

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, Vincent Uhl-Vice Chairman, Paul Rotondi-Treasurer, Russell Lambert-Secretary Helen Pettit-Member, Jacqueline Middleton-Alternate I & Michael Gaudio-Alternate II

Also Present: Thomas F. Horn, P.E.-Executive Director, Kathy Leary-CFO, Greg Watts-Attorney, Watts, Tice and Skowroneck, Michael Bird and Justin Nawn from 7 N. Main Street.

Pledge of Allegiance.

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

Minutes.

The minutes of the November 5, 2019 regular and closed session meetings were approved in a motion made by Mr. Rotondi and seconded by Mr. Uhl and followed by a unanimous roll call vote by all members present except for Mr. Lambert and Mr. Rotondi who abstained as they was absent. MOTION CARRIED

Public Comment.

1. Request for Separate Lateral Waivers:

a) 7 N. Main Street-Rear: Michael Bird and Justin Nawn, the owners of 7 N. Main Street were present to discuss their request before the Board for a waiver from the Authority Rules and Regulations requiring them to install a separate lateral to the back building. The Board reviewed the correspondence between the Authority and the owner's attorney, Mr. Wohl. In his letter dated November 13, 2019 Mr. Wohl indicated that there was no intention by his clients, Mr. Bird and Mr. Nawn to avoid a sewer connection application. In a letter dated November 14, 2019 the Authority responded to Mr. Wohl's letter stating that the Authority would agree to allowing their tenant to continue with the construction permitting of the proposed café'/ bakery in the front building so long as the owners paid the 2015 connection fee of \$4,770.00 and the back billing of \$2,614.44 bringing the sewer billing up to date.

Mr. Horn discussed the history of the property so the Board understood all of the facts and circumstances. He explained that in 2015 the City did not involve the Authority in their permitting process when the back building's use was changed from a garage. Mr. Horn explained that our rules

require a separate lateral for each separate building but the rule can be waived at the discretion of the Board. Combined laterals can cause an issue when a backup occurs and both connected units can be affected. Then there may be some confusion as to who is responsible for repairs and maintenance for the shared lateral.

Mrs. MacGregor reiterated that the Authority was in agreement with the owner for connection fees and back bill costs. She then asked Mr. Horn for his recommendation on the lateral issue at this time. Mr. Horn wouldn't be against allowing the single lateral to remain connected from the back to the front building as long as the use doesn't change or increase in anyway.

Mr. Watts recommended that should the Board agree to grant the waiver since it is a single owner and a small use, there should be an agreement that will be recorded with the County and is searchable. That way should there ever be a request to subdivide or the current owner decides to sell the property this will be findable and will then trigger a review by the Authority and limit changes to the property. He further explained that a simple change in use would not necessarily mean a separate lateral but rather it would require a review by the Authority. The agreement would stipulate that if there is ever a proposed subdivision of the property that would require a separate lateral. The agreement would be considered a recordable instrument and signed by both the Authority and the property owners. At this time the Board agreed to approve the waiver on this condition and directed Mr. Watts to draft the resolution and agreement for the Board to ratify at the January 7, 2020 meeting. Later Mr. Nawn was advised that an escrow account would be necessary for Mr. Watts' services and an amount of \$1,500 should be deposited. Any unspent funds would be reimbursed to the owner upon completion.

b) 241 N. Main Street-Rear Garage: Mr. Horn explained that back in 1996 the Board agreed to grant a waiver from a separate lateral allowing the owner, Mr. Sutton, to connect the garage to the main house lateral. This waiver was given on the condition that the use would remain the same. Now the property owner would like to convert the garage into an apartment. In a letter dated November 14, 2019 the Authority advised Mr. Sutton and his architect that in order to proceed with the conversion a separate lateral must be installed, a sewer connection permit must be obtained along with the fee paid. At this time the Authority has not received a response from the owner.

Correspondence.

1. Turkey Trot 5K Comfort Stations: Funding for the comfort stations was approved in an email vote by the Board and the resolution to ratify their decision was moved by Mrs. MacGregor.

Resolution 045-2019

Authorizing the Payment of Portable Comfort Stations for the Two Town Turkey Trot

BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority (LMUA) would like to support the Delaware River Towns Chamber of Commerce's 5K run, 1 mile health walk titled the Two Town Turkey Trot held on Thanksgiving, November 28, 2019.

BE IT FURTHER RESOLVED the LMUA would like to cover the costs of the portable comfort stations at the event in an amount, not to exceed of \$1,000.00.

Ratified: December 3, 2019

Moved: Mrs. MacGregor

Seconded: Ms. Pettit

Governing Body	Record	Recorded Vote:				
Member	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					Х	

Chairpersons Report.

