

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday September 17, 2020 @ 5:00pm

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday September 17, 2020 at the Administration Building on 7 Wiltshire Drive and called to order by Chairperson Moore at 5:00pm

The following Members were present via conference call:

Linda Moore
Steve Kurs
Marc Platizky
Marc Lippman
Bill Lawler
Mike Shifman

Absent: Len Millner

Also present: Ronald Ghrist, Finance Officer
Richard Brand, Executive Director
Jim Mackie, Assistant Operations Manager
Susan Pretz, Board Secretary

Also present via conference call:

Ryan Scerbo Esq., DeCotiis, Fitzpatrick, Cole & Giblin, LLP
David Klemm, Mott Mac Donald

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 September 8th, 2020. 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 September 11th, 2020. 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 approval of Resolution #2020-33, Capacity Allocation Agreement On-Track Off-Track for Innovation Park. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

**RESOLUTION FOR APPROVAL OF A CAPACITY ALLOCATION AGREEMENT AND
DEVELOPER'S ON-TRACT AND OFF-TRACT AGREEMENT WITH TC NE METRO
DEVELOPMENT, INC**

RESOLUTION # 2020-33

WITNESSETH

WHEREAS, TC NE METRO DEVELOPMENT, INC (hereinafter the “Developer”) is the contract purchaser of parcels of land located within the Township of East Windsor more particularly described as Block 5.01, Lots 12, 13, 14, and 15 on the Official Tax Map of the Township of East Windsor consisting of approximately 86.97 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 5.01, Lots 12, 13, 14, and 15 on the Official Tax Map of the Township of East Windsor for that development known as "Innovation Park at East Windsor" (the "Development"). The developer plans to subdivide the existing four lots into three new lots, Block 5.01, Lots 13.01, 13.02 and 13.03, or Lots “A”, “B”, and “C” respectively; and

WHEREAS, Building A consists of 366,002 square feet of warehouse area and 40,667 square feet of office area with a total building area of 406,669 square feet. Building B consists of 150,750 square feet of warehouse area and 16,750 square feet of office area with a total building area of 167,500 square feet. The total footprint of the Development consists of 574,169 square feet containing 516,752 square feet of total warehouse area and 57,417 square feet of total office area. The Development is more particularly described on plans entitled "Preliminary and Final Site Plan and Minor Subdivision for Innovation Park at East Windsor, Block 5.01, Lots 12, 13, 14, and 15” prepared by Maser Consulting, P. A. dated April 29, 2019, latest revisions dated July 17, 2020, 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 February 24, 2020, memorialized on May 4, 2020 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 TC NE METRO DEVELOPMENT, INC, and
2. The EWMUA directs the EWMUA Chairperson and Secretary to execute the Capacity Allocation Agreement and Developer's On-tract and Off-tract Agreement with TC NE METRO DEVELOPMENT, INC, 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.

Dated: September 17, 2020

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 September 17, 2020.

Marc Platizky, EWMUA Secretary

Chairperson Moore asked for approval of Resolution 2020-34, the Water Budget from December 1, 2020 thru November 30, 2021. Mr. Platizky made the motion seconded by Mr. Kurs and unanimously carried.

2020 (2020-2021) AUTHORITY BUDGET RESOLUTION
Resolution 2020-34

East Windsor Municipal Utilities Authority

FISCAL YEAR: FROM: DECEMBER 1, 2020 TO: NOVEMBER 30, 2021

WHEREAS, the Annual Budget and Capital Budget for the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2020 and ending, November 30, 2021 has been presented before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of September 17, 2020; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$3,119,320, Total Appropriations, including any Accumulated Deficit if any, of \$2,571,221 and Total Unrestricted Net Position utilized of NONE; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$4,147,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$1,172,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the East Windsor Municipal Utilities Authority, at an open public meeting held on September 17, 2020 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2020 and ending, November 30, 2021 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the East Windsor Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on November 19, 2020.

