

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY
Minutes of Regular Meeting
Thursday, September 19, 2024 @5:30 P.M.

The regular monthly meeting of the East Windsor Municipal Utilities Authority was held on Thursday, September 19, 2024 at the Administration Building on Wiltshire Drive and called to order by Chairperson Moore at 5:30 p.m.

The following Members were present:

Linda Moore
Steve Kurs
Lewis Meixler
Matthew Kohut

The following Members present via zoom:

Marc Lippman

Absent: Marc Platizky

Also present:

Richard Brand, Executive Director
Ron Ghrist, CFO
Megan Thompson, Assistant CFO
Matthew J. Krantz, Esq. Tyler, Aversano & Krantz. P.C.

Also present via zoom:

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 10, 2024. 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 13, 2024. Chairperson Moore then asked the Secretary 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 open public portion of the meeting.

Chairperson Moore asked for approval of resolution #2024-25 the Capacity Agreement for MyErzi, LLC. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION FOR APPROVAL OF A CAPACITY ALLOCATION AGREEMENT AND
DEVELOPER'S ON-TRACT AND OFF-TRACT AGREEMENT WITH MYERZI, LLC

RESOLUTION # 2024-25

WITNESSETH

WHEREAS, the Developer is the owner of a parcel of vacant land consisting of 38,490 square feet located within the Township of East Windsor more particularly described as Block 7, Lot 3 (hereinafter referred to as the "Property") and more specifically located at 343 Princeton-Hightstown Road, East Windsor, NJ; 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 "Frank's Advertising" (the "Development"), which will include one proposed 2 story building totaling 6,572 square feet of office space, more particularly described on plans entitled "Preliminary and Final Site Plan For Lot 7 Block 3, East Windsor Township Mercer County, New Jersey" prepared by Crest Engineering Associates Inc, dated December 20, 2010 with latest revisions dated August 7, 2021 for the site plans 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 June 1, 2020, which approval was memorialized in resolution of Approval 2020-13, adopted by the Planning Board on July 6, 2020, for the subject Property; and

WHEREAS, the Authority previously advised the Developer that it would be acting at its own risk undertaking site preparation and initial construction

activities related to the Development prior to completing this Agreement with the Authority; and

WHEREAS, the Developer has initiated, at its own risk, site preparation activities and initial construction activities in preparation for and associated with the Development; and

WHEREAS, the Developer acknowledges that the Authority has advised the Developer that a third party, OTR East Windsor Investors, LLC ("OTR"), is responsible for constructing the water and wastewater lines that will connect the Property to the Authority's water supply and wastewater collection systems ("OTR Facilities"); and

WHEREAS, the Developer acknowledges that it cannot connect its Development to the Authority's water supply and wastewater collection systems until such time as the construction of the OTR Facilities are completed; and

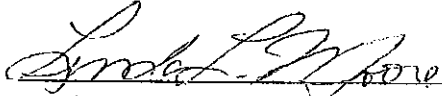
WHEREAS, the Developer and the Authority desire to enter into an agreement setting forth the rights, duties and obligations of the parties in connection with the construction of the water and sanitary sewer utility improvements related to said Development, including off-tract improvement obligations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

Dated: 9/19/2024


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 September 19, 2024.


Marc Platizky, EWMUA Secretary

Chairperson Moore asked for Approval of Resolution #2024-26 the Sewer Extension and Recapture Agreement for MyErzi LLC. Mr. Kurs made the motion, seconded by Mr. Meixler and unanimously carried.

EAST WINDSOR MUNICIPAL UTILITIES AUTHORITY

COUNTY OF MERCER

STATE OF NEW JERSEY

RESOLUTION FOR APPROVAL OF A SEWER EXTENSION AND RECAPTURE AGREEMENT WITH MYERZI, LLC

RESOLUTION # 2024-26

W I T N E S S E T H

WHEREAS, the Authority owns and operates a sanitary sewage collection and treatment system (the "Authority's Wastewater System") in the Township of East Windsor, New Jersey; and

WHEREAS, the Authority owns and operates a potable water treatment and distribution system (the "Authority's Water System") in the Township of East Windsor, New Jersey; and

WHEREAS, the Developer owns a parcel of vacant land consisting of 38,490 square feet located within the Township of East Windsor, New Jersey, more particularly described as Block 3, Lot 7 on the tax maps of the Township of East Windsor, with an address of 343 Princeton-Hightstown Road, East Windsor, New Jersey (hereinafter referred to as the "Property")

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 "Frank's Advertising" (the "Development"), which will include one proposed 2-story building totaling 6,572 square feet of office space, more particularly described on plans entitled "Preliminary and Final Site Plan For Lot 7 Block 3, East Windsor Township Mercer County, New Jersey" prepared by Crest Engineering Associates Inc, dated December 20, 2010 with latest revisions dated August 7, 2021 for the site plans 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 ("Planning Board") granted Preliminary and Final Site Plan approval for the Development on June 1, 2020, which approval was memorialized in Resolution of Approval 2020-13, adopted by the Planning Board on July 6, 2020; and

WHEREAS, the Authority previously advised the Developer that it would be acting at its own risk undertaking site preparation and initial construction activities related to the Development prior to entering into a Capacity Allocation and On-Tract and Off-Tract Agreement ("Developer's Agreement") with the Authority; and

WHEREAS, the Developer has initiated, at its own risk, site preparation activities and initial construction activities in preparation for and associated with the Development; and