Employee End of the Year Bonuses will be discussed at the end of the meeting in closed session.

Executive Directors Report – Thomas Horn.

TREATMENT FACILITY: Mr. Horn reported that there were no issues of concern.

COLLECTION SYSTEM: New pumps have been ordered for the Ferry Street Station. The staff continues to monitor the station closely.

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

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: The Authority's yearend Audit for FY2019 continues. The Auditor should be finished with their data collection by next week.

PEOSH INSPECTION 9/23/19: The citation from the inspection on September 23 has been received and most of the items are addressed. The remaining issue is the installation of three railings which are currently being fabricated.

A Right to Know inspection occurred on November 27th. There are some labeling, SDS sheets the Authority needs to get along with some additions to our chemical inventory and survey. The changes/ additions need to be completed by the re-inspection on December 30th.

WMP: No Change.

Resolution 046-2019 Appointing Thomas F. Horn as the Public Agency Compliance Officer

for Lambertville Municipal Utilities Authority

WHEREAS, section 17:27-3.5 of the New Jersey Administrative EEO Code requires that each public agency shall annually appoint a Public Agency Compliance Officer to ensure that municipal contracts comply with the policy of the State of New Jersey to promote equal employment opportunity and affirmative action with regard to public contracts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Thomas F. Horn as the Public Agency Compliance Officer for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

Moved: Mrs. MacGregor

Seconded: Ms. Pettit

Governing Body	Recorded Vote:					
Member	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				Х		

OPRA Resolution: Upon the requested changes to be made to paragraphs 5 and 6 Mrs. MacGregor moved the below resolution.

Resolution 047-2019

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Lambertville Municipal Utilities Authority strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that could potentially challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform.

NOW, THEREFORE BE IT RESOLVED that the governing body of Lambertville Municipal Utilities Authority appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

Moved: Mrs. MacGregor Seconded: Mr. Uhl

Governing Body	Record	Recorded Vote:				
Member	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				Х		

Memo-Status of Capital Improvements.

COLLECTION SYSTEM WORK-2019B PROJECT:

All collections system work is completed. Suburban is working to close out the project. The final cost is under the contract price.

TREATMENT PLANT WORK-2019A PROJECT: The bid openings for the roof replacements, plant area/ access road paving and clarifier parts were received on November 26^{th.} There were four bids received for the roof replacement and the apparent low bidder was Strober-Wright Roofing, Inc. with a not to exceed amount of \$242,622.00. There were six bids received for the repaving of the plant area and access road and the apparent low bidder was Reivax Contracting Corp. with a not to exceed amount of \$205,802.00. Finally, there were two bids received for the supply of clarifier parts and the apparent low bidder was Guardian Environmental Products, Inc. with a not to exceed amount of \$117,898.00.

Mr. Watts reviewed the bid documents for each apparent low bidder and has found them all to be in order from a legal stand point. Suburban Consulting Engineers, Inc. has reviewed the bid documents for each apparent low bidder. It is their recommendation to award the roofing contract to Strober-Wright Roofing Inc., the road paving contract to Reivax Contracting Corp. and the purchase of clarifier parts to Guardian Environmental Products, Inc. pending NJ DEP approval and subject to the availability of funds.

After the Board finished their review they asked Mr. Horn for his recommendations. He agreed with Suburban Consulting Engineers and recommended that the Board pass resolutions 048, 049 & 050 awarding the contracts subject to NJ DEP approval.

RESOLUTION 048-2019 INTENTION TO AWARD BID FOR WW TREATMENT PLANT ROOF REPLACEMENT DEP Project No. S340882-09

WHEREAS, Lambertville Municipal Utilities Authority ("Authority"), determined a need to replace roofs at the Wastewater Treatment Plant; and

WHEREAS, the Authority' Engineer, Suburban Consulting Engineers, Inc. ("Engineer") had prepared plans and specifications for completion of the WW Treatment Plant Roof Replacement Project dated April 26, 2019 ("Project"); and

WHEREAS, the Authority previously applied to Department of Environmental Protection ("DEP") for funding for the Project through the New Jersey Environmental Infrastructure Financing Program ("NJIB"); and

WHEREAS, on October 29, 2019 the DEP issued authorization to advertise the Project, DEP File No. SCE-R10130.041; and

WHEREAS, the Authority advertised for bids for the Project on October 29, 2019 in the Times of Trenton; and

WHEREAS, four (4) bids were received and publicly opened and read aloud on November 26, 2019; and

WHEREAS, the apparent low bidder was Strober-Wright Roofing, Inc. with a bid of \$242,622.00; and

