



Lambertville Municipal Utilities Authority

Tuesday, March 2, 2021, 6:00 PM

Virtual Zoom Meeting Minutes

Link: <https://us02web.zoom.us/j/83017669397>

The meeting was called to order at 6:02 p.m. by Chairwoman MacGregor who read the statement of compliance with the Open Public Meetings Act, by adoption of *Resolution 005-2021* setting forth meeting dates for 2021-2022. Notification was additionally published on Thursday, February 11, 2021 to the Hunterdon County Democrat and also noticed in the Times of Trenton. A copy of the agenda was posted on the web sites 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, Russell Lambert-Secretary, Helen Pettit-Member, Jacqueline Middleton-Alternate I, Holly Havens-Alternate II

Absent: Paul Rotondi-Treasurer

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

Public Participation Instructions for Zoom.

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.

Minutes.

The minutes from the February 2, 2021 virtual reorganization meeting were approved in a motion made by Mrs. MacGregor and seconded by Ms. Pettit and followed by a unanimous roll call vote. 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				
Holly Havens				X	

Revised Resolutions from February 2, 2021.

Following some resolution edit recommendations from Ms. Pettit, Mrs. MacGregor took a moment to note that when the Board members adopt a resolution, “it is very important to be careful with the language used.” Mr. Watts did review Ms. Pettit’s recommended revisions to the professional resolutions from the February 2, 2021 meeting. Mrs. MacGregor agreed to make the following changes as underlined in red and moved to readopt Resolutions 014, 015, 017 & 018-2021:

Resolution 014-2021 *Authorizing Professional Service Contract for Engineer*

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) is authorized, pursuant to the Municipal Utilities Law, to retain services of persons who will render professional services to the Authority as it may determine necessary for its operation; and

WHEREAS, the Authority has determined that it is necessary and advisable that it retain the services of a Professional Engineer to serve as Authority Engineer; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, pursuant to the Fair and Open Process bids were received on December 21, 2020 for Engineer; and

WHEREAS, the bid proposals and documents have been reviewed by a sub-committee of the Authority and CDM Smith has been found to be the most advantageous, price and other factors considered; and

WHEREAS, based on the proposals and documents submitted, the fact that CDM Smith is preparing an Asset Management Program for the Authority, and current continuity of familiarity of CDM Smith with the Authority’s operations and facilities, the sub-committee recommends CDM Smith to serve as Engineer; and

WHEREAS, the Authority’s CFO has certified that funds are available for these contracts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority, as follows:

1. Thomas F. Horn is hereby authorized and directed to execute an agreement with CDM Smith to serve as Engineer not to exceed an hourly rate of \$103.50-\$297.00 and yearly amount not to exceed \$10,000 as specified in the contract through February 1, 2022.

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- 2. The contract amount shall be reflected in the Fiscal Year 2022 Budget.
- 3. The Authority shall publish notice of this action as required by law.
- 4. The Resolution shall be effective immediately upon adoption.

Moved: Mrs. MacGregor

Seconded: Ms. Pettit

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				
Holly Havens				X	

Resolution 015-2021 *Authorizing Professional Service Contracts for Auditor and Special Projects Auditor*

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) is authorized, pursuant to the Municipal Utilities Law, to retain services of persons who will render professional services to the Authority as it may determine necessary for its operation; and

WHEREAS, the Authority has determined that it is necessary and advisable that it retain the services of Professional Auditors to serve as Auditor and Special Projects Auditor; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, pursuant to the Fair and Open Process bids were received on December 21, 2020 for Auditor and Special Projects Auditor; and

WHEREAS, the bid proposals and documents have been reviewed and have been found to be the most advantageous, price and qualified; and

WHEREAS, the bid proposals and documents have been reviewed by a sub-committee of the Authority; and

WHEREAS, based on the proposals and documents submitted the sub-committee recommends Suplee Clooney & Company, LLP to serve as Auditor and Bowman & Company, LLP to serve as Special Projects Auditor; and

WHEREAS, the Authority’s CFO has certified that funds are available for these contracts.

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NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority, as follows:

1. Thomas F. Horn is hereby authorized and directed to execute an agreement with the following individuals for the period through February 1, 2022.
 - a. Robert J. Butvilla of Suplee, Clooney & Company, to serve as Auditor not to exceed \$150.00 hourly rate and \$24,925 Statutory Audit as specified in contract.
 - b. Carol A. McAllister of Bowman & Company, LLP to serve as the Special Projects Auditor not to exceed an hourly range of \$50.00-\$246.00 as specified in contract.
2. The combined total amount for all Auditing services shall not exceed \$27,000 yearly as set forth in the Fiscal Year 2022 Budget.
3. The Authority shall publish notice of this action as required by law.
4. The Resolution shall be effective immediately upon adoption.

