



LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY

Regular Meeting

August 5, 2025, 6:00 pm

Lambertville Wastewater Treatment Facility,

3 Bridge Street, Lambertville, NJ

Minutes for Meeting Held in Person & Conference Call

Call In # 978-990-5000 Access Code: 2646329

#2

STATEMENT OF COMPLIANCE WITH OPMA.

This meeting was called to order at 6:01 p.m. with the Open Public Meetings Act, by adoption of *Resolution 006-2025* setting forth meeting dates for 2025-2026. Notification was published on Thursday, February 14, 2025, to the Times of Trenton and noticed in the Hunterdon County Democrat. 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, Helen Pettit -Vice Chairperson, Holly Havens-Treasurer, David Burd-Secretary, Robert Dahl-Member, Matthew Hoyle, Alternate I, Emily Nanneman-Alternate II

Also Present: Thomas F. Horn, P.E.-Executive Director, Michael Ingenito-Replacement Executive Director, Dave Rose-Operations Supervisor, Diane Alexander, Esq. of Maraziti Falcon, LLP

AGENDA, ETC.

1. Pro-Forma Cash-Flow Model, dated 4/23/2025: The most recent version of the 10-Year finance plan was given to each of the Board members for their reference and to retain with their meeting paperwork.

Mr. Burd took a moment to review the new Agenda format and discussed providing the option to choose either electronic or hard copy meeting packets. He passed around his organized binder with number tabs that correspond to the numbered items on the Agenda. He asked that the Board take some time to decide which media they would prefer.

MINUTES.

2. The minutes from June 3, 2025, Rate Hearing, Regular & Closed Sessions were approved in a motion made by Ms. Pettit and seconded by Mr. Burd and followed by a unanimous roll call vote by all members present. MOTION CARRIED

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

CHAIRPERSON'S REPORT.

Mrs. MacGregor would like to welcome Mr. Ingenito who began on Monday, August 4th and will be shadowing Mr. Horn to fill the position of Executive Director at the end of the year.

EXECUTIVE DIRECTOR'S REPORT-THOMAS HORN.

3. Capacity Verifications:

3.1 6538 Lower York Rd. Solebury Township, PA: In a letter dated June 18, 2025, Mr. Horn confirmed sufficient capacity for the proposed development of a 22,400-sf indoor pickleball court building located in Solebury Township, PA. Mr. Horn explained that Bucks County W&SA has a contract with the LMUA for a not to exceed maximum capacity. Mr. Horn confirmed that they are not near the maximum, and this letter is only a formality.

3.2 63 Coryell St. Lambertville, NJ: In a letter dated July 2, 2025, Mr. Horn confirmed sufficient capacity for the proposed renovation of an existing commercial unit located on the ground floor into 2 residential units and 1 commercial unit.

4. Memo: Personnel Safety & Operations Update. Mr. Horn updated the Board on normal operations. The staff plan on replacing the cracked flights the next time the tank is drained. There has been reduced work in the afternoons during the extreme heat conditions.

The weekly cleaning of the chlorine contact tanks has been continued to keep the surface clear.

Update on EPA sampling/ inspection report dated April 1-2, 2025: Mr. Horn reported that there are higher flows in the Secondary Tanks which contribute to floatable solids as EPA & NJDEP mentioned in their inspection report. Colliers Engineering will be addressing the floatable solids in the Wastewater Treatment Plant upgrades project.

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Environmental Joint Insurance Fund (EJIF) Review of PAA Emergency claim of June 26, 2024: There are no new updates from the claim's administrator on coverage. Mr. Horn is planning to attend the NJ Utilities Authority (NJUA) JIF meeting in September and will inquire in person at that time.

The annual Right to Know survey with a list of hazardous chemicals was submitted in July.

One Water has installed the Discharge Monitoring Report (DMR) reporting tool. This will reduce errors when submitting monthly reporting data through the NJDEP portal. One Water needed to make some changes due to security updates on the NJDEP website to allow the tool to upload. Once this is completed, data will be entered as it is received or produced in-house.

The annual NJUA JIF safety inspection was conducted on July 8th. Mr. Horn and Ms. Parsons reviewed the safety programs with the inspector.

NJ DEP issued a letter confirming the classification of the LMUA's treatment plant as a S-3 class plant. Mr. Horn confirmed that there is no change in the permit and no impact operationally.

4.1 Wastewater Treatment Plant Effluent Data. The Board reviewed the data shown on the spreadsheet Mr. Horn prepared.

5. Memo: Peracetic Acid ("PAA") Pilot Study Evaluation.

Since the pilot study began on May 12th data collection is still ongoing. The staff continues to monitor the effluent and PAA usage to develop enough data to determine if this is an effective replacement for hypochlorite and bisulfite disinfection treatment.

