



Lambertville Municipal Utilities Authority
Tuesday, January 7, 2020, 6:00 PM
Wastewater Treatment Facility,
3 Bridge Street
Meeting Minutes

The meeting was called to order at 6:00 p.m. by Chairwoman MacGregor with a statement of compliance with the Open Public Meetings Act, providing the required legal notice published on Thursday, February 14, 2019 to The Hunterdon County Democrat, also noticed The Times of Trenton. 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-Chairwoman, Paul Rotondi-Treasurer, Russell Lambert-Secretary Helen Pettit-Member, Jacqueline Middleton-Alternate I & Michael Gaudio-Alternate II

Absent: Vincent Uhl-Vice Chairman

Also Present: Thomas F. Horn, P.E.-Executive Director, Kathy Leary-CFO, Greg Watts-Attorney, Watts, Tice and Skowroneck, Dennis Sutton, from 241 N. Main Street

Pledge of Allegiance.

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

Minutes.

The minutes of the December 3, 2019 regular and closed session meetings were approved with the typo corrections on pages 1 & 2 and the addition of specific bonus amounts on Resolution 052-2019 to be amended and readopted at the February 4, 2020 meeting in a motion made by Mr. Rotondi and seconded by Mr. Lambert and followed by a unanimous roll call vote by all members present. MOTION CARRIED

Public Comment.

Dennis Sutton, the owner of 241 N. Main Street-Rear was in attendance at the meeting to request a lateral waiver to approve the continued use of a single lateral connecting the main house and garage in the rear of the property. Mr. Sutton proposed to construct an accessory apartment on the second level of the garage adding to the existing workshop with a single bathroom on the first floor. The Board reviewed the printed plans prepared by Michael Burns Architects showing the accessory apartment addition on the second level.

Mr. Sutton reminded the Board that at the regular meeting on December 3, 1996 the Board granted permission to connect the garage bathroom to the main house lateral. Mr. Horn then clarified that the condition of the Board's approval was that the garage was to be used as an "accessory use of the home and not a separate home business, rental/ commercial space or separate dwelling use, or any use other than the garage for 241 N. Main Street" as stated in the original letter to Mr. Sutton. Mr. Sutton assured the Board that the property cannot be subdivided and will remain under single ownership. Mr. Watts recommended that the Board look at this

property in the same way as they did for 7 N. Main Street. Condos and apartment buildings have one lateral but multiple owners. Mr. Sutton stated for the record that the garage is currently connected by a 4" PVC line in front of the building. Mrs. MacGregor asked what Mr. Sutton's time frame was for the proposed project. The next step will be to bring the project before Zoning Board for approval. The Board would like the staff to research similar properties in town to make sure that their decision will be consistent with past practice. They then thanked Mr. Sutton for attending and advised him that the Authority will be in touch as to their findings and decision. Mr. Sutton exited the meeting at 6:25 p.m. after thanking the Board for their time and assured them that if there is anything else they may need to let him know.

Correspondence.

1. 7 N. Main Street-Rear Lateral Waiver, Resolution 001-2020 was on the agenda for the Board's approval. Mr. Watts stated that the acknowledgments will be attached to the agreement for the County records.

RESOLUTION 001-2020

Authorizing an Agreement for a Sanitary Sewer Lateral Waiver between Lifesong, LLC & the Lambertville Municipal Utilities Authority

WHEREAS, the Lambertville Municipal Utilities Authority ("Authority") notified the property owner, Lifesong, LLC ("Owner") of 7 N. Main Street-Rear on October 18, 2019 that sanitary sewer facilities were installed without requesting capacity or applying for a sewer connection permit; and

WHEREAS, in the same letter the Owners were notified of the Authority's Rules and Regulations under Chapter 5-1.5 requiring the installation of a separate sewer lateral to the unattached back building; and

WHEREAS, since the property owner had not applied for a connection permit the 2015 application fee of \$4,770.00 and the user fees from the time the City of Lambertville issued the final CO beginning January 8, 2015 through July 31, 2019 in the amount of \$2,614.44 were due immediately; and

WHEREAS, in a letter dated November 14, 2019 the Authority stated it believed that there was no intent by the Owner to violate the Authority's Rules and Regulations as it appears to be a miscommunication between the City of Lambertville and the Authority; and

WHEREAS, at the December 3, 2019 regular Board meeting the Owner requested a waiver from the Authority Rules and Regulations requiring them to run a separate sewer lateral from the main in the street to the back building; and

WHEREAS, at that same meeting the Board agreed to approve the waiver on the condition that should the back building's use be changed it would trigger a review by the Authority; and

WHEREAS, On December 4, 2019 payment was received in full for the sewer permit and the back bill for unpaid sewer.

