



Lambertville Municipal Utilities Authority
Tuesday, June 2, 2020, 6:00 PM
Virtual Zoom Rate Hearing & Regular Meeting Minutes
Link: <https://us02web.zoom.us/j/89931721512>

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, by adoption of *Resolution 009-2020* setting forth meeting dates for 2020-2021. Notification was additionally published on Tuesday May 12, 2020 to The Times of Trenton and also noticed in The Hunterdon County Democrat. A copy of the agenda was posted on the web sites of the LMUA and the City of Lambertville.

Public Participation Instructions for Zoom.

Ms. Majeski read the instructions on how the public can participate in the meeting.

Virtually by Computer: If you are currently utilizing a computer to participate, you would click the “**Raise Hand**” button on the bottom of the screen. This will place you in a queue that I can see for when it’s time to take public comments. People are sorted in the order they raised their hands. When I call on you, a message will pop-up asking if you want to unmute yourself. If you choose to move forward and place a public comment or question, choose to unmute, if you have changed your mind then choose deny.

Telephonically by Phone: If you are dialing in tonight on your phone, to “**raise your hand**” dial *9 to be placed in the queue. When called on, the system will ask you to confirm being un-muted to proceed.

Once called, I will ask you to please state your full name and address into the record, then please feel free to make your comment or ask a question. You will remain unmuted while the governing body responds. Please make sure there is no background noise such as the T.V. on, music or loud chatter.

When public comments are finished, participants will be placed back on mute for the duration of the meeting.

Ms. Majeski also noted that we will be able to see if there are any public in attendance by looking at the attendees list under participants.

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, C. Gregory Watts-Watts, Tice & Skowroneck, Kristina Majeski-City of Lambertville Deputy Clerk, Jacqueline Klapp-Stenographer

Opening Announcement.

Mrs. MacGregor thanked the Board and staff for their “patience and perseverance” as the LMUA begins their first virtual meeting to facilitate better public transparency and participation during the public hearing and

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regular meeting. She then thanked Ms. Majeski for hosting the meeting and Mrs. Ege for organizing. The LMUA has entered into a Shared Services agreement to facilitate virtual meetings by using the City's Zoom account and to offer training to staff and the Commissioners.

Public Hearing:

FY 2020-2021 Connection Fee:

Mrs. MacGregor opened the public hearing portion of the meeting and Mrs. Ege shared the *Connection Fee Calculation, as of June 30, 2019* that was prepared by the LMUA's Special Projects Auditor, Bowman and Company, LLP. She asked if the Board had a chance to review this report. The report showed that the maximum statutory rate increase for the connection fee is \$6,422.00. This is \$224.00 more than the current fee of \$6,198. This fee was calculated in accordance with the provision of N.J.S.A. 40:14A-8(b).

Mrs. MacGregor pointed out a discrepancy in the connection fee amount listed on the *Rate Schedule, Effective July 1, 2020* is \$6,480 and the amount listed on the Connection Fee Report is \$6,422. Mrs. Ege noted that the amount in the Rate Schedule was a typo and the correct amount is as listed on the Connection Fee Report.

Mr. Horn had to troubleshoot some audio issues. Ms. Majeski advised Mr. Horn to test his computer microphone and if that didn't work, to please call in with his phone. The Board waited as Mr. Horn resolved his audio problems so they could hear his recommendation for the proposed connection fee.

Once Mr. Horn's audio was reconnected, Mrs. MacGregor asked if there were any comments or questions before requesting a motion to move Resolution 035-2020 approving the connection fee for the coming fiscal year. It should be noted that Jaqueline Klapp, the meeting stenographer is present and a copy of the transcript shall be available to the public for a reasonable fee in the Authority's administration office.

Resolution 035-2020
Approving the Connection Fee for Fiscal Year 2021
Effective July 1, 2020

WHEREAS, after a public hearing held by the Lambertville Municipal Utilities Authority ("Authority") on June 2, 2020, pursuant to the provisions of N.J.S.A. 40:14A-8, sewer connection fees were determined by the Authority; and

WHEREAS, notice of the public hearing was published in the Times of Trenton on Tuesday, May 12, 2020 and posted on the Authority's website: www.lambertvillemua.com ; and

WHEREAS, the hookup fee for the fiscal year from July 1, 2020 through June 30, 2021 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 \$6,422.00.