The Board asked Mr. Rose, Operations Supervisor, how the pilot was going and how the staff are handling it. He explained that the residuals (trace amounts of the PAA chemical to the effluent) are not being kept where they need to be. He is having a hard time figuring out the correct dosage. He explained that there is currently no standard on PAA residuals, however, there should be some trace amounts remaining after treatment to ensure a complete kill of any existing bacteria and viruses. Van Cleef's subcontractor is scheduled to come in and evaluate the whole pilot study. Facility Operations staff are not invested in the pilot study as they still have strong opinions since the PPA incident last June of 2024.

The LMUA currently has enough PAA to cover disinfection treatment through the middle of August. Mr. Horn plans to stop and switch back to hypochlorite and bisulfite treatment until a formal report is completed and a decision is made. He expects the report to be ready for the Board's review by the October 7th meeting.

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6. Memo: Capital Projects Status: Mr. Horn updated the Board on the ongoing projects status.

Coryell Street P.S.: Carroll Engineering has submitted the 95% complete design drawings. The EPIC funded project report has received comments from NJ DEP. The Treatment Works Approval (TWA) Permit is under technical review. The Delaware Raritan Canal Commission (DRCC) permit has been approved. An application for the driveway permit is in progress. Maraziti Falcon, LLP is handling the easement agreement for the force main. The onsite part of the Cultural Resources Survey: NJ DEP is requiring a Stage II Cultural Review survey. This could take approximately 3 to 4 months to complete (see Agenda Item 7). The application for Project Authorization is in progress. NJ DEP resiliency requirements will need to be met to bring any new building to 500-year +1-foot flood elevation. Air permits will be required for the new odor control system.

Swan Street P.S.: Carroll Engineering has submitted 90% complete design drawings. EPIC funded report has received comments from NJ DEP. A TWA Permit is not required for the upgrades. The air permit for the scrubber is not required. The DRCC application has been approved. The application for Project Authorization has been approved by NJ Historic Preservation Office (NJHPO). Lambertville Planning Board is requiring a courtesy review. NJ Infrastructure Bank (NJIB) requires a review of the project documents. Mr. Horn expects this project to be ready to advertise for bids by the end of the year.

Wastewater Treatment Plant: Colliers Engineering has completed three alternative evaluations for the headworks, belt filter press and an alternative odor control system for the belt press. The replacement design has started for the replacement emergency generator. EPIC has submitted the Project Report to NJ DEP for review. The report may need to be amended to address options under consideration (see Agenda Item 8). There will be no DRBC review or Cultural Resources survey required. Historic Preservation Office and Lambertville Historic Preservation Commission will require reviews. There is a Microsoft Teams meeting scheduled for tomorrow morning to bring Mr. Ingenito up to date on the project.

N. Union Street P.S. Rebuild: Dulaine Engineering Inc demolition of the station is still underway. The wet well is expected to be installed on August 7th. Approval of the change order #2 for additional work needed to address sound enclosure for the bypass pump and police assistance is required (see Agenda Item 10). A change order is expected due to the unanticipated thickness of the station's floor that was thought to be 12" and turned out to be 19" thick. The contractor needs to bring in a hammer tool to remove the remaining floor. The Board discussed handing out flyers to the neighbor giving them advance warning of the machinery noise. The estimated time for completion is now the end of October.

The Board asked that Mr. Horn convert the Capital Projects update memo into a standardized chart that tracks the progress of each project.

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Swan Street Sewer Evaluation: Engineering report on the initial review was submitted. There is a proposal for a full evaluation before the board.

7. Additional Cultural Resource Survey for Coryell St. Pump Station Discussion: Mr. Horn confirmed that the proposal from Richard Grubb and Associates (RGA) is exactly what is recommended by NJDEP. The Board reviewed the proposal in detail. They asked that Mr. Horn confirm the definition of the acronym (LOD's) in their proposal. In RGA's proposal there is an additional cost of a backhoe. Mr. Horn is planning to ask Lambertville DPW for the use of their backhoe.

