

LEBANON BOROUGH SEWERAGE AUTHORITY

MINUTES

FEBRUARY 2ND, 2012

The meeting of the LEBANON BOROUGH SEWERAGE AUTHORITY was called to order by Edward Cichone at 7:30 PM at the Boro Hall, 6 High Street, Lebanon NJ.

MEMBERS PRESENT: Edward Cichone, Richard Burton, Leona Burton
John Saharic and Gregory Crawford

Also present: Attorney Joseph Novak, Auditor William Colantano, and Secretary Susan Woods
As well as James Hill, P.E. and Leo Frey of Frey Engineering LLC

The meeting was convened in compliance with the Open Public Meetings Act

REORGANIZATION

OATH OF OFFICE ~ GREGORY CRAWFORD

Mr. Novak administered the Oath of Office to GREGORY CRAWFORD of 1 Central Street. Mr. Crawford's term as LBSA member expires 1/31/2017

NOMINATION OF CHAIRMAN

Mrs. Burton moved and Mr. Burton seconded the motion to nominate Edward Cichone as Chairman of 2012. There being no other nominations, motion was carried, all ayes.

NOMINATION OF VICE-CHAIRMAN

Mr. Saharic moved and Mr. Crawford seconded the motion nominating Richard Burton as Vice-Chairman for the year 2012. There being no other nominations, motion was carried, all ayes.

APPOINTMENTS

Mrs. Burton moved and Mr. Burton seconded the motion appointing Joseph Novak Attorney for the year 2012, subject to the review and approval of the contract. Motion carried - all ayes

Mr. Burton moved and Mr. Saharic seconded the motion appointing William Colantano Auditor for the year 2012, subject to the review and approval of the contract. Motion carried - all ayes.

RESOLUTIONS 12-02 – 12-09

Mr. Burton moved and Mrs. Burton seconded the motion approving the following Resolutions. Motion carried on roll call vote: Mr. Cichone, Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic

RESOLUTION NO.12-02

WHEREAS, on January 1, 2006, the “New Jersey Local Unit Pay-to-Play” Law, *N.J.S.A.* 19:44A-20.4 et. seq., became effective; and

WHEREAS, the Lebanon Borough Sewerage Authority has a need to award certain professional contracts for services required by the Authority in calendar year 2012; and

WHEREAS, the Pay-to-Play Law permits such services to be acquired through two processes, including the “non-fair and open” process as defined in *N.J.S.A.* 19:44A-20.7 on those contracts where it is anticipated that the total cost will exceed \$17,500.00; and

WHEREAS, the public good and interest of the citizens of the Borough of Lebanon will best be served by the “non-fair and open” process to secure experienced professional services, rather than the “fair and open” process of awarding a contract to the lowest bidder; and

WHEREAS, each professional will be required to first complete and submit a Business Entity Disclosure Certification.

NOW, THEREFORE, BE IT RESOLVED, by the Chairman and Commissioners of the Lebanon Borough Sewerage Authority, as follows:

1. The following professional 2012 contracts shall be awarded under the “non-fair and open” process:
 - Authority Auditor
 - Authority Engineer
 - Authority Attorney (as to Litigation and Special Projects)
 - Authority Insurance Agent
2. The said professionals, prior to securing such contract, shall execute and file with the Secretary of the Authority, a 2012 Business Entity Disclosure Certification pursuant to *N.J.S.A.* 19:44A-20.8
- 3.

RESOLUTION NO. 112-03

AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACTS
FOR THE RETENTION OF PROFESSIONAL SERVICES (**INSURANCE**) FOR THE
LEBANON BOROUGH SEWERAGE AUTHORITY FOR CALENDAR YEAR 2012

WHEREAS, the Lebanon Borough Sewerage Authority has a need to retain certain professionals to provide various consulting services and it has been resolved to retain such services on a non-fair and open contract basis pursuant to the provisions of *N.J.S.A.* 19:44A-20.5; and

WHEREAS, the term of the professional contract shall be one (1) year, commencing on January 1, 2012 and terminating on December 31, 2012; and

WHEREAS, the Lebanon Borough Sewerage Authority Secretary has determined and certified in writing that the value of these professional services may, in the aggregate, exceed \$17,500.00; and

WHEREAS, the professional will be required to complete and submit a Business Entity Disclosure Certification which will certify that the said professional consultant and their firm have not made any reportable contributions to a political or candidate committee in the previous one year, and that their contract will prohibit the said professional consultant and their firm from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Chairman and Commissioners of the Lebanon Borough Sewerage Authority, on this 2nd day of February, 2012 as follows:

1. The following professional is hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on January 1, 2012 through December 31, 2012 on a non-fair and open basis:
 - Brown & Brown Metro – Insurance Agent
2. The Business Entity Disclosure Certification to be executed by the professional and the Secretary’s Determination of Value shall be placed on file with this Resolution.

