

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

Minutes of Regular Meeting
Thursday May 20th 2021 @ 5:00pm

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday May 20, 2021 at the Administration Building located on 7 Wiltshire Drive and called to order by Chairperson Moore at 5:00pm

The following Members were present via zoom:

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

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 May 11, 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 May 14, 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 who 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 #2021-22, Approval of Capacity Allocation Agreement-330 Wyckoff Mills Road. 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 APPROVING A CAPACITY ALLOCATION AGREEMENT AND
DEVELOPER'S ON-TRACT AND OFF-TRACT AGREEMENT
WITH 330 WMR, LLC

RESOLUTION #2021-22

W I T N E S S E T H

WHEREAS, the Developer is the owner of one parcel of land consisting of 23.73 acres of vacant land located in the R-O, research office, zoning district within the Township of East Windsor more particularly described as Block 15, Lot 1 (hereinafter referred to as the "Property") and more specifically located along Wyckoffs Mill Road and is bounded by the New Jersey Turnpike to the west, Route 133 bypass to the south and Block 15, lot 1.01 to the east. The Property is also located in an area of Township of East Windsor designated as a Redevelopment Area; and

WHEREAS, the Developer has submitted to the Authority for approval Plans and Specifications for the construction of certain water and sanitary sewer facilities to be located on the Property for providing sanitary sewer and water service to that development known as "330 WMR" (the "Development") consisting of a building with a footprint of 160,462 square feet containing 157,962 square feet of warehouse space and 2,500 square feet of office space, more particularly described on plans entitled "Preliminary And Final Site Plan For 330 WMR, Block 15, Lot 1, East Windsor Township, Mercer County, New Jersey" prepared by Maser Consulting, P. A., dated February 26, 2018, latest revisions dated November 30, 2020 for

the site plans, and "Pump Station and Force Main Plans For 330 WMR Block 15, Lot 1 East Windsor Township, Mercer County, New Jersey" dated February 26, 2018, with revisions dated December 17, 2020 prepared by Maser Consulting, P.A. for the pump station, force main plans approved by the Authority ("Approved Plans and Specifications") and any other governmental entity having jurisdiction thereover;

WHEREAS, the Planning Board of the Township of East Windsor ("Approving Board" or "Board") granted Preliminary and Final Site Plan approval on September 23, 2019 which approval was memorialized in resolution of Approval 2019-19, adopted by the Planning Board on November 25, 2019, 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 and sanitary sewer 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 330 WMR, LLC , and
2. The EWMUA directs the EWMUA Chairperson and Secretary to execute the aforementioned Agreement on behalf of the EWMUA and cause the same to be delivered to the Developer and all other parties having jurisdiction in this matter, 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: May 20, 2021



Linda L. Moore, EWMUA Chairperson

CERTIFICATION

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 May 20, 2021.



Marc Platizky, EWMUA Secretary

Chairperson Moore asked for approval of Resolution #2021-23, Approval of Capacity Allocation Agreement and Developers On-Track and Off-Track Agreement with 219 WMR, LLC. Mr. Platizky made the motion, seconded by Mr. Kurs and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER,

STATE OF NEW JERSEY

RESOLUTION APPROVING A CAPACITY ALLOCATION AGREEMENT AND
DEVELOPER'S ON-TRACT AND OFF-TRACT AGREEMENT
WITH 219 WMR, LLC

RESOLUTION # 2021-23

W I T N E S S E T H

WHEREAS, the Developer is the owner of one parcel of land consisting of 8.346 acres of vacant land located in the I-O, industrial-office, zoning district within the Township of East Windsor more particularly described as Block 12.01, Lot 1.01 (hereinafter referred to as the "Property") and more specifically located along Wyckoffs Mill Road and is bounded by Old Cranbury Station Road to the west, Route 133 bypass to the north and Hightstown to the south.

WHEREAS, the Developer has submitted Plans and Specifications to the Authority for approval, entitled "Preliminary and Final Site Plan for 219 WMR", prepared by Maser Consulting P.A. and dated March 5, 2018 for the construction of certain water and sanitary sewer facilities to be located on the Property for providing sanitary sewer and water service to that development known as "219 WMR, LLC" (the "Development"); and

WHEREAS, the building footprint consists of 49,213 square foot warehouse facility containing 47,713 square feet of warehouse space and 1,500 square feet of office space, more particularly described on plans entitled "Preliminary and Final Major Site Plan for 219 WMR, Lot 12.01, Block 1.01, East Windsor Township, Mercer County, New Jersey" prepared by Maser Consulting, P. A., dated March 5, 2018, latest revisions dated

