

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, June 21, 2011 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

Present: Messrs. Cermele, Colavita, DiFrancesco and Geter and Mrs. Zamonski, Robert Filler, Executive Director and W. Barry Rank, Esquire.

Absent and excused: Mr. Vereen.

Also attending: Allan Jacobs of Jacobs Environmental Consulting; Warren Broudy and Anne Zawartay of Mercadien; Vance Stephens, ELSA Administrative Officer.

Mr. Colavita called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Colavita advised that all requirements of the Local Public Meetings Act have been met. He also advised that any contracts awarded this evening would comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27).

Approval of the March 15, 2011 was held over for the next meeting.

Res. 61:11. On motion of Mr. Geter and seconded by Mr. Cermele it was moved that the March 25, 2011 minutes be adopted:

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Res. 62:11. On motion of Mrs. Zamonski and seconded by Mr. DiFrancesco it was moved that the May 17, 2011 minutes be adopted:

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Abstain: Mr. Colavita.

Res. 63:11. On motion of Mr. Cermele and seconded by Mrs. Zamonski the May 2011 Flow, Maintenance and Connection Reports were ordered filed.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.
Absent: Mr. Vereen.

Res. 64:11. On motion of Mr. Cermele and seconded by Mr. Geter and unanimously carried, the Schedule of Bills in the total amount of \$893,401.59 was accepted.

The above resolution was adopted on the following roll call vote:
Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.
Nays: None.
Absent: Mr. Vereen.

There was no public participation.

Mr. Filler reported that the Regional Sludge Management Committee is moving forward.

Warren Broudy presented the Annual Audit for the year ending December 31, 2010 and thanked the Authority's staff for their cooperation in preparation of the audit.

Res. 65:11. On motion of Mrs. Zamonski and seconded by Mr. DiFrancesco the following resolution was presented for adoption:

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local authority to cause an annual audit of its accounts to be made, and

WHEREAS, the annual audit report for the fiscal year ended December 31, 2010 has been completed and filed with the Ewing-Lawrence Sewerage Authority pursuant to N.J.S.A. 40A:5A-15, and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board, and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17,

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Ewing-Lawrence Sewerage Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended December 31, 2010, and specifically has reviewed the

sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED that the secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Filler reported that bids were received on June 1, 2011 for furnishing sulfur dioxide. Bids received are as follows:

Univar USA, Inc. Middletown, PA	\$.459 per lb 2000# delivery \$66,096.00 Est Annual Cost
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JCI Jones Chemicals, Inc. Merrimack, NH	\$.475 per lb 2000# delivery \$68,400.00 Est Annual Cost
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Hans Kaszuba' recommends that the contract be awarded to Univar USA, Inc. as the lowest, responsible, responsive bidder.

Res. 66:11. On motion of Mr. Geter and seconded by Mrs. Zamonski it was moved that the contract for furnishing sulfur dioxide be awarded to Univar USA, Inc. of Middletown, PA for a one-year period at \$.459 per lb 2000# delivery in accordance with their bid received June 1, 2011 as the lowest, responsible, responsive bidder.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Filler Reported that bids were received on June 8, 2011 for Emergency Service, Replacements and/or Additions of the Authority's Mechanical Equipment. The bids received are as follows:

Longo Elec/Mechanical Wharton, NJ	\$70.00 per hr – regular rate \$90.00 per hr – overtime \$90.00 per hr – double time 10% Material Handling Charge -0- Performance Bond \$17,050.00 Estimated Annual Cost
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Municipal Maintenance Cinnaminson, NJ	\$74.90 per hr – regular rate \$89.00 per hr – overtime \$89.00 per hr – double time 9% Material Handling Charge \$500.00 Performance Bond \$17,945.00 Estimated Annual Cost
GMH Associates Trenton, NJ	\$105.00 per hr – regular rate \$157.50.00 per hr – overtime \$210.00 per hr – double time 10% Material Handling Charge -0- Performance Bond \$22,425.00 Estimated Annual Cost

Edward Crutchley recommends that the contract be awarded to Longo Electrical Mechanical as the lowest, responsible, responsive bidder. Mr. Rank reported that the Authority received a protest based on the fact that the two low bidders' prices for overtime and double time were below the prevailing wage rates. Mr. Rank advised that the Authority could award the contract to the low bidder, but recommended that we ask that Longo Electrical Mechanical submit with their invoices certification that they have met the requirements of the Local Public Contracts Act.

