

Reorganization & Regular Meeting
February 7, 2023 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 6:02 p.m. by Chairwoman MacGregor 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 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 <a href="https://www.lambertvillemua.com">www.lambertvillemua.com</a> and the City of Lambertville <a href="https://www.lambertvillenj.org">www.lambertvillenj.org</a>.

# Pledge of Allegiance.

**Roll Call.** Ms. 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, Holly Havens-Alternate II (arrived after approval of the minutes at 6:06 p.m.)

Also Present: Thomas F. Horn, P.E.-Executive Director, C. Gregory Watts-Watts, Tice & Skowroneck (called in on Mr. Horn's cell as he had experienced technical issues with the conference calling system), Kathy Leary-CFO

## Minutes.

The minutes from the January 3, 2023, regular meeting was approved in a motion made by Ms. Pettit and seconded by Mr. Rotondi with a correction made on page 1 and followed by a unanimous roll call vote.

MOTION CARRIED

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	
Holly Havens					$\mathbf{X}$

## Oaths of Office.

At the annual reorganization meeting held on January 1, 2023, the City of Lambertville re-appointed Mrs. Janine MacGregor as Member of the LMUA Board.

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1. Janine MacGregor read aloud her oath of office for a five-year term as Member expiring 02/01/2028. Ms. Ege notarized Mrs. MacGregor's signature.

# Reorganization

## **Election of Authority Positions**

In place of Mr. Watts, Mr. Horn requested nominations for the position of Chairperson of the Board. Mr. Rotondi nominated and moved to approve Mrs. MacGregor for Chairperson. Seeing no other nominations, Mr. Uhl seconded the motion. A unanimous voice vote was taken in favor by all members present. MOTION CARRIED

1. Resolution 001-2023 Appointment of Chairperson

**WHEREAS,** Janine MacGregor was appointed by the Mayor and City Council of Lambertville to serve as a commissioner of the Lambertville Municipal Utilities Authority.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Janine MacGregor as Chairperson for a term of one (1) year or until reappointed.

The Resolution shall be effective immediately upon adoption.

Motion: Mr. Rotondi Second: Mr. Uhl

Governing Body	Voice Vote:				
Member	Aye	Nay	Abstain	Not	Not
				Voting	Present
Janine MacGregor	X				
Vincent Uhl	X				
Paul Rotondi	X				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton				$\mathbf{X}$	
Holly Havens				X	

# 2. Resolution 002-2023 Appointment of Vice Chairperson

**WHEREAS,** Vincent Uhl was appointed by the Mayor and City Council of Lambertville to serve as a Commissioner of the Lambertville Municipal Utilities Authority.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Vincent Uhl as Vice Chairperson for a term of one (1) year or until reappointed.

The Resolution shall be effective immediately upon adoption.

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Motion: Mrs. MacGregor

Second: Ms. Pettit

Governing Body	<b>Voice Vote:</b>				
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				$\mathbf{X}$	
Holly Havens				$\mathbf{X}$	

# 3. Resolution 003-2023 Appointment of Secretary

**WHEREAS,** Mr. Lambert was appointed by the Mayor and City Council of Lambertville to serve as a Commissioner of the Lambertville Municipal Utilities Authority.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Mr. Lambert as Secretary for a term of one (1) year or until reappointed.

The Resolution shall be effective immediately upon adoption.

Motion: Mr. Rotondi Second: Mr. Uhl

* T .
Not Present

# 4. Resolution 004-2023 Appointment of Treasurer

**WHEREAS,** Paul Rotondi was appointed by the Mayor and City Council of Lambertville to serve as a Commissioner of the Lambertville Municipal Utilities Authority.

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**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Paul Rotondi as Treasurer for a term of one (1) year or until reappointed.

The Resolution shall be effective immediately upon adoption.