April 28, 2021 and "24" Sanitary Sewer Interceptor For 219 WMR Block 12.01, lot 1.01, Block 12, Lot 4, Wyckoffs Mill Road Right of Way And Cranbury Station Road Right of Way East Windsor Township, Mercer County, New Jersey" prepared by Colliers Engineering & Design, Inc. dated April 1, 2021 with latest revisions dated May 7, 2021 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 Preliminary and Final Site Plan approval on November 25, 2019 which approval was memorialized in Resolution of Approval 2020-07, adopted by the Planning Board on January 13, 2020, for the subject Property; and

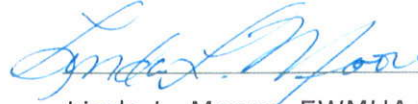
WHEREAS, the Developer and the Authority desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the construction of the water and sanitary sewer utility improvements related to said Development, including off-tract improvement obligations 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 219 WMR, LLC, and
2. The EWMUA directs the EWMUA Chairperson and Secretary to execute the aforementioned Agreement on behalf of the EWMUA and cause the same to be delivered to the Developer and all other parties having jurisdiction in this matter, 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.

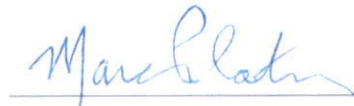
Dated: May 20, 2021



Linda L. Moore, EWMUA Chairperson

CERTIFICATION

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 May 20, 2021.



Marc Platizky, EWMUA Secretary

Chairperson Moore asked for approval of Resolution #2021-24, Amendment to the Existing Lease Between The Authority and T-Mobile Northeast LLC. Mr. Platizky made the motion, seconded by Mr. Kurs and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
COUNTY OF MERCER, STATE OF NEW JERSEY

RESOLUTION #2021-24

**A RESOLUTION OF THE
EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING AN AMENDMENT TO THE EXISTING LEASE BY AND BETWEEN
THE AUTHORITY AND T-MOBILE NORTHEAST LLC, FOR THE PROPERTY
LOCATED AT 76 TWIN RIVERS DRIVE, EAST WINDSOR TOWNSHIP, NEW
JERSEY**

WHEREAS, the East Windsor Municipal Utilities Authority (the "Authority") owns and operates a potable water supply system and a wastewater collection and treatment system servicing the residents and businesses of East Windsor Township (the "System"); and

WHEREAS, the System includes Authority-owned property located at 76 Twin Rivers Drive, in East Windsor Township (the "Property"); and

WHEREAS, on January 17, 2008, the Authority entered into a lease agreement with T-Mobile Northeast LLC ("T-Mobile"), for a portion of the Property (the "Lease Agreement"); and

WHEREAS, as set forth in the Lease Amendment Term Sheet attached hereto as **Exhibit A**, T-Mobile has proposed an amendment to the Lease Agreement that would provide for T-Mobile to connect its on-site emergency generator to the Authority's water tank storage facility located on the Property (the "Lease Amendment"); and

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

1. That the Executive Director be and is hereby authorized and directed to execute the Lease Amendment in a form substantially consistent with the form set forth in **Exhibit A**.
2. This Resolution shall take effect immediately.

Dated: May 20, 2021


Linda L. Moore, EWMUA Chairperson

CERTIFICATION

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 May 20, 2021.


Mare Platizky, EWMUA Secretary

Chairperson Moore asked for an update on the new water treatment plant. Mr. Brand said they are waiting for DEP approvals. It should take about a week or two.

Chairperson Moore asked for any update on the new well at Well Six (6). Mr. Brand said Well 6 is complete. The test pump was installed all is looking really good. The New pump is due in in about 2-weeks or so.

Chairperson Moore asked about the tree replacement at the wastewater plant. The trees are installed. It looks good. We will keep an eye on the situation going forward.

Chairperson Moore asked for approval of the payment of bills for May 20, 2021 . Mr Platizky made the motion, seconded by Mr. Kurs and unanimously carried.

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

Chairperson Moore requested a motion to approve the Development report for May 2021. Mr. Kurs made the motion, seconded by Mr. Platizky and unanimously carried.

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

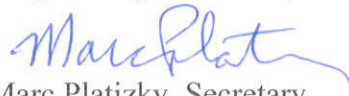
Chairperson Moore requested a motion to approve the Attorneys report for April-May 2021. Mr. Platizky made the motion, seconded by Mr. Millner and unanimously carried.

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

The minutes from the April 15, 2021 meeting were approved on a motion made by Mr. Platizky seconded by Mr. Millner and unanimously carried.

Having nothing further to discuss Chairperson Moore adjourned the meeting.

Respectfully submitted,



Marc Platizky, Secretary