



**Lambertville Municipal Utilities Authority
Regular Meeting
Wednesday, September 2 2015, 6:00 PM
Lambertville Wastewater Treatment Facility,
Lambert Lane Extended
Meeting Minutes**

The meeting was called to order at 6:02 p.m. by Mrs. MacGregor with a statement of compliance with the Open Public Meetings Act, providing the required legal notice published on February 12, 2015 to The Hunterdon County Democrat and also noticed The Trenton Times. 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: Janine MacGregor- Chairperson, Vincent Uhl-Vice Chairperson, Robert Hayes-Secretary, Paul Rotondi-Treasurer, Russell Lambert Alternate-1 and Megan Ruf-Alternate-2

Absent: Joseph Polizzi-Member

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

Pledge of Allegiance.

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

Minutes.

The regular minutes and the closed session minutes of the August 5, 2015 meeting were approved on a motion made by Mr. Uhl and seconded by Mr. Rotondi followed by a unanimous roll call vote by all members present, except for Mr. Hayes who abstained as he was not present. MOTION CARRIED.

Chairpersons Report.

Mrs. MacGregor opened by expressing how grateful her and the Board are that Mr. Horn is back and recovering from his accident. The Board had sent a get well card expressing their concerns for him along with an Amazon e-gift card to help pass the time by reading. Mrs. MacGregor read his thank you card expressing his appreciation for the thoughtful gesture and gift.

The Swan Creek flood Project and odor issues will be addressed in the Executive Director's Report.

Public Comment.

There were no members of the public in attendance.

Correspondence.

1. 57 Bridge Street: Sewer capacity was confirmed to include the proposed project in a letter dated August 19, 2015.
2. Black River & Western v. Bucks County Water & Sewer Authority: In a letter from Mr. Watts dated August 25, 2015 he had enclosed a signed copy of the Consent Order and Stipulation of Settlement with Black River & Western v. Bucks County Water & Sewer Authority. He expects to have the Easement from Black River and the Sewer Easement and Lease from the State shortly. He advised the Board that the first payment to Black River for the Sewer Easement is due September 19, 2015. Mr. Watts will have our voucher signed for this and Mrs. Leary will release payment once the Authority has received a signed copy of the Easement.

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. Horn will arrange for Mr. Matteson to begin his annual inspection this month. CDM Smith is currently working on sizing the replacement pumps for the Swan Street pump station upgrades.

Executive Directors Report – Thomas Horn.

SEPTEMBER 2015 OPERATIONS & MAINTENANCE:

Treatment Facility: The plant had two visits from DEP enforcement in response to a foam complaint downstream. Upon further investigation some foam was found by our effluent. The staff took immediate action to remediate this by adjusting the chlorine and bisulfite feeds as foam and cloudiness can be a byproduct.

ODOR ISSUES The spreadsheets summarizing the sludge levels and the odor calls for August were reviewed by the Board. There was one call concerning odors during this period. The Authority received a call from the north side of town complaining of a sewer odor. After contacting Stockton the odors were found to be caused by a decrease in chemical feed at their pump station north of the area. There were no other calls during this time period.

COLLECTION SYSTEM: The staff has continued routine cleaning of our mains.

UNION/ PERSONNEL ISSUES: Mr. Horn reported that two of our staff passed their state license exams. Mr. Horn is now back full time and is recovering from his recent motor vehicle accident.

REGULATORY ISSUES: The Authority continued monitoring of the biofilter and carbon unit.

ADMINISTRATIVE ISSUES:

Energy Savings: The units have been delivered and our staff should begin installation shortly.

Plant Flow Diagram: Mr. Matteson is working on some revisions to the diagram and should have a final draft soon. The Board would like to tentatively schedule a tour of the plant for our meeting on the 7th of October.

EXECUTIVE DIRECTOR'S VEHICLE

Mr. Horn was involved in a motor vehicle accident on August 5, 2015 while driving the Authority's 2013 Ford Explorer. He was taken to the hospital and treated then later released. This was found not to be covered under worker's compensation. After an inspector from our insurance performed an evaluation and an appraisal on the vehicle it was found to be a total loss. Once the claim has been resolved the Authority should expect an insurance payment of \$23,479 minus a \$1,000 deductible. Mr. Horn advised the Board that there is a State contract still available for a 2015 Jeep Patriot which would be a smaller, more efficient vehicle than the Ford Explorer. Mr. Watts advised the Board that since this vehicle would be purchased through a State contract there would be no need to do a formal bid for procurement. He recommended that if agreeable the Board should pass a motion to approve the purchase of a replacement vehicle.

