



**Lambertville Municipal Utilities Authority
Regular Meeting
Wednesday, May 7, 2014, 6:00 PM
Lambertville Wastewater Treatment Facility,
Lambert Lane Extended
Meeting Minutes**

The meeting was called to order at 6:03 p.m. by the Chairman, Eric Richard with a statement of compliance with the Open Public Meetings Act, providing the required annual legal notice published on Thursday, February 13, 2014 to The Hunterdon County Democrat, also noticed The Trenton Times, and The Beacon News. A copy of the agenda and minutes were posted on the bulletin board and web site of the LMUA and the City of Lambertville.

Roll Call.

Mrs. Ege called the roll as follows:

LMUA Board:

Present: Eric Richard-Chairman, Robert Hayes-Treasurer, Paul Rotondi-Alternate 1

Absent: Janine MacGregor-Vice Chairwoman, Frank Kramer-Secretary, Vincent Uhl-Member

Also Present: Thomas F. Horn, P.E.-Executive Director, Kathy Leary-CFO, C. Gregory Watts-Attorney of Watts, Tice and Skowronek

Pledge of Allegiance.

Mr. Richard led the public in the Pledge of Allegiance.

Minutes.

The minutes of the April 2, 2014 meeting were approved on a motion made by Mr. Hayes and seconded by Mr. Rotondi followed by a unanimous roll call vote by all members present. MOTION CARRIED.

Public Comment.

David Clark of the Law Offices, Gluck Walrath LLP was in attendance and representing Heritage Village of Lambertville requested that the Authority await his client's arrival before discussing the back-billing matter. Mr. Richard was happy to accommodate him and at this time the public comment portion of the meeting was deferred until all members representing Heritage Village Realty, LLC arrived.

Correspondence.

1. Capacity Verification for Academy Hill: The Authority notified the owner of sufficient capacity.
2. Capacity Verification for Cwenar Subdivision, New Hope, PA: The Authority notified the surveyor of sufficient capacity.
3. Letter to NJEIT: Mr. Horn has submitted the required information in order to start the loan close out proceedings for the combination truck.
4. NJEIT: Notice of Loan Decrease was received April 28, 2014 notifying the Authority that the remaining loan amount will be considered de-obligated and the final amount owed reduced.

5. NJDEP: Combination Truck Final Inspection report notifying the LMUA that the project was completed in accordance to State Regulation.
6. Governor's Continued Excellence Award was issued by the State of NJ, Department of Labor and Workforce to the LMUA for achieving 122,751 hours of no loss time accidents from March 24, 2006 through December 31, 2013.

Chairman's Report.

Mr. Horn took a moment to review the odor action plan. The Board reviewed the spread sheets he had prepared entitled *Odor Call Summary and Sludge Levels* with the Board for the month of April. Mr. Richard noticed we had received one odor complaint on April 14th on the south side of town. The LMUA on call representative did respond immediately to the call and did confirm a fleeting odor. Upon further investigation the staff had found that the bioxide feed at the N. Union pump station had failed. A representative from Siemens was called out to correct the issue.

Engineers Report – CDM Smith, Inc.

There was no activity for the month of April therefore CDM-Smith did not submit a report.

Mr. Matteson continues to work on updating the Operations and Maintenance manual.

Mr. Horn expects Mr. Matteson out to begin his annual inspection shortly.

Executive Directors Report – Thomas Horn.

May 2014 Operations and Maintenance: Mr. Horn reported that the LMUA had experienced an overflow in the main line located on South Main Street during the heavy rains we received last Wednesday, April 30. A call about a possible blockage from a plumber working at 61 S. Main Street was received and staff responded quickly with the VAC truck. After a blockage was detected on the sewer line in Swan Street between South Main and Wilson the staff began clearing it. After we received calls from residents on South Main Street complaining of sewerage backing up into their basements, the LMUA contacted the JIF to make them aware of the problem. The JIF authorized us to contact a cleaning company to address the houses with sewage in their basements. Servpro, a professional cleaning company was able to get started on the worst houses that night and returned the following day to completely clean the rest. Qual Lynx, our third party insurance provider through the JIF has contacted all thirteen residents effected and has sent out claim forms. While the cleaning company was out on Thursday the Authority inspected the sewer main lines in the area and it was apparent that even though the flow was down there was still a significant amount of excess water in the lines. Mr. Horn informed the Board that these lines need to be TV in order to pinpoint the vulnerable areas. The staff also jetted the lines again on Thursday and Friday to ensure they were kept clear. All information detailing the maintenance on theses lines have been forwarded to the JIF as requested. The staff will continue to keep the Board updated on any new developments as they occur.