NOW, THEREFORE, BE IT RESOLVED by the Lambertville Municipal Utilities Authority that based upon the unique circumstances set forth in this Resolution, it hereby authorizes a waiver to allow for the continued use of a single lateral connecting the front and back buildings at 7 N. Main Street with the following conditions:

1. The Owners shall execute an agreement memorializing their conditions which shall be filed with the County Clerk.
2. Should there be a use change to the back building which is currently a Performing Arts Center the Authority will need to review and approve the continued use of a single lateral.
3. Should the property ever be subdivided creating separate lots a separate lateral will be required to be installed.
4. The Executive Director is hereby authorized and directed to sign said agreement between the Owner and the Authority.

Moved: Mrs. MacGregor

Seconded: Mr. Rotondi

Governing Body Member	Recorded Vote:		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Vincent Uhl					X
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton	X				
Michael Gaudio				X	

2. 58 Church Street: In a letter dated December 4, 2019 the Authority advised the owner of the garage at 58 Church Street that a request for sewer verification of availability and capacity for the use change must be submitted prior to any work being done.
3. 12-14 Coryell Street: In a letter dated December 11, 2019 the Authority advised the owner of 12-14 Coryell Street that a request for sewer capacity for the proposed use change must be submitted prior to any work being done. Since the property had previously been connected to the sewer system in 1955 and had paid for a permit then we would allow re-connection of the lateral as long as it is in good condition. If the lateral is not in good condition they will be required to replace it and submit a permit application with the full connection fee of \$6,198.00.
4. 80 Lambert Lane Condo Units B&C: In a letter dated December 13, 2019 the Authority responded to a sewer suspension request stating that since the properties are considered habitable the sewer connections needed to be capped by a licensed plumber who must obtain a permit from the City of Lambertville before sewer fees would be suspended. The overdue bill for both units must also be paid in full before the imposition of sewer fees can be suspended.

5. 18 Weeden Street-Capacity: In a letter dated December 30, 2019 sewer capacity was verified and the owner was advised that they will be required to extend the sewer main to their property before a sewer lateral could be installed. A permit application along with the fee of \$6,198.00 would need to be submitted prior to any work beginning.

6. 65 Wilson Street-Capacity: In a letter dated January 6, 2020 the Authority confirmed capacity for the proposed addition of (9) nine townhouses/ condominium units. An inspection must be done prior to use of the existing lateral. Separate laterals must be installed to each unit from the main along with a permit and a connection fee of \$6,198 for each unit.

Chairpersons Report.

Mrs. MacGregor took a moment to wish everyone a Happy New Year.

She then requested that the reorganization meeting originally scheduled for Tuesday, February 4, 2020 be moved to Monday, February 3, 2020 as she had a scheduling conflict.

Mr. Rotondi made a motion to change the reorganization meeting from February 4th to February 3rd beginning at 6:00 p.m. Ms. Pettit seconded the motion. An affirmative roll call was taken by all members present. MOTION CARRIED

Notice of the meeting change will be given within the required time frame to at least two newspapers and City offices as well as posted on the Authority's website and bulletin board.

Executive Directors Report – Thomas Horn.

TREATMENT FACILITY: Mr. Horn reported no issues.

COLLECTION SYSTEM: The Authority continues to work on the Ferry P.S. issues.

ODOR CONTROL: There were no calls concerning odors in December.

UNION/ PERSONNEL: Domestic Violence Act Policy will be discussed in Mr. Watt's report.

REGULATORY: Biofilter and carbon unit are being tested routinely.