Motion: Ms. Pettit Second: Mr. Uhl

Governing Body	<b>Voice Vote:</b>				
Member	Aye	Nay	Abstain	Not	Not
				Voting	Present
Janine MacGregor	X				
Vincent Uhl	$\mathbf{X}$				
Paul Rotondi	$\mathbf{X}$				
Russell Lambert	X				
Helen Pettit	X				
Jacqueline Middleton				$\mathbf{X}$	
Holly Havens				X	

## **Other Resolutions**

Ms. Pettit moved to approve **Resolutions 005-2023 through 013-2023** as written. Ms. Ege then asked if any member would like to remove any of the resolutions to be voted on separately. Hearing none, Mr. Rotondi seconded the motion. A unanimous voice vote was taken in favor by all members present. MOTION CARRIED

Governing Body	Recorded Vote:				
Member	Aye	Nay	Abstain	Not Voting	Not Present
Janine MacGregor	$\mathbf{X}$				
Vincent Uhl	$\mathbf{X}$				
Paul Rotondi	$\mathbf{X}$				
Russell Lambert	$\mathbf{X}$				
Helen Pettit	X				
Jacqueline Middleton				$\mathbf{X}$	
Holly Havens				X	

1. Resolution 005-2023 "Establishing 2023-24 Board Meeting Schedule and Designating Official Newspapers"

**BE IT RESOLVED** by the Lambertville Municipal Utilities Authority (the "Authority") that the following matters are hereby determined in accordance with the provisions of the Open Public Meetings Act, N. J. S. A. 10-4-6 et seq.

1. The regular meetings of the Lambertville Municipal Utilities Authority to be held during the period from February 7, 2023 through February 6, 2024 are to be held at the Authority's office located at 3 Bridge Street, Lambertville New Jersey at 6:00 p.m. on the first Tuesday of the month unless otherwise advertised on the dates set forth below:

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March 7, 2023
April 4, 2023
May 2, 2023
June 6, 2023
July (time to be determined)
August 1, 2023
September 5, 2023
October 3, 2023
November 7, 2023
December 5, 2023
January 2, 2024
February 6, 2024

The "Hunterdon County Democrat", be designated as the official newspaper and that official notices may also be published in the daily newspaper, "The Trenton Times" to meet time requirements pursuant to N.J.S.A. 40:53-1 et seq.

- 2. A certified copy of this resolution shall, within seven (7) days of its adoption, be posted, until modified, in the office of the Authority at 3 Bridge Street, Lambertville, New Jersey, the Authority's web site, and provided to the Lambertville City Clerk's office.
- 3. This resolution shall take immediate effect.
- 2. Resolution 006-2023 "Appointing Melissa Ege as the Custodian of Records and Recording Secretary to the Board"

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoint Melissa Ege as Custodian of Records and Recording Secretary to the Board for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

3. Resolution 007-2023 "Designating Kathy Leary as Custodian of Funds"

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Lambertville Municipal Utilities Authority that Kathy Leary be designated as Custodian of all funds for the Authority for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

4. Resolution 008-2023 "Designation of Official Depository"

**WHEREAS,** section N.J.S.A. 40A:5-14 of New Jersey Administrative Code requires that each public agency shall annually adopt a cash management plan designating official depositories being in this State and organized under the laws of the United States; and

**WHEREAS,** the official depository shall file with the Chief Financial Officer a statement indicating that the bank is a public depository as defined by the Governmental Unit Deposit Protection Act N.J.S.A. 17:9-41.

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

1. Subject to receipt of public depository documentation as required by N.J.S.A. 17:9-41, the following bank shall be allowed to be used as the depository for all Lambertville Municipal Utilities Authority funds:

Bank of Princeton

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5. Resolution 009-2023 "Authorizing Signatures on Authority Bank Accounts"

**WHEREAS,** on February 7, 2023, the Commissioners ("Commissioners") of the Lambertville Municipal Utilities Authority ("Authority") met to hold the annual reorganization of the Authority; and

**WHEREAS**, it is necessary to authorize signatories for all checks and other withdrawals from Authority bank accounts for the period running from February 7, 2023, through February 6, 2024; and

WHEREAS, the Commissioners wish to designate certain Authority personnel to be authorized signatories on all checks and other withdrawals from Authority bank accounts for one year; and

**WHEREAS,** the Commissioners also wish to designate certain officers of the Board of Commissioners to be authorized signatories for the Authority's Improvement and Operating Accounts for one year;

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Lambertville Utilities Authority that the authorized signatories on checks and withdrawals from Authority bank accounts during the period running from February 7, 2023, through February 6, 2024, shall be as follows:

 Authorized Signatories on the Collection Account shall be: CFO Kathy Leary, or Executive Director Thomas F. Horn; and