Resolution 050-8-2025 Contract Amendment No. 1 with Richard Grubb and Associates for a Stage II Cultural Resource Survey for Coryell Street Pump Station

WHEREAS, the Lambertville Municipal Utilities Authority's ("LMUA") by virtue of Resolution 030-4-2025, awarded a contract to Richard Grubb and Associates (RGA) to prepare a Cultural Resource Survey and Application for Project Authorization (APA) for the Coryell Street Pumping Station (Coryell PS) and an APA for the Swan Street Pumping Station as required by the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, RGA prepared the required Cultural Resource Survey for Coryell PS and submitted the same to the NJDEP for their review and comments; and

WHEREAS, the NJDEP reviewed the Cultural Resource Survey for Coryell PS and contacted RGA with their review comments; and

WHEREAS, the NJDEP is requiring that the LMUA conduct a Stage II Cultural Resource Survey for the Coryell PS to include preparation of a work plan, subsurface testing in the form of three (3) five-foot square hand dug excavations, two (2) shovel test pits, and preparation of a report detailing the results of the Stage II survey; and

WHEREAS, RGA prepared a proposal dated July 24, 2025, to conduct the required Stage II Cultural Resource Survey for the Coryell PS; and

WHEREAS, the contract amendment proposes a fee not to exceed \$49,833 which is in addition to their original professional services agreement fee not to exceed \$26,981; and

WHEREAS, the Executive Director has reviewed the amendment and recommends that the LMUA authorize the contract amendment as written.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of August 5, 2025, as follows:

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1. Richard Grubb and Associates contract amendment dated July 24, 2025, is hereby authorized for conducting a Stage II Cultural Resource Survey for Coryell PS in an amount not to exceed \$49,883.
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.

Certification of Funds

I, Kathy Leary, Chief Financial Officer, do hereby certify that sufficient funds are available in the short-term loan from the NJ I-Bank.

/s/ Kathy Leary

Chief Financial Officer

Lambertville Municipal Utilities Authority

Dated: August 5, 2025

MOTION: Mr. Dahl

SECOND: Mr. Burd

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

8. Additional Engineering Services for Wastewater Treatment Plant Upgrades Discussion: Mr. Horn explained the proposal was for Geo Tech support, and soil boring. This was not anticipated in the original proposal. The Board reviewed the contract language and specifically clause "14.0 Indemnification" on page 8 in their proposal. They requested that Ms. Alexander contact Collier Engineering to discuss the liability clause. The Board then made a motion to approve Resolution 048-8-2025 subject to a form of contract that is acceptable to general council and Chairperson.

Resolution 048-8-2025 Contract Amendment No. 1 with Collier Engineering and Design Inc. for the Wastewater Treatment Plant Preparation of Design Documents

WHEREAS, the Lambertville Municipal Utilities Authority's ("LMUA") by virtue of Resolution 025-3-2025, awarded a contract to Collier Engineering and Design, Inc. ("Collier") for professional engineering design services for the preparation of Design Documents for the replacement of facilities at the Wastewater Treatment Plant (WWTP); and

WHEREAS, Collier submitted a contract amendment dated July 10, 2025, to their original professional services agreement to include geotechnical exploration program and report for WWTP project; and

WHEREAS, the contract amendment proposes a fee not to exceed \$13,500 which is in addition to their original professional services agreement fee not to exceed \$521,231; and

WHEREAS, the Executive Director has reviewed the amendment and recommends that the LMUA authorize the contract amendment as written.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of August 5, 2025, as follows:

1. Collier Engineering and Design, Inc. Contract Amendment No. 1 dated July 10, 2025, is hereby authorized for geotechnical exploration program and report in an amount not to exceed \$13,500.
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. Final approval is subject to a form acceptable to General Council and the Chairwoman.
4. The Resolution shall be effective immediately upon adoption.

MOTION: Ms. Pettit

SECOND: Ms. Havens

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

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9. Additional Engineering Services for N. Union P.S. BABA Requirements Discussion: Mr. Horn explained that due to the regulatory requirements under Build America Better Again (BABA), there are additional construction administrative and inspection costs. The certification process for goods is difficult and time consuming.

Resolution 049-8-2025 Contract Amendment No. 2 with Carroll Engineering Corporation for the North Union Pumping Station Design

WHEREAS, the Lambertville Municipal Utilities Authority's ("LMUA") by virtue of Resolution 021-2023, awarded a contract to Carroll Engineering Corporation ("Carroll") for professional engineering services for the preparation of Design Documents for the replacement of the North Union Pumping Station (NUPS); and

WHEREAS, the LMUA approved Contract Amendment No. 1 by Resolution 025-2024 to their original professional services agreement to include construction inspection & administration services for NUPS replacement for an additional amount of \$117,100, which was in addition to their original professional services agreement fee not to exceed \$164,400; and

WHEREAS, due to extensive shop drawings and the Build America Buy America (BABA) certification process, Carroll is requesting an additional fee not to exceed \$74,200 for construction inspection and administration as detailed in their letter dated May 30, 2025, which is in addition to their current professional services agreement fee for a total not to exceed amount of \$355,700; and

WHEREAS, the Executive Director has reviewed the amendment and recommends that the LMUA authorize the contract amendment as written.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of August 5, 2025, as follows:

1. Carroll Engineering Corporation Contract Amendment No. 2 dated May 30, 2025, is hereby authorized for additional construction inspection and administration services in an amount not to exceed \$74,200 and total contract amount not to exceed \$355,700.
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.