September 17, 2020

(Secretary's Signature)

(Date)

Governing Body	Recorded Vote			
	Aye	Nay	Abstain	Absent
Member:				
Linda Moore	X			
Marc Lippman	X			
Marc Platizky	X			
Steve Kurs	X			
Len Millner				X

Chairperson Moore asked for approval of Resolution 2020-35, the Sewer Budget from December 1, 2020 thru November 30, 2021. Mr. Lippman made the motion seconded by Mr. Platizky and unanimously carried.

Sewer 2020 (2020-2021) AUTHORITY BUDGET RESOLUTION

Resolution #2020-35

East Windsor Municipal Utilities Authority

FISCAL YEAR: FROM: DECEMBER 1, 2020 TO: NOVEMBER 30, 2021

WHEREAS, the Annual Budget and Capital Budget for the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2020 and ending, November 30, 2021 has been presented before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of September 17, 2020; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$4,527,810, Total Appropriations, including any Accumulated Deficit if any, of \$4,563,334 and Total Unrestricted Net Position utilized of \$35,524 and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$6,160,000 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$440,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the East Windsor Municipal Utilities Authority, at an open public meeting held on September 17, 2020 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the East Windsor Municipal Utilities Authority for the fiscal year beginning, December 1, 2020 and ending, November 30, 2021 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the East Windsor Municipal Utilities Authority will consider the Annual Budget and Capital Budget/Program for adoption on November 19, 2020.

September 17, 2020

(Secretary's Signature)

(Date)

Governing Body Member:	Recorded Vote			
	Aye	Nay	Abstain	Absent
Linda Moore	X			
Marc Lippman	X			
Marc Platizky	X			
Steve Kurs	X			
Len Millner				X

Chairperson Moore asked Mr. Patel from Mercadien for any comments on the annual audit. Mr. Patel said the audit was completed the beginning of August 2020. There were no issues or findings. Chairperson then asked the board for approval of Resolution 2020-36, Annual 2019 Audit- from Mercadien. Mr. Platizky made the motion seconded by Mr. Kurs and unanimously carried.

**East Windsor Municipal Utilities Authority
County of Mercer
Resolution 2020-36**

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, 2019 has been filed by a Certified Public Accountant with the Commissioner as per the requirements of N.J.S.A. 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. 52:27 BB-52-to wit;

R.S. 52:27BB-52- "A local officer or member of the 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 the Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not

more than one thousand dollars (\$1000.00) 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.

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: September 17, 2020

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 September 17, 2020.

Marc Platizky, Secretary

Mr. Brand explained to the board that the MUA hired a part-time GIS intern. Presently she is getting her master's degree at Rutgers. She comes with a lot of experience with the GIS mapping system along with IT experience as well. The reason for the need is two (2) of our guys who run the GIS system are retiring. One (1) retired already and the other is retiring in October.

Mr. Brand also explained we are starting an Apprenticeship program through NJ Water Association. We have hired younger employees and it is a good training program for our younger staff to get their licenses. Also NJ Water will pay up to \$8,000.00 towards their salary for the 1st 6 months.

Mr. Kurs asked for a progress update for the Solar field. Mr. Brand explained that we are waiting for PSE&G to tie in which should be next week. Once done, Solar landscaping will run a test and hopefully we will be up and running in about 2-weeks.

Chairperson Moore asked for approval of the Payment of Bills for September 17, 2020. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for approval of the Operating report from August 2020. Mr. Kurs made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to approve the Development report for September 2020. Mr. Lippman made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to approve the Finance Officers report for August 2020. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

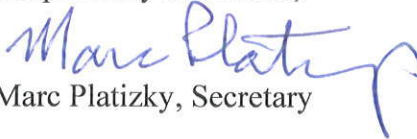
Chairperson Moore requested a motion to approve the Attorneys report for August-September 2020, Mr. Platizky made the motion, seconded by Mr. Kurs and unanimously carried.

Chairperson Moore requested a motion to approve the Engineers report for August 2020, Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

The minutes from the August 20, 2020 meeting were approved on a motion made by Mr. Platizky seconded by Mr. Lippman and unanimously carried.

Having nothing further to discuss Chairperson Moore adjourned the meeting.

Respectfully submitted,


Marc Platizky, Secretary