WHEREAS, the LMUA staff, Engineer, and Attorney have reviewed the bid; and

WHEREAS, the bid documentation from the apparent low bidder was found to be in order and acceptable from a legal and technical standpoint; and

WHEREAS, the LMUA Board of Commissioners concur with the recommendation of the LMUA's Attorney, Engineer and staff; and

WHEREAS, prior to the award of the bid the Authority is required to sign a Notice of Intention to Award for the Projects in order to obtain an Authorization to Award from DEP; and

WHEREAS, the Authority hereby designates its Executive Director to execute any necessary Notice of Intention to Award; and

WHEREAS, upon receipt of an Authorization to Award from DEP, the Authority will execute a Contract with the apparent low bidder for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority hereby approve the following:

- 1. The Executive Director is authorized to execute the Notice of Intention to Award for the DEP in connection with the foregoing Project.
- 2. That upon receipt of Authorization to Award from DEP, the Executive Director is hereby authorized to execute a Contract with Strober-Wright Roofing, Inc., in the amount of \$242,622.00, not to exceed and execute all documents that are required for the Project.
- 3. This Resolution is effective in accordance with applicable laws.

Motion: Mrs. MacGregor

Second: Mr. Uhl

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

RESOLUTION 049-2019 INTENTION TO AWARD BID FOR REPAVING OF WASTEWATER TREATMENT PLANT AREA AND ACCESS ROAD DEP Project No. S340882-09

WHEREAS, Lambertville Municipal Utilities Authority ("Authority"), determined a need to repave the paved areas at the Wastewater Treatment Plant and the access road; and

WHEREAS, the Authority' Engineer, Suburban Consulting Engineers, Inc. ("Engineer") had prepared plans and

specifications for completion of Repaving of WasteWater Treatment Plant Area and Access Road Project dated April 26, 2019 ("Project"); and

WHEREAS, the Authority previously applied to Department of Environmental Protection ("DEP") for funding for the Project through the New Jersey Environmental Infrastructure Financing Program ("NJIB"); and

WHEREAS, on October 29, 2019 the DEP issued authorization to advertise the Project, DEP File No. SCE-R10130.071; and

WHEREAS, the Authority advertised for bids for the Project on October 29, 2019 in the Times of Trenton; and

WHEREAS, six (6) bids were received and publicly opened and read aloud on November 26, 2019; and

WHEREAS, the apparent low bidder was Reivax Contracting Corp. with a bid of \$205,802.00; and

WHEREAS, the LMUA staff, Engineer, and Attorney have reviewed the bid; and

WHEREAS, the bid documentation from the apparent low bidder was found to be in order and acceptable from a legal and technical standpoint; and

WHEREAS, the LMUA Board of Commissioners concur with the recommendation of the LMUA's Attorney, Engineer and staff; and

WHEREAS, prior to the award of the bid the Authority is required to sign a Notice of Intention to Award for the Projects in order to obtain an Authorization to Award from DEP; and

WHEREAS, the Authority hereby designates its Executive Director to execute any necessary Notice of Intention to Award; and

WHEREAS, upon receipt of an Authorization to Award from DEP, the Authority will execute a Contract with the apparent low bidder for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority hereby approve the following:

- 1. The Executive Director is authorized to execute the Notice of Intention to Award for the DEP in connection with the foregoing Project.
- 2. That upon receipt of Authorization to Award from DEP, the Executive Director is hereby authorized to execute a Contract with Reivax Contracting Corp., in the amount of \$205,802.00, not to exceed and execute all documents that are required for the Project.
- 3. This Resolution is effective in accordance with applicable laws.

Motion: Mrs. MacGregor

Second: Mr. Rotondi

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

RESOLUTION 050-2019 INTENTION TO AWARD BID FOR PURCHASE OF RECTANGULAR CLARIFIER COLLECTORS LAMBERTVILLE WASTEWATER TREATMENT PLANT DEP Project No. S340882-09

WHEREAS, Lambertville Municipal Utilities Authority ("Authority"), determined a need to purchase of rectangular clarifier collectors; and

WHEREAS, the Authority' Engineer, Suburban Consulting Engineers, Inc. ("Engineer") had prepared plans and specifications for completion of Purchase of Rectangular Clarifier Collectors Lambertville WasteWater Treatment Plant Project dated May, 2019 ("Project"); and

WHEREAS, the Authority previously applied to Department of Environmental Protection ("DEP") for funding for the Project through the New Jersey Environmental Infrastructure Financing Program ("NJIB"); and

WHEREAS, on October 29, 2019 the DEP issued authorization to advertise the Project, DEP File No. SCE-R10130.051; and