Seeing that there was no resolution prepared for the meeting the Board decided to make to pass one now and memorialize it at our next meeting, October 7, 2015.

Mrs. MacGregor made a motion to pass Resolution 043-2015 authorizing the purchase of a Jeep Patriot as a replacement vehicle for the Executive Director not to exceed \$20,000. Mr. Uhl seconded the motion. An affirmative roll call was taken in favor of the motion by members present. MOTION CARRIED

SWAN STREET PUMPING STATION:

Hazard Mitigation Plan: At the August 5th meeting the Board awarded the contract to CDM-Smith for engineering work for resizing the pumps at the North Union pump station.

Chief Financial Officer's Report - Kathy Leary.

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

SWAN CREEK FLOOD ISSUE:

Mrs. MacGregor discussed earlier meetings she had with the City in regards to the Swan Creek Flood/ Force Main Project. She briefly reviewed the issues the City has had qualifying for funding through FEMA and that as a secondary option the City would like the Authority's assistance by applying jointly through NJEIT and NJDEP for a loan. Through discussions with NJEIT and DEP, it was the City's understanding that there would need to be a water quality improvement aspect added to their application for a loan to be approved. CDM Smith proposed that the best water quality project within the affected area would be the replacement of our force main from the Swan Street pumping station to the west side of the Delaware and Raritan Canal.

Mr. Uhl brought up a concern he had with replacing the force main as it could require some horizontal drilling in the vicinity of the Delaware and Raritan Canal. He said this would need to be done correctly or it could impact residents who rely on this as a water source. Another concern addressed was the possibility of sewer rate increases.

Mrs. MacGregor stated the Authority would be the lead agency should they decided to authorize an application for a loan through the NJEIT and NJDEP. Since the City's project had been in development for some time now their engineer, T&M Associates would need to supply us with their FEMA application and any other pertinent information to our Engineer.

Mr. Horn advised the Board on some of the necessary steps for the loan application. The first is submitting a letter of intent and the second document would be the planning document. The second could require providing an environmental study. This would elaborate on various impacts the work would have on the creek, canal and surrounding area. The loan should get approved then we would begin the work on the design.

Mrs. MacGregor stated that our first deadline is October 9th the date for our letter of intent and the planning document. In order to meet this deadline the Authority would have to make a decision tonight. The risks were weighed by the Board members and discussed in detail. Mr. Horn mentioned that should the Board authorize the loan application and then it does get approved, we are not obligated to accept a loan.

Based on a discussion that was held between Mr. Horn, Mrs. MacGregor and the Mayor earlier in the day it was the City's representation that it will assume all costs of the project. Mr. Watts advised that if we authorize a resolution to approve a loan agreement that it should state subject to a shared services agreement between the LMUA and the City. Mr. Horn has provided a resolution that would authorize the LMUA to discuss a shared services agreement.

At this time the Board reviewed the included Resolutions 040-2015, 041-2015 and 042-2015. Mrs. MacGregor opened the floor up for discussion on them. There were a few revisions discussed and made to Resolutions 040-2015 and 042-2015 to better express the Board's view and direction. Most importantly the Board wanted Resolution 042-2015 to reflect one condition in our shared services agreement that would include language based on the City's representation that it will assume all costs for the Swan Creek Flood/ Force Main Project. Mr. Watts then advised the Board that our loan application must include language stating this is a replacement main not an additional force main. Once the revisions were made Mrs. MacGregor made a motion to move the below resolution.

