

March 07,2023

This meeting was called to order at 6:01 PM by Chairman Fred Vogel.

Pledge of Allegiance/Salute to the Flag

The Open Public Meetings Act was read. Included in this statement was that this meeting was posted on the Authority website, the Authority bulletin board and a copy sent to Town Hall.

Roll Call:

Fred Vogel	Chairman
Jorge Cardenas	Vice-Chairman
Ray Spellmeyer	Secretary
Domenic Manderano	Treasurer

Excused: Tim Stamm-Board Member

Also Present: Brian Bigler, Executive Director; John Napolitano, Counsel; G. Beckmeyer, for Beckmeyer Engineering; K. Acevedo, QPA Also in attendance John W. Kostyo, Senior Project Manager for Langan; Jamie Tavener, for Langan; Jesus Martinez, for Equinix NY03

A motion was made by R. Spellmeyer; second by J. Cardenas, to approve the minutes of the February 07, 2023, meeting of the Authority. Minutes approved as presented. All in favor 4-0-0.

The Consent Agenda was moved on a motion by F. Vogel, second by J. Cardenas and is as follows:

RESOLUTION 2023-03A

SECAUCUS MUNICIPAL UTILITIES AUTHORITY
Hudson County, New Jersey

RESOLUTION AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR IN HIS/HER ABSENCE JOHN A. NAPOLITANO, ESQ, AUTHORITY COUNSEL TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC

GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

WHEREAS, the Secaucus Municipal Utilities Authority (“Authority”) has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation (“NJSMUAESA”), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, “the Act”), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

WHEREAS, the existing electric power supply contract(s) for the Authority’s electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in March 2022 and then refreshed in July 2022, will expire upon the meter read dates in May 2023 for each Authority electric account; and

WHEREAS, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

WHEREAS, the NJSMUAESA intends to issue a Request for Bids (“RFB”) on or about February 17, 2023 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in May 2023; and

WHEREAS, as a participant in the NJSMUAESA the Authority requires the services of an “Energy Agent,” as defined in the “Electric Discount and Energy Competition Act,” to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

WHEREAS the Authority previously approved the retention of Gabel Associates, Inc. as the Authority’s Energy Agent in connection with the procurement of electricity supply for the Authority’s electric accounts; and.

WHEREAS, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority’s energy needs, quantifying the Authority’s load profile, developing an energy plan for the Authority, preparing bid specifications and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority; and

WHEREAS, the Energy Agent shall not receive and monetary compensation directly from the Authority for the services to be provided; and

WHEREAS, the Authority and the Energy Agent agree that the electricity supply contract(s) (“ESC”) between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$.0005 per kilowatt-hour for all months of the ESC; and

WHEREAS, it is the NJSMUAESA’s intent to receive bid price submittals on or about March 22, 2023 in response to the RFB to be issued on or about February 17, 2023; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day;

NOW, THEREFORE, BE IT RESOLVED by the Secaucus Municipal Utilities Authority ("Authority") is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2022, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, "the Act"), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and applicable regulations.

BE IT FURTHER RESOLVED by the Secaucus Municipal Utilities Authority that the Authority's Executive Director, or in his absence John A. Napolitano, Esq., General Counsel to the Authority, is hereby authorized to act in his sole discretion as the Authority's designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about February 17, 2023. Such authorization to award a contract to the low bidder as the Authority's designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority's accounts prior to the data of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

BE IT FURTHER RESOLVED that, notwithstanding the foregoing, the Authority's Executive Director or in his absence John A. Napolitano, Esq., General Counsel to the Authority, may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*

Date:

RESOLUTION 2023-03B
SECAUCUS MUNICIPAL UTILITIES AUTHORITY
Hudson County, New Jersey

**TO APPROVE THE FIRST AMENDMENT TO CONNECTION FEE PAYMENT
AGREEMENT BETWEEN THE SECAUCUS MUNICIPAL UTILITIES AUTHORITY
AND RENT THE RUNWAY, INC.**

