

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY



Regular Meeting

March 1, 2022, 6:00 pm

Lambertville Wastewater Treatment Facility,
3 Bridge Street, Lambertville

In Person/ Conference Call Meeting Minutes
Call In # 978-990-5000 Access Code: 2646329

The meeting was called to order at 6:06 p.m. by Vice Chairman Uhl who read the statement of compliance with the Open Public Meetings Act, by adoption of *Resolution 006-2022* setting forth meeting dates for 2022-2023. Notification was additionally published on Thursday, February 10, 2022, to the Hunterdon County Democrat and also noticed in the Times of Trenton. A copy of the notice and agenda were posted on the web sites of the LMUA www.lambertvillemua.com and the City of Lambertville www.lambertvillenj.org.

Pledge of Allegiance.

Roll Call. Mrs. Ege called the roll as follows:

LMUA Board:

Present: Janine MacGregor-Chairwoman (entered during roll call), Vincent Uhl-Vice Chairman, Paul Rotondi-Treasurer, Russell Lambert-Secretary, Helen Pettit-Member, Jacqueline Middleton-Alternate I,

Absent: Holly Havens-Alternate II

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

Minutes.

The minutes from the February 1, 2022, in person reorganization & regular meeting were approved in a motion made by Mr. Rotondi and seconded by Mr. Lambert with the corrections made on pages 9, 10 & 12 and followed by a unanimous roll call vote. 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

Appoint Professionals: Contracts awarded by "Fair & Open Process" through February 7, 2023

At the direction of the Board at the February 1st meeting, Mr. Horn requested final proposal numbers from the Bond Counsel, Financial Advisor & Engineering firms. He reviewed their final numbers with the Board as described in his memo, *Professional Services, February 22, 2022*. The Board reviewed the updated bid

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tabulation for the three open positions. Based on past performance as well as price, Mr. Horn recommended that the Board award the Financial Advisor contract to Acacia Financial Group and the Bond Counsel contract be awarded to McManimon, Scotland & Baumann. Seeing no other recommendations, Mrs. MacGregor agreed with Mr. Horn and moved Resolutions 017 & 019-2022.

Resolution 017-2022

Authorizing Professional Service Contract for Financial Advisor

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 a need to acquire financial services; 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 proposals were received on January 20, 2022 for Financial Advisor; and

WHEREAS, the proposals and documentation have been reviewed and Acacia Financial Group has been determined to be qualified and their proposal has been determined to be the most advantageous to the Authority based upon price and other pertinent considerations; and

WHEREAS, the Authority’s CFO has certified that funds are available for this contract.

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 Acacia Financial Group to serve as Financial Advisor with hourly rates in the range of \$150.00-\$250.00 and a not to exceed fee of \$4,000.00 for NJ I-Bank loan to be issued as specified in the contract for the period through February 7, 2023.
2. The contract amount shall be reflected in the Fiscal Year 2023 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

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Governing Body Member	Roll Call 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 019-2022

**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 proposals were received on January 20, 2022 for Bond Counsel; and

WHEREAS, the proposals and documentation have been reviewed and the Executive Director has reviewed the Authority's prior experience with the firms submitting proposals and McManimon, Scotland & Baumann has been determined to be qualified and their proposal has been determined to be the most advantageous to the Authority based upon price and other pertinent considerations; and

WHEREAS, the Authority’s CFO has certified that funds are available for this contract.

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 McManimon, Scotland & Baumann to serve as Bond Counsel for a fee not to exceed an hourly range of \$135.00-\$215.00 and a not to exceed fee of \$10,000.00 per NJ I-Bank bond issued as specified in the contract through February 7, 2023.
2. The Contract amount shall be reflected in the Fiscal Year 2023 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. Uhl

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Governing Body Member	<u>Roll Call 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	
Holly Havens					X

Professional Engineer Contract.

Mr. Uhl recused himself from the discussion on the engineering contract due to a personal business conflict. Mr. Horn explained that in the RFP, there were several projects listed as possible work to be completed within the contract year. With the final proposal numbers, Mr. Horn organized the specific tasks such as annual inspection, asset management plan, wastewater management plan into a spreadsheet. This compared CDM Smith’s and Suburban’s rates based on an estimate of specific people that would be working on each task. Ms. Pettit noted some issues with CDM Smith’s professional proposal as they continue to use a multiplier of three for their hourly professional rates which can be confusing when you are checking the rates on a bill against their contract amount. Ms. Pettit recommended that the Board consider appointing CDM Smith as Engineer and Suburban as the Special Projects Engineer. This would give the Authority the advantage of having an Engineer with historical knowledge of the Authority while having the flexibility of using either firm depending on the specific project. After a discussion, the Board agreed with Ms. Pettit’s recommendation.