Resolution 040-2015 Awarding the Contract to CDM Smith for Professional Engineering Services for the Swan Creek Flood/ Force Main Project

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY
Resolution 040-2015
Awarding a Contract to CDM Smith for Professional Engineering Services
for the Swan Creek Flood/ Force Main Project

WHEREAS, the City of Lambertville ("the City") has applied numerous times for a grant from FEMA under the Hazardous Mitigation Assistance ("HMA") Grant program to address damage from recent floods from the Delaware River back-flooding into the Swan Creek area of the City; and

WHEREAS, the applications proposed the installation of a flood gate that would cut off the backwater from entering the Swan Creek and portable storm water pumps to pump flows from the creek to the river; and

WHEREAS, the City has not been successful in obtaining a grant for this work and is exploring alternate sources of funding; and

WHEREAS, in discussions with the NJEIT and NJDEP, both agencies indicated that a water quality improvement aspect, while helping the Lambertville Municipal Utilities Authority (“LMUA”), would also assist the City in qualifying for funding; and

WHEREAS, the City has approached the LMUA for assistance in applying for a loan through the NJEIT and NJDEP; and

WHEREAS, the LMUA would include a water quality improvement aspect by installing a new force main from the Swan Street pumping station to the west side of the Delaware and Raritan Canal with the City’s proposed work; and

WHEREAS, the LMUA work would add the water quality aspect to the project proposed by the City; and

WHEREAS, the LMUA sanitary sewer system would benefit from the project proposed by the City by the alleviation of the possibility of storm water entering the sanitary sewer system during flooding events and better access to the Swan Street pumping station during storm events by preventing flood waters from surrounding the station; and

WHEREAS, in order to secure funding for the project the LMUA would need to prepare an application for a loan from the NJEIT and NJDEP and the planning document required for the application; and

WHEREAS, CDM Smith has submitted a proposal for professional engineering services for the preparation of the documents required to apply for a loan from the NJEIT and NJDEP; and

WHEREAS, the LMUA staff has reviewed the proposal and recommends that the LMUA award a contract to CDM Smith for the work included in the proposal.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of September 2, 2015 as follows:

1. CDM Smith is hereby awarded the contract for professional engineering services for the preparation of the necessary documents to apply for a loan from the NJEIT and NJDEP as per their proposal dated July 22, 2015, in an amount not to exceed \$20,000.
2. Thomas F. Horn, P.E., Executive Director is hereby authorized and directed to execute any and all documents and to take any and all actions necessary to implement this Resolution.
3. The Resolution shall be effective immediately upon adoption.

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Janine MacGregor	X			
Vincent Uhl	X			
Robert Hayes	X			
Paul Rotondi	X			
Joseph Polizzi				X
Russell Lambert	X			

Mrs. MacGregor made a motion to pass Resolution 040-2015 awarding a contract to CDM Smith for Professional Engineering Services for the Swan Creek Flood/ Force Main Project. Mr. Rotondi seconded the motion. An affirmative roll call was taken by all members present in favor of the motion. **MOTION PASSED**

Resolution 041-2015 *Authorizing the Application for a Loan from the NJEIT & NJDEP for the Swan Creek Flood/ Force Main Project*

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY
Resolution 041-2015

**Authorizing the Application for a Loan From the New Jersey
 Environmental Infrastructure Trust & the New Jersey Department of Environmental Protection for the
 Swan Creek Flood/ Force Main Project**

WHEREAS, the Lambertville Municipal Utilities Authority (“LMUA”) has discussed with the City of Lambertville (City) a project to address flooding in the Swan Creek area of the City and replacing a portion of the force main from the Swan Creek pumping station; and

WHEREAS, based on that discussion, the LMUA would be the lead agency in filing an application for a NJEIT h2Loan (Loan) with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Swan Creek Flood/ Force Main Project; and

WHEREAS, the LMUA has determined that it is in its best interest of the LMUA to proceed with the application and other documents required for the Loan.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of September 2, 2015 as follows:

1. CDM Smith, Authority Engineer is hereby authorized to act as the Authorized Representative to represent the LMUA in all matters relating to the application for the Swan Creek Flood/ Force Main Project to the NJDEP and the NJEIT.
2. Thomas F. Horn, P.E., Executive Director is hereby authorized to act as the Applicant/ Owner to represent the LMUA in all matters relating to the project including all documents and to take any and all actions necessary to implement this Resolution.
3. The Resolution shall be effective immediately upon adoption.

