

**Lambertville Municipal Utilities Authority
Regular Monthly Meeting
Monday, June 18, 2012, 6:30 PM
Lambertville Wastewater Treatment Facility, Lambert Lane Extended
Meeting Minutes**

The meeting was called to order at 6:30 p.m. by the Vice Chairwoman, Janine MacGregor with a statement of compliance with the Open Public Meetings Act, providing the required legal notice on Thursday June 7, 2012 published in The Hunterdon County Democrat and also noticed on Thursday June 14, 2012 in The Trenton Times, and The Beacon. A copy of the agenda and minutes were posted on the bulletin board and web site of the LMUA and the City of Lambertville.

Pledge of Allegiance.

Mrs. MacGregor led the public in the Pledge of Allegiance.

Roll Call.

Mrs. Ege called the roll as follows:

Members Present included:

LMUA Board: Robert Hayes-Treasurer, Frank Kramer-Secretary, Janine MacGregor-Vice Chairwoman, Paul Rotondi-Alternate 1, Preston Klingseis-Alternate 2

Absent: Vince Uhl-Member, Eric Richard-Chairman

Also present: Greg Watts, Attorney, Watts, Tice and Skowronek; Thomas F. Horn, P.E., Executive Director

Minutes.

The minutes of the May 2, 2012 meeting were approved on a motion made by Mrs. MacGregor and seconded by Mr. Kramer, except for Mr. Hayes who abstained as he was absent at the May meeting, followed by a unanimous roll call vote.

Public Hearing.

Hook Up Fees:

At this time the matter of the hookup fees were discussed: In a letter submitted by Bowman & Company, LLP, dated June 12, 2012 using the parameters contained in P.L. 1986, c. 526 show that the LMUA follows the legislation limits on the amount charged for the connection fees. Mr. Watts reviewed Schedule A titled *Maximum Connection Fee Calculation for the Year July 1, 2012 through June 30, 2013*. Stating the maximum allowed amount calculated would be \$4,770.00 up by \$249.00 from last year's rate. Mr. Horn further explained that because our user

base remained the same and because the statute allows for this amount we could raise our rates to the amount outlined in Schedule A. Mr. Watts acknowledged that there was no one in the audience for public comment. The Board discussed the matter and a decision was made to increase the current fee of \$4521.00 by \$249.00.

In a motion made by Mr. Kramer and seconded by Mr. Hayes with a unanimous roll call vote by the Board supporting the below Resolution as outlined for the amount to be charged for the connection fee for the fiscal year July 1, 2012 through June 30, 2013 will be \$4770.00. The User fees for the coming year will not increase.

Resolution to Approve \$4770.00 as the New Hookup Fee for the Fiscal Year of July 1, 2012 through June 30, 2013

**LAMBERTVILLE MUNICIPAL UTILITIES
AUTHORITY**

Resolution 4-2012

Resolution to Approve the Connection Fee

FISCAL YEAR: FROM JULY 1, 2012 TO JUNE 30, 2013

WHEREAS, after a public hearing held by the Lambertville Municipal Utilities Authority (“Authority”) on June 18, 2012, pursuant to the provisions of N.J.S.A. 40:14A-8, sewer connection fees were determined by the Authority; and

WHEREAS, the hookup fee for the fiscal year from July 1, 2012 through June 30, 2013 was prepared by Bowman & Company, LLP, Special Projects Auditor to the Authority using the parameters contained in P.L. 1986, c. 526 shows that the LMUA is in accordance with legislation limits to increase the connection fee to \$4,770.00.

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the Lambertville Municipal Utilities Authority that commencing on July 1, 2012 sewer connection fees are hereby established at \$4,770.00 per equivalent dwelling unit (EDU); and

BE IT FURTHER RESOLVED that a schedule of the aforesaid connection fees shall at all times be kept on file at the offices of the Lambertville Municipal Utilities Authority, Lambert Lane Extended, Lambertville, New Jersey, and shall at all reasonable times be open to public inspection.

The Resolution was adopted by a call of ayes and nays as follows:

Frank Kramer, Secretary		June 18, 2012		
Governing Body Member:	Recorded Vote		Abstain	Absent
	Aye	Nay		
Eric Richard				X
Janine MacGregor	X			
Frank Kramer	X			
Robert Hayes	X			
Vincent Uhl				X

Mrs. MacGregor made a motion to close the public hearing. Mr. Kramer seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Public Comment.

No one from the public was in attendance.

Correspondence.