Resolution 015-2022

Authorizing Professional Service Contracts for Engineer & Special Projects 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 Professional Engineers to serve as Authority Engineer & Special Projects 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 proposals were received on January 20, 2022 for Authority Engineer; and

WHEREAS, the proposals and documentation have been reviewed and CDM Smith & Suburban Consulting Engineers have been determined to be qualified and their proposals has been determined to be the most advantageous to the Authority based upon price and other pertinent considerations; 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:
 - a. CDM Smith to serve as Engineer not to exceed an hourly range of \$105.75-\$267.00 and a yearly amount not to exceed \$9,000 as specified in the contract through February 7, 2023.
 - b. Suburban Consulting Engineers to serve as Special Projects Engineer not to exceed an hourly range of \$125.00-\$158.00 as specified in the contract through February 7, 2023.
2. The contract amount shall be reflected in the Fiscal Year 2023 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>Roll Call 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	
Holly Havens					X

Correspondence.

1. 204 N. Union Street: Capacity was confirmed on February 15th for the proposed change in use from a retail space to a cannabis retail dispensary.

Chairpersons Report-Janine MacGregor.

Mrs. MacGregor reported that there were two inquiries from Mayor Nowick, one was from the Mayor of Frenchtown who would be reaching out with a shared services request. The other, was a request for the LMUA Board to participate in the Environmental Commission meeting on March 30th specifically concerning storm water management. Mrs. Ege will get the meeting specifics and email them to the Board.

Executive Directors Report-Thomas Horn.

OPERATIONS REPORT FOR FEBRUARY 2022: Mr. Horn reported no issues of concern.

ODOR CONTROL: No calls for February.

UNION/ PERSONNEL: There is one personnel matter which Mr. Horn will discuss in closed session.

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REGULATORY: Biofilter and carbon unit continue to be monitored.

ADMINISTRATIVE ISSUES:

The replacement biofilter media installation has been delayed until the spring.

The Auditor had finished their on-site work and should have the FY2021 Audit draft by the April meeting.

NJ MEL: 2021 Elected Officials online training was emailed to the Board. This training must be completed by May 1st to receive the credit towards our insurance premium. Mrs. Ege will email a reminder to the Board.

Resolution 022-2022

Approval of Sewer Billing Relief for Residents with Considerable Damages due to TS Ida

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) received written requests from the owners of 19 Swan Street, 246, 248 & 262 N. Union Streets for the relief of sewer charges retroactive to the date of Tropical Storm Ida, September 1, 2021; and

WHEREAS, Under Chapter 7-6: Condition of Suspension of Sewer User Fees of the Authority Rules & Regulations, the requirements for suspension of sewer fees are as follows:

- a. A unit is rendered uninhabitable (which determination will be made in the sole discretion of the Authority) by fire or natural disaster, AND the water supply is turned off at the curb or the well is inoperable.

WHEREAS, the requesting properties had sustained considerable flood damage that occurred during Tropical Storm Ida; and

WHEREAS, Suez confirmed that the water service had been disconnected; and

WHEREAS, Mr. Horn recommends that the Board approve sewer billing relief by suspending billing retroactively to the date of the flood on September 1, 2021 and approve an account credit of -\$87.43 to 19 Swan Street and -\$133.00 to 246, 248 & 262 N. Union Streets to be applied towards future billings.

NOW, THEREFORE, BE IT RESOLVED by the Lambertville Municipal Utilities Authority that based upon the unique circumstances set forth in this Resolution, it hereby approves the retroactive suspension of sewer charges effective September 1, 2021, and thereby issuing a billing adjustment and credit of -\$87.43 for account 30360 and -\$133.00 to accounts: 10468, 10470 & 10486.