3. The Contract is awarded without competitive bidding and the Chairman and Authority Secretary are authorized to execute the Contract for professional services, and which Contract is subject to review and approval by the Authority Attorney.

RESOLUTION NO. 12-04

**AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACTS
FOR THE RETENTION OF PROFESSIONAL SERVICES FOR THE
LEBANON BOROUGH SEWERAGE AUTHORITY FOR YEAR 2012**

WHEREAS, the Lebanon Borough Sewerage Authority has a need to retain certain professionals to provide various consulting services and it has been resolved to retain such services on a non-fair and open contract basis pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the term of the professional contracts shall be one (1) year, commencing on February 1, 2012 and terminating on January 31, 2013; and

WHEREAS, the Lebanon Borough Sewerage Authority Secretary has determined and certified in writing that the value of each of these professional services may, in the aggregate, exceed \$17,500.00; and

WHEREAS, each professional will be required to complete and submit a Business Entity Disclosure Certification which will certify that the said professional consultant and their firm have not made any reportable contributions to a political or candidate committee in the previous one year, and that their contract will prohibit the said professional consultant and their firm from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Chairman and Commissioners of the Lebanon Borough Sewerage Authority, on the 2nd of February, 2012 as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on February 1, 2012 through January 31, 2013 on a non-fair and open basis:
 - James Hill, P.E. of Frey Engineering LLC – Engineer
 - William Colantano, William M. Colantano, Jr. – Auditor
 - Joseph S. Novak, Esq., Novak & Novak, LLC – (Attorney as to Litigation and special projects)
2. The Business Entity Disclosure Certification to be executed by each professional and the Secretary's Determination of Value shall be placed on file with this Resolution.
3. Each Contract is awarded without competitive bidding and the Chairman and Authority Secretary are authorized to execute Contracts for these professional services, and which Contracts are subject to review and approval by the Authority Attorney.

RESOLUTION NO. 12-05

WAIVER OF LATE FEES

WHEREAS, on occasion sewer users request a waiver of interest on past due accounts;
and

WHEREAS, there are occasions when such requests have merit;

NOW, THEREFORE, BE IT RESOLVED that the Lebanon Borough Sewerage Authority Secretary/Treasurer is hereby given the authority to waive up to fifty Dollars (\$50.00) in interest on past due accounts if she so determines that the circumstances warrant a waiver.

RESOLUTION NO. 12-06

PAYMENT OF INVOICES IF MEETING CANCELLED

WHEREAS, in the absence of a regular public meeting of the Lebanon Borough Sewerage Authority which was required to be cancelled; and

WHEREAS, invoices for the operating expenses which would normally be approved for payment at said meeting should be paid in a prompt manner;

NOW, THEREFORE, BE IT RESOLVED that the Chairman and/or Vice Chairman and/or Secretary/Treasurer be authorized to approve said invoices and issue checks in payment thereof; and

BE IT FURTHER RESOLVED that a listing of said invoices be submitted to the full membership for ratification at the next regularly scheduled meeting of the Authority.

RESOLUTION NO. 12-07
AUTHORIZING THE INVESTMENT OF IDLE FUNDS
AND FUND TRANSFERS

WHEREAS, it is desirable that idle funds of the Lebanon Borough Sewerage Authority (LBSA) be invested in legal investment vehicles at all times; and

WHEREAS, it is occasionally necessary to transfer funds for the purpose of meeting current Authority expenses or for the purpose of effecting investment;

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority in the County of Hunterdon and State of New Jersey, that it does hereby authorize the Secretary/Treasurer to request bids and to place orders for the investment of idle funds solely in legally authorized investment vehicles during the year 2012; and

BE IT FURTHER RESOLVED that the Secretary/Treasurer is hereby authorized to transfer funds by wire solely for the purposes and subject to all pertinent regulations.

1. To or from LBSA checking or savings accounts to other LBSA accounts
2. To or from LBSA checking or savings accounts to or from specified banks or the State of New Jersey Cash Management Fund solely for the purpose of investing for the account of the LBSA.

RESOLUTION NO. 12-08
DESIGNATING REGULAR MEETING PLACE & DATES,
AND OFFICIAL NEWSPAPERS

WHEREAS, the Open Public Meetings Act requires that notice of meetings for the year be sent to a local newspaper for information purposes. Any change in meeting dates, times or place shall be sent to the official newspaper at least 48 hours in advance of all such meetings.

THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority that:

1. The Lebanon Borough Sewerage Authority hereby adopts the first Thursday of each month as its regular meeting date, to be held at 7:30 PM. At the Boro Hall, 6 High Street, Lebanon NJ.
2. The Authority hereby designates the Hunterdon County Democrat as the official newspaper, with the Courier News and Hunterdon Review as alternate/additional official newspapers.

RESOLUTION NO. 12-09
PURCHASES UNDER \$1,000.00

WHEREAS, the Secretary/Treasurer regularly needs to purchase office equipment or supplies:

NOW, THEREFORE, BE IT RESOLVED that the Lebanon Borough Sewerage Authority persons are hereby given the authority to purchase such equipment or supplies without Board approval for any item under \$1,000.00.

RESOLUTION 12-10

Mr. Saharic moved and Mr. Burton seconded the motion approving the following Resolution. Motion carried on roll call vote AYES: Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic ABSTAIN: Mr. Cichone

RESOLUTION NO. 12-10 BANK DEPOSITORIES

WHEREAS, it is desirable that idle funds of the Lebanon Borough Sewerage Authority be invested in legal investment vehicles at all times;

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority in the County of Hunterdon, State of New Jersey that it does hereby approve the following depositories, contingent upon the bank being covered by the Government Unit Deposit Protection Act (GUDPA):

TD BANK
SUN NATIONAL BANK
UNITY BANK
PEAPACK & GLADSTONE BANK
PNC BANK
COMMUNITY FIRST BANK
INVESTORS SAVING BANK
NJ CASH MANAGEMENT FUND

REGULAR MEETING

APPROVE JANUARY MINUTES

Mrs. Burton moved and Mr. Crawford seconded the motion to approve the January minutes, including the Closed Session minutes. The Closed Session minutes are not to be made available to the public at this time. Motion carried.

VINCENT SCARPONI – BLK 6 LOT 7

Mr. Scarponi present.

Mr. Scarponi presented the proposed extension to his funeral home/residence located at ___ Main Street. He has operated the funeral home for 40 years. He will be presenting his proposed extension to the Planning Board. Although the building will be enlarged he will not be expanding the business; the existing viewing room will become an office and waiting room for official groups of visitors and the new viewing room will be in the addition. In 1975 a second bathroom was required and placed in the basement – that bathroom will be removed and replaced with a new “ladies lounge” on the first floor. There will be no additional parking.

The Commissioners noted that there is to be no additional viewing room and the bathroom in the basement is to be removed and therefore determined that the existing capacity is sufficient. Notice of this decision will be forwarded to the Planning Board.

RESOLUTION 12-15 ~ CLOSED SESSION

Mr. Burton moved and Mr. Saharic seconded the motion approving the following Resolution, motion carried – all ayes

CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 23, PL 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority as follows:

The public shall not be permitted to attend this meeting.

The general nature of the subject matter to be discussed is as follows:

➤ *PERSONNEL & CONTRACTUAL MATTERS*

It is anticipated at this time that the above subject matter will be made public as soon as the members deem it wise to relay the information to the public.

Formal action may/will not be taken on the subject matter when the regular meeting is reconvened.

RECONVENE MEETING

Mr. Burton moved and Mr. Saharic seconded the motion to reconvene the meeting – motion carried.

APPOINT SECRETARY/TREASURER

Mr. Burton moved and Mrs. Burton seconded the motion to appoint Anita Weingart to the position of Secretary/Treasurer (term expires 12/31/2013) at the annual salary of \$19,000.00.

Motion carried on roll call vote – AYES: Mr. Cichone, Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic

APPOINT ENGINEER

Mr. Cichone stepped away from the table.

Mr. Burton moved and Mr. Saharic seconded the motion appointing James Hill, P.E. who is with the firm of Frey Engineering as Engineer (appointment expires 12/31/2013) subject to the review and approval of the contract. Motion carried on roll call vote – AYES: Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic ABSTAIN: Mr. Cichone.

2012 CONNECTION & USER FEES ~ RESOLUTION 12-11

PUBLIC HEARING (Notice was published in 3 newspapers and posted on bulletin in Boro Hall)

Mr. Colantano noted that there was a substantial increase in users (Presidential Place) and therefore there is a reduction in the Connection Fee from 2011.

Mr. Burton moved to open the public hearing to the public, motion carried.

