO REIMBURSE ITSELF FOR CERTAIN EXPENDITURES RELATING TO THE AUTHORITY'S CAPITAL IMPROVEMENT PROGRAM OUT OF THE PROCEEDS OF BONDS OR OTHER OBLIGATIONS TO BE HEREAFTER ISSUED BY THE AUTHORITY

BACKGROUND

WHEREAS, The East Windsor Township Municipal Utilities Authority ("Authority") has determined to undertake a capital improvement program, consisting of the installation of 4,700 lf of watermain in the Twin Rivers section of East Windsor Township (collectively, the "Project"), all as more particularly described in the information on file in the offices of the Authority and the Authority's Consulting Engineer and available for inspection during normal business hours; and

WHEREAS, the Authority intends to incur expenditures for the costs of engineering, obtaining various permits and approvals, and preparation, design, planning, acquisition and installation of the Project including, without limitation, expenditures to certain of its consultants, engineers, attorneys and others for services rendered in connection with the Project (collectively, the "Project Costs"); and

WHEREAS, the Authority intends to pay such expenditures using temporarily available funds in anticipation of reimbursing such expenditures from the proceeds of bonds or other obligations hereafter issued by the Authority in the aggregate principal amount of up to \$1,700,000.00 ("Project Debt Obligations"); and

WHEREAS, the Authority desires to preserve its right to treat an allocation of proceeds of the Project Debt Obligations to the reimbursement of Project Costs paid prior to the issuance of the Project Debt Obligations as an expenditure for such Project Costs to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE IT RESOLVED BY THE EAST WINDSOR TOWNSHIP MUNICIPAL UTILITIES AUTHORITY AND THE MEMBERS THEREOF, AS FOLLOWS:

Section 1. The Authority hereby declares its reasonable expectation to reimburse the expenditures paid by the Authority to pay the Project Costs prior to the date of issuance of the Project Debt Obligations including, without limitation, expenditures to certain of its consultants, engineers, architects, attorneys and others for services rendered in connection with the Project, out of the proceeds of the Project Debt Obligations which are to be issued by the Authority after the date of this Resolution.

Section 2. This Resolution is intended to be and hereby is a declaration of the Authority's official intent to reimburse the expenditure of Project Costs paid prior to the issuance of the Project Debt Obligations with the proceeds of a borrowing to be incurred by the Authority, in accordance with Treasury Regulations §150-2.

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$1,700,000.00

Section 4. The Project Costs to be reimbursed with the proceeds of the Project Debt Obligations will be "capital expenditures" in accordance with the meaning of Section 150 of the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Code. The proceeds of the Project Debt Obligations used to reimburse the Authority for Project Costs, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of the Project Debt Obligations or another issue of debt obligations of the Authority, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1).

Section 6. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than the Project Debt Obligations is paid, or (ii) the date the Project is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

Section 7. This Resolution is to be retained by the Authority and made publicly available for inspection at the offices of the Authority from the date hereof through the date of issuance of the Project Debt Obligations.

Section 8. This Resolution shall take effect immediately upon adoption this 21st day of November, 2019.

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority ("MUA" or "Authority") as follows:

1. The preamble to this Resolution shall be incorporated herein as if fully restated.

2. The Authority Chairperson and Secretary are hereby authorized and directed to sign any necessary documents, and the Authority staff and professionals are authorized and directed to undertake any and all action's necessary, to effectuate the terms and intent hereof.

Dated: 11/21/2019

Linda Moore, Chairperson

CERTIFICATION

The undersigned, Secretary of the East Windsor Municipal Utilities Authority, do hereby certify that the foregoing Resolution was considered and adopted by said Authority at its regular meeting held on this November 21, 2019.

Marc Platizky, Secretary

Chairperson Moore asked for approval of Resolution #2019-34, Shiseido TWA (Treatment Works Approval) Resolution #2019-34. Mr. Lippman made the motion, seconded by Mr. Millner and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER, STATE OF NEW JERSEY

EWMUA Resolution # 2019-34

APPROVING THE SUBMITTAL OF AN APPLICATION TO THE NJDEP FOR A TREATMENT WORKS APPROVAL (TWA) FOR A WASTEWATER SLUDGE DEWATERING SYSTEM ON BEHALF OF SHISEIDO AMERICA INC.

WHEREAS, the East Windsor Municipal Utilities Authority (EWMUA) has received the necessary NJDEP application materials for a wastewater sludge dewatering system from Professional Consulting, Inc. on behalf of Shiseido America, Inc. (SAI) with said dewatering system to be located at the company's pretreatment facility with an address at 366 Princeton-Hightstown Road; and

WHEREAS, SAI intends to install an wastewater sludge dewatering system to dewater manufacturing process sludge generated at its on-site pretreatment facility; and

WHEREAS, SAI has already received a New Jersey Pollutant Discharge Elimination

System (NJPDES) Significant Industrial user (SIU) permit #16-0087 for the project; and
WHEREAS, the filtrate from the dewatered sludge will be returned to the head of the SAI pretreatment facility and treated with the raw wastewater generated by the SAI pretreatment facility and the dewatered sludge cake will be delivered by SAI vendor off-site for incineration; 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 sludge dewatering system as described herein; and
2. The EWMUA Executive Director is directed to commence and diligently pursue all activities needed in order to fulfill the requirements of this resolution; and
3. This resolution shall take effect immediately.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Dated: 11/21/19

Linda L. Moore, Chairperson

CERTIFICATION

I, Marc Platizky, Secretary of the East Windsor Municipal Utilities Authority, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the EWMUA at a regularly scheduled meeting held on November 21, 2019.

Marc Platizky, Secretary

Chairperson Moore asked for a vote on the Employee appreciation luncheon. The date agreed upon was December 20, 2019 at 12:30 with a budget of \$600.00. Mr. Lippman made the motion, seconded by Mr. Lawler and unanimously carried.

Chairperson Moore asked for approval of the Payment of Bills for November 21, 2019. Mr. Millner made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore asked for approval of the Operating report October 2019. Mr. Lippman made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to approve the Development report for November 2019, Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore requested a motion to approve the Finance Officer's report for October 2019, Mr. Platizky made the motion, Mr. Lippman seconded and unanimously carried.

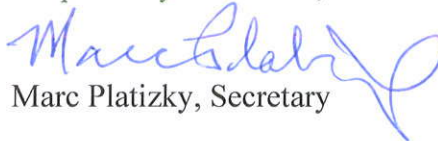
Chairperson Moore requested a motion to approve the Attorney's report for October 2019, Mr. Platizky made the motion, seconded by Mr. Lawler and unanimously carried.

Chairperson Moore requested a motion to approve the Engineer's report for October 2019, Mr. Lawler made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to approve the minutes from September 19, 2019 and October 17, 2019 meetings. Mr. Lippman made the motion, seconded by Mr. Lawler and unanimously carried.

Having nothing further to discuss Chairperson Moore adjourned the meeting.

Respectfully Submitted,


Marc Platizky, Secretary