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NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the Lambertville Municipal Utilities Authority that commencing on July 1, 2020 sewer connection fees are hereby established at \$6,422.00 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, 3 Bridge Street, Lambertville, New Jersey, and also posted on the Authority’s website: www.lambertvillemua.com and shall at all reasonable times be open to public inspection.

Effective on July 1, 2020

Moved: Mr. Rotondi

Seconded: Mr. Uhl

| 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 | |

Public Comment.

Mrs. MacGregor asked if there were any public in attendance who would like to comment or ask questions. Ms. Majeski confirmed that there was no public in attendance.

The public hearing portion of the meeting was finished by 6:20 p.m. Ms. Klapp then exited the Zoom meeting.

Minutes.

Ms. Pettit made a motion to approve the Minutes from the May 5, 2020 regular telephonic meeting with her corrections. Mr. Rotondi seconded the motion. An affirmative roll call was taken by all members present except for Mr. Uhl who abstained as he was absent. MOTION CARRIED

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| Governing Body Member | <u>Recorded Vote:</u> | | | 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 | |

Correspondence.

- A. 12-14 Coryell Street: Capacity verification was acknowledged in a letter dated May 14, 2020 for the proposed addition of a (1) two bedroom residential unit and (1) commercial unit. Mrs. MacGregor would like future capacity letters to include user fees for each proposed unit. The Building department will coordinate with the Authority should the proposed units change. There was a discussion on the requirements for separate laterals. Mr. Horn confirmed that the current proposed project is all in one building and therefore only one lateral is needed. The Authority did perform an inspection on the existing lateral and have deemed it usable to reconnect to the sewer system.
- B. 7 Delevan Street: Capacity verification was acknowledged in a letter dated May 26, 2020 for the proposed addition of (4) two bedroom residential units.

Chairpersons Report-Janine MacGregor.

Non Union salaries will be discussed in the closed session portion of the meeting where the Board will mute and stop their videos in Zoom and then call into a separate conference call.

Executive Directors Report-Thomas Horn.

OPERATIONS REPORT FOR JUNE 2020.

TREATMENT FACILITY: The semi-annual tank cleaning was completed last month.

COLLECTION SYSTEM: Mr. Horn advised in his report that the work was done at the Ferry Street pump station. Ms. Pettit clarified that the work was completed. Ms. Pettit wanted to clarify Mr. Horn's terminology were he uses the word "done" to indicate that work has been completed and not work continues.

ODOR CONTROL: There were no calls concerning odors for May.

UNION/ PERSONNEL: The Authority continues to take precautions due to COVID-19 and all of the staff remain healthy. Mr. Horn is currently reviewing policies from our insurance and from other authorities on how

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to bring staff back safely and at a reduced rate. The staff has not been able to complete as much maintenance work due to reduced staffing.

REGULATORY: Biofilter and carbon unit continue to be monitored.

ADMINISTRATIVE ISSUES:

FY 2021 Budget: The Budget has been approved by the DCA and Mr. Horn recommends the Board adopt it in tonight's meeting.

The NJIB is working on refunding our 2003 bonds. There are no new developments on this.

WMP: Ms. Pettit would like the LMUA to schedule a meeting with the County to discuss any changes to the plan. Mr. Horn confirmed that every property located within the City limits is included in our service area. There are really no additions or changes that need to be made to the new plan. This includes anticipated new connections that are in the City but currently not connected to the sewer system. Mr. Horn will email the LMUA's current WMP for her review.

Re-Adoption of Resolution 034-2020

Mr. Horn noticed a mistake in Resolution 034-2020 after his review of the May 5th meeting minutes. The second paragraph was included in error and should be removed. He recommends the Board readopt this with this correction.