OPEN TO THE PUBLIC – None present

Mr. Saharic moved and Mr. Crawford seconded the motion closing the hearing to the public. Motion carried.

Mr. Burton moved and Mr. Scarponi seconded the motion to approve Resolution 12-11 as set forth below. Motion carried on roll call vote – AYES: Mr. Cichone, Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic

RESOLUTION NO. 12-11
2012 SERVICE CHARGES & CONNECTION/TAPPING FEES

WHEREAS, N.J.S.A.40:14A-8 authorizes the Lebanon Borough Sewerage Authority (hereinafter "LBSA") to charge and collect rents, rates, fees or other charges (hereinafter "service charges") for the direct or indirect connection with, or the use or services of, the LBSA system; and

WHEREAS, such service charges may be charged to and collected from any person contracting for such connection or use or service of from the owner or occupant, or both of them, of any property which directly or indirectly is, or has been connected with the system, or from or on which originates, or has original sewage or other waste which directly or indirectly have entered or may enter the LBSA system, and the owner of any such property shall be liable and shall pay such service charges to the LBSA at the time and place as established by the Authority; and

WHEREAS, in addition to such periodic service charges, a separate charge in the nature of a connection fee or tapping fee, in respect to each connection of any property with the LBSA system may be imposed upon the owner or occupant of property so connected, and which charges shall be uniform and equivalent to the actual cost of physical connection, plus an amount computed to represent a fair payment toward the cost of the system, which amount shall be sufficient to pay all expenses of the construction, operation and maintenance of the LBSA system, including reserves, insurance, extensions and replacements as from time to time may be necessary; and

WHEREAS, The members of the LBSA, in consultation with their Auditor, Engineer and Attorney have reviewed the LBSA records of the Authority and recomputed such service charges and connection fees to be applicable for the **2012** fiscal year of the Authority as more particularly is set forth in the attached "**2012** Schedule of Service and Other Charges"; and

WHEREAS, the Secretary of the LBSA has arranged for publication of notice of the proposed adjustment of service charges and other charges in at least two (2) newspapers of general circulation in the area serviced by the

Authority, the said public hearing on 2nd of February, 2012 and a copy of such notice and the proposed "2012 Schedule of Service and Other Charges" was served upon the Clerk of the Borough of Lebanon.

NOW, THEREFORE, BE IT RESOLVED, on this 2nd day February, 2012 by the Chairman and members of the Lebanon Borough Sewerage Authority as follows:

1. The LBSA has conducted a public hearing and with the assistance of the Authority Auditor and Engineer, provided evidence at the public hearing showing that the proposed adjustment of the service charges and other charges is necessary and reasonable; and providing those persons in attendance at the public hearing with an opportunity for questions and statements for the consideration of the LBSA; and a copy of the minutes of such public hearings are available upon request to any interested party.
2. Based upon the foregoing, the Lebanon Borough Sewerage Authority hereby adopts the "2012 Schedule of Service and Other Charges" to be paid for services and for sewer service or use charges and connection fees for the fiscal year 2012 of the Authority commencing as of January 1st, 2012 through December 31st, 2012.
3. A true copy of the "2012 Schedule of Service and Other Charges" shall be kept on file at the office of the LBSA and shall be available for public inspection during normal business hours of the Authority.

2012 SCHEDULE OF SERVICE CHARGES

The following Schedule of Service and Other Charges and Fees is hereby established for users of the Lebanon Borough Sewerage Authority system for the fiscal year 2012:

These charges have been determined to be necessary in order to pay all expenses of the operation and maintenance of the Lebanon Borough Sewerage Authority system, including reserves, insurance, extensions, replacements, as well as principal and interest on any and all debt services and to maintain such reserves of sinking funds therefore as may be deemed necessary or desirable by the Lebanon Borough Sewerage Authority.

SEWER SERVICE OR USE CHARGE

The annual Sewer Service or Use Charge shall be **\$352.00** per unit of measurement, payable in equal quarterly installments by March 30th, June 30th, September 30th and December 30th of each year, and in accordance with the Resolution of this Authority establishing the units of measurement on various types of uses being serviced or allocated by the Sewerage Authority.

CONNECTION FEE

A one-time Connection Fee shall be paid by those persons making application for connection to and receiving approval by the Lebanon Borough Sewerage Authority of an allocation of sewerage capacity during the fiscal year 2012. The amount of the Connection Fee shall be **\$2,941.00** per unit as defined in the Unit of Measurement Resolution #10-2004 previously adopted by the LBSA. Thereafter, in addition to the Connection Fee the approved party shall commence paying the annual Sewer Service Charge beginning with the quarter next following execution of the Contribution, Allocation and Service Agreement with the user.

