

LEBANON BOROUGH SEWERAGE AUTHORITY

MINUTES

FEBRUARY 6TH, 2014

The meeting of the LEBANON BOROUGH SEWERAGE AUTHORITY was called to order by Joseph S. Novak, Esq at 7:35 PM at the Boro Hall, 6 High Street, Lebanon NJ.

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

Also present: Secretary Anita Weingart, James Hill of Frey Engineering, Joseph Novak of Novak & Novak LLC and William Colantano Jr., CPA

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

REORGANIZATION

OATH OF OFFICE ~ EDWARD R. CICHONE

Mr. Novak administered the Oath of Office to EDWARD R. CICHONE of 5 High St. Mr. Cichone's term as LBSA member expires 1/31/2019.

NOMINATION OF CHAIRMAN

Mr. Saharic moved and Mr. Crawford seconded the motion to nominate Edward Cichone as Chairman of 2014. There being no further nominations, nominations were closed. Motion carried: ALL AYES.

NOMINATION OF VICE CHAIRMAN

Mr. Saharic moved and Mrs. Burton seconded the motion to nominate Richard Burton as Vice Chairman of 2014. There being no further nominations, nominations were closed. Motion carried: ALL AYES.

PROFESSIONALS:

Mrs. Burton moved, Mr. Burton seconded the motion appointing the following:

Attorney – Joseph Novak, Esq.

Engineer – James Hill, P.E. with Frey Engineering

Auditor – William Colantano, Jr., C.P.A.

Secretary/Treasurer – Anita Weingart

Motion carried: All Ayes

RESOLUTIONS 14-01~14-10

LEBANON BOROUGH SEWERAGE AUTHORITY

RESOLUTION 14-01

“NON-FAIR AND OPEN”

WHEREAS, on January 1, 2006, the “New Jersey Local Unity 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 2014; 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 be best 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 2014 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 professional, prior to securing such contract, shall execute and file with the Secretary of the LBSA, a 2014 Business Entity Disclosure Certification pursuant to *N.J.S.A. 19:44A-20.8*.

LEBANON BOROUGH SEWERAGE AUTHORITY

RESOLUTION 14-02

AWARD OF NON-FAIR & OPEN PROFESSIONAL SERVICES (INSURANCE) FOR THE YEAR 2014

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 January 1, 2014 and terminating on December 31, 2014; 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 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 6th day of February, 2014, as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on January 1, 2014 through December 31, 2014 on a non-fair and open basis.
 - Public Entity Advocates – Insurance Agent
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.

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-03
AWARD OF NON-FAIR & OPEN PROFESSIONAL CONTRACTS FOR THE YEAR 2014**

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 6, 2014 and terminating on January 31, 2015; 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 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 6th day of February, 2014, as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on February 1, 2014 through January 31, 2015 on a non-fair and open basis.
 - James Hill, P.E., Frey Engineering, LLC – Engineer
 - William Colantano, William M. Colantano, Jr. – Auditor
 - Joseph S. Novak, Esq. – Novak & Novak – (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.

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-04
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 determines that the circumstances warrant a waiver.

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-05
PAYMENT OF INVOICES IF MEETING CANCELLED**

WHEREAS, in the absence of a regular 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.

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-06
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 legal authorized investment vehicles during the year 2014; and

BE IT FURTHER RESOLVED that the Secretary/Treasurer is hereby authorized to transfer funds 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.

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-07
DESIGNATING REGULAR MEETING PLACE AND 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 changes in meeting dates, times or place shall be sent to the official newspaper at least 48 hours in advance of all such meetings.

NOW, 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.

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-08
PURCHASES UNDER \$1,000.00**

WHEREAS, there regularly needs to be purchased office equipment or supplies:

NOW, THEREFORE, BE IT RESOLVED that Lebanon Borough Sewerage Authority personnel are authorized to purchase such equipment or supplies without prior Board approval for any item under \$1,000.00; and said purchases are to be confirmed at the next regular meeting of the Authority.

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-09
BANK DEPOSITORIES**

WHEREAS, it is desirable that idle funds of the Lebanon Borough Sewerage Authority be invested in legal 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
COMMUNITY FIRST BANK
PEAPACK & GLADSTONE BANK
PNC BANK
INVESTORS SAVING BANK
NJ CASH MANAGEMENT FUND

**LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-10
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 2014.

Mrs. Burton moved, Mr. Burton seconded the motion approving Resolutions 14-01 ~ 14-10. Motion carried on Roll Call Vote: Mr. Burton, Mrs. Burton, Mr. Saharic, Mr. Crawford, Mr. Cichone. ALL AYES

REGULAR MEETING

APPROVE JANUARY MINUTES

Mr. Burton moved and Mr. Sahric seconded the motion approving the open session of the January meeting. Motion carried – All AYES.

GLADSTONE EQUITIES

Brett Skapinetz with Dynamic Engineering Consultants delivered a proposal for a 7,590 square foot building on block 6, lot 1. It may possibly be used for retail. This space was previously approved for 1,250 gpd. If a restaurant comes in a variance would be needed. They do not have tenants at this time but would like the ability to have the capacity for retail or a restaurant tenant. The client's intent is to put up the structure even though there is not a tenant at this time.

He needs a letter from LBSA before meeting with PB. What they proposed is 800 what they applied for is 1250. They are currently billed for 1 unit of use. Any gallons not used come back to the Authority. This lot already had the 800 in place for this lot.

LBSA would not be responsible for pumps on site. If a restaurant comes in, they would need a grease trap.

