LAMBERTVILLE MUNICIPAL UTILITIES AUTHORITY
Regular Meeting
September 2, 2025, 6:00 pm
Lambertville Wastewater Treatment Facility, **#2**
3 Bridge Street, Lambertville, NJ
Minutes for Meeting Held in Person & Conference Call
Call In # 978-990-5000 Access Code: 2646329

STATEMENT OF COMPLIANCE WITH OPMA.

This meeting was called to order at 6:02 p.m. in compliance 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, David Burd-Secretary, Matthew Hoyle, Alternate I, Emily Nanneman-Alternate II

Absent: Holly Havens-Treasurer, Robert Dahl-Member

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

AGENDA, ETC.

1. Agenda updated & posted on the LMUA website.

MINUTES.

2. The minutes from August 5, 2025, Regular Session 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	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
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 hold the previously discussed plant tour for the November 4th meeting. After some discussion, the Board confirmed their availability for that evening to start the tour at 5:00 p.m. before the regular meeting at 6:00 p.m. Ms. Parsons will send out a calendar invitation to confirm.

EXECUTIVE DIRECTOR'S REPORT-THOMAS HORN.

3. **Memo: Personnel Safety & Operations Update.**

Mr. Horn updated the Board on normal operations. Replacement flights are in and will be installed the next time the tanks are taken down.

Safety training is ongoing.

Hypochlorite Tank Repair: The Operations Staff discovered a leak in the hypochlorite tank when they went to put it back online after stopping the PAA Pilot Study treatment on August 19, 2025. Dums and a tote of hypochlorite were ordered to continue with disinfection until the leak is fixed. Mr. Rose reported that the tank leak has been repaired and tested. The remaining piping needs to be completed before the tank is put back online.

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

Update to EPA sampling/ inspection report dated April 1-2, 2025: Mr. Horn is responding to the inspector's requests in a timely manner.

Environmental Joint Insurance Fund (EJIF) Review of PAA Emergency claim of June 26, 2024: Mr. Horn plans to attend the EJIF meeting on September 8th. Mr. Horn will be reaching out to the Executive Director ahead of time to give them a heads up.

One Water has installed the Discharge Monitoring Report (DMR) reporting tool. Mr. Horn reported that the tool is working properly, and data is entered as it is received or produced in house.

Emergency Response Plan: The LMUA has been working with a consultant, NJ Safety Services, to develop a new Emergency Response Plan. Once the plan is completed, we will set up a tabletop exercise with the staff and then a full-scale exercise will take place with Police, Fire and EMS services. Mr. Ingenito is currently updating the policy for severe weather.

3.1 Wastewater Treatment Plant Effluent Data. The Board reviewed the data shown on the spreadsheet Mr. Horn prepared. The Lab did not have the data for 8/19 & 8/26 available.

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

The LMUA has been conducting a pilot study for the use of PAA as a disinfection treatment which began on May 12th and continued through August 19th. Mr. Horn has been reporting data from our lab as shown on the Wastewater Treatment Plant Effluent Sampling Data sheet he has prepared for the Board. Mr. Horn explained that, the data is variable, and he hopes that giving the PAA more detention time will reflect positively in the PAA residual data.

Van Cleef Engineering's (VCE) subcontractor, Chris Jepson, visited the plant on August 19th to review the data and discuss some options for the next steps. Both Mr. Horn and Mr. Ingenito decided to try feeding the PAA in a different location to get a longer detention time. A decision was made to order one final tote of PAA and try the alternative location, for three to four weeks before finishing the study.

Mr. Horn expects a full report from VCE for the Board's review at the October 7th meeting.

5. **Memo: Capital Projects Status.**

Mr. Horn updated the Board on the ongoing projects status.
Mrs. Pettit asked if the report could be shown as a chart with a timeline. Mr. Ingenito will be working on getting the Board something easy to track the progress of all the projects.

<u>Coryell Street P.S.</u>
Engineering- Carroll Engineering has submitted the 95% complete design drawings.

EPIC- Project Reports under review

Permitting & Approvals- The Stage II Cultural Resources Survey plan has been submitted to NJDEP.

Application for Project Authorization: The application has been submitted. Force main Easement: Ms. Alexander will provide comments this week on the easement progress.

<u>Swan Street P.S.</u>
Engineering- Carroll Engineering has submitted 90% complete design drawings.

EPIC- funded report has received comments from NJ DEP.

