



LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

August 1, 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 6:01 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 February 23, 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, Russell Lambert-Secretary, Paul Rotondi-Treasurer, Jacqueline Middleton-Alternate I Helen Pettit-Member

Absent: Vincent Uhl-Vice Chairman, Holly Havens-Alternate II

Also Present: Thomas F. Horn, P.E.-Executive Director, Kathy Leary-CFO, Diane Alexander, Esq. of Maraziti Falcon, LLP

Minutes.

The minutes from the June 6, 2023, regular & closed session meeting were approved in a motion made by Mr. Rotondi and seconded by Ms. Pettit and followed by a unanimous roll call vote except for Ms. Middleton who abstained as she was absent. 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

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The minutes from the July 13, 2023, special & closed session meeting were tabled as the members present at that meeting were not in attendance at tonight's meeting and we did not have a majority to hold a vote.

Correspondence.

1. 2 Allen Street Permit Extension: In a letter dated June 21, 2023, the open connection permit originally issued June 22, 2021, was extended to June 22, 2024. Since the lateral has not been installed, the owner/ applicant must pay the difference between the original permit amount of \$6,422.00 and the current rate at the time of installation.
2. Notice to the City of temporary areas for demolition and reconstruction of the N. Union Street pumping station was sent in a letter dated July 12, 2023. The notice included the preliminary and demolition plan the Authority's engineers prepared to accomplish the project. The Authority is requesting temporary no-parking along the pump station side of N. Union Street during the projected construction period between June 2024 and January 2025.
3. 88 S. Main Street Will Serve: In a letter dated July 27, 2023, capacity was confirmed for the proposed renovation of an existing three-bedroom, one bath, single family residence to a four-bedroom, 2 ½ bath, single family residence.

Chairperson's Report.

Mrs. MacGregor took a moment to welcome Ms. Alexander as our new Authority Attorney, stating that we are glad to have her as well as the Authority's new Labor Attorney, Kathleen Hatfield.

Executive Directors Report-Thomas Horn.

1. **Operations Report:** Mr. Horn reported that the wall leaks at Swan pump station have been repaired. The staff handled some issues due to high flows and a power outage of July 15th through 16th.

There were no calls concerning odor issues.

The Union sent out letters to the employees stating that they will no longer be representing them as only one employee remains in the Union.

The Raritan Pointe easements have been filed with the County.

JCP&L Energy Audit: The audit was conducted last month, and Mr. Horn awaits their report on possible recommendations.

Personnel Manual: Mr. Horn is working on the updates before sending on to our Attorney for a final review.

JIF Renewal: Mr. Horn is working on the renewal paperwork and will bring a resolution for approval before the Board when completed.

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The plant permit application is due to DEP. Mr. Horn has submitted the necessary documentation and paperwork for the new permit. He stated that the Authority won't know if there will be any changes to the requirements until the permit review is completed by DEP.

2. **Memo: N. Union Pump Station Replacement:** Mr. Horn reported that Carroll Engineering has completed the 90% design drawings and they were delivered on July 6th for Mr. Horn's review. Mr. Horn met with Carroll on July 13th to discuss the project and schedule. The current cost estimate is \$1,103,520. Once the plans are completed, Mr. Horn will make a courtesy review in front of the Planning Board and an information session for residents.

NJDEP has issued a permit by rule for the Land Use permit and requires nothing further. Delaware Raritan Canal Commission has issued a general permit.

NJ Infrastructure Bank representatives from the NJDEP will be meeting the Authority and Carroll Engineering on August 3rd to discuss plans, permits and procedures for moving forward.

Mr. Horn anticipates that the Authority will be ready to advertise for bids in early January 2024 provided the TWA permit and the short-term loan from the NJ I-Bank are approved.

3. **Memo: Purchase of Authority Replacement Vehicles:** The Authority has planned in the capital budget to replace vehicles based on their life expectancy. The dump truck was in last year's capital budget and one of the pickup trucks and Mr. Horn's personal vehicle are in this year's capital budget. Quotes have been received from the NJ State Purchasing Contract for all three vehicles. Copies were made available for the Board's review. Mr. Horn recommends auctioning off the replaced vehicles once the new vehicles arrive to help offset the cost.

