



**Lambertville Municipal Utilities Authority
Regular Meeting
Wednesday, September 3, 2014, 6:00 PM
Lambertville Wastewater Treatment Facility,
Lambert Lane Extended
Meeting Minutes**

The meeting was called to order at 6:01 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 and Vincent Uhl-Member

Janine MacGregor-Vice Chairwoman entered the meeting shortly after roll call at 6:03 p.m.

Absent: Frank Kramer-Secretary and Paul Rotondi-Alternate 1

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

Pledge of Allegiance.

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

Minutes.

The regular minutes of the August 6, 2014 meeting were approved on a motion made by Mr. Hayes and seconded by Mr. Uhl followed by a unanimous roll call vote by all members present except for Mr. Richard who abstained as he was absent at the meeting. MOTION CARRIED.

Public Comment.

There were no members of the public in attendance.

Correspondence.

1. Sewer capacity availability for the Shaffer Planning Module was approved in a letter by Mr. Horn dated August 13, 2014.
2. Heritage Village Agreement: At the regular Board meeting on August 6, 2014 the Authority had approved a payback period of seven years for their sewer back-charges. The agreement for the payment plan was sent out August 14 for their signature. Mr. Horn has not received a response but will keep the Board informed on any new developments.

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 August. Mr. Horn reported that there was one call concerning odors this past month from S. Main Street area. Staff responded to the call and was able to confirm a slight odor at the plant but did not find anything within the area of the call. Mr. Richard and Mr. Horn discussed the sludge holding tank levels for the month. Mr. Richard was concerned about a few higher levels in the tank and how it would affect odors. Mr. Horn explained that it is better to draw sludge from the primary and secondary tanks to keep them low and store it in the sealed holding tank.

The Chairman due to a scheduling conflict requested that the meeting dates for Wednesday, October 1st and Wednesday, November 5th meetings be changed to Monday, October 6th and Monday, November 3rd commencing at 6:00 p.m. After a short discussion the Board agreed that new dates would be acceptable alternatives.

Mr. Richard made a motion approving the scheduled meeting times of October 1st and November 5th to be changed to **October 6th** and **November 5th**. Mrs. MacGregor seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED.

For the record Mr. Watts stated that in accordance with the Open Public Meetings Act, the notice for the scheduled meeting changes shall be given to at least two newspapers in the area, New Hope Borough, the Borough of Stockton, the City of Lambertville and posted on the LMUA's website and bulletin board.

Engineers Report – CDM Smith, Inc.

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

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

Mr. Matteson has submitted a draft report of the Annual Inspection. Mr. Horn expects to have a final report for the October meeting once his revisions have been made.

Executive Directors Report – Thomas Horn.

September 2014 Operations and Maintenance:

Treatment Facility: Mr. Horn reported that there were no treatment issues this month.

Collection System:

There have been no issues with the collection system.

Swan St. Generator: There have been no new developments on installing the first phase of the bypass. The Water Authority's contractor has resumed work on the canal by the station. Work on the bypass shall be continued as soon as the Water Authority has completed its work.

Vac Truck: The staff continues to use the truck for routine maintenance.

Personnel Issues:

One of the plant staff have been out on sick leave from July 7th to August 18th due to surgery. Schedules were adjusted with no major problems to compensate for this.

Regulatory Issues:

The DEP was out on August 25th for a routine inspection with no issues to report.

Administrative Issues:

Hurricane Sandy: No new developments. Mr. Horn explained that the State has a large volume of ongoing appeals.

Hazard Mitigation Grant Program: Mr. Horn reports that he has submitted our grant application to NJ OEM. He would like to get all of the preliminary work done at the Swan St. pump station should the LMUA receive the grant for the generator. The New Jersey Office of Emergency Management stipulates that all money and reports need to be submitted with in a three year time period

SHREC: There have been no changes.

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

NJUA JIF Membership Renewal:

Mr. Horn made the Board aware that the Authority's JIF membership is up for renewal at the end of the year. He requested that the Board first adopt a resolution authorizing the renewal and then asked the Chairman to sign the membership agreement.