Moved: Mrs. MacGregor

Seconded: Ms. Pettit

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				
Holly Havens				X	

Resolution 017-2021 *Authorizing Professional Service Contract for Legal/ Labor Attorney*

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) is authorized, pursuant to the Municipal Utilities Law, to retain services of persons who will render professional services to the Authority as it may determine necessary for its operation; and

WHEREAS, the Authority has determined that it is necessary and advisable that it retain the services of a Professional Attorney to serve as Legal/ Labor Attorney; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, pursuant to the Fair and Open Process bids were received on December 21, 2020 for Legal/ Labor Attorney; and

WHEREAS, the bid proposals and documents have been reviewed by a sub-committee of the Authority and Watts, Tice & Skowronek has been found to be the most advantageous, price and qualified; and

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WHEREAS, the Authority’s CFO has certified that funds are available for these contracts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority, as follows:

1. Thomas F. Horn is hereby authorized and directed to execute an agreement with C. Gregory Watts of Watts, Tice & Skowronek, to serve as Legal/ Labor Attorney not to exceed \$180.00 hourly rate and not to exceed \$12,000 yearly as specified in the contract for the period through February 1, 2022.
2. The contract amount shall be reflected in the Fiscal Year 2022 Budget.
3. The Authority shall publish notice of this action as required by law.
4. The Resolution shall be effective immediately upon adoption.

Moved: Mrs. MacGregor

Seconded: Mr. Lambert

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				
Holly Havens				X	

Resolution 018-2021 Authorizing Professional Service Contract for Bond Counsel

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) is authorized, pursuant to the Municipal Utilities Law, to retain services of persons who will render professional services to the Authority as it may determine necessary for its operation; and

WHEREAS, the Authority has determined that it is necessary and advisable that it retain the services of a Professional Attorney to serve as Bond Counsel; and

WHEREAS, N.J.S.A. 40A:11-5 requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contracts themselves must be available for public inspection; and

WHEREAS, pursuant to the Fair and Open Process bids were received on December 21, 2020 for Bond Counsel; and

WHEREAS, the bid proposals and documents have been reviewed and the bidders have been found to be the most advantageous, price and qualified; and

WHEREAS, the bid proposals and documents have been reviewed by a sub-committee of the Authority including the interview of two of the firms that submitted proposals; and

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WHEREAS, based on the proposals and documents submitted and interviews conducted, the subcommittee recommends that Malamut and Associates be appointed as the Authority’s Bond Counsel; and

WHEREAS, the Authority’s CFO has certified that funds are available for these contracts.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority, as follows:

1. Thomas F. Horn is hereby authorized and directed to execute an agreement with Malamut and Associates to serve as Bond Counsel **for a fee** not to exceed \$205.00 blended hourly rate and a not to exceed fee of \$15,000 per NJ I-Bank bond issued as specified in the contract through February 1, 2022.
2. The Contract amount shall be reflected in the Fiscal Year 2022.
3. The Authority shall publish notice of this action as required by law.
4. The Resolution shall be effective immediately upon adoption.

Moved: Mrs. MacGregor

Seconded: Ms. Pettit

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				
Holly Havens				X	

Correspondence.

1. DTMUA: In a letter dated February 5, 2021 the Board notified DTMUA that the shared services agreement for the sale of 15% sodium hypochlorite solution was approved via Resolution 021-2021. A letter requesting reimbursement for Mr. Watt’s legal services has been sent along with the agreement.
2. Perry Road Survey for Sewer Service: In a letter dated February 3, 2021 the Authority advised the residents of their decision not to install sanitary sewers on Perry Road at this time. The Commissioners did not feel the project was feasible after receiving three responses back indicating their interest out of nine total surveys sent out. Mr. Horn advised that he has not received any additional responses from the residents since this letter went out.

Chairpersons Report-Janine MacGregor.

Mrs. MacGregor did not have anything at this time to report.

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Executive Directors Report-Thomas Horn.

OPERATIONS REPORT FOR FEBRUARY 2021: The operations staff completed cleaning of the sludge holding tanks and the replacement support for the cover has been delivered.

ODOR CONTROL: No calls for February.

UNION/ PERSONNEL: Mr. Horn is almost finished with the updates to the Personnel Manual and Policies & Procedures.