ADMINISTRATIVE ISSUES: Audit of FY 2019 has been completed and submitted for the Boards review and approval at the February 3rd reorganization meeting.

PEOSH INSPECTION 9/23/19: All items of concern have been completed with the exception of the railings. Fabrication of the railings has been on backorder for some time now but is expected to be finished and delivered next week.

RIGHT TO KNOW INSPECTION 11/27/19: A re-inspection was completed on December 30th and everything was found to be in compliance.

WMP: No change. Ms. Pettit would like to invite the County Planner to a Board meeting once the plan is finalized.

Memo-Status of Capital Improvements.

COLLECTION SYSTEM WORK-2019B PROJECT: Mr. Horn reported that all work has been completed and the Engineer is working on closing out the project. The final costs are about \$52,000 less than the contract price. Mr. Horn recommends that the Board approve Resolution 002-2020 authorizing Change Order #1 as prepared by Suburban Consulting Engineers, Inc. for the final payment and contract closeout with North American Pipeline.

Ms. Pettit requested a few alterations be made to the resolution including the addition of “Final Payment” and “Contract Closeout” to be added to the title as well as changing “issued” in the third paragraph to “prepared.” See no other questions or issues Mrs. MacGregor moved Resolution 002-2020.

RESOLUTION 002-2020
AUTHORIZING CHANGE ORDER NO. 1
FINAL CHANGE ORDER & CONTRACT CLOSEOUT
2019 SANITARY SEWER COLLECTION SYSTEM REHABILITATION
DEP Project No. S340882-10

WHEREAS, Lambertville Municipal Utilities Authority (“Authority”), via Resolution 038-2019 passed on June 11, 2019 awarded a contract to North American Pipeline Services, LLC (NAP) in an amount not to exceed \$332,917.50 for the 2019 Sanitary Sewer Collection System rehabilitation project; and

WHEREAS, during the execution of the work under the contract, NAP was not required to complete the line items in the estimated amounts included with the bid documents; and

WHEREAS, subsequent to the completion of the contract work, Suburban Consulting Engineers prepared Change Order No.1 dated December 18, 2019 to NAP reconciling the quantities completed under each line item versus the amounts in the original contract; and

WHEREAS, after the reconciliation, the contract amount decreased by \$52,272.26 to a final contract price of \$280,645.25; and

WHEREAS, Suburban Consulting Engineers recommends that Change Order No. 1 be approved by the Authority.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of January 7, 2020 as follows:

1. Change Order No. 1 is hereby authorized to reconcile line item changes to the contract with North American Pipeline Services, LLC for the 2019 Sanitary Sewer Collection System rehabilitation project to decrease the contract by \$52,272.26.
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.

Moved: Mrs. MacGregor

Seconded: Mr. Rotondi

Governing Body Member	Recorded Vote:		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Vincent Uhl					X
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton	X				
Michael Gaudio				X	

TREATMENT PLANT WORK-2019A PROJECT: Contracts for the plant access road and parking lot re-pavement, roof replacement and purchase of clarifier parts were awarded at the December 3, 2019 Board meeting subject to DEP approval. For the chemical building, Mr. Horn expects the technical reviews back from DEP soon. He also anticipates that the Authority will be ready to pass a bond resolution at the February reorganization meeting to approve the next bonding for the interim funding through the NJIB.

ASSET MANAGEMENT PLAN-CDM Smith: No change

MEL SAFETY BULLETIN: First Amendment Audits: The Board took a moment to review the MEL Safety bulletin making Authorities aware of First Amendment Audits. The Safety Directors Office is encouraging all public employers to prepare for an audit. This includes educating employees on what is required by law, including OPMA and OPRA, permits, confidentiality rules and ADA compliance. It also warned employees not to allow the auditors to enter restricted or secured areas within any building or property.

Memorialize Corrections to Resolution 050-2019
Intention to Award Bid for Purchase of Rectangular Clarifier Collectors

First Line should read “**WHEREAS**, Lambertville Municipal Utilities Authority (“Authority”), determined a need to purchase of rectangular clarifier collectors; and”

Moved: Mrs. MacGregor

Seconded: Mr. Rotondi

Governing Body Member	Recorded Vote:		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Vincent Uhl					X
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton	X				
Michael Gaudio				X	

Special Meeting January 29th at 6:00p.m.