Certification of Funds

I, Kathy Leary, Chief Financial Officer, do hereby certify that sufficient funds are available in

Engineering Services, Capital Projects Fund to be reimbursed at 90% by FEMA.

/s/ Kathy Leary
Chief Financial Officer
Lambertville Municipal Utilities Authority
Dated: August 5, 2025

MOTION: Mr. Burd
SECOND: Ms. Pettit

Governing Body Member	Recorded Vote:		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

10. Unforeseen costs for N. Union Pump Station Replacement Discussion: Mr. Horn explained that Change Order No. 2 is for the additional work needed for noise remediation of the electric bypass pump and the manhole needed to be widened and the cost for police presence. Ms. Pettit stated that we need to make sure police presence is accounted for in the bid package going forward.

Resolution 051-8-2025 Change Order No. 2 with Dulaine Contracting, Inc. for the North Union Street Pumping Station Replacement

WHEREAS, Lambertville Municipal Utilities Authority (“Authority”), via Resolution 039-2024 passed on August 6, 2024, awarded a contract to Dulaine Contracting, Incorporated (Dulaine) in an amount not to exceed \$1,574,198.00 for the North Union Pumping Station Replacement; and

WHEREAS, during the execution of the work under the contract, additional work was encountered for which Dulaine provided a cost to complete; and

WHEREAS, the additional work included construction of a sound wall to reduce the noise level of the bypass pump after complaints from neighboring residents and businesses, cutting of existing influent pipe in the bypass manhole to accommodate the bypass suction hose, and the cost of police detail necessary for traffic control; and

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WHEREAS, Carroll Engineering prepared Change Order No.2 dated July 29, 2025, for Dulaine for the additional work required during the execution of the project; and

WHEREAS, after approval of the change order, the contract amount would increase by \$7,556.12 to a final contract price of \$1,583,366.32; and

WHEREAS, Carroll Engineering recommends that Change Order No. 2 be approved by the Authority; and

WHEREAS, sufficient funds are available for these purposes from the short-term loan from the NJ I-Bank.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of August 5, 2025, as follows:

1. Change Order No. 2 is hereby authorized for the additional work required to complete the contract with Dulaine Contracting, Incorporated for the North Union Pumping Station Replacement which increases the final contract amount by \$7,556.12 to \$1,583,366.12.
2. The contract completion date remains the same.
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.

Certification of Funds

I, Kathy Leary, Chief Financial Officer, do hereby certify that sufficient funds are available in the short-term loan from the NJ I-Bank.

/s/ Kathy Leary
Chief Financial Officer
Lambertville Municipal Utilities Authority
Dated: August 5, 2025

MOTION: Mr. Dahl

SECOND: Ms. Havens

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

11. Investigation of Swan St. & Cherry St. Sewer Main Surcharges Discussion: The Board reviewed Carroll Engineering Corp’s proposal for Amendment No.2 to the Contract for Authority Engineer 2025 to provide additional engineering. Services including detailed investigations, data review, and recommendations for remediation measures to address surcharging of the Swan St. and Cherry St. sewer mains. The Board reviewed Amendment No. 2 for a detailed sewer investigation, review of data and remediation recommendations for Swan Street and Cherry Street sewer mains.

Resolution 052-8-2025 Amendment No. 2 Contract for Authority Engineer 2025-Carroll Engineering Corp.

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

WHEREAS, pursuant to Resolution 015-2025, the LMUA awarded a Contract to Carroll Engineering Corp. Entitled “Authority Engineer 2025” which provides for such engineering services on an as needed basis by contract amendments; and

WHEREAS, the LMUA solicited a proposal for the Swan Street Sewer Investigation noted above from Carroll Engineering Corporation; and

WHEREAS, Carroll Engineering Corp’s submitted a proposal dated July 31, 2025, 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 31, 2025, proposal; and

WHEREAS, sufficient funds are available for these purposes under Engineering Services, Capital Projects Fund.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Lambertville Municipal Utilities Authority at the meeting of August 5, 2025, as follows:

1. The scope of services for Carroll Engineering Corporation under their Contract for Authority Engineer 2025 is hereby Amended to include professional engineering services for Swan Street Sewer Investigation.
2. The Executive Director is authorized and directed to execute Amendment No. 2 to Contract for Authority Engineer 2025 in a form acceptable to the Authority Attorney in an amount not to exceed \$17,000 for the LMUA's Swan Street Sewer Investigation.
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.