WHEREAS, the Secaucus Municipal Utilities Authority (hereinafter "Authority") is a public body, duly formed under the Municipal and County Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, in or about January 2020, the Authority and Rent the Runway, Inc. (“RTR”) entered into a Connection Fee Payment Agreement in which RTR agreed to pay the Authority an additional connection fee based on the amount of flow used by RTR for 20 additional washers RTR operates at its warehouse facility at 100 Metro Way, Secaucus, NJ 07094 (the “Facility”); and

WHEREAS, the amount of flow used by RTR at the Facility has surpassed what was previously contemplated by the Parties, which requires an increased connection fee owed by RTR to the Authority in the total amount of \$237,769.04 (“Additional Connection Fee”); and

WHEREAS, the Authority desires to enter into a First Amendment to the Connection Fee Payment Agreement with RTR to memorialize the Parties rights and obligations with respect to the Additional Connection Fee.

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF THE SECAUCUS MUNICIPAL UTILITIES AUTHORITY as follows:

1. The above recitals are incorporated herein as though fully set forth at length.
2. The Authority’s Executive Director, Authority Attorney or any other official, officer or employee of the Authority be and are hereby authorized any and all reasonable documents, in a form acceptable to the Authority Attorney, and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
3. A copy of this Resolution shall be sent to:
 - a. John A. Napolitano, Esq.
 - b. _____

Date: March 07, 2023

**RESOLUTION 2023-03C
SECAUCUS MUNICIPAL UTILITIES AUTHORITY
Hudson County, New Jersey**

**RESOLUTION AUTHORIZING A SANITARY SEWER CONNECTION
EQUINIX NY03**

WHEREAS, the Secaucus Municipal Utilities Authority (the “Authority”) is a public body, duly formed under the Municipal and County Utilities Authority Law, N.J.S.A. 40:14B-1, et seq., and possesses the powers set forth therein; and

WHEREAS, Equinix NY03 (the “Applicant”), has applied to the Authority to connect the property located at 600 Jefferson Avenue and 755 Secaucus Road, Block 30, Lots 4.03 and 4.04,

to repurpose a warehouse into a two-story 341,355 square feet of Data Center with 48,223 square feet of office that connects to the Authority’s sanitary sewer system (the “Project”); and

WHEREAS, the construction of the Project is to be completed in 2 phases (northern and southern); and

WHEREAS, the Applicant is only seeking approval for Phase 1 (northern) of the Project, which will consist of seven cooling towers, the entire office and the entire data center; and

WHEREAS, the Applicant will be required to return to the Authority to seek a separate TWA approval for Phase 2 (southern) of the Project, which will consist of the remaining cooling towers; and

WHEREAS, the proposed sanitary flow for Phase 1 (northern) of the Project is calculated as 71,456 gallons per day (“GPD”), as indicated below:

Use	Area (SF)	Load (kW)	Prescribed Flow	Employee/ Customer	Flow Rate (GPD)
Office (Proposed)	48,223		0.1 GPD/SF		4,823
Data Center Employees (Proposed)	341,355		1 Employee/9,268 SF 25 GPD Per Employee = 37 X 25 GPD	37	925
Data Center Customers (Proposed)	341,355		1 Customer/4,634 SF 5 GPD Per Customer = 74 X 5 GPD	74	370
Data Center (makeup Air Unit Blowdown)	341,355		8 Roof Units x 50.6 Gallons x 12 Blowdowns per day		4,858
Data Power Usage		21,000	Taken from DLB Letter		60,480
PROPOSED SANITARY FLOW TOTAL					71,456

WHEREAS, the structure was an existing warehouse and office and was connected to the sanitary sewer system, a credit for the amount of sanitary flow produced by the prior use is required to be offset the total amount of sanitary flow produced by the proposed change of use; and

WHEREAS, the sanitary flow produced by the prior use for the entire building was 17,605 GPD, as indicated below:

Use	Area (SF)	Load (kW)	Prescribed Flow	Employee/ Customer	Flow Rate (GPD)
Office (Existing)	13,296		0.1 GPD/SF		1,330
Warehouse (Existing)	325,413		1 Employee/500 SF 25 GPD per Employee = 651 X 25 GPD	651	16,275
EXISTING SANITARY FLOW TOTAL					17,605