Permitting & Approvals- Lambertville Planning Board requires courtesy review. Mr. Horn is working with Ms. Alexander's office to schedule the review.
NJ Infrastructure Bank (NJIB)- NJ DEP provided comments and a response

Wastewater Treatment Plant:

Engineering- Colliers Engineering has completed three alternative evaluations for the headworks, belt filter press and an alternative odor control system for the belt press. They are now working on actual designs. There was a discussion continuing from last meeting about their 20% markup for subcontractors and the liability clause that needs to be addressed.

EPIC- has submitted the Project Report to NJ DEP for review.

Permitting & Approvals- Air permits, TWA permits and Land Use permits are required.

Historic Review Compliance- Historic Preservation Office and Lambertville Historic Preservation Commission will require reviews.

N. Union Street P.S.

Construction-Demolition done, wet well installed and backfilling is underway. The first footing and columns for platform have been installed. Estimated completion date is by end of October.

Financing- 90% of the project cost is reimbursed by FEMA. There is a short-term NJ-I Bank loan to cover costs as they are submitted.

Swan Street Sewer Evaluation

Engineering- A full engineering evaluation was approved by the Board at the August 5th meeting. The first dry weather inspections were conducted, and Carroll Engineering has begun reviewing the TV inspection footage.

Mr. Ingenito had nothing further to add to the ongoing projects.

CHIEF FINANCIAL OFFICER'S REPORT-KATHY LEARY.

6. **Discussion on the Bills and Claims submitted for approval:**

   6.1 List of Expenditures: The Board reviewed the Capital Bills List (Fund 16) and the large bill from Dulaine Contracting, Inc. for their work at the N. Union P.S. in July and August. The Capital Fund balance is currently insufficient to cover all the Capital Bills listed on the Expenditures List. There was a discussion on timely receipt of invoices from our Engineer who must approve the contractor's invoices before the LMUA can make final approval for payment. Mr. Horn explained that Carroll Engineering combined three payment requests from Dulaine for the past two months. The Board requested Mr. Horn to contact Carroll Engineering and remind them that they should not be holding and combining invoices for certification. They need to be certified as they are received so that payment requests can be submitted in a timely manner to NJ I-Bank. Mr. Horn will need to submit the invoice to NJ I-Bank prior to issuing payment to Dulaine.

The Board members discussed the LMUA's payment options under NJ statute and regulation with Ms. Alexander, and it was determined that payment more than funds on hand could not be issued. Therefore, the August Capital Bills List approved amount was reduced to $80,311.29 and the Board required receipt of funds from the NJ I-Bank prior to approval and issuance of payment to Dulaine Contracting, Inc. in the amount of $451,519.32.

Resolution 054-9-2025 was amended to reflect the same as follows:

Resolution 054-9-2025 to Approve Payment of Bills and Claims from July & August

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 RESOLVED by the Lambertville Municipal Utilities Authority that these claims by approved for payment for the following amounts:

JULY CAPITAL (Fund 16) BILLS LIST: $75,262.25

AUGUST CAPITAL (Fund 16) BILLS LIST: $80,311.29

AUGUST OPERATIONAL (Fund 10) BILLS LIST: $92,657.07

BE IT FURTHER RESOLVED, that payment of Dulaine Contracting, Inc. for the N. Union P.S. invoice of $451,519.32 shall be paid upon receipt of reimbursement from the NJ I-Bank.

Moved: Ms. Pettit
Seconded: Mr. Burd

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

ATTORNEY'S REPORT-DIANE ALEXANDER.

7. **Per- and Polyfluoroalkyl Substances (PFAS) Treatment:**

   Ms. Alexander reviewed the recent NJ DEP public notice for comment on the proposed Judicial Consent Order Approving Settlement with the 3M Company in the Matter of NJDEP, et al., v. E.I. Du Pont de Nemours and Company, et al., Case No.: 1:19-CV14766-RMB-JBC (D.N.J.) dated July 21, 2025. The Consent Order, if approved, would provide funds to New Jersey for remediation of contaminated drinking water and other environmental media. Comments are due by September 15, 2025. In exchange for $450 million paid to the State for a period of 25 years, NJDEP is releasing 3M from all liability of any future claims brought against them by municipalities. This includes wastewater treatment facilities, fire departments, airports and others. Any public entity is releasing their right to go after 3M for damages due to PFAS pollution. Ms. Alexander further explained that this means that the LMUA will not be eligible for any of the monies received from this settlement, nor will we be able to go after 3M for damages.

   Ms. Alexander has opinions on the matter which she recommends discussing in closed session under Attorney-Client Privilege. Th Board discussed the huge impace this proposed settlement would have on our rate payers. Ms. Alexander discussed the fact that there are no approved pretreatment regulations in place.

