

LEBANON BOROUGH SEWERAGE AUTHORITY

MINUTES

DECEMBER 6, 2012

The meeting of the LEBANON BOROUGH SEWERAGE AUTHORITY was called to order by Edward Cichone at 7:45 PM at the Boro Hall, 6 High Street, Lebanon NJ.

MEMBERS PRESENT: Chairman: Edward Cichone, Vice Chairmain: Richard Burton, Members: Leona Burton, John Saharic and Greg Crawford

Also present: Secretary Anita Weingart, As well as Joseph Novak, Esq. of Novak & Novak, James Hill, P.E. of Frey Engineering LLC and William Colantano Jr., C.P.A.

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

OCTOBER MINUTES

Mrs. Burton moved, Mr. Crawford seconded the motion approving the open session of the October meeting. Motion carried – All AYES.

CLOSED SESSION MINUTES 2011

Mr. Saharic moved and Mr. Crawford seconded the motion approving the November 3, 2011 and December 1, 2011 Closed Session minutes. These minutes are now available to the public.

ALL AYES – Motion Carried.

RESOLUTION 12-23 REAPPOINTING JOHN SAHARIC

WHEREAS, the current term of office of Readington – Lebanon Sewerage Authority Member John Saharic expires February 1, 2013; and

WHERAS, John Saharic has been a dedicated and integral member of the Readington – Lebanon Sewerage Authority for numerous years;

NOW, THEREFORE, BE IT RESOLVED on this 6th day of December, 2012 by the Commissioners of the Lebanon Borough Sewerage Authority that they wholeheartedly and respectfully recommend and request of the Governing body of the Borough of Lebanon, the reappointment of John Saharic to a new five year term on the Readington – Lebanon Sewerage Authority commencing February 2, 2013.

Mrs. Burton moved, Mr. Burton seconded the motion reappointing John Saharic to a new five year term.

ALL AYES – Motion Carried.

ENGINEER'S REPORT

System Testing

Mr. Hill's report is on file.

Smoke Test – The smoke testing has been postponed until spring of 2013 due to Hurricane Sandy. They have been called to South Jersey by the state to work on damage. Oswald will honor the current contract with LBSA regarding pricing and the work to be done. We received 3 quotes and Oswald was the lowest price and have extensive experience in this business. LBSA may decide to consider other bids.

Wells/Merck building has an acetone odor in the area. Mr. Hill will look into testing. Mr. Hill will also check on the water records for this property.

SERRA – LBSA received a request to disconnect the building. Bob Schwartz is the current owner. We need an escrow established to continue.

BELLEMEAD – Diana Feinberg and Mr. Hill have discussed the ordinances of Wastewater Management and the General ordinance. Mr. Hill will discuss further with Lebanon PB.

RULES AND REGULATIONS - Mr. Hill and Mr. Novak continue to update this. A working copy is on file. They are taking existing Resolutions and inserting additional recommendations to LBSA.

RLSA REPORT

The flow reports are on file. Strong odors were reported. The source has been investigated by RLSA and documented at the RLSA office.

RESOLUTION 12-25 NITZER AVE. SEWER EXTENSION BENEFIT ASSESSMENT

Mr. Novak discussed the updates made to the Resolution. Each property owner will receive a letter outlining the details and a copy of the Resolution.

WHEREAS, the governing body of the Borough of Lebanon advised the Lebanon Borough Sewerage Authority (LBSA) of its intention to reconstruct and repave the public roadway in the Borough known as Nitzer Avenue; and

WHEREAS, four of the five private homes fronting on Nitzer Avenue have been serviced by private, on-site septic systems for more than 20 years, and those property owners, or their predecessors in title, or the original property developer elected not to connect the said properties to the Lebanon Borough Sewerage Authority sanitary sewer system at or subsequent to its construction; and

WHEREAS, the Lebanon Borough Sewerage Authority in its advanced planning included Nitzer Avenue in its Sewer Service Area Plan filed with the State of New Jersey, and reserved

capacity in the Readington – Lebanon Borough Joint Sewerage Authority (RLSA) for possible future treatment of effluent from the residences on Nitzer Avenue; and

WHEREAS, the Lebanon Borough Sewerage Authority, at the request of the property owner of Block 8, Lot 9.05, known as 4 Nitzer Avenue requested and the Authority extended its sewer line to service such property at the cost and expense of the property owner which extension was completed in 2003; and

WHEREAS, the Lebanon Borough Sewerage Authority, fulfilling one of its purposes to protect and provide for future health and public safety needs, authorized the extension of its main sewer line for the remaining length of Nitzer Avenue, with the knowledge that the cost of such extension and eventually the connection benefitting the four remaining unconnected properties would be the responsibility pursuant to State Statute (NJSA 40:14A-1 et. seq.; 40:56-1 et. seq.) of those neighboring property owners seeking such future connection; and

WHEREAS, the Lebanon Borough Sewerage Authority authorized and completed the extension of the sewer system, for and in Nitzer Avenue, for the sole benefit of the neighboring properties, however, the cost of which has been paid out of the general funds of the Lebanon Borough Sewerage Authority.