Swan St. Pump Station: Mr. Horn has spoken to the Water Authority and they have advised us their contractor is not permitted to work until July. Mr. Horn is working to coordinate the start of the By-Pass Project before their contractor restarts their project.

Union/ Personnel Issues: Personnel Manual has been completed and is being distributed.

Hurricane Sandy: No new developments.

Environmental Commission: There have been no new developments on this.

Budget: The DCA has reviewed and approved the 2015 budget and it is scheduled to be adopted at the June 4 regular meeting.

Connection Fee Rate Hearing: Bowman & Company was out in April and performed their necessary audit and has completed their recommendations for the connection fee based on the statutory limits. Mr. Horn reported that their recommendations are only for raising the connection fee from \$5,070 to the maximum \$5,328. He does not anticipate an increase in the user rates. The rate hearing has been scheduled for the June 4 meeting.

WMP Amendment: Mr. Horn advised the Board that the comment period is complete and he expects the DEP to issue the notice to amend soon.

NJ MEL Elected Officials Online Training: The Commissioners were reminded the deadline was May 1st but the JIF may provide a partial credit towards any training completed within the month.

Financial Disclosure Notice: A memo to the Board had been distributed via email May 5th this included each of their assigned pin numbers allowing verification of their registration through the online portal of the DCA's website. FDS are due by Friday, June 14th and are now completely electronic. Once the disclosure is submitted it becomes immediately available online.

Resolution 29-2014 Designation of Registered Agent

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Resolution 029-2014

Authorizing a Change of Registered Agent with *New Jersey Division of Revenue*

WHEREAS, the Lambertville Sewerage Authority was created by the City of Lambertville, County of Hunterdon pursuant to the Sewerage Authority Law, P.L. 1946, ch. 138, N.J.S. 40:14A-1 et. Seq., ordinance dated May 10, 1954; and

WHEREAS, the Lambertville Sewerage Authority upon incorporation, registered Joseph Narducci as the Registered Agent with the New Jersey Division of Revenue; and

WHEREAS, pursuant to the Utilities Authorities Law, P.L. 1957, ch. 183 (as amended by P.L. 1977, ch. 384), N.J.S. 40:14B-1 et seq. the City of Lambertville reorganized by *Ordinance 2009-04* dated March 16, 2009 the Lambertville Sewerage Authority as the Lambertville Municipal Utilities Authority; and

WHEREAS, the Lambertville Municipal Utilities Authority desires to file a Certificate of Change of Registered Office&/or Registered Agent; and

WHEREAS, the staff of the Authority recommend that the Registered Agent be the Lambertville Municipal Utilities Authority, located at Lambert Lane Extended, Lambertville, NJ 08530 ; and

WHEREAS, the Board concurs with this recommendation.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Lambertville Municipal Utilities Authority, at an open public meeting held on May 7, 2014 that the Lambertville Municipal Utilities Authority is hereby authorized to register as the Registered Agent with New Jersey Division of Revenue; and

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately upon adoption.

Moved: Mr. Hayes
 Seconded: Mr. Richard

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Eric Richard	X			
Janine MacGregor				X
Frank Kramer				X
Robert Hayes	X			
Vincent Uhl				X
Paul Rotondi	X			

Mr. Hayes made a motion approving Resolution 29-2014 authorizing a change of Registered Agent with the Division of Revenue. Mr. Richard seconded the motion. An affirmative roll call was taken by all members present. MOTION CARRIED

Certificate of Authority Correction: This document was viewed by the Board as a necessary correction with the Department of Revenue and signed by Chairman Richard.

Resolution 30-2014 Adopting Personnel Policies and Procedures

**LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY
 Resolution 030-2014
 Amending Personnel Policies and Procedures**

WHEREAS, it is the policy of Lambertville Municipal Utilities Authority (LMUA) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations; and

WHEREAS, the Board of the LMUA has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund's (MEL) *Employment Practices Risk Control Program* requires all members to update their personnel manuals at a minimum of every two

years; and

WHEREAS, the LMUA's personnel manual has been updated to comply with the MEL's recommendations.

NOW, THEREBY, BE IT RESOLVED by the Board of the Lambertville MUA that the Personnel Policies and Procedures Manual attached hereto is hereby amended as noted.

BE IT FURTHER RESOLVED, that this Resolution shall be effective immediately upon adoption.