2012 SALARIES ~ RESOLUTION 12-12

Mr. Burton moved and Mrs. Burton seconded the motion approve the following resolution. Motion carried on roll call vote – AYES: Mr. Cichone, Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic

RESOLUTION NO. 12-12
2012 SALARY SCHEDULE

The following salary schedule is hereby approved for the year 2012.

Joseph S. Novak, Attorney	\$ 34,075.00
Anita Weingart, Secretary/Treasurer	\$ 19,000.00
Susan J. Woods, Temporary Clerical	\$ 8,250.00

PACO ~ RESOLUTION 12-13

Mrs. Burton moved and Mr. Crawford seconded the motion approving Resolution 12-13 as follows. Motion carried.

PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, it is required by State Law that no public contract can be awarded until the prospective contractor has agreed to contract performance which complies with the approved Affirmative Action Plan; and

Whereas, the Lebanon Borough Sewerage Authority is required to annually designate a Public Agency Compliance Officer (PACO):

NOW, THEREFORE, BE IT RESOLVED that the Lebanon Borough Sewerage Authority does hereby designate Anita Weingart as Public Agency Compliance Officer for the year 2012.

TD BANK SIGNATURES ~ RESOLUTION 12-14

Mr. Crawford moved and Mr. Saharic seconded the motion approving the TD Bank resolution for change of check signatures which exchanges Susan Woods for Anita Weingart. Motion carried on roll call vote – AYES: Mr. Cichone, Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic

ENGINEER'S REPORT

Mr. Hill's report is on file.

The Borough of Alpha has 24 silt bucket inflow preventers w/strap (rain stoppers) available for purchase at a cost \$1,872.00.

Mr. Burton moved and Mrs. Burton seconded the motion to purchase the 24 rain stoppers from the Borough of Alpha at the cost of \$1,872.00. Motion carried on roll call vote – AYES: Mr. Cichone, Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic

RLSA REPORT

The monthly rates billed to LBSA have been raised, starting in April.

PUBLIC COMMENTS

NONE

EXPENDITURES

Mr. Burton moved and Mr. Saharic seconded the motion approving the following expenditures as listed. Motion carried on roll call vote – AYES: Mr. Cichone, Mr. Burton, Mrs. Burton, Mr. Crawford and Mr. Saharic

GENERAL ACCT	EXPENSES	
12-014 LBSA	PAYROLL	\$5,573.35
12-015 RLSA	SEWER PLANT	\$23,782.75
12-016 LEBANON BORO	RENT	\$1,300.00
12-017 R&L DATACENTERS	PAYROLL SERVICE	\$96.50
12-018 MGL PRINTING	MINUTE BK PAGES	\$57.00
12-019 QUILL CORP.	BEVERAGES	\$121.29
12-020 COURIER NEWS	LEGAL AD	\$92.44
12-021 NJN PUBLISHING	LEGAL AD	\$50.15
12-022 E CICHONE	REIMBURSE-EXPENSES	\$402.78
	TOTAL	\$31,476.26

ESCROW ACCT		
E12-02 TL YAGER & ASSOCS.	<u>PRES. PLACE</u>	<u>\$418.00</u>
	TOTAL	\$418.00

MISCELLANEOUS

The LBSA will use the Borough web site.

ADJOURN

Mr. Burton moved and Mr. Saharic seconded the motion to adjourn the meeting there being no further business to come before the Board. Motion carried.

Respectfully submitted by,

Susan J. Woods,

Secretary/Treasurer

CERTIFICATION: I hereby certify these to be true and correct copies of minutes as approved by the Commissioners at the meeting of _____.

Anita Weingart, Secretary/Treasurer

LEBANON BOROUGH SEWERAGE AUTHORITY

CLOSED SESSION MINUTES

FEBRUARY 2ND, 2012

MEMBERS PRESENT: Edward Cichone, Richard Burton, Gregory Crawford,
Leona Burton and John Saharic

Also present: Attorney Joseph Novak, Auditor William Colantano and Secretary Susan Woods

SECRETARY/TREASURER:

9 Candidates interviewed.

The sub-Committee recommended Anita Weingart.

ENGINEER:

The Sub-Committee recommended James Hill remain Engineer for the year 2012.

Susan J. Woods,

Secretary/Treasurer pro tem

CERTIFICATION: I hereby certify these to be true and correct copies of minutes as approved by the Commissioners at the meeting of _____.

Anita Weingart