Res. 67:11. On motion of Mr. DiFrancesco and seconded by Mr. Cermele it was moved that the contract for Maintenance of Mechanical Equipment be awarded to Longo Electrical Mechanical for a one-year period in accordance with their bid received June 8, 2011 as the lowest, responsible, responsive bidder.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Bids were received on June 15, 2011 for furnishing polymers. The only bid received is as follows:

Polydyne, Inc. Riceboro, GA	\$1.75 per pound Est Annual Cost - \$57,575
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Hans Kaszuba recommends that the contract be awarded to Polydyne, Inc. as the lowest, responsible, responsive bidder.

Res. 68:11. On motion of Mrs. Zamonski and seconded by Mr. Geter it was moved that the contract for furnishing Polymers be awarded to Polydyne, Inc. for a one-year period

in accordance with their bid received June 15, 2011 as the lowest, responsible, responsive bidder.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Filler reported that bids were received on June 15, 2011 for Maintenance, Emergency Service, Repairs and Replacements to the Authority's Medium Voltage (formerly High Voltage) Electrical Equipment. The bids received are as follows:

Longo Elec-Mech Inc. Wharton, NJ	\$7,300.00 per annual inspection 100.00 per hr regular 120.00 per hr overtime 140.00 per hr double time 7% Material Handling Charge \$13,670.00 Estimated Annual Cost
Reuter Hanney, Inc Ivyland, PA	\$7,620.00 per annual inspection 102.00 per hr regular 115.00 per hr overtime 140.00 per hr double time 5% Material Handling Charge \$14,025.00 Estimated Annual Cost
Scott Testing, Inc. Ewing, NJ	\$7,905.00 per annual inspection 104.50 per hr regular 125.40 per hr overtime 177.65 per hr double time 7% Material Handling Charge \$14,670.25 Estimated Annual Cost

Edward Crutchley recommends that the contract be awarded to Longo Electrical Mechanical, Inc. as the lowest, responsible, responsive bidder.

Res. 69:11. On motion of Mr. Cermele and seconded by Mr. Geter it was moved that the contract for Maintenance of Medium Voltage Electrical Equipment be awarded to Longo Electrical Mechanical for a one-year period in accordance with their bid received June 15, 2011 as the lowest, responsible, responsive bidder.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and

Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Jacobs reported that he has reviewed the application submitted for the Bakers Basin Motor Vehicle Agency. The project consists of demolition of the existing inspection facility and construction of three new buildings: a 12,017 square foot Agency Building, a 4,549 square foot Core Building and a 1,669 square foot Road Test Field House. Mr. Jacobs recommended granting preliminary approval subject to the comments in his letter dated June 7, 2011.

Res. 70:11. On motion of Mrs. Zamonski and seconded by Mr. DiFrancesco the following resolution was presented:

WHEREAS, BAKERS BASIN MOTOR VEHICLE AGENCY proposes demolition of the existing inspection facility and construction of three new buildings: a 12,017 square foot Agency Building, a 4,549 square foot Core Building and a 1,699 square foot Road Test Field House at the existing facility on Route 1 in Lawrence Township; and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system:

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of connection that there is adequate capacity in such system to serve the Developer's proposed Development.

2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.

3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.

4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.

5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.

6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.

7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.

8. This preliminary approval granted pursuant to this Resolution shall expire ninety (90) days from the date hereof.

9. The Developer shall pay the appropriate connection and inspection fees.

10. The sewers shall conform to the Authority's Rules and Regulations.

11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated June 7, 2011.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Abstain: Mr. Cermele.