Certification of Funds

I, Kathy Leary, Chief Financial Officer, do hereby certify that sufficient funds are available in Engineering Services, Capital Projects Fund.

/s/ Kathy Leary
Chief Financial Officer
Lambertville Municipal Utilities Authority
Dated: August 5, 2025

MOTION: Ms. Pettit
SECOND: Mr. Burd

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

12. Vacation Memo

Mr. Horn advised that he will be away on vacation from August 12th through August 15th.

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- 13. Billing Correction & Account Credit for 89 N. Main Street, Lambertville NJ Discussion:** The Board reviewed the spreadsheet calculating the billing credit of -\$1,143.00 that would be issued to the account for 89 N. Main Street to cover from the date of the CO, September 21, 2016, to current, correcting the billing rate from commercial to residential. The additional short-term rental unit not previously billed will be charged as a single Bed & Breakfast unit at a pro-rata share based on the full residential unit. This would be added retroactively to the account starting May 11, 2023, to current in an amount of \$430.00. A final credit balance of -\$713.00 shall be reflected on the account.

Resolution 046-8-2025 Approval of Billing Correction & Account Credit for 89 N. Main Street, Lambertville NJ

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) received a written request from the owner of 89 N. Main Street for a billing correction of sewer charges via email on May 21, 2025; and

WHEREAS, 89 N. Main Street is currently billed as a Commercial Account, at a rate of \$720.00 per year; and

WHEREAS, the City of Lambertville issued a Certificate of Occupancy “CO” dated September 21, 2016, changing the “use” from Commercial to Residential; and

WHEREAS, the City of Lambertville advised that the property contained one (1) short-term rental unit and one (1) long-term rental unit as of May 11, 2023; and

WHEREAS, the Lambertville MUA was not made aware of the change in “use” or the addition of the short-term rental unit until May 21, 2025; and

WHEREAS, Under Chapter 7-4.6 of the Authority’s Rules & Regulations *“Whenever the Authority determines that it has issued incorrect bills for sewer service or has failed to bill for sewer service it shall take immediate steps to correct any such bill or render an appropriate bill for sewer service as the Authority, at its absolute discretion, may deem equitable under the circumstances.”*

WHEREAS, the billing correction was made on account 30197 as of the date the Authority was notified, May 21, 2025, changing the billing unit from Commercial to Residential; and

WHEREAS, the Owner of 89 N. Main Street is requesting a retroactive billing adjustment and an account credit be issued to the date of the CO, September 21, 2016.

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 following:

1. The retroactive billing adjustment of -\$1,143.00 shall be issued to bring account 30197 to the correct rate of a Residential Unit at 89 N. Main Street, effective September 21, 2016.

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2. The short-term rental unit shall be assessed per the Rate Schedule, as a Bed & Breakfast and a pro-rata share shall be charged for the additional short-term rental unit against account 30197 from May 11, 2023, to current in an additional amount of \$430.00.
3. Upon the billing adjustment and back billing being issued, a final credit balance of - \$713.00 shall be reflected on account 30197.

BE IT FURTHER RESOLVED that this Resolution is effective immediately upon adoption.

MOTION: Ms. Havens

SECOND: Ms. Pettit

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

CHIEF FINANCIAL OFFICER'S REPORT-KATHY LEARY.

- 14. Payment of Bills and Claims from June & July Discussion:** Mr. Horn reported that Ms. Leary was out sick unexpectedly and as such did not finish the Capital Bills List for this evening. After some discussion, the Board decided to hold Capital bill payments for the September 2nd meeting.

Resolution 053-8-2025 to Approve Payment of Bills and Claims from June & July 2025

WHEREAS, the Lambertville Municipal Utilities Authority received certain claims against it by way of voucher; and

WHEREAS, the staff and Authority members have reviewed said claims; and

WHEREAS, the CFO has determined that funds are available to pay said claims.

NOW, THEREFORE, BE IT REOLVED by the Lambertville Municipal Utilities Authority that these claims be approved for payment for the following amounts:

JUNE PREPAID BILLS LIST: \$52,780.94
JULY OPERATING BILLS LIST: \$54,552.39

MOTION: Ms. Pettit
SECOND: Mrs. MacGregor

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

15. Memo: Bills over \$5,000

This memo was unavailable for review.