- A. Letter to City for Shad Fest Contribution: Mr. Horn stated at the request of Mr. Richard LMUA sent a letter to the Mayor making them aware of our contribution for Shad Fest this year.
- B. Letter for Settlement Agreement with DRBC: Mr. Horn reviewed the letter with the Board and it was tabled for discussion under his reports.
- C. Letter for Sinkhole Repair at Delevan and North Union: This was also tabled for discussion later in the Executive Director’s Report.

Chairman’s Report.

Mrs. MacGregor asked Mr. Horn for an update on the Chairman’s odor action plan. Mr. Horn took a moment to review the spread sheet he had prepared untitled *Odor Call Summary* with the Board. The sheet documented that the number of odor complaints received by the Authority had decreased significantly over the past month. He further explained that much of the improvement

was due to 100% participation in the chemical feed trial with the last treatment area in Bucks County now feeding the bioxide at the Bridge Street pumping station. Mr. Horn reviewed last month's meeting with Mayor and City Council stating that they have not been receiving the complaints and that they were happy to see all of the actions taken by LMUA and implemented by the Board in the *Odor Action Plan*.

Engineers Report – CDM Smith, Inc.

The Board reviewed Mr. Matteson's report dated June 12, 2012 stating LMUA is getting ready to close the NJEIT project within the next couple of weeks. Mr. Matteson has been working with LMUA on the Specs for the Tank Cover and the settlement agreement with DRBC. CDM Smith had also assisted in determining the requirements to amend the existing air permit with the NJDEP. During the past month Mr. Matteson has begun preparing the Annual Inspection Report and is set to visit the treatment facility by the end of June.

Executive Directors Report – Thomas Horn.

Operations and maintenance:

Mr. Horn reported LMUA has started the annual maintenance on its clarifiers and will continue within the next couple of weeks. The plant staff have been running and keeping the sludge storage tank levels down as shown in a daily log maintained by Mr. Horn entitled *Sludge Holding Tank Levels*.

Mr. Horn had recently received a redraft of the Belt Filter Permit and he has been working with the permit writer to make the necessary changes.

Sludge Storage Tank Cover bids were advertised and received in the office Wednesday, June 13, 2012 at 10:00am. LMUA received one bid out of the four specs that were picked up. The submitted bid from HMT Government Services dated May 30, 2012 was reviewed by the board.

Mr. Horn recommended that the board should reject the bid due to the fact that it was not an originally signed document, and it was unresponsive to the bid. LMUA now needs to rebid this project and start advertising by the 28 of June to allow for the required time before awarding it at our August 1, 2012 regularly scheduled Board meeting. Mr. Watts made a recommendation at this time for LMUA to pass a Resolution "in the interest of our users we exercise our right to reject the bid due to the fact that we received only one and that we should also pass a separate Resolution authorizing a rebid."

Mr. Kramer made a motion authorizing the below Resolution to reject the bid based on the procurement exemptions under N.J.S.A. 40 A: 11-6.1(a), affirming that because the LMUA did not obtain more than one bid it could reject the bid. Mr. Hayes seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED.

Resolution to Reject the Bid for the Sludge Storage Tank Cover

**LAMBERTVILLE MUNICIPAL UTILITIES
AUTHORITY**
Resolution 5-2012
***Resolution Authorizing the LMUA to reject the one
(1) Bid Received for the Sludge Storage Tank Cover***

WHEREAS, the Lambertville Municipal Utilities Authority (“LMUA”) publicly advertised for bids in for a Sludge Storage Tank Cover; and

WHEREAS, LMUA received one (1) bid from HMT Government Services; and

WHEREAS, the bid was reviewed by LMUA’s attorney and staff; and

WHEREAS, the LMUA Attorney and staff recommends rejecting the bid based on their review; and

WHEREAS, the Authority wishes to exercise its right to reject the bid based on the procurement exemptions under N.J.S.A. 40 A:11-6.1(a), affirming that because the LMUA did not obtain more than one bid it could reject the bid.

NOW, THEREFOR, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of June 18, 2012. hereby rejects the bid submitted by HMT Government Services.

The Resolution was adopted by a call of ayes and nays as follows:

Frank Kramer, Secretary

June 18, 2012

Governing Body
Member:

Recorded Vote
Aye Nay

Abstain Absent

Eric Richard		X
Janine MacGregor	X	
Frank Kramer	X	
Robert Hayes	X	
Vincent Uhl		X

Mrs. MacGregor made a motion authorizing the Resolution allowing Mr. Horn to solicit for a rebid on the Sludge Storage tank cover. Mr. Hayes seconded the motion. An affirmative roll call was taken in favor of the motion. MOTION CARRIED.