He advised the Board that the Union contract is up for renewal June 30, 2021. He expects negotiations to begin shortly. Mrs. MacGregor asked that Mr. Horn do some research on salaries & benefits offered at neighboring municipalities and treatment plants of a similar size for the Personnel Committee to review before negotiations begin.

REGULATORY: Biofilter and carbon unit continue to be monitored.

ADMINISTRATIVE ISSUES: Mrs. Ege has been in touch with Edmunds and they expect to begin work on the new accounting/ billing system in March.

NJ I-Bank Loan: Mr. Horn has been working with the Bond Counsel to get paperwork done for long term financing in May.

FY 2022 Budget: Mr. Horn is currently working on the budget and will get a draft for the Board's review before the April 6th meeting. Tom confirmed that he will pull some comparative salary information before finishing his draft budget.

NJ MEL: Reminder, 2021 Elected Officials online training is due by May 1st.

Memo-Asset Management Plan.

CDM Smith has submitted their draft plan which consists of a report and excel workbook with Authority assets tabulated. Once the final draft is complete, Mr. Horn will schedule CDM Smith to do a presentation, probably at the May 4th Board meeting.

Biofilter Media: Mr. Horn would like to request permission from the Board to advertise for bids for the replacement of the biofilter media. Mr. Horn had planned for this project as part of the FY 2021 capital budget and said that this would have been an upcoming item on the Asset Management Plan as well. Mrs. MacGregor and the Board agreed with Mr. Horn's recommendation and approved his request to bid.

Memo-Status of Capital Improvements.

Collection system work: No change.

Plant & road paving & roof replacement: No change.

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Clarifier parts: Staff continues to work on preparatory work as time allows.

Drain Lines: The repairs to the drain lines have been completed.

Chemical Building: All of the major work has been completed with the exception of a few small items. Operationally everything looks good and Mr. Horn expects this to be completed by April for contract closeout.

Mrs. MacGregor asked if the long term financing would be affected by DEP's inspection delays. Mr. Horn confirmed that the issuance of final payments to contractors is what is needed to close on long term financing.

Memo: Heaths Exxon.

Mr. Horn has received an update from Heaths Exxon's environmental consultant indicating that they will be seeking a permit to discharge to surface water and not to the sanitary sewer.

At the conclusion of Mr. Horn's reports, Mrs. Pettit lost internet connection and reconnected by telephone as a member of the public. Since the Board was unaware of this she was able to listen during the meeting but was unable to participate as she was on mute. The record reflects her votes that were recorded after convening the meeting.

City of Lambertville Resolution 40-2021 Requesting \$72,000 from the LMUA for the 2021 Municipal Budget Pursuant to P.L. 2204, c.87

Mrs. MacGregor reviewed the resolution from the City requesting the funds from the Authority's surplus. Ms. Havens asked where in the City's budget are the funds designated. Mr. Horn explained that they go into their general fund and can be used for anything the City needs.

Resolution 022-2021 Approving the Payment of \$72,000 of Authority Unrestricted Net Assets to the City of Lambertville

WHEREAS, the Mayor and Council of the City of Lambertville passed Resolution 40-2021 on February 18, 2021 requesting \$72,000 from the Lambertville Municipal Utility Authority (LMUA); and

WHEREAS, as per N.J.S.A., 40A:5A-12.1, unreserved retained LMUA earnings, not to exceed 5% of the annual costs of operation can be appropriated for use in the City of Lambertville budget; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority authorize payment of \$72,000 from Unrestricted Net Assets to the City of the Lambertville from the proposed 2022 LMUA budget.

BE IT FUTHER RESOLVED that the Authority shall pay the total sum of \$72,000 in three payments of \$24,000 throughout fiscal year 2022 so as not to create a strain on Authority funds.

Moved: Mrs. MacGregor

Seconded: Mr. Lambert

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	Aye	Nay			
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi					X
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton	X				
Holly Havens				X	

Chief Financial Officer's Report.

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

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				
Holly Havens				X	

Attorney's Report.

Mr. Watts did not have any issues to report at this time.

Public Comment.

At this time Mrs. Ege confirmed that there were a few members of the public in attendance and read the directions for public participation. The Board then paused for a few minutes to allow the public time to participate should they wish to. Hearing none, Mrs. Ege stated that this was the last item on the Agenda and the Board confirmed that there were no other matters to discuss.

Adjournment.

The meeting adjourned at 6:47 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

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Melissa S. Ege, Administrative Assistant

Approved at the regularly scheduled Lambertville MUA Board meeting held on April 6, 2021.