ATTORNEY'S REPORT-DIANE ALEXANDER.

- 16. Defense and Indemnification of the Members and Employees of the Lambertville Municipal Utilities Authority Discussion:** Ms. Alexander recommended the Board pass this resolution annually at the February reorganization meeting.

Resolution 031-8-2025 to Authorize the Defense and Indemnification of the Members and Employees of the Lambertville Municipal Utilities Authority

WHEREAS, there exists a need to protect the past and present members and employees of the Lambertville Municipal Utilities Authority ("LMUA") from the monetary costs of fines, penalties, damages, settlements, costs and legal fees associated with the defense of any civil or criminal actions which may be brought from this day forward against the LMUA, or any such members or employees, as the result of any action(s) or omission(s) relating to the duties of such member or employee to the LMUA; and

WHEREAS, the LMUA desires to provide such protection for its past and present members and employees from the financial consequences of any such civil or criminal action to the extent permitted by law and, therefore, provided that such alleged action or omission does not constitute actual fraud, actual malice, willful misconduct or an intentional wrong in the judgment of the LMUA;

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NOW, THEREFORE, BE IT RESOLVED by the Lambertville Municipal Utilities Authority in the County of Hunterdon in the State of New Jersey on this 3rd day of June, 2025 as follows:

1. The LMUA shall, to the extent permitted by law, provide a defense and indemnification to the past and present members and employees of the LMUA and, therefore, shall pay or otherwise reimburse the past and present members and employees of the LMUA for all fines, penalties, damages, costs and legal fees associated with any civil or criminal action which may be brought after the adoption of this Resolution against such members or employee based upon an act or omission of that member or employee arising out of and directly relating to the lawful exercise of his or her official duties or under color of his or her authority.

2. In any case where the LMUA provides a defense to a member or employee, it is authorized and directed to make direct payments to counsel or reimburse the member or employee for the costs associated with his or her defense upon the approval by the LMUA of proper vouchers submitted therefore, but in no case shall the LMUA be authorized to pay or reimburse for legal fees and expenses exceeding those customarily charged for legal services in the defense of such actions.

3. For the purposes of this Resolution, the term "member" shall include any and all persons appointed by the governing bodies of the constituent municipalities pursuant to N.J.S.A. 40:14A-4.

4. Any person seeking the provision of a defense and indemnification under the policy enunciated in this Resolution shall give prompt notice to the LMUA of the pendency of any such civil or criminal action for which payment or reimbursement is sought, at which time the LMUA shall by Resolution implement the provisions set forth herein.

5. It is within the sole discretion of the LMUA, in any action where the provision of such a defense and indemnification is sought by a member or employee, to:

- a. Provide a defense by an attorney chosen by the LMUA;
- b. Provide a defense by an attorney of the member or employee's choosing; or
- c. Assert the LMUA's right under any appropriate insurance policy which requires the insurer to defend and indemnify.

6. Notwithstanding the foregoing, the LMUA may refuse to provide for the defense or to indemnify any past or present member or employee of the LMUA in any action referred to above or recover any amounts paid on behalf of such member or employee for such defense if in its sole discretion it has reason to conclude that the act or omission was:

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- a. Not within the scope of such member or employee duties or was carried out in an individual capacity;
- b. The subject matter of any action brought by the LMUA against the member or employee;
- c. A violation of the Local Government Ethics Law (P. L. 1991, c. 29); or
- d. Due to actual fraud, actual malice, willful misconduct or an intentional wrong.

7. Nothing in this Resolution shall require the LMUA to pay for punitive or exemplary damages resulting from the commission of a crime, actual fraud, actual malice, willful misconduct or an intentional wrong. However, the LMUA may indemnify an official or employee for punitive or exemplary damages provided the Board determines the acts complained of did not constitute a crime, actual fraud, actual malice, willful misconduct or intentional wrong. Such a determination shall be made by Resolution of the Board.

8. In the event a contested matter, to which this Resolution is applicable, is resolved by way of settlement, the LMUA may take into account the facts, circumstances, and allegations which led to the settlement in its determination of whether it may, subject only to the provisions of paragraph 6, indemnify such past and/or present member(s) and/or employee(s) against whom such settled claims had been made.

9. It is the intention of this Resolution to set forth the policy of the LMUA with respect to the defense and indemnification of persons associated with the LMUA in the management of its affairs and business to the maximum extent permitted by law, and if any provision hereof or the application hereof to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions of this Resolution and to this end the provisions hereof are declared to be severable.

10. The policy set forth in this Resolution is prospective and shall take effect immediately but shall automatically expire unless re-authorized at each annual reorganization meeting of the Authority.