Resolution 040-2023 *Authorizing the Purchase of Authority Replacement Vehicles*

WHEREAS, the Lambertville Municipal Utilities Authority has a need to acquire replacement vehicles for the daily use during plant and pumping stations operations and for the executive director due to the high mileage, age, and the need for major repairs; and

WHEREAS, the Commissioners agree with the recommendation; and

WHEREAS, the Lambertville Municipal Utilities Authority ("Authority") is authorized, on behalf of the State by the Division of Purchase and Property in the Department of the Treasury N.J.S.A. 40A:11-12(a) to purchase goods or services under State contract; and

WHEREAS, the Authority has determined that it is necessary and advisable to enter into a State contract for the purchase of two 2023 Ford F-250 pickups and a 2023 Ford Escape, as the most cost-effective method of procurement; and

WHEREAS, it is the intent of the Authority to make a contract award to Nielson Fleet, Inc. pursuant to the proposals submitted indicating they will provide two 2023 Ford F-250 pickups, State Contract number 23-FLEET-34922 for \$117,143.50; and

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WHEREAS, it is the intent of the Authority to make a contact award to Ciocca Ford of Flemington pursuant to the proposal submitted indicating they will provide a 2023 Ford Escape, State Contract number T2007 for \$27,890.00; 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 enter into contracts with Nielson Fleet, Inc. pursuant to the proposals submitted for \$117,143.50 and Ciocca Ford of Flemington pursuant to the proposal submitted for \$27,890.00.
2. The Resolution shall be effective immediately upon adoption.

Moved: Ms. Pettit

Seconded: Mr. Rotondi

Governing Body	Recorded Vote			
Member	Aye	Nay	Abstain	Absent
Janine MacGregor	X			
Vincent Uhl				X
Paul Rotondi	X			
Russell Lambert	X			
Helen Pettit	X			
Jacqueline Middleton	X			
Holly Havens				X

4. **Memo: Status of TV Inspection of Sewers:** National Water Main Cleaning Company completed inspection and cleaning of most of the sewer mains in early July. Once Mr. Horn has reviewed the reports and videos, he can determine what repair work may be required. Mr. Horn plans to complete the remaining inspection of the system in the fall or next spring. Then the Authority can put together a full plan to repair and line the collections system.
5. **Carroll Engineering Contract Amendment No. 1:** Mr. Horn had solicited three quotes from Carroll Engineering for feasibility studies for the recommended replacement of facilities as described in the Asset Management Plan, "AMP". Based on the AMP, the sludge dewatering facilities, the headworks facilities, and emergency generator have reached the recommended replacement time. The Board reviewed the proposals and Ms. Pettit recommended adding some additional language to their proposals so that they are included in the Special Projects Engineering 2023 contract as amendments.

It was agreed with Ms. Alexander's recommendation to change the language in the second finding of Resolution 042-2023 to include "the Executive Director is authorized and directed to execute" Amendment No. 1 to the Contract for Special Projects Engineer 2023 "in a form acceptable to the Authority Attorney" Ms. Alexander will also prepare an amendment No. 1 to the original agreement that will connect the proposals with their primary contract.

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Resolution 042-2023 Authorizing Amendment No. 1 to Contract for Special Projects Engineer 2023-Preparation of Feasibility Studies for Wastewater Treatment Plant Facilities

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

WHEREAS, the LMUA has developed an Asset Management Plan (AMP) to be used for the planning of capital improvements and replacement of the Facilities throughout the LMUA’s system; and

WHEREAS, the LMUA’s AMP recommends the timing for the replacement of various Facilities based on a number of factors; and

WHEREAS, based on the AMP, the LMUA’s Sludge Dewatering Facilities, WWTP Headworks Facilities, and WWTP Emergency Generator, hereinafter the “Facilities” have reached the time when the AMP recommends replacing these facilities; and

WHEREAS, it is necessary to better ascertain the extent, timeliness, and detailed costs for the replacement of the facilities if needed, the Executive Director recommends that feasibility studies be performed on the above facilities; and

WHEREAS, the LMUA’s CFO has certified that interim Capital funds are available for Engineering Services for preparation of the recommended feasibility studies; and