 Authorized Signatories on the Payroll Account shall be: CFO Kathy Leary, Executive Director Thomas F. Horn

Administrative Assistant Melissa Ege; and

3. Authorized Signatories on the Bank of Princeton Authority Improvement Savings Account shall be: CFO Kathy Leary, or Executive Director Thomas F. Horn; and

4. In addition to the above-named Authorized Signatories, two (2) of the following Officers of the Board of Commissioners shall be required for withdrawals of funds from the Authority's Improvement and Operating Accounts, whereby one Authorized Signatory shall be either the Chairperson or the Vice Chairperson, and the second Authorized Signatory shall be either the Secretary or the Treasurer: Chairperson Janine MacGregor

Vice Chairperson Vincent Uhl Secretary Russell Lambert

Treasurer Paul Rotondi

- 5. This Resolution shall be effective immediately upon adoption.
- 6. Resolution 010-2023 "Appointing Certifying Officer for PERS and Supervisor of the Certifying Officer"

**WHEREAS,** under the procedures of the New Jersey Division of Pensions and Benefits there states a requirement to designate a Certifying Officer for PERS and a Supervisor to the Certifying Officer.

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**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Lambertville Municipal Utilities Authority that Kathy Leary, CFO is hereby appointed as Certifying Officer for Public Employees Retirement System and Thomas F. Horn, Executive Director is hereby appointed as Supervisor to the Certifying Officer for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

7. Resolution 011-2023 "Appointing 2023 JIF Representatives"

**WHEREAS,** pursuant to New Jersey Joint Utilities Authority Law each participating Utility Authority shall appoint one Commissioner and one Safety Coordinator. In addition, each member may appoint one alternate to attend either regular or special meetings on behalf of the Utility Authority in the absence of the Joint Insurance Fund ("JIF") Commissioner and one Alternate Safety Coordinator; and

**WHEREAS,** the JIF Commissioner is authorized to cast one vote and endorse all necessary paperwork pertaining to the fund.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Thomas F. Horn, P.E. as the JIF Commissioner and Safety Coordinator and Melissa S. Ege as the JIF Alternate Commissioner and Alternate Safety Coordinator for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

8. Resolution 012-2023 "Resolution to Appoint the Personnel Officers"

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby appoints Russell Lambert and Janine MacGregor as Personnel Officers for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

9. Resolution 013-2023 "Authorizing Thomas F. Horn to endorse all New Jersey Department of Environmental Protection forms, NJPDES Permit, Sludge Permits, Sewer Extension Permits and all other permits"

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority hereby authorizes Thomas F. Horn to endorse all New Jersey Department of Environmental Protection forms, NJPDES Permit, Sludge Permits, Sewer Extension Permits and all other permits for a term of one (1) year.

The Resolution shall be effective immediately upon adoption.

# Appoint Professionals: Contracts awarded by "Fair & Open Process" through March 1, 2024

Mr. Horn reviewed the Bid Tabulation worksheet with the Board showing the 2022 & 2023 costs that were proposed for each professional service through February 7, 2023. Mr. Horn, Ms. Pettit and Mr. Rotondi had reviewed all the submitted proposals. Ms. Pettit reviewed her new proposal format, specifically the blended hourly rates that were calculated based on specific tasks that were requested from each professional. This way

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the Authority could workout how much a particular task costs, thus, providing the Authority the ability to truly compare submittals in each category.

There was a discussion on the proposals received for the engineering positions looking at the blended rates and qualifications of each.

# 1. Resolution 014-2023 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 December 20, 2022, for Authority Engineer & Special Projects Engineer; and

**WHEREAS,** the proposals and documentation have been reviewed and CDM Smith & Carroll Engineering Corp. 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.

**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 a blended hourly range: \$134.00-\$166.00, a meeting hourly rate: \$245.00 and a yearly amount not to exceed \$9,000 as specified in the proposal through March 1, 2024
- b. Carroll Engineering Corporation to serve as Special Projects Engineer not to exceed a blended hourly rate of \$142.90 as specified in the proposal through March 1, 2024.
- c. Funding for Special Projects Engineering Services shall be authorized on a project-by-project basis by Resolution of the Board of Commissioners based upon the nature and scope of the project.
- 2. The contract amount shall be reflected in the Fiscal Year 2024 Budget.
- 3. The Authority shall publish notice of this action as required by law.
- 4. The Resolution shall be effective immediately upon adoption.