WHEREAS, the net proposed sanitary flow for Phase 1 (northern) of the Project is calculated as 71,456 GPD – 17,605 GPD = 53,851 GPD; and

WHEREAS, Phase 1 (northern) of the Project is calculated to have an increase of sanitary flow of 53,851 GPD or 179.5 Equivalent Residential Units (“ERU”); and

WHEREAS, the Authority Engineer, Beckmeyer Engineering, shall review the subject application to determine if there exists adequate conveyance capacity to transmit wastewater emanating from the subject property to the Authority’s wastewater treatment plant and whether sanitary sewer connection approval is recommended.

NOW, THEREFORE, BE IT RESOLVED, by the members of the Secaucus Municipal Utilities Authority that the Executive Director is authorized to execute the Applicant’s Treatment Works Approval Application, subject to the following:

1. The completion of the Authority Engineer’s review and approval of the subject application.
2. The Applicant’s payment of the \$1,580,402.50* connection fee to the Authority (based on current flow criteria), which is computed as \$8,804.47/ERU (300 gallons) x 179.5 ERU = \$1,580,402.50.

*Note that the connection fees chargeable for any connection shall be that schedule of fees applicable as of the date of connection, not the date of approval. Connection fees shall be payable in the following manner: one-half due upon Authority approval and the other half due prior to issuance of Certificate of Occupancy.

3. The Applicant’s compliance with recommendations as set forth in the Authority Engineer’s review.
4. This approval is good for two (2) years from the date of issuance.

The Consent Agenda was approved as presented by roll call vote. D. Manderano: Aye; R. Spellmeyer: Aye; J. Cardenas: Aye; F. Vogel: Aye. Motion carries 4-0-0

The voucher list was moved on a motion by F. Vogel, second by J. Cardenas. The total amount of this voucher list is \$256,504.71 This was approved by roll call vote: D. Manderano: Aye; R. Spellmeyer: Aye; J. Cardenas: Aye; F. Vogel: Aye. Voucher list approved 4-0-0.

The following reports were accepted as presented:

**Report of the Executive Director
February 2023 {submitted March 2, 2023}
For the Authority meeting of March 7, 2023**

- We continue to monitor the sewers in low lying areas for cleaning & inspection. Staff will perform any assistance, required by DPW & continued working with them on storm sewer issues. This included assistance to remedy flooding situation on Meadowland Parkway by NJDOT yard.
- Received one unit, now awaiting on survey completion to allow for the installation of pad & fencing.
- Continued meeting with Authority Regulatory Engineers to address permit issues that may be imposed in the permit renewal. That is the permitted effluent discharge to Mill Creek and permit cycle is every five (5) years. NJDEP is seeking to impose effluent limits on copper and zinc. We are adamantly opposed to the inclusion of such limits based upon surface water quality standards and are not site specific. Recent correspondence from them is that zinc limit will be removed & copper limit still needs addressing. Indications are that the existing permit limits shall remain & that DEP is more focused on PFAs & PFOs than our copper issue. Note that I am aware of facilities that have not had final permits issued for several years.
- Several more conversations with the Authority Engineer and Langan to discuss Equinix NY 3 on Jefferson Ave. Seems they are in a rush to get this permit issued. Also discussed dewatering needs for the 600 Jefferson Ave. That contractor sent over 1256 pages of data to review. This has been pulled from NJDEP as the new estimates are well below the 8,000 gpd originally submitted (<3,000 gpd).
- Authority held a public Hearing on user & Connection fees for c/y 2023. There was no public comment & fees were adopted as presented.

CONNECTIONS:

ALL ITEMS REMAIN OPEN.

- Received preliminary information from a contractor working for NJDOT about demolishing the existing building at 25 Meadowland Parkway and constructing a new facility. The fee is waived due to this being a DOT facility. Received the \$500 review fee and processed the application.
- Received preliminary information for 25 Enterprise Avenue change in use. Sent information about the cost associated with this change in use. This fee has been paid in full.