WHEREAS, pursuant to Resolution 014-2023, the LMUA awarded a Contract to Carroll Engineering Corp. Entitled “Special Projects Engineer 2023” which provides for such special projects engineering services on an as needed bases by contract amendments; and

WHEREAS, the LMUA solicited a proposal for the preparation of the feasibilities studies of the facilities noted above from Carroll Engineering Corporation; and

WHEREAS, Carroll Engineering Corp’s proposal was received on July 10, 2023 for the required work; and

WHEREAS, the Executive Director, has reviewed Carroll Engineering Corporation’s proposal and has recommended that LMUA’s Board of Commissioners approve the scope of services as detailed in their July 10, 2023, proposal; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of August 1, 2023, as follows:

1. The scope of services for Carroll Engineering Corporation under their Contract for Special Projects Engineer 2023 is hereby Amended to include professional engineering services for preparation of Feasibility Studies for the LMUA’s Sludge Dewatering Facilities, WWTP Headworks Facilities, and WWTP Emergency Generator.
2. The Executive Director is authorized and directed to execute Amendment No. 1 to Contract for Special Projects Engineer 2023 in a form acceptable to the Authority Attorney in an amount not to exceed \$39,800 the LMUA’s Sludge Dewatering Facilities, for a not to exceed amount of \$39,900 for the WWTP Headworks Facilities, and for a not to exceed amount of \$34,500 for the WWTP Emergency Generator.
3. 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.
4. The Resolution shall be effective immediately upon adoption.

Moved: Ms. Pettit

Seconded: Ms. Middleton

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
Janine MacGregor	X			
Vincent Uhl				X
Paul Rotondi	X			
Russell Lambert	X			
Helen Pettit	X			
Jacqueline Middleton	X			
Holly Havens				X

6. **Memo: Delevan Street Emergency Sewer Repair:** June 19th the developer planned to install three new laterals at 9, 11 & 13 Delevan Street. During digging, the sub-contractor damaged our sewer main and left the site to get materials to fix the damage. However, the contractor did not return with the necessary shoring and safety equipment needed to make the repair. In short, the contractor was thrown off of the job by the Lambertville Police Department that declared the site unsafe. The Police directed the Authority to contact their own contractor to make the repairs. This was now an emergency repair job as the contractor had left a 10-foot-deep hole in the middle of Delevan Street and a broken sewer main. The Authority was able to contract with Earl Asphalt Company who came out later that evening and into the morning worked to complete the repairs.

Mr. Horn recommends that the Board approve the prepared resolution authorizing payment of emergency sewer line repairs and then the Authority will require reimbursement from the developer. He noted that all building permits will be withheld until reimbursement has been made to the Authority.

Resolution 041-2023 *Authorizing the Payment of Emergency Procurement of Sanitary Sewer Line Repair Services*

WHEREAS, on June 19, 2023, the contractor for the owner of 9, 11 & 13 Delevan Street caused major damage to the Lambertville MUA, ("Authority") collection system ; and

WHEREAS, said damage to the Authority's collection system constituted a health and safety emergency; and

WHEREAS, said contractor left the site for supplies to repair the sanitary sewer line leaving the excavation in an unsafe manner; and

WHEREAS, the Lambertville Police Department declared the excavation site unsafe, prohibited the contractor from returning to make any repairs, and requested that the LMUA complete the repairs to the sanitary sewer line and make the excavation site safe;

WHEREAS, due to the late time of the day, the LMUA reached out to contractors to determine their availability to make the necessary repairs to the sanitary sewer line in an expedient manner; and

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WHEREAS, Cronce Construction LLC and Fletcher Cramer responded that they were unable to provide repair services that evening; and

WHEREAS, Earle Asphalt Company (“Earle”) advised LMUA of its availability to perform the repairs that evening; and

WHEREAS, due to the unsafe conditions of the excavation site, the LMUA staff authorized Earle to undertake emergency sanitary sewer line repair services. Such services were performed on June 19-20, 2023; and

WHEREAS, the developer is responsible for all cost associated with the repairs conducted by Earle to the sanitary sewer line; and