Moved: Mr. Rotondi

Seconded: Mr. Uhl

Governing Body Member	Roll Call Vote:			Not Voting	Not Present
	Aye	Nay	Abstain		
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton				X	
Holly Havens					X

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Resolution 023-2022

Memorializing the Temporary Suspension of Sewer Billing for 46 York Street, Units 2 & 3

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) received an email on January 19, 2022 from the owner of 46 York Street requesting suspension of sewer charges for units 2 & 3; and

WHEREAS, Under Chapter 7-6: Condition of Suspension of Sewer User Fees of the Authority Rules & Regulations, the requirements for suspension of sewer fees are as follows:

- b. A unit is rendered uninhabitable (which determination will be made in the sole discretion of the Authority) by fire or natural disaster, AND the water supply is turned off at the curb or the well is inoperable.

WHEREAS, the West Amwell Interlocal Construction Office had issued permit#21-00188 for emergency structural repairs on January 18, 2022; and

WHEREAS, the property owner confirmed that the water service had been shut off to units 2 & 3 as of February 4, 2021; and

WHEREAS, Mr. Horn recommends that the Board memorialize the temporary billing suspension of units 2 & 3 at 46 York Street as of January 19, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Lambertville Municipal Utilities Authority that based upon the unique circumstances set forth in this Resolution, it hereby memorializes the temporary suspension of sewer charges for accounts 20242 & 20243 effective January 19, 2022.

Moved: Mrs. MacGregor

Seconded: Mr. Rotondi

Governing Body Member	Roll Call 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

Memo-TS IDA.

Swan Pump Station & Treatment Plant: FEMA has obligated funding for the emergency work the LMUA has completed and has referred the LMUA's funding application to the NJ Office of Emergency Management for their review and final approval. N. Union Street P.S.: Mr. Horn reported that it is CDM Smith's recommendation that based on the Code Compliance/ Hazard Mitigation report that the pump station be raised to meet code compliance at the 500-year flood elevation. They do not recommend raising any higher than that elevation as it would put us into Hazard Mitigation requirements. Mr. Horn has reviewed the draft report and he expects a final report to the Board before the next meeting.

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Mr. Horn met via Zoom with members of NJDEP and NJ I-Bank to determine the availability of short-term funding for the project. The Authority could receive short-term funding to help bridge the gap between available funding for the construction contract and the amount needed. This short-term loan would be needed until FEMA or insurance money is received.

A discussion incurred on the optics of raising the station to the 500-year flood elevation which means raising the building's floor level would be 7-8 feet above ground level. Ms. Middleton was concerned that the building may be historical, and the Authority should get a review from SHIPO before going forward on the plans. Mr. Horn will reach out to them and request something in writing. Mr. Horn confirmed the electrical components within the building would be raised well above the floor level and will in fact be above the 500-year flood elevation. The Board felt that it would be prudent to hold a special meeting with the residents once the designs are together. Mr. Horn confirmed that we will be going before Planning Board as a courtesy review.

Mr. Horn then requested approval from the Board to request proposals for the engineering services required to prepare a Planning Document. The Board in agreement with Mr. Horn's request authorized him to request proposals from both CDM Smith and Suburban.

Chief Financial Officer's Report.

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

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

Attorney's Report.

Mr. Watts reviewed the New Jersey Senate Bill 4081 which became effective December 21, 2021. Mr. Watts recommended that the staff prepare a report for the April meeting with the outstanding residential interests and principal amounts covering the period between March 9, 2020, through March 15, 2022. Then the Board can review the amounts and decide as to the term they will approve to offer the residents who agree to an installment payment plan.

Closed Session.

Entered Closed: 7:07 p.m.

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Resumed Open: 7:15 p.m.

Mrs. MacGregor moved to go into closed session to discuss personnel matters and it is anticipated that action will be taken at the conclusion of the session.

**Resolution 024-2022
Authorizing a Closed Session to Discuss Personnel Matters**

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, March 1, 2022 via in person meeting & conference call for the purpose of discussing personnel matters.

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 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

Personnel Matters.

At the conclusion of closed session, Mrs. MacGregor would like to approve *Resolution 025-2022* approving the title change of Bruce Lee from Utility Operator to Maintenance Mechanic and an annual salary increase of \$5,000 to bring his total salary to \$50,641.47.

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Resolution 025-2022

Approving a Title Change & Salary for Utility Operator Bruce Lee

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby approves the following title change & salary for Utility Operator Bruce Lee effective March 1, 2022:

	Salary
Bruce Lee, Maintenance Mechanic	\$50,641.47

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

Public Comment.

At this time Mrs. Ege confirmed that there were no other members of the public in attendance.

Adjournment.

The meeting adjourned at 7:16 p.m. with a motion made by Mrs. MacGregor seconded by Ms. Pettit 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 April 5, 2022.