Mr. Burton moved, Mrs. Burton seconded the motion approving use of 1,250 gpd for this project. Roll call vote: Mr. Saharic – abstained. Mr. Burton, Mrs. Burton, Mr. Crawford, Mr. Cichone. Motion carried: All AYES.

Mr. Saharic moved and Mr. Crawford seconded the motion to enter into Executive Session. All Ayes: Motion carried to go into Closed Session.

RESOLUTION 14-12 ~ CLOSED SESSION

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*
- *CONTRACTUAL*

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.

Mrs. Burton moved and Mr. Saharic seconded the motion to enter into Regular Session. Mr. Cichone re-opened the meeting.

RESOLUTION 14-13 ~ SALARY SCHEDULE

2014 SALARY SCHEDULE

The following salary schedule is hereby approved for the year 2014.

Joseph S. Novak, Attorney	\$ 36,200.00
Anita Weingart, Secretary/Treasurer	\$ 21,000.00
& Mobile Phone allowance	\$ 1,200.00

Mr. Burton moved and Mrs. Burton seconded the motion to approve Resolution 14-13. Roll call vote: Mr. Burton, Mrs. Burton, Mr. Saharic, Mr. Crawford and Mr. Cichone. Motion Carried: All AYES.

ENGINEER'S REPORT

Mr. Hill's report is on file.

Smoke test repairs are still in progress. Mr. Hill and Secretary will continue to follow up with Mr. Barkman. Easement clearing will take place as weather permits. The Policy and Procedure manual is in progress. Mr. Hill and Mr. Novak need to add more into the section regarding Municipal Land Use Law. Spikes in our flow report are coming from rains and thaws. Mr. Hill suggested we consider including meters in next year's budget install to monitor flows.

RESOLUTION 14-11 ~ CONNECTION AND USER FEES

PUBLIC HEARING (Notice was published in 3 newspapers).

Mr. Saharic moved to open the public hearing to the public Mr. Burton seconded the motion. Motion carried: ALL AYES.

LEBANON BOROUGH SEWERAGE AUTHORITY
RESOLUTION 14-11
2014 SERVICE CHARGES & CONNECTION/TAPPING FEES

WHEREAS, NJSA.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 **2014** fiscal year of the Authority as more particularly is set forth in the attached "**2014** 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 6th of February, 2014 and a copy of such notice and the proposed "**2014** Schedule of Service and Other Charges" was served upon the Clerk of the Borough of Lebanon.

NOW, THEREFORE, BE IT RESOLVED, on this 6th day February, **2014** 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 "**2014** 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 **2014** of the Authority commencing as of January 1st, **2014** through December 31st, **2014**.
3. A true copy of the "**2014** 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.

ATTEST:

LEBANON BOROUGH SEWERAGE AUTHORITY

Anita Weingart, Secretary

By: Edward R. Cichone, Chairman

Certification:

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

Anita Weingart, LBSA Secretary

2014 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 **2014**:

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 **2014**. The amount of the Connection Fee shall be **\$2,904.00** 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.

Adopted at the meeting of _____

Mr. Burton moved and Mrs. Burton seconded the motion to approve Resolution 14-11 as set forth below. Roll call vote: Mr. Burton, Mrs. Burton, Mr. Saharic, Mr. Crawford and Mr. Cichone. Motion Carried: ALL AYES.

RLSA – They are considering purchasing a new water press. It is a high cost piece of equipment. They are in the process of getting bids.

EXPENDITURES

Mr. Burton moved and Mr. Crawford seconded the motion approving the following expenditures as listed for February. Roll call vote -AYES: Mr. Burton, Mrs. Burton, Mr. Saharic, Mr. Crawford and Mr. Cichone. All AYES -Motion Carried.

<u>GENERAL ACCT</u>		<u>EXPENSES</u>
14-010 PAYROLL ACCT	PAYROLL	\$6,266.03
14-011 RLSA	WATER TREATMENT	\$25,314.17
14-012 LEBANON BOROUGH	LEASE	\$1,300.00
14-013 JCP&L	HEAT TAPE	\$9.06
14-014 R&L DATACENTERS	PAYROLL SERVICES	\$96.50
14-015 ONE CALL CONCEPTS	INV# 3125363	\$8.20
14-016 SASCO INSURANCE	INV# 16817, 16905, 16816	\$4,674.00
14-017 RECORDER PUBLISHING	LEGAL ADS	\$76.98
14-018 COURIER NEWS	INV# 0101966738	\$43.80
14-019 NJN PUBLISHING	INV# S611232000	\$15.27
14-020 FREY ENGINEERING	INV# 3483, 3484, 3544	\$10,436.08
	TOTAL	\$48,240.09

ESCROW ACCT.

FREY ENGINEERING	HUNTERDON PLAZA	INV# 3485	\$630.00
FREY ENGINEERING	GLADTONE EQUITIES	INV# 3547	\$405.00
	TOTAL		\$1,035.00

MISCELLANEOUS –

Nitzer Ave. resident (Garner) has requested information regarding connection to the LBSA sewer system. Mr. Novak and Secretary will get a letter ready including the relevant figures. We are now in a position to respond to the homeowner as we now have the connection fee and rate established for 2014.

Discussion took place regarding QPA to increase the amount we can secure quotes without having to go out to formal bid. Mr. Novak suggested we do not need a QPA at this time. We can go out to quote for \$17,500.00 and feels that is sufficient.

Mr. Novak annually prepares a standard contract for each professional.

Mr. Cichone is planning to attend a convention in March with the Association of Environmental Authorities.

PUBLIC COMMENTS – There were no public comments made.

ADJOURN

Mr. Burton moved and Mr. Crawford seconded the motion to adjourn. 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