- Authority Counsel has been in contact with the attorney for 246-248 County Ave. The property owner upgraded the existing site to include a restaurant and does not agree with the connection fee assessed. No further action to report. I have heard that the owner is selling this property (no confirmation).
- Received additional information about the conversion of a warehouse at 600 Jefferson Ave, to another data recovery center. Several meetings have past & the engineer for this facility has changed flow calculations a minimum of 3 times. Another meeting set for 1st week of March.
- Still in contact with Rent the Runway (RTR). They have submitted some flow data and we are analyzing to assess an additional connection fee.
- Received an application for another data center located at 2 Emerson Lane. Under review.
- Received an application for 300 Castle Road. This applicant received zoning approval, but never contacted the SMUA (even though applicant was notified by Zoning Official when that application was approved). Applicant contacted SMUA last week because Town will not grant any permits.

**OPERATIONS REPORT –February 2023
Submitted February 27, 2023**

KOELLE BOULEVARD FACILITY

- 1) The estimated average daily flow for the month was 2.2931 MGD. The estimated total flow for the month was 55.4029 MG.
- 2) Routine maintenance and grounds keeping were performed.
- 3) Maintenance performed on pumps in PS#1.
- 4) New lights around the plant
- 5) Pumping Service was in to work on Pump station 1,2 and 3.

PUMP STATION # 1 Village Place

- 1) The estimated average daily flow was .973 MGD.
- 2) All pumps cleaned and maintained on a regular basis.
- 3) Routine maintenance and grounds keeping were performed.
- 4) Removed pump and took it for service.

PUMP STATION # 2 Paterson Plank Road and Turnpike Exit

- 1) The estimated average daily flow was 41714 gallons per day.
- 2) Routine maintenance and grounds keeping were performed.

PUMP STATION # 3 Henry Street

- 1) The estimated average daily flow was 70583 gallons per day.
- 2) Routine maintenance and grounds keeping were performed.
- 3) New hoist put in to lift the basket out.

PUMP STATION # 4 New County Road and Seaview Drive

- 1) Routine maintenance was performed.
- 2) Station checked daily.

PUMP STATION: Wilroy – Secaucus Road

- 1) This station is not in service.

PUMP STATION # 5 Castle Road

- 1) Routine Maintenance and grounds keeping were performed.
- 2) Average daily flow: 0 pd

PUMP STATION #7 - Exchange Junction

- 1) Routine Maintenance and grounds keeping were performed.
- 2) Station checked daily.

Respectfully submitted.

Joe Marchese, Plant Manager

COLLECTION SYSTEM:

- 1) Feet jettted: 4995 feet jettted.
- 2) DPW 2 men for storm drains cleanings # of hours total 27 hours.
- 3) Jet truck out for service.

CCTV:

Camera 623

Respectfully Submitted,

Anthony Smentkowski, Maintenance Foreman, CCTV Operator.

ENGINEERS REPORT FOR THE MONTH OF FEBRUARY 2023

The following is a list of the main activities as provided by this office to the Authority for the above-mentioned month:

