

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Minutes of Regular Meeting
Thursday March 18, 2021 @ 4:00pm

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday March 18, 2021 at the Administration Building located on 7 Wiltshire Drive and called to order by Chairperson Moore at 4:00pm

The following Members were present via zoom:

Linda Moore
Len Millner
Marc Platizky
Marc Lippman
Mike Shifman
Bill Lawler

Absent: Mr. Kurs

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

Also present via zoom:

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 March 9, 2021. 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 March 12, 2021. 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 2021-17 Approval for the MUA to reimburse itself for certain expenditures relating to the authority's C.I.P, out of proceeds of bonds or other obligations. Mr. Lippman made the motion, seconded by Mr. Platizky and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER, STATE OF NEW JERSEY

RESOLUTION NO. 2021-17

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 Municipal Utilities Authority ("Authority") has determined to undertake a capital improvement program. The Authority is currently undertaking a feasibility study ("Project") on the placement, design and construction of a new water treatment plant and Administration Building, as more particularly described in the information on file in the office of the Authority 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 and 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 the proceeds of bonds or other obligations hereafter issued by the Authority in the aggregate principal not to exceed \$80,000.00 ("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 to be reimbursed for purposes of Sections 103 and 141 through 150, inclusive, of the Code.

NOW, THEREFORE, BE RESOLVED BY THE EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY AND 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 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 s 150-2

Section 3. The maximum principal amount of the Project Debt Obligations expected to be issued to finance the Project is \$80,000.00

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 the Code.

Section 5. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations .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 .148-1). of the Project Debt Obligation or another issue of Debt Obligation of the Authority other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations s 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 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 immediately upon adoption this 18th day of March, 2021.

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: 3/18/21


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 special meeting held on this March 18, 2021.


Marc Platizky, Secretary

Chairperson Moore asked for approval of resolution 2021-18, Approval of 5 (five) year contract to dispose liquid sludge to Stony Brook Regional Sewerage Authority. Mr. Platizky made the motion, seconded by Mr. Lawler and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

**RESOLUTION AUTHORIZING AND AWARDED A CONTRACT FOR
SLUDGE DISPOSAL AT STONY BROOK SEWAGE AUTHORITY THROUGH
INCINERATION SERVICES**

RESOLUTION NO. 2021-18

WHEREAS the East Windsor Municipal Utilities Authority (EWMUA) desires to award a contract for the Disposal of Sludge through Incineration Services from **March 22, 2021 through December 31, 2025** to Stony Brook RSA, 290 River Road, Princeton, New Jersey 08540, pursuant to 40A:11-15, 40A:11-10; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A: 11-10 (2) et seq., Joint agreements for provision and performance of goods and services; cooperative marketing; authorization:

(1) The governing bodies of two or more contracting units may provide by joint agreement for the provision and performance of goods and services for use by their respective jurisdictions.

(2) The governing bodies of two or more contracting units providing sewerage services pursuant to the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et seq.), the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), R.S.58:14-1 et seq. or R.S.40:63-68 et seq. may provide by joint agreement for the purchase of goods and services related to sewage sludge disposal; and

NOW, THEREFORE, BE IT RESOLVED by the East Windsor Municipal Utilities Authority as follows:

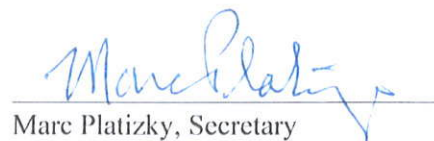
1. The preamble to this Resolution shall be incorporated herein as if fully restated. The agreement for sludge incineration services from **March 22, 2021 through December 31, 2025** is hereby awarded to Stony Brook RSA as presented; and.
2. Stony Brook RSA is hereby awarded the contract for Sludge Disposal through incineration for **\$52.00** per thousand gallons; and
3. The EWMUA agrees to deliver a minimum of 2.5 million gallons and up to 6.5 million gallons of liquid sludge annually with a maximum daily peak rate of 9,000 gallons per day; and
4. Stony Brook RSA is required to comply with the Affirmative Action requirement so N.J.A.C. 17:27, N.J.S. A. 10:5-31 et seq ; and
5. The Chairperson of the EWMUA is hereby authorized to execute the award of this contract for Sludge Disposal through incineration.

Dated: 3/18/21


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 18th day of March 2021.


Marc Platizky, Secretary

Chairperson Moore asked for an update on Well#6. Mr Brand said Unitech has started drilling and should complete drilling in a couple of weeks. Things are moving along.

Chairperson Moore asked for approval of the payment of bills for March 18, 2021. Mr. Millner made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for approval of the Operating report from February 2021. Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore requested a motion to approve the Development report for February-March 2021. Mr. Millner made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to approve the Finance Officers report for February 2021. Mr. Lippman made the motion, seconded by Mr. Platizky and unanimously carried.

Chairperson Moore requested a motion to approve the Attorneys report for February-March 2021, Mr. Platizky made the motion, seconded by Mr. Millner and unanimously carried.

Chairperson Moore requested a motion to approve the Engineers report for February 2021, Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

The minutes from the February 18, 2021 meeting were approved on a motion made by Mr. Lawler seconded by Mr. Millner and unanimously carried.

Chairperson Moore asked for a motion to go into closed session. Mr. Platizky made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for motion to go back into open session, Mr. Lippman made the motion, seconded by Mr. Millner and unanimously carried.

A motion was made by Mr. Lippman to approve Resolution #2021-16, The Agreement between East Windsor MUA and Mr. Goldfinger for replenishment of trees, seconded by Mr. Platizky and unanimously carried.

Respectfully submitted,


Marc Platizky, Secretary