11. This Resolution shall take effect as provided by law.

MOTION: Mr. Burd

SECOND: Mr. Dahl

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

17. Adoption of NJ Local Government Ethics Law Code of Conduct Discussion: Ms. Alexnader explained that Resolution 047-8-2025 is straight forward and taken directly out of the ethics law.

Resolution 047-8-2025 of the Lambertville MUA Adopting the NJ Local Government Ethics Law Code of Conduct

WHEREAS, the Lambertville Municipal Utilities Authority (“Authority”) recognizes the critical need for maintaining transparency, accountability, and ethical standards in all of its operations, ensuring that all actions and decisions reflect the values of fairness, integrity, and public service; and

WHEREAS, the Authority has determined that it is essential not only that appointed Board members of the Authority, but also that Authority staff demonstrate adherence to the highest levels of ethical conduct; and

WHEREAS, in 1991, the Local Government Ethics Law was enacted, which provides in part as follows:

40A:9-22.5. Code of ethics for local government officers or employees under jurisdiction of local finance board

Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:

a. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

b. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:

(1) award any contract which is not publicly bid to a former member of that authority;

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(2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before the authority;

or

(3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

c. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;

d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;

e. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;

f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;

g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;

h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed

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to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

i. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material of monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could be reasonably be expected to accrue to any other member of such business, profession occupation or group;

j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor; and

k. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests (adopted 1991); and

WHEREAS, violations of the Local Municipal Ethics Law will result in fines to the offending party of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500); and

WHEREAS, the New Jersey Code of Criminal Justice, N.J.S.A. 2C:27-10: Acceptance or receipt of unlawful benefits by public servant for official behavior, prohibits officers and employees of a public entity from accepting or soliciting a benefit to influence the performance of an official duty, and renders such activity a crime punishable by fine or imprisonment; and

WHEREAS, in order to earn and maintain public confidence in government, it is not only necessary that the Authority's officers and employees strictly comply with the Local Government Ethics Law and the Criminal Code, but also that they avoid all conduct which could create the reasonable perception of a conflict of interest, or unethical behavior; and

WHEREAS, the Authority desires to reaffirm its commitment of the highest ethical standards, and to set further guidelines for the officers and employees of the Authority regarding certain issues that can frequently arise in connection with the activities of the officers and employees of the Authority.

NOW, THEREFORE, BE IT RESOLVED, by the Lambertville Municipal Utilities Authority that the following provisions are hereby adopted for the conduct of the officers and employees of the Authority in the discharge of their duties and responsibilities, in order to promote the highest levels of ethical conduct in the discharge of the functions of the Authority and to instill public confidence in the integrity of government:

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1. Compliance with N.J.S.A. 40A:9-22.5:

All Authority officers and employees shall comply with the provisions of N.J.S.A. 40A:9-22.5, set forth above, and any subsequent amendments thereto. In case of conflict between the provisions of N.J.S.A. 40A:9-22.5 and the provisions of this Resolution, the provision that establishes the stricter standard of ethical conduct shall control, which includes, among other requirements, that, “No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority: (1) award any contract which is not publicly bid to a former member of that authority; (2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or (3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.”

2. Acceptance of Gifts, Favors, Etc.

Given that the Local Government Ethics Law provides:

No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties.

No officer or employee shall accept anything “of value” based on the understanding that it is being given for the purpose of influencing such officer or employee, directly or indirectly, in the discharge of his or her official duties.

A. Acceptance of a recreational activity, meal or other entertainment/recreational benefit from an Interested Party, that could reasonably be perceived as influencing the recipient in the performance of his or her official duties for the Authority is prohibited. A business meeting during a meal in which the official or employee pays for their meal is acceptable.

a. For the purpose of this Resolution, an “Interested Party” is any person or entity doing business with, providing goods or services to or engaged in a contractual relationship of any sort with the Authority, or involved in any claim, cause of action or dispute involving or pending before the Authority.

B. Unsolicited gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the

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recipient's department for general use if such receipt or use does not create reasonable perception of a conflict of interest or a violation of the public trust.