CLOSED SESSION.

Resolution 056-9-2025 Approving a Closed Session to Discuss Matters Falling within Attorney-Client Privilege

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

NOW, THEREFORE, BE IT RESOLVED that the Board of the Lambertville Municipal Utilities Authority hereby moves to go into closed session on Tuesday, September 2, 2025, at The LMUA Treatment Facility located at 3 Bridge Street, Lambertville as follows:

1. The Authority shall adjourn to closed session in accordance with N.J. S.A. 10:4-12(b)(7), being the Open Public Meetings Act, in order to discuss matters falling within the attorney-client privilege, regarding the Proposed Judicial Consent Order Approving Settlement with the 3M Company in the Matter of NJDEP, et al., v. E.I. DuPont de Nemours and Company, et al., Case No.: 1:19-CV-14766-RMB-JBC (D.N.J.).
2. The minutes of closed session relating to attorney-client privilege will be released to the public as soon as the matters under discussion are fully resolved and are no longer of a confidential or sensitive nature and when they will not be detrimental to the public interest.
3. This Resolution shall take effect as provided by law.

Moved: Ms. Pettit
Seconded: Mr. Burd

Governing Body Member	Recorded Vote: Aye	Nay	Abstain	Not Voting	Not Present
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.

8. A discussion on Change Order No. 3 from Dulaine Contracting, Inc. for the N. Union Street Pump Station Replacement:

Mr. Horn reviewed the details of Change Order No. 3 with the Board. The Contractor has experienced delays from weather and work outside of the Contract on site that required the Contractor to stop work, and additional time spent on work under Change Order No. 2. The Contractor has determined that an additional 25 working days (5 weeks) time extension is necessary. Change Order No. 3 includes the cost of bypass pumping for an additional 6 weeks beyond the projected substantial completion date of September 22, 2025.

Mrs. MacGregor would like to amend the resolution to include an additional Whereas to the recital findings to include the information from Change Order No. 1.

8.1 Contract Modification Proposal and Acceptance to Dulaine Contracting, Inc.

Resolution 055-9-2025 Authorizing Change Order No. 3 with Dulain Contracting, Inc. for North Union Pumping Station Replacement DEP Project No. S340882-11

WHEREAS, Lambertville Municipal Utilities Authority ("LMUA"), 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;

WHEREAS, the LMUA via Resolution 037-5-2025 passed on May 6, 2025, approved Change Order No. 1 dated May 20, 2025, for Dulaine for an additional amount of $1,612.20 to cover the additional work required during the execution of the project; and

WHEREAS, the LMUA, via Resolution 051-8-2025 passed on August 5, 2025, approved Change Order No. 2 dated July 29, 2025, for Dulaine for an additional amount of $7,556.12 to cover the additional work required during the execution of the project; 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, as written under *Contract Modification Proposal and Acceptance* dated September 2, 2025, Dulaine is requesting an additional 5-week time extension to the Original Contract due to unavoidable delays, and an additional 6-weeks to operate the bypass pumping which is more than the 12 weeks in the original bid.; and

WHEREAS, Change Order No. 3 would approve an additional cost of $22,800.00**,** and increase the final contract price to $1,606,166.32; and

WHEREAS, Carroll Engineering recommends that Change Order No. 3 be approved by the LMUA; 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 September 2, 2025, as follows:

1. Change Order No. 3 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 $22,800.00 to $1,606,166.32.
2. Authorization of Change Order No. 3 is subject to NJ DEP approval.
3. The substantial completion date due to the 5-week extension is now September 22, 2025.
4. 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.
5. 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: September 2, 2025

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

MOTION: Mr. Hoyle
SECOND: Ms. Pettit

New Meeting Agenda Format:

Mrs. MacGregor discussed the new agenda and meeting packet format changes and how much easier it has been for the Board to follow along with the discussion. There was a conversation on paper vs. electronic meeting packets. Ms. Parsons is working on a new electronic format that would be available to the Board members via Microsoft SharePoint. More details on this to come soon.

Mrs. MacGregor discussed a more formal plan to have Mr. Ingenito transition over to the Executive Director's role. The Board would like to see Mr. Ingenito handle the Executive Director's reports at the December meeting and then he will be taking over as of the first of the year.

PUBLIC COMMENT.

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

HISTORIC REFERENCE MATERIALS.

Nothing new to review or discuss.

ADJOURNMENT.

The meeting adjourned at 7:30 p.m. with a motion made by Ms. Pettit seconded by Mr. Burd 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 October 7, 2025.