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

1. Since existing residences would be benefitted thereby, the LBSA provided for, and reserved sewer treatment capacity in the RLSA treatment system for, and at no cost to the four remaining, unconnected residential lots located on Nitzer Avenue in the Borough of Lebanon.
2. The LBSA, as a general expense, paid all preliminary professional expenses, to plan the extension of the sewer line.
3. The total additional cost for engineering and construction specifically for the Nitzer Avenue sewer extension improvement was \$102,578.07, which sum has been paid from the general funds of the Lebanon Borough Sewerage Authority. Pursuant to Statute, the Lebanon Borough Sewerage Authority, hereby imposes an assessment of \$25,644.52 against and upon each of the four properties on Nitzer Avenue, which have and can receive the benefits of the sewer line extension, and namely:
 - 3 Nitzer Avenue, Block 8, Lot 9.09;
 - 5 Nitzer Avenue, Block 8, Lot 9.08;
 - 6 Nitzer Avenue, Block 8, Lot 9.06;
 - 7 Nitzer Avenue, Block 8, Lot 9.07
4. If an individual property assessment is paid in full on or before June 30, 2013, there shall be no interest due on the assessment. If the assessment has not been paid in full by June 30, 2013, interest on the assessment shall revert back to and be due from the date of this Resolution, that is December 6, 2012, and until such time as the individual property

owner enters into a written agreement with the LBSA to connect its property to the sewer system. Interest shall be calculated at the rate of 5% per annum, simple interest at which time the total assessed value of principal and interest shall be established for the benefitted property.

5. Upon the execution of the Sewer Service Agreement with the LBSA, the property owner shall pay such assessment, with its accumulated interest in full. In the event that the property owner wishes to make time payments thereon, such periodic payments shall be made on a yearly basis with the first yearly payment being due and payable upon execution of the Sewer Service Agreement, and the periodic payment shall be amortized, over a period of 9 years, and at the simple interest rate of 5% per annum on the total amount of assessment and accumulated interest.

6. In addition to the payment of such benefit assessment, upon the signing of the Sewer Service Agreement, to connect the subject property to the sewer system, a separate one-time Connection fee shall be paid by the property owner to the LBSA at the then annual approved connection fee rate.

7. This benefit assessment shall be a lien against each of the individual properties as set forth in Item #3 above, and shall run with and burden the said property until the full assessment and all accumulated interest on the property is paid in full.

8. A true copy of this Resolution shall be filed with the Tax Search Office of the Borough of Lebanon, and thereafter, the Tax Search Officer shall provide Notice on all searches as to the benefit assessment lien on and against each of the said properties as set forth in Item #3 above.

9. Any and all delinquent payments due and owing on the Sewer Service Agreement executed by the property owner shall accrue interest, as well as any other costs or penalty as established by Statute for Governmental Liens on Assessments.

LEBANON BOROUGH
SEWERAGE AUTHORITY

ATTEST:

Anita Weingart, Secretary/Treasurer
Lebanon Borough Sewerage Authority

Edward R. Cichone, Chairman

DATE: _____

CERTIFICATION

I hereby certify that the foregoing is a true and accurate copy of the Resolution adopted by the Lebanon Borough Sewerage Authority at its regular meeting held on December 6, 2012.

Anita Weingart, Secretary
Lebanon Borough Sewerage Authority

Mr. Burton moved, Mr. Crawford seconded the motion to adopt Resolution 12-25 Nitzer Avenue. Motion Carried on a roll call vote: Mr. Burton, Mrs. Burton, Mr. Crawford, Mr. Saharic and Mr. Cichone. All AYES – Motion Carried.

EXPENDITURES

Mr. Burton moved and Mr. Saharic 2nd the motion approving the following expenditures as listed for November and December. Roll call vote – AYES: Mr. Burton, Mrs. Burton, Mr. Saharic, Mr. Crawford and Mr. Cichone. All AYES – Motion Carried.

<u>GENERAL ACCT (NOV.)</u>		<u>EXPENSES</u>
12-088 PAYROLL ACCT	PAYROLL	\$4,765.68
12-089 RLSA	TREATMENT PLANT	\$24,469.08
12-090 LEBANON BOROUGH	LEASE	\$1,300.00
12-091 JCP & L	USAGE	\$ 6.14
12-092 R&L DATACENTERS, INC.	PAYROLL SERVICES	\$96.50
12-093 MSI	INV. # 3892	\$1,410.00
12-094 POST OFFICE	ROLL OF STAMPS	<u>\$45.00</u>
	TOTAL	\$32,092.40
<u>ESCROW ACCT</u>		
	TOTAL	\$0.00

GENERAL ACCT (DEC.)