The Special Meeting set by the Board on December 3, 2019 had been published in the Hunterdon County Democrat on December 12, 2019 and notice has been sent to the City of Lambertville, the Times of Trenton and posted on our bulletin board and website. The Board plans to meet perspective engineers who submitted proposals for the upcoming contract period February 4, 2020 through February 2, 2021.

FY 2019 Audit Report.

Mrs. MacGregor started the review of the Annual Audit by looking at page 6 under *Management Discussion and Analysis* which summarized the Authority’s financial highlights with the Board. Mr. Horn explained that the main purpose of an audit is to confirm that there was no mismanagement of Authority funds and review internal controls by following the paper trail. He reviewed page 10 under *Net Income (Loss)* this showed a decrease of (\$14,397) which is largely due to user fee decrease during that time period. He explained that depreciation from plant buildings and equipment is a big factor on our Net Position. The Asset Management Plan and the Engineers Annual Report will organize a replacement/ repair schedule for depreciated items. Mr. Horn will have an update on the Asset Management Plan for March’s meeting. The overall revenue was down due to flow being down about 11 million gallons which is a direct result of decreased flows from Bucks and Stockton. The expenses were down and below budgeted amounts. Mr. Horn also noted that two of our older bonds will be paid off in 2023 & 2024.

Ms. Pettit had some questions in regards to *Condensed Revenue* found on page 6 of the audit report. In one paragraph the report states that there is a decrease in revenue and in another it states that there is an increase. Ms. Pettit asked the Board if the report could be written differently in the future so that it is a bit clearer/ less confusing. Ms. Pettit pointed out what appeared to be a discrepancy in the pension amounts on page 9 and page 28. Mr. Horn will contact the Auditor to question the difference in amounts. Also, Ms. Pettit would like the terms identified in the beginning of the document to be maintained/ carried throughout the document to make it easier to understand.

RESOLUTION 004-2020 was tabled until the March 3rd regular meeting to allow for more time to review and clarify some discrepancies found within the report. The Board requested the Auditor attend the March 3rd meeting in case any other questions or concerns should arise.

Chief Financial Officer's Report - Kathy Leary.

Mr. Rotondi made a motion to approve the bill list for December. Mr. Lambert seconded the motion. An affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED.

Bank of Princeton, Update Officers Signatures for Authority account signers was updated.

Attorney's Report – Greg Watts.

Attorney Watts reviewed the prepared Domestic Violence Policy dated January 2, 2020 and recommends that the Board adopts the policy as written.

Resolution 003-2020
Adopting a Domestic Violence Policy

WHEREAS, the Commissioners of the Lambertville Municipal Utilities Authority (LMUA) wish to adopt a Domestic Violence Policy provided by the NJ MEL for all public employees, interns, volunteers and temporary employees at any workplace location in accordance with N.J.S.A. 11A:2-6a.; and

WHEREAS, the LMUA has designated Kathy Leary, CFO as the Human Resource/ Personnel Officer (HRO) and Thomas F. Horn, E.D. as the Secondary HRO.

NOW, THEREBY, BE IT RESOLVED by the LMUA that the Domestic Violence Policy attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Authority officials, appointees, employees, volunteers and independent contractors.

BE IT FURTHER RESOLVED that the HRO and Secondary HRO will complete the required training to be specified by the NJ Department of Community Affairs or the NJCSC.

BE IT FURTHER RESOLVED that the HRO and Secondary HRO are responsible for this Policy and notification of all employees as well as direction on how to report an incident.

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

Moved: Mrs. MacGregor

Seconded: Mr. Rotondi

Governing Body Member	<u>Recorded Vote:</u>				
	Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	X				
Vincent Uhl					X
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton	X				
Michael Gaudio				X	

Adjournment.

The meeting adjourned at 7:22 p.m. with a motion made by Mrs. MacGregor and seconded by Mr. Lambert and followed by a unanimous voice vote taken 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 February 3, 2020.