RESOLUTION 034-2020
AUTHORIZING CHANGE ORDER NO. 2 FINAL CHANGE ORDER
AND CONTRACT CLOSEOUT
REPAVING OF WASTEWATER TREATMENT PLANT AREA
AND ACCESS ROAD
DEP Project No. S340882-09

WHEREAS, Lambertville Municipal Utilities Authority ("Authority"), via Resolution 049-2019 passed on December 3, 2019 awarded a contract to Reivax Contracting Corporation (Reivax) in an amount not to exceed \$205,802.00 for the Repaving of the Wastewater Treatment Plant Area and Access Road project; and

WHEREAS, subsequent to the completion of the contract work, Suburban Consulting Engineers prepared Change Order No.2 dated April 28, 2020 to Reivax to address the Fuel Price Adjustment, Asphalt Price Adjustment, and traffic striping to reconcile the price changes and quantity completed under those line items versus the amounts in the original contract; and

WHEREAS, after the reconciliation, the contract amount decreased an additional \$9,244.53 to a final contract price of \$193,728.25; and

WHEREAS, Suburban Consulting Engineers recommends that Change Order No. 2 be approved by the Authority.

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NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of May 5, 2020 as follows:

1. Change Order No. 2 is hereby authorized to reconcile line item changes to the contract with Reivax Contracting Corporation for the Repaving of the Wastewater Treatment Plant Area and Access Road project to decrease the final contract amount by an additional \$9,244.53.
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.

Motion: Mrs. MacGregor

Second: Ms. Pettit

| 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 | |

FY 2021 Budget.

Mr. Horn notified the Board of some minor changes and corrections as stipulated by the DCA to his proposed budget for FY 2021. He recommends the Board approve a resolution to adopt the budget as written. Mrs. MacGregor asked if there were any questions or comments. Ms. Pettit asked Mr. Horn to define “Unrestricted Net Position” as it is written in regards to the annual budget in the third paragraph and also in regards to the Capital Budget in the fourth paragraph. Mr. Horn explained that this is the State’s terminology used to describe surplus monies. It was further clarified that this surplus money can be applied to either budget. Seeing no further questions Mrs. MacGregor moved the resolution to adopt the budget.

**FY 2021 ADOPTED BUDGET RESOLUTION
RESOLUTION 036-2020
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FISCAL YEAR: FROM: JULY 1, 2020 TO: JUNE 30, 2021

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WHEREAS, the Annual Budget and Capital Budget for the Lambertville Municipal Utilities Authority for the fiscal year beginning July 1, 2020 and ending, June 30, 2021 has been presented for adoption before the governing body of the Lambertville Municipal Utilities Authority at its open public meeting of June 2, 2020; 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 \$2,085,544, Total Appropriations, including any Accumulated Deficit, if any, of \$2,042,272 and Total Unrestricted Net Position utilized of \$72,000; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$592,800 and Total Unrestricted Net Position planned to be utilized of \$79,000; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of Lambertville Municipal Utilities Authority, at an open public meeting held on June 2, 2020 that the Annual Budget and Capital Budget of the Lambertville Municipal Utilities Authority for the fiscal year beginning, July 1, 2020 and, ending, June 30, 2021 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that 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.

Motion: Mrs. MacGregor

Second: 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 | |

Memo-CDM Smith Recommendations Update:

Mr. Horn had revised his spreadsheet showing CDM's recommendations in response to the Board's comments. Mrs. MacGregor asked that Mr. Horn flag or highlight the items on this list that are also included on the Capital Improvements list and show their status. This way the Board can see what on this list still needs to be addressed.

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Memo-Status of Capital Improvements.

Mr. Horn stated that overall the final project costs have been coming in at the engineer's estimated price or lower.

Collection system work: The Authority is waiting for DEP to do their final inspection.

Plant & road paving & roof replacement: The Engineer is working on the documents for contract closeout on both projects.

Clarifier parts: Contractor is working on shop drawings

Chemical Building & Drain Lines: The pre-construction meeting was held on May 12th for both projects. Suburban recommends that Mr. Horn watch for change order requests.

ASSET MANAGEMENT PLAN: Mr. Horn reported that CDM is further along with completion than he had anticipated given the limitations due to the pandemic. Mr. Horn and the staff have given CDM the details needed for the inventory and to complete the plan. The Board requested an approximate timeline for the plan completion.

Proposed User Fees as of July 1, 2020.

