



LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Special Meeting

July, 13 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 6:05 p.m. by Chairwoman MacGregor who read the statement of compliance with the Open Public Meetings Act, by adoption of *Resolution 005-2023* setting forth meeting dates for 2023-2024. Notification was published on June 29, 2023, to the Hunterdon County Democrat and 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. Ms. Parsons called the roll as follows:

LMUA Board:

Present: Janine MacGregor-Chairwoman, Vincent Uhl-Vice Chairman, Helen Pettit-Member, Holly Havens-Alternate II

Absent: Russell Lambert-Secretary, Paul Rotondi-Treasurer, Jacqueline Middleton-Alternate I

Also Present: Thomas F. Horn, P.E.-Executive Director, Kathy Leary-CFO, Diane Alexander of Maraziti Falcon, LLP, Kathleen Hatfield of Hatfield Schwartz Law, John Napolitano & Marina Stinely of Cleary Giacobbe Alfieri Jacobs, LLC

Executive Directors Report-Thomas Horn.

Authority Legal/ Labor Attorney Interviews:

Mr. Horn began by introducing the three firms that the Board will be interviewing for the open position of Authority Legal/ Labor Attorney at tonight's meeting. At the June 6th meeting the Board agreed that both Diane Alexander of Maraziti Falcon, LLP and John Napolitano of Cleary Giacobbe Alfieri Jacobs, LLC submitted responsive proposals and are in attendance tonight for a possible contract determination. Mr. Horn explained that should the Board decide to award a contract to Maraziti Falcon, it will be just for Authority Attorney and a second contract would need to be awarded to Kathleen Hatfield of Hatfield Schwartz Law Firm for Labor Attorney.

Mr. Horn introduced Diane Alexander and Kathleen Hatfield to the Board. He explained the need for appointing a new attorney since our long-time attorney, Greg Watts of Watts Tice Skowronek will no longer be able to represent the Authority due to serious health issues. Mr. Horn further expressed that Greg will be sorely missed as he has represented the Authority since 1975 and was very knowledgeable regarding the LMUA.

Mr. Horn explained the needs of the Authority, we have 4 employees who are covered under the CWA Union contract, we are members of the New Jersey Joint Utilities Joint Insurance Fund and must comply with their requirements. He then took a moment to introduce the Board members present and absent from the meeting.

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Special Meeting

July 13, 2023, 6:00 pm

Held In Person & Conference Call

Minutes, Page 2

DIANE ALEXANDER, MARAZITI FALCON, LLP:

Mrs. MacGregor took the floor by asking Ms. Alexander to explain a little bit about what her firm handles as specifically an Authority Attorney. Ms. Alexander took the floor by stating that her firm has been representing sewer authorities since the 1970's and met Tom Horn at Rockaway Valley Authority. They have represented Rockaway Valley, Morris County MUA, Stony Brook, Somerset Raritan since 1995, and they also represent a number of smaller authorities such as Flemington. Ms. Alexander has represented many clients with NJ DEP permit appeals, she is very active in the Association of Environmental Authorities, (AEA). She has been practicing for over 30 years and has helped change the law regarding connection fees. She has worked with many agencies including NJDEP, environmental issues groups, AEA and AEA members. Ms. Alexander most recently assisted the Natural Resources Defense Council with a program that would provide financial assistance for residents to pay their water and sewer bills.

Mrs. MacGregor then asked if Ms. Alexander could recall what was one of the toughest legal situations she has had in the past. There were two she described; one she was on the sidelines because it was a labor issue with an Executive Director at an Authority who ended up having to leave due to criminal allegations made against them. The second, Environmental Protection Agency, EPA came by helicopter to one of her client's Treatment Plant and shut down the lab due to an allegation that they were using two sets of books but were exonerated in the end.

Ms. Alexander confirmed that she would be available to attend the Authority's regular meetings each month with the exception of when she is on vacation. One of her associate members would also be attending and then the firm would cover the cost of their visit.