Remington & Vernick Engineers has requested an amendment to their scope of work activities for the Scotch Road Relief Sewer Extension project. They have requested an increase in the amount of \$4,380.30 to cover additional freshwater wetland permit application work and additional NJEITF work and \$59,540 for construction management of the project.

Res. 71:11. On motion of Mr. DiFrancesco and seconded by Mr. Cermele it was moved that the Authority approve an amendment to the contract with Remington & Vernick Engineers for the Scotch Road Relief Sewer Extension increasing the scope of work to include additional freshwater wetland permit application and NJEITF work and increase the contract amount by \$4,380.30 and \$59,540.00 for construction management.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Filler reported that the Authority received notification from NJDEP advising that the NJEIFT has revised the "Basis for Determination of Allowable Costs" based on the low bid received. This action by NJDEP will become final and conclusive unless an appeal

is filed within 30 days of receipt of the determination. Mr. Filler requested approval to file an appeal to add on related projects.

Res. 72:11. On motion of Mr. DiFrancesco and seconded by Mr. Geter it was moved that the Authority file an appeal to add related project under the NJEIFT program.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Filler requested an allocation of \$10,000 for Jacobs Environmental Consulting for miscellaneous projects.

Res. 73:11. On motion of Mr. DiFrancesco seconded by Mr. Cermele it was moved that the Authority approve an allocation of \$10,000 for Jacobs Environmental Consulting for miscellaneous projects.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Filler also requested an engineering budget of \$5,000 for Jacobs Environmental Consulting for the solar panel (photovoltaic) project.

Res. 74:11. On motion of Mr. Cermele and seconded by Mr. DiFrancesco it was moved that the Authority approve a budget of \$5,000 for Jacobs Environmental Consulting for the solar panel (photovoltaic) project.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Filler reported that Mr. Rank has prepared an option agreement for the property owned by Mr. Andrew which is required for the solar panel project. It was agreed that Mr. Rank should send this option agreement to Mr. Andrew explaining the need for the option agreement.

Mr. Jacobs reported that he has review the Islamic House of Worship has proposed construction of a 13,000 square foot three-story building at 336 Lawrence Station Road in

Lawrence Township. He recommends granting preliminary approval subject to the comments in his letter dated June 16, 2011.

Res. 75:11. On motion of Mr. DiFrancesco and seconded by Mrs. Zamonski the following resolution was presented for adoption:

WHEREAS, the Islamic House of Worship has proposed construction of a 13,000 square foot three-story building at 336 Lawrence Station Road in Lawrence Township; and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system;

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of connection that there is adequate capacity in such system to serve the Developer's proposed Development.
2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.
3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.
4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.
5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.
6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.
7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.

8. This preliminary approval granted pursuant to this Resolution shall expire ninety (90) days from the date hereof.

9. The Developer shall pay the appropriate connection and inspection fees.

10. The sewers shall conform to the Authority's Rules and Regulations.

11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated June 16, 2011.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, and Geter and
Mrs. Zamonski.

Nays: None.

Absent: Mr. Vereen.

Mr. Rank prepared and distributed to the Board an outline of the pension bill as it stands now.

Mr. Rank suggested that the Authority enter into an agreement with JDME Acquisitions and Mark Ellenbogen to provide sewer service for their project in Hopewell provided they received Hopewell Township Zoning Board approval for the proposed 18 market unit and four (4) affordable unit project they are currently proposing. In return, JDME Acquisitions and Mark Ellenbogen would dismiss their complaint against ELSA and Hopewell. The Board agreed, but advised Mr. Rank that any financial issues would have to be discussed by the Board prior to approval.

Res. 76:11. On motion of Mr. DiFrancesco and seconded by Mr. Geter and unanimously carried, the meeting was adjourned at 1:15 P.M.

Submitted by Mary Colavita for the
Ewing-Lawrence Sewerage Authority