MOVED: Mr. Rotondi SECOND: Mr. Uhl

Governing Body	Roll Call Vote:				
Member	Aye	Nay	Abstain	Not	Not
Janine MacGregor	X			Voting	Present

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Vincent Uhl X
Paul Rotondi X
Russell Lambert X
Helen Pettit X
Jacqueline Middleton X
Holly Havens X

2. **Resolution 015-2023** "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 proposals were received on December 20, 2022 for Auditor and Special Projects Auditor; and

**WHEREAS,** the proposals and documentation have been reviewed and Suplee Clooney & Company and Bowman & Company have been determined to be qualified and their proposals have been determined to be the most advantageous to the Authority based upon price and other pertinent considerations; and

WHEREAS, the Executive Director recommends Suplee Clooney & Company, LLP to serve as Auditor and

**WHEREAS,** the Executive Director recommends Bowman & Company, LLP to serve as Special Projects Auditor subject to reconciliation of conflicts between the Authority's Request for Proposals and Bowman & Company's terms on pages 14 and 15 of their Proposal; and

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

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

- 1. Thomas F. Horn is herby authorized and directed to execute an agreement with the following individuals for the period through March 1, 2024.
  - a. Robert J. Butvilla of Suplee, Clooney & Company, to serve as Auditor not to exceed \$150.00 blended hourly rate and a set fee of \$26,900.00 to complete the Statutory Audit as specified in the proposal.
  - b. Carol A. McAllister of Bowman & Company, LLP to serve as the Special Projects Auditor not to exceed a blended hourly rate of \$209.25 subject to reconciliation of terms on pages 14 and 15 of their proposal.
- 2. The combined total amount for all Auditing services shall not exceed \$34,000 yearly as set forth in the Fiscal Year 2024 Budget.
- 3. The Authority shall publish notice of this action as required by law.

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4. The Resolution shall be effective immediately upon adoption.

MOVED: Ms. Pettit SECOND: Mr. Rotondi

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

## Financial Advisor.

Mr. Horn and Ms. Pettit commented that either Acacia Financial Group and Phoenix Advisors would be acceptable for the position of financial advisor. Both firms are highly qualified, Acacia developed our 10-year plan and knows the Authority well. Phoenix would be a change, Mr. Horn has worked with the company in the past and feels they would be a good fit. Hearing a consensus from the Board, Mrs. MacGregor made a motion authorizing Phoenix Advisors as Financial Advisor and Mr. Lambert seconded the motion.

## 3. **Resolution 016-2023** 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 December 20, 2023, for Financial Advisor; and

**WHEREAS,** the proposals and documentation have been reviewed and Phoenix Advisors, LLC 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:

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- 1. Thomas F. Horn is hereby authorized and directed to execute an agreement with Phoenix Advisors, LLC to serve as Financial Advisor with a blended hourly rate of \$195.00 and a not to exceed fee of \$3,500 for NJ I-Bank loan to be issued as specified in the proposal for the period through March 1, 2024.
- 2. The contract amount shall be reflected in the Fiscal Year 2024 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 SECOND: Mr. Lambert

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

# 4. **Resolution 017-2023** "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 20, 2022, for Legal/ Labor Attorney; and

WHEREAS, the proposals and documentation have been reviewed and Watts, Tice & Skowronek 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** by 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 a blended hourly rate of \$185.00 and \$10,000 yearly as specified in the proposal for the period through March 1, 2024.
- 2. The contract amount shall be reflected in the Fiscal Year 2024 Budget.

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- 3. The Authority shall publish notice of this action as required by law.
- 4. The Resolution shall be effective immediately upon adoption.

MOVED: Ms. Pettit SECOND: Mr. Rotondi

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

# 5. **Resolution 018-2023** 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 December 20, 2023, 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** by 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 the following not to exceed amounts per NJ I-Bank bond issued as specified in their proposal through March 1, 2024:
  - a) Short Term Bond Fee: \$1.00 per \$1,000.00 and Short-Term Closing Fee: \$7,500.00
  - b) Long Term Bond Fee: \$1.10 per \$1,000.00 and Long-Term Closing Fee: \$25,000.00
- 2. The Authority shall publish notice of this action as required by law.
- 3. The Resolution shall be effective immediately upon adoption.