WHEREAS, the Authority advertised for bids for the Project on October 29, 2019 in the Times of Trenton; and

WHEREAS, two (2) bids were received and publicly opened and read aloud on November 26, 2019; and

WHEREAS, the apparent low bidder was Guardian Environmental Products, Inc. with a bid of \$117,898.00; and

WHEREAS, the LMUA staff, Engineer, and Attorney have reviewed the bid; and

WHEREAS, the bid documentation from the apparent low bidder was found to be in order and acceptable from a legal and technical standpoint; and

WHEREAS, the LMUA Board of Commissioners concur with the recommendation of the LMUA's Attorney, Engineer and staff; and

WHEREAS, prior to the award of the bid the Authority is required to sign a Notice of Intention to Award for the Projects in order to obtain an Authorization to Award from DEP; and

WHEREAS, the Authority hereby designates its Executive Director to execute any necessary Notice of Intention to Award; and

WHEREAS, upon receipt of an Authorization to Award from DEP, the Authority will execute a Contract with the apparent low bidder for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority hereby approve the following:

- 1. The Executive Director is authorized to execute the Notice of Intention to Award for the DEP in connection with the foregoing Project.
- 2. That upon receipt of Authorization to Award from DEP, the Executive Director is hereby authorized to execute a Contract with Guardian Environmental Products, Inc., in the amount of \$117,898.00, not to exceed and execute all documents that are required for the Project.
- 3. This Resolution is effective in accordance with applicable laws.

Motion: Mr. Uhl

Second: Mr. Rotondi

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

CONTRACT AMENDMENT #2, CAPITAL IMPROVEMENTS:

Mr. Horn advised the Board that Suburban has resubmitted their amendment for the professional engineering services contact and decreased the not to exceed amount for construction inspection on the roof replacements and the access road paving. The Board reviewed the amounts and was satisfied with the changes.

ASSET MANAGEMENT PLAN-CDM Smith continues to add to their asset inventory list.

Chief Financial Officer's Report - Kathy Leary.

Mrs. MacGregor made a motion to approve the bill list for November with the addition of the bill for the collection system rehabilitation work to NAPS pending payment from the I-Bank. Mr. Uhl 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.

Attorney Watts discussed the new public employer requirements for adopting a Domestic Violence Policy. He advised that the Authority will need to identify their human resource personnel in it. The personnel will be required to complete some training and a resolution adopting a policy will need to be approved by the Board. Mr. Horn and Mr. Watts will review the policy model and make any necessary changes needed for approval via resolution at the January 7, 2020 meeting.

Closed Session.

Resolution 051-2019 Authorizing a Closed Session to Discuss Personnel Issues

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

WHEREAS, the Open Public Meetings Act, <u>N.J.S.A.</u> 10:4-12, provides that a closed session, not open to the public, may be held for certain specified purposes when authorized by <u>N.J.S.A.</u> 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 Tuesday, December 3, 2019 at The LMUA Treatment Facility located at Lambert Lane Extended, Lambertville for the purpose of discussing personnel issues.

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:

Moved: Mrs. MacGregor Seconded: Mr. Rotondi

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

The LMUA Board convened into closed session at 7:19 p.m.

The LMUA Board re-convened into regular session at 7:26 p.m.

Upon entering closed session Mrs. MacGregor expressed the Board's gratitude to the LMUA employers and passed a resolution authorizing year-end bonuses.

Resolution 052-2019

A Resolution to Approve Year End Bonuses for Employees

WHEREAS, Mrs. MacGregor recommended year-end bonuses for the staff based on overall performance and in acknowledgment of their dedication to the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby approves the following year-end bonuses as per Mr. Horn's memo dated December 4, 2019:

Plant Operators: \$1,000.00 Plant Supervisor: \$1,200.00 Office Personnel: \$1,450.00 Executive Director: \$1,700.00

The Resolution shall be effective immediately upon adoption.

Moved: Mrs. MacGregor

Seconded: Mr. Uhl

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

Professional Contracts for 2020-21.

At the November meeting Mrs. MacGregor had appointed Mr. Uhl and Ms. Pettit to serve as the Professional Contracts Sub-Committee which will review the RFP's due on January 9th. Once reviewed, Mrs. MacGregor would like the Board to meet some of the professionals before our reorganization meeting in February. This year she would like to meet with some of the proposed Engineers. A discussion incurred and the Board agreed to hold a special meeting to sit down with some of the prospective Engineers on January 29th, at 6:00 p.m.

Adjournment.

The meeting adjourned at 7:39 p.m. with a motion made by Mrs. MacGregor and seconded by Mr. Uhl 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 January 7, 2020.