- Received and started a review on a pump station flow meter report for the Exchange Place Pump Station (abridged). This report is supposed to analyze the existing flows of the pump station and the amount of unused capacity with regards to the remaining build out of the project. Analyzing data. Submitted new pump data and force main drawings to engineer to re-analyze flow and pump data. We calculated flows for all additional housing units compared to the amount of flow as reported on the NJDEP TWA. Additional questions on the housing unit quantities are being confirmed. It now appears the NJSEA has received a zoning application for a 24-story residential structure. Spoke with Secaucus Plumbing Official concerning the addition of a 25-story housing unit. It appears major revisions will be required within the SMUA Sanitary Sewer System. The SMUA received a zoning approval for this project. Information was submitted to the SMUA concerning existing and proposed units. Exchange Engineer submitted letter on Pump Station capacity and new proposed units. Analyzing proposed flows for proposed high rise to flows submitted on the TWA to NJDEP. Also analyzing future flows beyond the proposed high rise for probably pump/force-main upgrades at the Exchange Place Pump Station and down-stream at the Seaview Avenue Pump Station and the North End Pump Stations. Reviewing plans received on 25 story housing structure. Reviewing tower connection and existing system. To attend a meeting on 11/1/2022 for the sanitary and storm sewer connections at the site. Stopped by site to monitor progress.
- I will be meeting with the Facility manager for 600 Meadowlands Parkway (Harmony) on Friday 1/2/2021 to review the Suez water meters and to follow a domestic water supply line that does not follow the new water meter installed by the facility's management. The SMUA also requested additional Suez water bills for the facility as well as another visit to an adjoining unit to check the water supply piping. Continuing to email Facility Manager for information from their plumber and also requested further water bills and meter readings. Resent last request to facility manager. It has been published that Harmony will be permitted to sell for recreation purposes, the SMUA will be revisiting the generated sanitary flow under this allowance.
- Reviewing flows generated by "Rent the Runway" 100 Metro Way. The facility is replacing wash machines and appears to be discharging more than previously approved by SMUA. Reviewing supplemental information submitted.
- The emergency generator at the Turnpike Pump Station has failed. Researching a replacement. Also, researching a generator for the Henry Street Pump Station, which is

of the same age. The Board will receive an engineer's recommendation on this matter for review and approval. Emergency Generators have been ordered. Site work investigation has started and request for survey issued. Awarded survey work and designing structural pad. Met with contractor for site evaluation. Submitted information to surveyor to determine easement boundaries for generator placement and fence location. Received the boundary survey form the surveyor for Henry Street pump station, proceeding with the final design. Surveyor still working with the NJTA on final boundary survey.

- Started field work for lower-level electric box replacement and waterproofing at 1100 Koelle Blvd. Brought in electrician to open all electrical boxes for inspection. Waiting on report. Report has been received and is being reviewed. Requested three (3) separate cost estimates to replace electric boxes from contractor.
- Preparing scope to empty and clean sludge holding tank. This was last done in 2010. Met with Spectra Serv to determine best course to accomplish cleaning. Facility personnel is gradually pumping down the sludge level for tank cleaning and sludge transfer pipe valve replacement.
- Contacted NJTA to notify of drainage issue at the Turnpike Pump Station. Discovered a potential issue of sanitary discharge at the Exit 17 Toll Plaza Building. Continuing dialogue with NJTA Engineer on these issues. NJTA has installed a pipe from a recently installed headwall to an existing stormwater inlet to relieve flooding the new headwall was creating at the Turnpike PS.

Zoning Certificate Notices for required SMUA Sewer Connection Application:

Address	Zoning Certificate	Request Dates		SMUA App.	SMUA Fee	Engineers Report
		1 st	2 nd			
600 Jefferson Ave and 755 Secaucus Road	File #22-024	3/16/22	N/A	Yes	No	Review – 3/1/2023
Brianna Lane- Bl 5.02, Lot 3.04 Building G, XChange	-	N/A	N/A			Under Review
2 Emerson- Coresite NY3	-	N/A	N/A	Yes		Under Review
100 Metro Way- Rent the Runway	-	N/A	N/A			Under review
700 Secaucus Road	File #22-407	11.17.22		No	No	Under Review
25 Meadowlands Parkway	-	N/A	N/A	Yes	Yes	Under Review
110B Meadowlands Parkway	File #22-363	N/A	N/A	No	No	1/5/2023
1001 River Side Station Blvd.	File #22-347	N/A	N/A	No	No	Review- 1/30/23

						Review #1- 2/28/2023
300 Castle Road (Units 2 & 3)	File #22-347	N/A	N/A	No	No	1/5/2023
200 Mill Creek	File #22-355	N/A	N/A	No	No	Under Review
150 Meadowlands Parkway	File #22-411	N/A	N/A	No	No	Under Review

Beckmeyer Engineering, P.C.

Glenn M. Beckmeyer, P.E.,P.P.,CME,CFM

Authority Engineer March 1, 2023

Legal: No Report

Public Comments: None

A motion was made at 6:31 PM to adjourn the meeting by F. Vogel, second by J. Cardenas. All in favor 4-0-0.