Resolution 037-2014 *Renewal of Membership in the NJUA JIF*

WHEREAS, the Lambertville Municipal Utilities Authority is a member of the New Jersey Utilities Authorities Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2014 unless earlier renewed by agreement between the Authority and the Fund; and

WHEREAS, the Authority desires to renew said membership;

NOW THEREFORE, be it resolved as follows;

1. The Lambertville Municipal Utilities Authority agrees to renew its membership in the New Jersey Utility Authorities Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Governing Body shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the New Jersey Utility Authorities Joint Insurance Fund evidencing the Authority's intention to renew its membership.

This Resolution agreed to this third day of September, 2014 by a vote
of: 4 Affirmative
 0 Negative

Mr. Richard made a motion approving Resolution 037-2014 authorizing the renewal of the Authority membership in the New Jersey Utilities Authority Joint Insurance Fund covering January 1, 2015 through January 1, 2018. Mrs. MacGregor seconded the motion. An affirmative roll call was taken by all members present in favor of the motion. MOTION CARRIED

Upon approval from the Board Mr. Richard signed the agreement with NJUA JIF renewing our membership for the next three years.

Mr. Horn discussed his memo to the Board notifying them of his planned vacation from Monday, September 15th through Monday, September 22nd. He insured the Board that all essential work will be delegated to the staff before he leaves.

Chief Financial Officer's Report - Kathy Leary.

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

Attorney's Report – Greg Watts.

Mr. Watts reported that all parties have come to agreement regarding Black River & Western Corp. v. Bucks County Water & Sewer Authority, Et. Al. In his memo dated September 2, 2014 he outlined the settlement terms under the agreement. One stipulation that was not mentioned in the memo is that the Lease Agreement with the State of New Jersey will begin at \$222.75 for the first year and then it will go up by 2.5% annually for 20 years. The rail road is vacating all claims except for the area around the Swan Creek where our force main crosses under the rail road right of way. He explained that they have agreed to a permanent lease granting a utility easement for the total amount of \$11,666.67 in four equal payments of \$2,916.67. He then recommended that the Board pass a resolution "authorizing Mr. Horn to sign the settlement documents on behalf of the Authority."

Resolution 038-2014 *“Authorizing Thomas F. Horn to Sign all Settlement Documents between Black River & Western and the State of New Jersey”*

WHEREAS, a draft of the Settlement Agreement has been approved by the Lambertville Municipal Utilities Authority (LMUA) Board at the open public meeting held on April 3, 2013 via Resolution 029-2013 to reconcile all parties disagreements; and

WHEREAS, Black River & Western (BR&W), the State of New Jersey and Bucks County Water & Sewer Authority (BCW&SA) are all in agreement with the settlement terms; and

WHEREAS, the LMUA Attorney recommends that the Board authorize Thomas F. Horn, Executive Director to sign the Settlement Agreements; and

WHEREAS, the Board of Commissioners of the LMUA concur with the recommendation of the Attorney.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Lambertville Municipal Utilities Authority, at an open public meeting held on September 3, 2014 as follows:

1. Thomas F. Horn is hereby authorized and directed to execute all settlement documents on behalf of the Authority for the following terms:
 - a. All claims made by the pleading parties are dismissed.
 - b. The LMUA agrees to pay BR&W for a perpetual utility easement in the total amount of \$11,666.67 in four equal payments of \$2,916.67 with the first payment due 30 days from the date of execution of the agreement.
 - c. The LMUA agrees to enter into a Lease Agreement with the State of New Jersey for the 10” sanitary sewer force main located on State lands for a term of (20) twenty years. The payment will be at the rate of \$0.05 per square foot and the payments shall increase by 2.5 % each year commencing 1 year from the date of execution of the Lease.
 - d. Any claims between the LMUA and BCW&SA are dismissed.
2. The Resolution shall be effective immediately upon adoption.

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

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Mr. Richard made a motion to approve Resolution 038-2014 authorizing Thomas F. Horn to sign all settlement documents pertaining to BR&W and the State of New Jersey. Mrs. MacGregor seconded the motion. A unanimous roll call vote was taken by all members present in favor of the motion. MOTION CARRIED.

Adjournment.

The meeting adjourned at 6:19 p.m. with a motion made Mr. Richard and seconded by Mrs. MacGregor. 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 October 1, 2014.