WHEREAS, the Developer acknowledges that the Authority has advised the Developer that a third party, OTR East Windsor Investors, LLC ("OTR"), is responsible for constructing the water and wastewater lines that will connect the Property to the Authority's water supply and wastewater collection systems ("OTR Facilities"); and

WHEREAS, the Developer acknowledges that it cannot connect its Development to the Authority's Water System and Wastewater System until such time as the construction of the OTR Facilities are completed; and

WHEREAS, OTR is not prepared to move forward with the OTR Facilities within the timeframe needed by the Developer; and

WHEREAS, in addition to constructing the water and sanitary sewer facilities to be located on the Property, the Developer has agreed to construct the OTR Facilities, subject to the ability to recapture the costs incurred to do so from future developers tying into the OTR Facilities pursuant to this Agreement; and

WHEREAS, the cost of the OTR Facilities will be approximately \$309,776.99, as set forth on the cost estimates attached hereto as Exhibit A; and

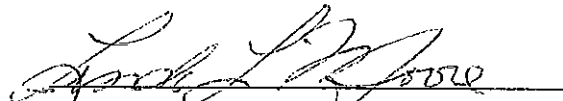
WHEREAS, the parties agree that any future developments that will tie into or otherwise benefit from the OTR Facilities shall be subject to the recapture provisions set forth in this Agreement; and

WHEREAS, this Agreement is expressly conditioned upon the Developer entering into the Developer's Agreement with the Authority;

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

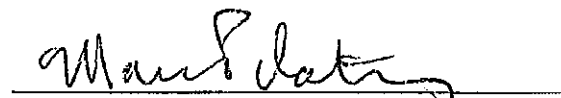
1. The EWMUA hereby approves the Sewer Extension and Recapture Agreement with MYERZI, LLC, and
2. The EWMUA directs the EWMUA Chairperson and Secretary to execute the Sewer Extension and Recapture Agreement with MYERZI, LLC, and
3. The EWMUA further directs that the Executive Director shall take all necessary steps to expedite the directions specified in this resolution, as appropriate, and
4. This resolution shall take effect immediately.

Dated: 9/19/2024


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 September 19, 2024.


Marc Platizky, EWMUA Secretary

Chairperson Moore asked for Approval of Resolution #2024-27 the Introduction of the 2025 Water/Sewer Budget. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

2025 AUTHORITY BUDGET RESOLUTION
Resolution 2024-27
East Windsor Municipal Utilities Authority
FISCAL YEAR: December 01, 2024 to November 30, 2025

WHEREAS, the Annual Budget for East Windsor Municipal Utilities Authority for the fiscal year beginning December 01, 2024 and ending November 30, 2025 has been presented before the governing body of the East Windsor Municipal Utilities Authority at its open public meeting of September 19, 2024; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$9,890,791.00, Total Appropriations including any Accumulated Deficit, if any, of \$8,711,483.00, and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$0.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$43,674,000.00 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$309,000.00; and

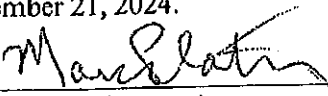
WHEREAS, the schedule of rents, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for 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.

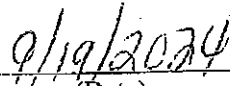
NOW, THEREFORE BE IT RESOLVED, by the governing body of the East Windsor Municipal Utilities Authority, at an open public meeting held on September 19, 2024 that the Annual Budget, including all related schedules, and the Capital Budget/Program of the) East Windsor Municipal Utilities Authority for the fiscal year beginning December 01, 2024 and ending November 30, 2025, 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 21, 2024.



(Secretary's Signature)



(Date)

Governing Body Recorded Vote				
Member	Aye	Nay	Abstain	Absent
Linda Moore	X			
Marc Lippman	X			
Marc Platizky				X
Steven Kurs	X			
Lewis Meixler	X			
Matthew Kohut (Alternate)	X			
Vacant (Alternate)				

Chairperson Moore asked for an update on Well#6 addition. Mr. Brand said things are moving along slowly. They are almost done.

Chairperson Moore asked Mr. Brand to update the Board an update if any on the Administration and Maintenance buildings. Mr. Brand said we received the Delaware River Canal permit, now we are waiting on the approval from the OSC and then the NJDEP. This is good news things are moving.

Chairperson Moore requested a motion to approve the September 19, 2024 Payment of the Bills. Mr. Kurs made the motion, seconded by Mr. Lippman and unanimously carried.

Chairperson Moore requested a motion to accept the Operating Report for August 2024. Mr. Kohut made the motion, seconded by Mr. Meixler and unanimously carried.

Chairperson Moore asked for a motion to approve the Development Report for September 2024. Mr. Kurs made the motion seconded by Mr. Lippman and unanimously carried.

Chairperson Moore asked for a motion to approve the Finance Officers Report for August 2024. Mr. Lippman made the motion, seconded by Mr. Meixler and unanimously carried.

Chairperson Moore asked for a motion to approve the Attorney's Report for Aug-Sept 2024. Mr. Kurs made the motion, seconded by Mr. Meixler and unanimously carried.

Chairperson Moore asked for a motion to approve the Engineer's Report for August 2024. Mr. Kohut made the motion, seconded by Mr. Meixler and unanimously carried.

Chairperson Moore asked for approval of the Regular Minutes from August 15, 2024. Mr. Kurs made the motion seconded by Mr. Kohut and unanimously carried.

Having nothing further to discuss, Chairperson Moore adjourned the public board meeting and asked for a motion to go into closed session. Mr. Kurs made the motion, seconded by Mr. Kohut and unanimously carried.

Respectfully submitted,



Marc Platizky, Secretary