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> MOVED: Mr. Uhl SECOND: Mr. Rotondi

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

# 6. Resolution 019-2023 Authorizing Professional Service Contract for Risk Manager

**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 Risk Manager; 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 20, 2022, for Risk Manager; 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 CBIZ Borden Perlman 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** by 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 CBIZ Borden Perlman to serve as Risk Manager, not to exceed five percent (5%) of LMUA'S annual assessment as stipulated by the New Jersey Municipal Utility Joint Insurance Fund and per their proposal for the period through March 1, 2024.
- 2. The Authority shall publish notice of this action as required by law.
- 3. The Resolution shall be effective immediately upon adoption.

MOVED: Ms. Pettit SECOND: Mr. Rotondi

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Governing Body	Roll Ca	ıll Vote:			
Member	Aye	Nay	Abstain	Not	Not
				Voting	Present
Janine MacGregor	$\mathbf{X}$				
Vincent Uhl	$\mathbf{X}$				
Paul Rotondi	$\mathbf{X}$				
Russell Lambert	$\mathbf{X}$				
Helen Pettit	X				
Jacqueline Middleton				$\mathbf{X}$	
Holly Havens				$\mathbf{X}$	

Mrs. MacGregor announced that all reorganization business has been concluded and the Authority is now moving on to the regular session of this meeting.

# Correspondence.

- 1. 75 South Main Street-In a letter dated January 6, 2023, Mr. Horn confirmed capacity for the proposed conversion of an existing detached garage to an accessory apartment. Since the apartment is separate from the house the owner will need to obtain a connection permit.
- 2. 247 N. Main Street-In a letter dated January 26, 2023, Mr. Horn confirmed capacity for the proposed use change from a single commercial unit to 10 artist spaces/ offices. Since the use is being increased, Mr. Horn requested that the Authority be notified of any changes in the water meter.
- 3. Chamber of Commerce Funding Request for Shad Fest Comfort Stations was received via email on February 3, 2023. The Board discussed past practices and asked what was spent to date from the budgeted amount for charitable donations. Mr. Horn confirmed that nothing has been spent to date. Seeing no concerns with this request, Mrs. MacGregor asked for a motion to approve funding of up to \$2,000.00 towards comfort stations.

**Resolution 022-2023** Approving Payment to The Chamber of Commerce Towards the Cost of Portable Comfort Stations at Shad Fest 2023

**WHEREAS,** the Board received an email dated February 3, 2023, from the Greater Lambertville Chamber of Commerce requesting that the Lambertville Municipal Utilities Authority (LMUA) contribute toward the costs of portable comfort stations at the 2023 Shad Festival; and

**WHEREAS,** the Greater Lambertville Chamber of Commerce (The Chamber) was established in 1972 and has been promoting businesses in the Delaware River Towns for over 50 years; and

**WHEREAS,** the Chamber has organized The Lambertville Shad Festival for 40 years to bring commerce to the surrounding River Towns; and

WHEREAS, The LMUA has been supporting Shad Festival since 2008; and

**WHEREAS,** the Board wishes to continue their support for the 2023 Shad Festival by contribute towardthe costs of the portable comfort stations for the fifteenth consecutive year.

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**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Lambertville Municipal Utilities Authority agree to cover the costs of the portable comfort stations not to exceed \$2,000.00 at Shad Festival to be held on April 22 & 23, 2023.

Moved: Mr. Lambert Seconded: Mr. Rotondi

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

# **Chairpersons Report-Janine MacGregor.**

Mrs. MacGregor thanked Ms. Pettit and Mr. Rotondi for their work on reviewing the professional RFP's and especially to Ms. Pettit for rewriting proposal criteria specific to each professional requested.

# **Executive Director's Report-Thomas Horn.**

OPERATIONS REPORT FOR FEBRUARY 2023: Mr. Horn reported no issues of concern at the plant during the colder weather. N. Union P.S. pump went down for part of a day and the staff needed to run the diesel bypass pump while they worked on unclogging the station's pump. The station's main alarm needed to be sent out for repair and an interim alarm has been setup in the meantime.

ODOR CONTROL: No calls for January.