EXPENSES

12-095 PAYROLL ACCT	PAYROLL	\$4,765.68
12-096 RLSA	TREATMENT PLANT	\$24,469.11
12-097 LEBANON BOROUGH	LEASE	\$1,300.00
12-098 JCP & L	USAGE	\$ 7.33
12-099 R&L DATACENTERS, INC.	PAYROLL SERVICES	\$96.50
12-100 NJN PUBLISHING	INV. #S2586134000	\$14.34
12-101 COLANTANO	NITZER RELATED FEES	\$680.00
12-102 FREY ENGINEERING	INV. #2821	\$2,315.00
12-103 FREY ENGINEERING	INV. #2818	\$5,000.00
12-104 FREY ENGINEERING	INV. #2819	\$180.00
12-105 FREY ENGINEERING	INV. #2876	\$5,000.00
12-106 FREY ENGINEERING	INV. #2878	\$165.00
12-107 ART OF FRAMING	INV. #2846	\$123.69
12-108 R&L DATACENTERS, INC.	PAYROLL SERVICES	\$96.50
12-109 FRENCHTOWN INN	AWARDS DINNER	<u>\$3,640.23</u>
	TOTAL	\$47,853.38

ESCROW ACCT

BELLEMEAD – NOVAK & NOVAK	INV. # 3609	\$224.00
BELLEMEAD – FREY ENGINEERING	INV. # 2879	\$120.00
KAPLAN – NOVAK & NOVAK	INV. #3611	\$424.00
PRESIDENTIAL PLACE – NOVAK	INV. #3610	\$774.00
PRESIDENTIAL PLACE – FREY	INV. #2822	\$416.25
BELLEMEAD – FREY ENGINEERING	INV. #2824	\$60.00
CUTSHAW – FREY ENGINEERING	INV. #2763	\$1,394.50
CUTSHAW – FREY ENGINEERING	INV. #2826	\$45.00
KAPLAN – LBSA	REIMBURSE FOR PRIOR INV.	<u>\$2,268.75</u>
	TOTAL	\$8,069.50

MISCELLANEOUS

Gramco recorder maintenance contract is due. It is costly to renew the contract.

Mr. Saharic motioned and Mr. Burton 2nd motion not to renew the contract.

All AYES – Motion Carried.

Tony Maglio checked heat tape meter. If it is not functioning after the construction, will we have any recourse if the meter gets damaged? Mr. Hill will check again with DOT. They were put on record 3 times regarding the heat tape meter but they have not acknowledged it. Mr. Hill will contact DOT informing them of the line again.

PUBLIC COMMENTS

Mr. Bob Schwartz purchased 22 Cokesbury Rd. to protect J. Serra from losing the property to the bank in May of 2012. He submitted an application with the Lebanon planning board. He needs a letter from LBSA with permission to disconnect sewer line, dig back and cap it. He filed an application with LBSA, submitted a W9 and an escrow check for \$500.00 just before the 12/6/12 meeting started. Mr. Schwartz has been reminded and agreed that he will continue to pay the sewer bill. Mr. Hill will inspect it. Mr. Schwartz agreed to submit 2 copies of the revised site plans to LBSA.

Mr. Saharic moved and Mr. Burton seconded the motion authorizing Secretary to send a letter to the applicant (Mr. Schwartz) regarding permission to disconnect sewer line, cap it and continue to pay sewer bill.

All AYES – Motion Carried

RESOLUTION 12-24 LATE INTRODUCTION 2013 BUDGET

WHEREAS, the Lebanon Borough Sewerage Authority will introduce its 2013 Operating Budget on December 6, 2012; and

WHEREAS, the Lebanon Borough Sewerage Authority is aware that the budget is delinquent in accordance with the rules and regulations of the Division of Local government Services; and

WHEREAS, the Lebanon Borough Sewerage Authority has deemed it necessary to delay the Budget Introduction as all required information was not available for a timely introduction; and

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority that permission is hereby requested to introduce the 2013 Operating Budget on the 6th day of December, 2012.

CERTIFICATION

I, hereby certify this to be a true and correct copy of the Resolution passed by the Lebanon Borough Sewerage Authority at its meeting of _____.

Anita Weingart, Secretary

Mrs. Burton moved, Mr. Burton seconded the motion to introduce the 2013 Operation Budget on this 6th day of December 2012. All AYES – Motion Carried.

Mr. Burton moved, Mr. Saharic seconded the motion to discuss personnel issues in Closed Session.

All AYES – Motion Carried.

RESOLUTION 12-26 - 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 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.

I CERTIFY THIS TO BE A TRUE AND ACCURATE COPY OF THE RESOLUTION
PASSED AT THE LBSA MEETING ON _____

Anita Weingart, Secretary

MEETING RE-ADJOURNED after salary discussions took place in Closed Session.

Recess meeting until 12/7/12

Mrs. Burton moved and Mr. Crawford seconded the motion to recess the meeting until 12/7/12.
All AYES – Motion Carried.

Respectfully submitted by,

Anita Weingart,

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