Resolution to Rebid for the Sludge Storage Tank Cover

**LAMBERTVILLE MUNICIPAL UTILITIES
AUTHORITY
Resolution 6-2012
*Resolution Authorizing the LMUA to Rebid
for the Sludge Storage Tank Cover***

WHEREAS, the Lambertville Municipal Utilities Authority (“LMUA”) advertised for bids in for a Sludge Storage Tank Cover; and

WHEREAS, on June 13, 2012 the LMUA received only one (1) bid; and

WHEREAS, under the advisement of the Attorney the LMUA exercised its right to reject the bid because the LMUA did not obtain more than one bid; and

WHEREAS, staff was directed to revised bid advertisement as necessary and re-advertise for bids.

NOW, THEREFOR, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of June 18, 2012 hereby authorizes Thomas F. Horn P.E., Executive Director to rebid for the procurement of the sludge storage tank cover.

The Resolution was adopted by a call of ayes and nays as follows:

Frank Kramer, Secretary

June 18, 2012

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

Administrative Issues:

Mr. Horn reported that the proposed 2013 budget has been received and approved by the DCA and we now need to formally adopt it and resend it to the DCA for their final approval.

Mr. Hayes made a motion to memorialize the below Resolution Adopting the 2013 Budget for the fiscal year of July 1, 2012 to June 30, 2013. Mr. Kramer seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED

A Resolution to Adopt the 2013 Budget

**LAMBERTVILLE MUNICIPAL UTILITIES
 AUTHORITY
 Resolution 3-2012
Resolution to Adopt the 2013 Budget
FISCAL YEAR: FROM JULY 1, 2012 TO JUNE 30, 2013**

WHEREAS, the Annual Budget and Capital Budget/Program for the Lambertville Municipal Utilities Authority for the fiscal year beginning July 1, 2012 and ending, June 30, 2013 has been presented for adoption before the governing body of the Lambertville Municipal Utilities Authority at its open public meeting of June 18, 2012; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$ 2,107,900, Total Appropriations, including any Accumulated Deficit, if any, of \$1,967,836 and Total Unrestricted Net Assets utilized of \$147,150; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$736,500 and Total Unrestricted Net Assets planned to be utilized of \$436,500; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of Lambertville Municipal Utilities Authority, at an open public meeting held on June 18, 2012 that the Annual Budget and Capital Budget/Program of the Lambertville Municipal Utilities Authority for the fiscal year beginning, July 1, 2012 and, ending, June 30, 2013 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

 Frank Kramer, Secretary

 June 18, 2012

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

LMUA has received a bill from the City for a sinkhole on North Union and Delevan Street. Mr. Horn reviewed this request with the Board and explained that back in the 1950s the Authority left wood shoring in various places as they were installing the sewers. Over time the shoring can deteriorate. Mr. Watts further expressed that it is his opinion that since we had taken care of a similar sinkhole problem back in the 1990s we had set precedent. It was then decided by the Board that since it was an authority error it is our responsibility to fix the sink hole using the emergency funds.

Mr. Kramer made a motion to approve payment for the sinkhole as described in the letter from The City of Lambertville Engineer, Christine A. Ballard, P.E. dated June 7, 2012. Mr. Hayes seconded the motion. An affirmative roll call was taken in favor of the motion. MOTION PASSED.

The DRBC Settlement Agreement was reviewed by the Board and discussed in detail the conditions as outlined in the settlement dated June 5, 2012. They then decided at the recommendation of Bradley Campbell of Bradley Campbell, LLC, Special Projects Attorney to accept these terms as written in the DRBC Docket Number 1969-150 CP-2.

Mr. Hayes made a motion to adopt the Resolution as outlined below to approve the Settlement Agreement as written in The DRBC Docket dated June 5, 2012 Number 1969-150 CP-2. Mr. Kramer seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED

Resolution Adopting the Settlement Agreement between DRBC and LMUA

**LAMBERTVILLE MUNICIPAL UTILITIES
AUTHORITY
Resolution 7-2012
*Resolution Approving the Settlement Agreement
between DRBC and LMUA***

WHEREAS, the Delaware River Basin Commission (DRBC) is a federal-interstate compact agency to manage the water resources of the Delaware River Basin (Basin); and

WHEREAS, the Lambertville Municipal Utility Authority (LMUA) is a New Jersey municipal authority providing sewage treatment services within the Basin; and

WHEREAS, LMUA owns and operates the Lambertville Sewage Treatment Plant (Plant) in the City of Lambertville, New Jersey; and

WHEREAS, during 2010 and 2011 the LMUA constructed a project to replace equipment at the Plant; and

WHEREAS, the DRBC issued the LMUA a Notice of Violation (“NOV”) for failing to obtain the DRBC’s review and approval before undertaking the Project; and