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Janine MacGregor	X			
Vincent Uhl	X			
Robert Hayes	X			
Paul Rotondi	X			
Joseph Polizzi				X
Russell Lambert	X			

Mrs. MacGregor made a motion to pass Resolution 041-2015 authorizing the application for a loan from the New Jersey Environmental Infrastructure Trust and the New Jersey Department of Environmental Protection for the Swan Creek Flood/ Force Main Project. Mr. Uhl seconded the motion. An affirmative roll call was taken by all members present in favor of the motion. **MOTION PASSED**

Resolution 042-2015 *Authorizing the Lambertville MUA to Enter into a Discussion with the City of Lambertville for a Shared Services Agreement*

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY
Resolution 042-2015
Authorizing the LMUA to Enter Into a Discussion with the
City of Lambertville
for a Shared Services Agreement

WHEREAS, the Lambertville Municipal Utilities Authority (“LMUA”) passed Resolution 040-2015 awarding a contract to CDM Smith for professional engineering services to prepare a project application and planning documents for the Swan Creek Flood/ Force Main Project which agreement will reflect among other things, the City’s representation that it will assume all costs of the project; and

WHEREAS, the LMUA then passed Resolution 041-2015 authorizing the submission of a NJEIT h2Loan Application for the Swan Creek Flood/ Force Main Project; and

WHEREAS, it was determined that a Shared Services Agreement is necessary to formalize the responsibilities of both parties for the Swan Creek Flood/ Force Main Project.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of September 2, 2015 as follows:

1. The LMUA is authorized to enter into discussions with the City of Lambertville for a Shared Services Agreement pertaining to the Swan Creek Flood/ Force Main Project.
2. The Resolution shall be effective immediately upon adoption.

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Janine MacGregor	X			
Vincent Uhl	X			
Robert Hayes	X			
Paul Rotondi	X			
Joseph Polizzi				X
Russell Lambert	X			

Mrs. MacGregor made a motion to approve Resolution 042-2015 authorize the LMUA to enter into a discussion with the City of Lambertville for an Inter Local Agreement. Mr. Rotondi seconded the motion. An affirmative roll call was taken by all members present in favor of the motion. **MOTION CARRIED**

LAB NOV:

Mr. Horn discussed the NJDEP lab NOV with the Board in closed session due to possible litigation reasons.

Attorney’s Report – Greg Watts.

Mr. Watts is waiting for a fully executed copy of the agreement between Black River & Western v. Bucks County Water & Sewer.

Closed Session

Resolution 044-2015 *“Authorizing a Closed Session of the September 2 2015 meeting to Discuss Possible Litigation Matters Involving the Lab NOV”*

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Resolution 044-2015

“Authorizing a Closed Session at the September 2, 2015 Meeting to Discuss Possible Litigation Matters Involving the Lab NOV”

WHEREAS, the Board of the Lambertville Municipal Utilities Authority is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by N.J.S.A. 10:4-12(b).

NOW, THEREFORE, BE IT RESOLVED that the Board of the Lambertville Municipal Utilities Authority hereby moves to go into closed session on Wednesday, September 2, 2015 at The LMUA Sewerage Treatment Facility located at Lambert Lane Extended, Lambertville for the purpose of discussing possible litigation matters involving the lab NOV from NJDEP.

BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the public when the reason for confidentiality no longer exists.

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

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Janine MacGregor	X			
Vincent Uhl	X			
Robert Hayes	X			
Paul Rotondi	X			
Joseph Polizzi				X
Russell Lambert	X			

Mrs. MacGregor made a motion to pass Resolution 044-2015 authorizing a closed session to discuss possible litigation matters involving the lab NOV. Mr. Rotondi seconded the motion. An affirmative roll call was taken by all members present. **MOTION CARRIED**

The LMUA Board convened in closed session at 6:57 p.m.
 The LMUA Board re-convened in regular session at 7:04 p.m.

After reconvening from closed session the Board agreed with Mr. Watt’s recommendation to accept the NJDEP proposed settlement for the Lab NOV against the LMUA and Mr. Horn. The Authority will also agree to the terms of the ACO and pay the penalty fines against the LMUA.

Mr. Rotondi asked the Board if they would be willing to consider the Authority pay the penalty fee against Mr. Horn's Operator's License. Mr. Watts will research this and find out the DEP requirements for paying the laboratory violation fees against Mr. Horn.

Adjournment.

The meeting adjourned at 7:06 p.m. with a motion made Mrs. MacGregor and seconded by Mr. Uhl. 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 7, 2015.