Moved: Mr. Hayes

Seconded: Mr. Rotondi

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Eric Richard	X			
Janine MacGregor				X
Frank Kramer				X
Robert Hayes	X			
Vincent Uhl				X
Paul Rotondi	X			

Mr. Hayes made a motion to approve Resolution 30-2014 amending the Personnel Policies and Procedures. Mr. Rotondi seconded the motion. An affirmative roll call vote was taken by all members present. MOTION CARRIED

Resolution 031-2014 *Authorization to Accept Chapter 11 Plan for Nassau Tower Realty, LLC*

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY
Resolution 031-2014
Authorization to Accept Chapter 11 Plan for Nassau Tower Realty, LLC

WHEREAS, the Lambertville Municipal Utilities Authority ("LMUA") provides sewer service to Lambertville, Stockton and New Hope, PA; and

WHEREAS, Nassau Tower Realty, LLC ("Nassau") owns property within the LMUA's service area located at 71 N. Main Street, Lambertville NJ 08530; and

WHEREAS, Nassau has a delinquent balance of \$7,494.12 which covers the service period between February 2012 through April 30, 2014; and

WHEREAS, on July 9, 2013, Nassau commenced a bankruptcy case by filing Chapter 11 petition under the United States Bankruptcy Court for the District of New Jersey; and

WHEREAS, on April 21, 2014 Nassau has filed a Chapter 11 Plan for Reorganization in Bankruptcy Court allowing for the property to be turned over to the lien holder, TD Bank; and

WHEREAS, any existing using fees shall be sold as Tax Sale Certificates and retained after reorganization as a lien; and

WHEREAS, the LMUA Attorney has advised the Authority to accept the plan and complete the ballot;
 and

WHEREAS, the LMUA staff concurs with the Attorney's recommendation.

NOW THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority that Thomas F. Horn, Executive Director is hereby authorized to sign the Class Four Ballot accepting the Plan of Reorganization for Nassau Tower Realty, LLC.

Moved: Mr. Hayes

Seconded: Mr. Rotondi

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Eric Richard	X			
Janine MacGregor				X
Frank Kramer				X
Robert Hayes	X			
Vincent Uhl				X
Paul Rotondi	X			

Mr. Hayes made a motion to approve *Resolution 031-2014* to accept the Chapter 11 Reorganization Plan for Nassau Tower Realty, LLC. Mr. Rotondi seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED

Public Comment Continued.

Heritage Village Realty, LLC:

Members representing Heritage Village Realty, LLC were in attendance to discuss their offer of payment dated May 6, 2014 in response to a back-billing notice the Authority had originally issued August 9, 2013 for amounts due.

In attendance: David Clark of the Law Offices of Gluck Walrath, LLP, William H. Dailey, President of CIS Management Inc. and Barbara Schoor, Vice President of CIS Management, Inc. and a managing member of Heritage Village of Lambertville.

Ms. Schoor, who was the Project Principal initially in charge of Heritage Village of Lambertville, described the nature of the original permit application for sewer connection. She detailed the nature of the project as a COAH approved age restricted property providing affordable housing to area residents. The City of Lambertville also receives affordable housing credits helping to meet their obligation under the 2008 Housing Element. Both Mr. Clark and Mr. Dailey expressed their concerns on the impact the back bill and the full 87 unit charge would have on their renters. A detailed discussion incurred between the representatives of Heritage and the members of the Board on the offer made by CIS Management, Inc. Both parties agreed that this matter needed to be resolved fairly and respectfully.

At the close of the discussion the Board had requested that before the next meeting, on June 4 that CSI Management, Inc. bring back more information detailing the impact of the back billing charge as well as the impact the overall billing would have on their renters. In doing this the Board feels that they will then be able to make a considerate and amicable decision that would mutually benefit both parties.

Chief Financial Officer's Report - Kathy Leary.

Mr. Hayes made a motion to approve the bill lists for April. Mr. Richard seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED.

Attorney's Report – Greg Watts.

Mr. Watts has been in contact with an Attorney representing Black River to request specific documents in regards to the settlement. He will report any new developments to the Board as they arise.

Adjournment.

The meeting adjourned at 7:10 p.m. with a motion made Mr. Hayes and seconded by Mr. Rotondi. An affirmative voice vote was taken in favor of the motion by all members present. MOTION CARRIED.

Respectfully submitted,

Melissa S. Ege

Melissa S. Ege,
Administrative Assistant

Approved at the regularly scheduled Lambertville MUA Board meeting held on June 4, 2014.