- a. An officer or employee may receive a gift, favor, service, or other thing of value under the same terms and conditions that the gift, favor, service or other thing of value is offered or made available to members of the public generally, provided that the officer's or employee's relationship with the Authority played no role and provided no favored opportunity in the receipt of same, and provided that the gift, favor, service or other thing is not of excessive value.
- b. An officer or employee is permitted to give or receive a gift from a co-worker, a supervisor, or a subordinate, provided that the gift is not intended or used to influence, or may not be reasonably perceived to influence, the co-worker, supervisor or subordinate in the exercise of his or her official duties for the Authority. The gift should not be excessive or inappropriate for a business environment, and shall be consistent with all applicable Authority policies governing workplace conduct, including but not limited to Authority policies regarding harassment in the workplace.
- c. Gift prohibitions do not apply to the offering or acceptance of contributions to the campaign of an announced candidate for elective public office in accordance with applicable campaign finance laws, provided that the offer is not intended to influence the recipient in the discharge of his or her official duties, and the recipient has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the recipient in the discharge of his or her official duties.

3. Post-Employment

A. Future Employment

- a. Authority officers or employees shall refrain from seeking, directly or indirectly, potential employment with Interested Parties while still in the service of the Authority or employed by the Authority. This includes any actions that may give the appearance of a conflict of interest or compromise the impartiality of the officer or employee in performing their duties.
- b. Solicitation or discussion of employment with any person or entity having a specific cause, proceeding, application or other matter pending before the Authority, or that is involved in litigation in which the Authority is involved, either a complaining or defending party, or the representatives of any such person or entity, is prohibited.

B. One-Year Ban

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- a. For a period of one year after the termination of one's office or employment with the Authority, the former officer or employee shall not represent, appear for, or negotiate on behalf of, or agree to represent, appear for, or negotiate with or before any officer or employee of the Authority on behalf of any person or entity. Nothing contained in this section shall prohibit the Authority from contracting with a former officer or employee to act on behalf of the Authority.

4. Recusal on Official Matters

- A. An officer or employee is required to recuse him or herself for one year after commencing Authority service from any official matter that involves any private sector individual, association corporation or other entity that employed or did business with the officer or employee or agent during the year prior to the employee's commencement of service.
- B. An officer or employee is required to recuse him or herself on an official matter if he or she had any involvement in that matter, other than on behalf of the Authority, during or prior to commencement of his or her service with the Authority.
- C. No Authority officer or employee shall act in his or her official capacity in any matter in which the officer or employee, a member of the officer or employee's immediate family, or a business organization in which the officer or employee has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment.
- D. An incompatible personal or financial interest includes, but is not limited to, outside employment; a debtor or creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to or involving a relative or cohabitant; a relationship with a person providing funds, goods, or services without compensation; any matter pertaining to or involving a business associate or business investment which interest might reasonably be perceived as impairing an officer or employee's objectivity and independence of judgment in the exercise of his or her official duties or might reasonably be perceived by members of the public having knowledge of his or her acts that he or she maybe engaged in conduct violative or his or her responsibilities to the Authority.
- E. Upon determining that an officer or employee must recuse him or herself on any matter, the officer or employee shall execute the recusal in writing or on the official record, and shall have no involvement with the subject matter of the recusal.

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5. The Board Secretary is hereby authorized and directed to distribute a copy of this Resolution to each current officer and employee of the Authority and to future officers and employees upon their commencement of service.
6. The Board Secretary is hereby authorized and directed to promptly post a copy of this Resolution on the official website of the Authority and to post a copy in the offices of the Authority.
7. This Resolution shall take effect immediately, and shall remain in effect until repealed or amended.

MOTION: Mr. Burd

SECOND: Ms. Pettit

Governing Body Member	<u>Recorded Vote:</u>		Abstain	Not Voting	Not Present
	Aye	Nay			
Janine MacGregor	X				
Helen Pettit	X				
Holly Havens	X				
David Burd	X				
Robert Dahl	X				
Matthew Hoyle				X	
Emily Nanneman				X	

OPEN FORUM/ NEW BUISNESS.

18. Agenda Items Added After Distribution to Board.

Rules & Regulations: Ms. Pettit discussed the need to review the LMUA's rules and regulations as there exists old language and guidelines for the rate schedule and specifically billing commercial vs. industrial customers that may not be needed. There was a discussion on simplifying the rate schedule from commercial and industrial customers together as nonresidential customers. The rules and regulations should be cross-checked with current City of Lambertville Ordinances to ensure that there are no contradictions.

Current Project Signage: The Board discussed the need for a simple sign stating the project is undertaken by the LMUA with contact information that needs to be displayed at the North Union P.S. project site as well as any other future projects. The sign should be generic so that it can be moved from project to project. Mr. Horn will work on the correct verbiage for the sign.

PUBLIC COMMENT.

There was no public in attendance in person or conference call.

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ADJURNMENT.

The meeting adjourned at 7:57 p.m. with a motion made by Mrs. MacGregor seconded by Ms. Havens 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 2, 2025.