Mr. Horn updated the *Pro-Forma Cash-Flow* spreadsheet with some assistance from our Financial Advisor, Acacia Financial Group to develop seven possible scenarios for upcoming user rates. In his memo, *User Fees for Fiscal Year 2021* he further explains each scenario to the Board. He wanted to give the Board a variety of options to show what could happen down the road in ten years. He explained that anticipated revenues are conservative guesses and the proposed debt service is based on the original estimates for the current Capital Projects. These amounts are subject to change but are the most accurate projections that Acacia recommends using to plan for upcoming user fees.

Scenario#1 does not meet the 120% bond requirement and is not an option the Board should consider in Mr. Horn's opinion. Scenarios #2, #3 & #4 show a \$4, \$5 & \$6 per quarter increase in residential fees for 2021 and meet the bond requirement in fiscal year 2021 but show a possible budget deficit. Scenarios #5, 6 & 7 show 3 ¼%, 4% & 5% increase per year going out ten years. There is a budget deficit for at least one year in Scenarios 5 & 6 but not in Scenario 7. Given the seven scenarios, Mr. Horn recommends doing more than a 3 ¼ % or 4% increase for this year as the Authority will not cover the bond requirement in fiscal year 2022 using conservative projected revenue. Mr. Horn explained that the reason Bucks and Stockton projected revenues drop is mostly due to the existing debt service dropping beginning in 2024.

Ms. Middleton would like the Board to take into consideration all of the people who have recently lost their jobs due to the pandemic. We need to be sensitive to them before making a decision on rate increases. The Board then discussed the ramifications of not increasing rates this coming fiscal year. Mr. Horn explained that because

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the Authority is obligated to meet the 120% debt service coverage, we would have to take funds out of our Unrestricted Net Position or reserve account. Mrs. MacGregor recommends raising the rates to meet our requirements to the lowest amount possible which would be a 4% or \$5.00 per quarter increase. The Board discussed the increase related to the qualified senior citizen rate. After a discussion the Board came to a determination to increase rates for the coming 2021 fiscal year and scheduled a virtual rate hearing on July 7, 2020 at 6:00 p.m. via Zoom.

Chief Financial Officer’s Report.

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

| Governing Body | <u>Recorded Vote:</u> | | | | | |
|-----------------------|------------------------------|------------|------------|----------------|-------------------|--------------------|
| | 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 | | | | X | |

Attorney’s Report.

Mr. Watts had no report for May.

Closed Session Conference Call.

**Resolution 037-2020
Authorizing a Closed Session to Discuss Non-Union Salaries**

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 Tuesday, June 2, 2020 via teleconference call for the purpose of discussing non-union salaries.

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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. Lambert

| Governing Body Member | <u>Recorded Vote:</u> | | | 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 | |

The LMUA Board convened into closed session at 7:20 p.m. via conference call.

At this time, Ms. Majeski shared a slide on the Zoom meeting page stating June 2, 2020 Rate Hearing Virtual Meeting, now in closed session, open session will resume in 5 minutes.

The LMUA Board re-convened into regular session with the exception of Ms. Middleton via Zoom at 7:40 p.m.

Upon re-convening into regular session, Mrs. MacGregor moved Resolution 038-2020 establishing raises and salaries for non-union employees. A 3% raise was approved for Mr. Horn, Mr. Rose and Mrs. Leary and a 5% raise was approved for Mrs. Ege effective July 1, 2020. The Board also noted that the resolution should include the salaries effective July 1, 2020.

**Resolution 038-2020
Establishing Non-Union Salaries
Effective July 1, 2020**

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby approves the following Non-Union salaries & raises effective July 1, 2020:

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| | Raise | Salary 7/1/20 |
|---------------------------------------|-------|---------------|
| Thomas Horn, Executive Director | 3% | \$132,828.00 |
| Kathy Leary, Chief Financial Officer | 3% | \$68,351.00 |
| Melissa Ege, Administrative Assistant | 5% | \$44,769.00 |
| David Rose, Operations Supervisor | 3% | \$75,449.00 |

Moved: Mrs. MacGregor

Seconded: Mr. Lambert

| Governing Body Member | <u>Recorded Vote:</u> | | | 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 | |

Adjournment.

The meeting adjourned at 7:41 p.m. with a motion made by Mrs. MacGregor, seconded by Mr. Uhl and followed by a unanimous voice vote 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 July 7, 2020.