UNION/ PERSONNEL: Mr. Horn met with a Union representative this past month that was out to meet with the operations staff. There is currently one member of the operations staff that wishes to remain in the Union. The rest of the staff have opted out. Mr. Horn will advise the Board of any changes that may happen because of this.

REGULATORY: Biofilter and carbon unit continue to be monitored.

ADMINISTRATIVE ISSUES: PEOSHA had returned for a reinspection on January 20<sup>th</sup> and has approved all of the remediated violations noted in their original inspection back in November.

Mr. Horn has renewed the plant's Stormwater permit recently. He explained that this is part of our general NJDES permit because the plant has a limit of 1 million gallons per day. This is regulatory best management practices to prevent ground spills.

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Mr. Watt will get the changes to the Raritan Pointe agreements made and out to the homeowners this month.

The Auditor is finishing up their on-site work shortly for the FY2022 Audit.

A noise survey was conducted this past month at the recommendation of OSHA. Mr. Horn is awaiting their report.

Bucks County Water & Sewer Update: There has been no official update on their request for increased treatment capacity.

## Memo-TS IDA.

Mr. Horn reported that FEMA has completed their internal reviews. Once the Authority has approved the engineering design contract, the project will be ready for us to accept. After reviewing the proposals submitted by CDM Smith and Suburban, Mr. Horn had decided to request a proposal from Carroll Engineering. A separate memo has been prepared for the Board's review and action. The D&R Canal Commission has determined that the pump station does fall within their jurisdiction therefor a permit will need to be obtained.

# North Union Pumping Station Design.

Mr. Horn had requested and received a proposal from Carroll Engineering for the new station design after his review of CDM Smith and Suburban's submissions. He summarized that CDM Smith's response was very detailed, covered all aspects of the request for proposals and was over \$200,000.00. On the other hand, Suburban's response was for a not to exceed \$145,700.00 that did not include several details including the DRCC review, a geotechnical survey or the design difficulties posed by the lot size or the constraints we will encounter during construction. It was because of these factors that Mr. Horn decided to solicit a third proposal. The sub-committee was impressed with the response received from Carroll Engineering for the annual professional engineering request and they agreed to solicit the third proposal from them.

Mr. Horn highlighted Carroll Engineering's proposal for the Board stating that it was a detailed timeline to prepare the necessary permits and plans showing the various stages of design as well as a preliminary site plan. Their proposal was for a not to exceed amount of \$164,400.00 which included the geotechnical costs. Ms. Pettit noted that their proposal was not "cookie cutter proposal" and it shows that they put some time into it. Mr. Uhl asked if the Board thought it prudent to meet with Suburban and Carroll before awarding the design? Ms. Pettit confirmed that the subcommittee had met with Carroll recently and that the Board had met with Suburban a few years ago. Both Mr. Horn and the Subcommittee agreed to recommend the Board award the contract to Carroll Engineering. At this time, Mrs. MacGregor requested a motion to approve Resolution 021-2023.

**Resolution 021-2023** for Professional Engineering Services for North Union Pumping Station Preparation of Design Documents

**WHEREAS,** the Lambertville Municipal Utilities Authority ("LMUA") owns and operates a wastewater collection and treatment system; and

**WHEREAS,** the LMUA's North Union pumping station (NUPS) was severely damaged during Tropical Storm Ida (TS Ida); and

WHEREAS, the LMUA has applied to FEMA for funding to replace the NUPS on a reimbursement basis; and

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WHEREAS, FEMA has notified the LMUA that the replacement of the NUPS has been approved; and

**WHEREAS**, the LMUA is in need of professional engineering design services for the preparation of Design Documents for the replacement of the NUPS; and

**WHEREAS**, the LMUA's CFO has certified that interim Capital funds are available for Engineering Services for preparation of Design Documents for the reconstruction of the NUPS; and

**WHEREAS**, the LMUA solicited proposals for the preparation of Design Documents in accordance with the requirements of the NJIB; and

**WHEREAS**, proposals were received on December 15, 2022, from CDM Smith and Suburban Consulting Engineers, Inc.; and

**WHEREAS**, an additional proposal was solicited from Carroll Engineering Corporation which was received on February 3, 2023 in the amount of \$164,400; and

**WHEREAS,** the Executive Director has reviewed the proposals and recommends that the LMUA award a contract to Carroll Engineering Corporation. for the work included in their proposal; and

**WHEREAS,** the proposal submitted by Carroll Engineering Corporation has been determined to be the most advantageous to the Authority based upon price and other pertinent considerations.