WHEREAS, the LMUA disputed the NOV; and

WHEREAS, the DRBC and LMUA entered into settlement discussions to resolve the matter; and

WHEREAS, the Parties wish to resolve their disagreement without the burden and expense of further process; and

WHEREAS, a Settlement Agreement has been drafted to reconcile both parties disagreements; and

WHEREAS, the LMUA's Special Projects Attorney and staff have reviewed the Settlement Agreement; and

WHEREAS, the LMUA's Special Projects Attorney and staff recommend that the Board accept the Settlement Agreement; and

WHEREAS, the Board of Commissioners of the LMUA concur with the recommendation of the LMUA's Special Projects Attorney and staff.

NOW, THEREFORE BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of June 18, 2012 as follows:

1. The Settlement Agreement dated July 11, 2012 is hereby accepted.
2. The acceptance of the Settlement Agreement is subject to the approval of the Delaware Basin River Commission at their meeting of July 11, 2012 without revision.
3. The LMUA, upon acceptance of the Settlement Agreement by the DRBC, agrees to remit payment of the application fee in the amount of \$28,764.80 no later than August 11, 2012.

The Resolution was adopted by a call of ayes and nays as follows:

_____		_____		
Frank Kramer, Secretary		June 18, 2012		
Governing Body	Recorded Vote		Abstain	Absent
Member:	Aye	Nay		
Eric Richard				X
Janine MacGregor	X			
Frank Kramer	X			
Robert Hayes	X			
Vincent Uhl				X

Plant Construction:

Mr. Horn has finished his revisions on the combination truck. The specifications have been forwarded to Mr. Matteson for review and to send to DEP.

The garage interior partition wall has been completed this month and has passed final inspection from the City. Mr. Horn reports that the smells from the belt filter press are now better contained since there is less area for the Carbon Air Filter to treat.

Chief Financial Officer's Report -Kathy Leary.

The bills of the past month were reviewed and approved by the board.

Mr. Kramer made a motion to approve the bills on the bills list for May. Mr. Hayes seconded the motion. An affirmative roll call vote was taken in favor of the motion by all members present. MOTION CARRIED.

Attorney's Report – Greg Watts.

Attorney Watts gave a report regarding Black River and Western: It is in his opinion that this matter will be resolved in the favor of LMUA and The State by the settlement date of July 23, 2012. He said that ultimately the State will end up paying less to the Rail Road.

At this time it was decided by the Board that it was unnecessary to go into closed session to discuss the Non-Union employee raises. The raises were reviewed by the Board and it was then agreed to award the Non-Union employees the same raise rates as the Union employees.

A motion was made by Mr. Kramer to approve the below Resolution as outlined to award the Non-Union employees the same raise that was given to the Union employees for the fiscal year July 1, 2012 to June 31, 2013. Mr. Hayes seconded the motion. An affirmative roll call was given in favor of the motion by all members present. MOTION CARRIED.

Resolution to Award Non-Union Employees the same Raise Rates as Union Employees

**LAMBERTVILLE MUNICIPAL UTILITIES
AUTHORITY
Resolution 8-2012
*Resolution Concerning Non-Union Employee***

Pay Rates

WHERAS, at the regularly scheduled Board meeting of the Lambertville Municipal Utilities Authority the matter of Non-Union employee raises for the fiscal year 2013 were reviewed; and

WHERAS, the Union employees will receive a 2% salary increase effective July 1, 2012; and

WHERAS, the LMUA Attorney and Executive Director recommends a similar salary increase for the Board award the Non Union Employees; and

WHEARAS, the Board concurs with the Attorney and Executive Director.

NOW, THEREFOR, BE IT RESOLVED, by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of June 18, 2012 hereby wishes to award Non-Union Employees a 2% raise effective July 1, 2012.

The Resolution was adopted by a call of ayes and nays as follows:

		_____ Frank Kramer, Secretary		_____ June 18, 2012	
Governing Body				Recorded Vote	
Member:	Aye	Nay		Abstain	Absent
Eric Richard					X
Janine MacGregor	X				
Frank Kramer	X				
Robert Hayes	X				
Vincent Uhl					X

Adjournment.

The meeting adjourned at 7:22p.m. with a motion made by Mr. Kramer and seconded by Mr. Hayes. An affirmative voice vote was taken in favor of the motion by all members present.
MOTION CARRIED.

Respectfully submitted,

Lambertville Municipal Utilities Authority
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Melissa S. Ege
Administrative Assistant

Approved at the regularly scheduled Lambertville MUA Board meeting held on August 1, 2012.