WHEREAS, the LMUA Board reviewed the memorandum prepared by the Executive Director requesting ratification of the emergency procurement of sanitary sewer line repair services; and

WHEREAS, under the Local Public Contracts Law, N.J.S.A. 40A:11-6, a contract may be awarded without public advertising for bids and bidding when an emergency affecting the public health, safety or welfare requires the immediate performance of the services; and

WHEREAS, the Authority is satisfied that, for the reasons articulated in the memorandum dated January 17, 2023, from Thomas Horn, Executive Director, attached hereto and made a part hereof, the proposed emergency procurement is justified and meets the requirements of the Local Public Contracts Law and N.J.A.C. 5:34-6.1.

NOW, THEREFORE, BE IT RESOLVED by the Lambertville Municipal Utilities Authority as follows:

1. The LMUA hereby declares that an emergency existed due to the immediate need to obtain sanitary sewer line repair services.
2. The LMUA hereby ratifies the actions of Thomas Horn, Executive Director and ratifies payment of the attached Invoice dated July 21, 2023, from Earle Asphalt Company, in an amount of \$15,526.26, for the provision of emergency sanitary sewer line repair services performed on June 19 and 20, 2023, and as described in the memorandum dated January 17, 2023, and documents attached hereto.
3. The CFO certifies that sufficient funds are available.
4. This Resolution shall take effect as provided by law.

Moved: Ms. Pettit

Seconded: Mr. Rotondi

Governing Body Member	Recorded Vote			
	Aye	Nay	Abstain	Absent
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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7. Resolution 033-2023 *Resolution in Support of the Water Systems PFAS Liability Protection Act (TABLED FOR FURTHER DISCUSSION)*

Ms. Alexander to follow up with more details on the bill and amend the proposed resolution to better represent the Authority's position.

8. Resolution 039-2023 *Authorizing Professional Service Contracts for Authority Attorney & 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 Attorneys to serve as Authority Attorney & 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, the Authority issued a Request for Proposals for Authority attorney & Labor Attorney which specified that legal services must be performed by a licensed attorney with no less than 5 years of experience; and

WHEREAS, pursuant to the Fair and Open Process bids were received on May 30, 2023, for Authority Legal/Labor Attorney; and

WHEREAS, the proposals and documentation have been reviewed and Maraziti Falcon, LLP and Hatfield Schwartz Law Group, LLC 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 Diane Alexander of Maraziti Falcon, LLP to serve as Authority Attorney; and

WHEREAS, the Executive Director recommends Kathryn Hatfield of Hatfield Schwartz Law Group, LLC to serve as Labor Attorney; 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:

3. Thomas F. Horn is hereby authorized and directed to execute an agreement with the following individuals for the remaining contract period through March 1, 2024.
 - a. Diane Alexander of Maraziti Falcon, LLP, to serve as Authority Attorney not to exceed a blended hourly rate of \$220.00 as specified in their proposal.
 - b. Kathryn Hatfield of Hatfield Schwartz Law Group, to serve as Labor Attorney not to exceed a blended hourly rate of \$213.75 as specified in their proposal.
4. The combined total amount for all Legal services shall not exceed \$10,000 yearly as set forth in the Fiscal Year 2024 Budget.
5. The Authority shall publish notice of this action as required by law.

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The Resolution shall be effective immediately upon adoption.

Moved: Ms. Pettit

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

9. Resolution 043-2023 Authorizing the 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 \$423,106; and

WHEREAS, the LMUA has satisfied our 2003 Bond Issue as of July 31, 2023; and

WHEREAS, the satisfaction of the 2003 Bond Issue reduces the required balance to \$335,160 in our DSRF; and

WHEREAS, the LMUA requests that the excess funds in the amount of \$87,946 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 \$87,946 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: Mr. Rotondi

Seconded: Mr. Lambert

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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

Chief Financial Officer's Report.

Mr. Rotondi made a motion to approve the bill list for July-August. Ms. Middleton 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 Report.

Ms. Alexander had nothing to report at this time.

Public Comment.

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

Adjournment.

The meeting adjourned at 7:14 p.m. with a motion made by Mr. Rotondi seconded by Ms. Middleton 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.