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of February 7, 2023, as follows:

- 1. Carroll Engineering Corporation is hereby awarded the contract for professional engineering services for preparation of Design Documents for the Replacement of the North Union Pumping Station as per their proposal dated February 3, 2023 in an amount not to exceed \$164,400.
- 2. Thomas F. Horn, P.E., Executive Director is hereby authorized and directed to execute any and all documents and to take any and all actions necessary to implement this resolution.
- 3. The Resolution shall be effective immediately upon adoption.

Moved: Ms. Pettit Seconded: Mr. Rotondi

<b>Governing Body</b>	Recorded Vote:				
Member	Aye	Nay	Abstain	Not	Not
				Voting	Present
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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**Memo-Status of Capital Improvements.** 

Mr. Horn reviewed his prepared spreadsheet projecting capital projects for the next seven years. He explained that he has planned to evaluate the plant generator next fiscal year and the force mains in fiscal year 2025. He

would then get estimates from the engineers for the evaluated projects for budgeting.

**Debt Service Reserve Fund.** 

Mr. Horn explained that since the Authority paid off the 2002 Bond in July of last year there is surplus that can be transferred from the debt service account to our savings account. Then the 2003 Bond will be paid off later

this year and the Authority will have more surplus money to transfer into savings.

Resolution 020-2023 Transfer and Investment of Surplus Funds in the Debt Service Reserve Fund

WHEREAS, the Lambertville Municipal Utilities Authority's (LMUA) Bond Resolution requires that the LMUA maintain a minimum balance equal to the largest annual debt service payment in the LMUA's Debt Service Reserve Fund

(DSRF) at the Bank of New York Mellon, and

WHEREAS, the current balance in the LMUA's DSRF is \$532,103; and

WHEREAS, the LMUA has satisfied our 2002 Bond Issue as of July 31, 2022; and

WHEREAS, the satisfaction of the 2002 Bond Issue reduces the required balance to \$423,106 in our DSRF; and

WHEREAS, the LMUA requests that the excess funds in the amount of \$108,994 be transferred from the Debt

Service Reserve Fund at The Bank of New York Mellon to our Improvement Savings Account at The Bank of Princeton;

NOW, THEREFORE BE IT RESOLVED:

1. That the Trustee is ordered to relinquish control of and transfer \$108,994 from the Debt Service Reserve Fund at

The Bank of New York Mellon to the Improvement Savings Account at The Bank of Princeton.

2. The Chief Financial Officer and/or the Executive Director are authorized and directed to provide any approvals

necessary for the transfer.

3. The Bank of New York Mellon is authorized to make transfers to The Bank of Princeton as directed by the Chief

Financial Officer and/or the Executive Director.

4. The Resolution shall be effective immediately upon adoption.

Moved: Ms. Pettit

Second: Mr. Rotondi

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Governing Body	<b>Recorded Vote:</b>				
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	
Holly Havens				X	

# Chief Financial Officer's Report.

Mr. Uhl made a motion to approve the bill list for February. Before seconding the motion, Mr. Rotondi asked about the two submersible pumps that were purchased. Mr. Horn explained that they were replaced instead of repaired as the cost for repair was about 75% of the cost of new. Hearing no other questions or concerns, an affirmative roll call was taken in favor of the motion by all members present. MOTION CARRIED

<b>Governing Body</b>	<b>Recorded Vote:</b>				
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	
Holly Havens				X	

# Attorney's Report.

Mr. Watts did not have a report for the Board however he had been experiencing some technical issues logging into the meeting conference line. At this time, Ms. Ege called in with her personal phone and successfully entered the conference line confirming that the line is working correctly.

## **Public Comment.**

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

# Adjournment.

The meeting adjourned at 7:02 p.m. with a motion made by Ms. Pettit seconded by Mr. Rotondi and followed by a unanimous voice vote taken in favor of the motion by all members present. MOTION CARRIED.

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Respectfully submitted,

Melissa S. Ege

Melissa S. Ege, Administrative Assistant

Approved at the regularly scheduled Lambertville MUA Board meeting held on March 7, 2023.