KATHLEEN HATFIELD, HATFIELD SCHWARTZ LAW:

Kathleen Hatfield took a moment to review her firm's history and background stating that she and her partner started the firm in 2020. Since opening, they have represented a number of Authorities including Rahway Valley Sewerage Authority. They have represented affirmative action issues, with Equal Employment Opportunity Commission, as well as with the Division on Civil Rights, DCR. They have experience working with both Union and non-Union represented employees.

The Board took a moment to thank both Ms. Alexander and Ms. Hatfield for their time before they exited the meeting at 6:24 p.m.

JOHN NAPOLITANO & MARINA STINELY, CLEARY GIACOBBE ALFIERE JACOBS, LLC:

Mr. Napolitano started by summarizing his firm's experience and qualifications. As an Authority Attorney, his firm has reviewed and updated the current New Jersey Joint Insurance Fund employee manual. The firm has 15 years' experience, 48 lawyers, they represent around 10 different utility authorities, 10 municipalities including Two Bridges and Somerset Raritan. Mr. Napolitano has been practicing for over 30 years. He represents Union County Solid Waste, Sussex County Landfill, and is general counsel for the Association of Environmental

Authorities, for 10 years. Ms. Stinely is also in attendance tonight as Mr. Napolitano has a conflict with the LMUA's meeting nights and recommends that Ms. Stinely attend in his place. She started her career with a Clerkship in 2018 and has been practicing for 4 years. She has a degree in Environmental Law from Pace and has worked and presented to the New Jersey Water Environment Association, on Covid-19 recommended labor policies. Mrs. MacGregor asked the Board's question of what was the toughest situation Mr. Napolitano has experienced as Authority Attorney? He stated that he had successfully represented a client who was raided by the US Attorney General's office. He has represented a 12 plus million construction project with Comptroller reviews and is familiar with RBC technology. Mr. Napolitano discussed the recent Board of Public Utilities reporting requirements in order to track payment collection rates in relation to Covid-19.

The Board then took a moment to thank them both for their time and attendance tonight before exciting the meeting at 6:57 p.m.

Chief Financial Officer's Report.

Mr. Uhl made a motion to approve the bill list for July. Ms. Pettit 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				

Closed Session.

Resolution 038-2023 *Authorizing a Closed Session to Discuss Professional Contracts*

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 Thursday, July 13, 2023, at the Administrative Building located at the Treatment Plant, 3 Bridge Street, Lambertville for the purpose of discussing matters pertaining to the Authority Legal/ Labor Attorney Contract.

BE IT FURTHER RESOLVED that the matters discussed in and minutes of the closed session shall be disclosed to the

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY
Special Meeting
July 13, 2023, 6:00 pm
Held In Person & Conference Call
Minutes, Page 4

public when the reason for confidentiality no longer exists.

The Resolution was adopted by a call of ayes and nays as follows:

Moved: Mr. Uhl

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				

Mr. Uhl made a motion to go into closed session and stated that action may be taken on matters discussed upon reentering open session.

Start: 7:00 p.m.

Reconvene: 7:13 p.m.

Upon reentering open session, Mrs. MacGregor requested a motion to approve a resolution that will be memorialized once written at the August 1st regular meeting.

Mr. Uhl made a motion that a resolution be placed on the agenda of the August 1, 2023, meeting of the Authority's Board of Commissioners to memorialize the appointments and authorize contracts with Diane Alexander of Maraziti Falcon, LLP to serve as Authority Attorney and Kathleen Hatfield of Hatfield Schwartz Law to serve as Labor Attorney through the contract year ending March 1, 2024. Ms. Havens seconded the motion. 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				

Public Comment.

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

LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Special Meeting

July 13, 2023, 6:00 pm

Held In Person & Conference Call

Minutes, Page 5

Adjournment.

The meeting adjourned at 7:15 p.m. with a motion made by Mr. Uhl 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. Parsons

Melissa S. Parsons, Administrative Assistant

Approved at the regularly scheduled Lambertville MUA Board meeting held on September 5, 2023.