

# **LEBANON BOROUGH SEWERAGE AUTHORITY**

## **MINUTES**

**NOVEMBER 6<sup>TH</sup>, 2014**

The meeting of the LEBANON BOROUGH SEWERAGE AUTHORITY was called to order by Edward Cichone at 7:40 PM at the Boro Hall, 6 High Street, Lebanon NJ.

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

Also present: Secretary Anita Weingart, James Hill and Eleanor Hoffman (Ellie) of Frey Engineering, and Joseph Novak of Novak & Novak LLC

The meeting was convened in compliance with the Open Public Meetings Act of 1975.

### **APPROVE OCTOBER MINUTES**

Mrs. Burton moved, Mr. Burton seconded the motion to approve October 2014 minutes. All Ayes: Motion Carried.

### **ENGINEER'S REPORT**

Mr. Hill's report is on file.

I&I – Lebanon Cheese is being monitored for the extension of the roof gutter they installed. Flow meter proposals were discussed. The proposals are based on no participation from RLSA.

Presidential Place – This site remains within its capacity limitations. Mr. Hill will follow up with the new owners (Eagle Rock) regarding payment on the escrow account.

The Heights of Lebanon – A final inspection of the system was completed on 10/30/14. All deficiencies found in September have been fixed. We can accept the system and allow release of the bond.

O&M – Easement clearing will be further discussed during a Closed Session. Manhole Inspection Report for 2014 is on file. Mr. Hill is recommending LBSA consider inspecting 1/3 of the manholes each year. Mr. Hill also recommends 50 or more infiltrator caps for about \$25.00 each.

TOC – Phase I is complete. Issues with billing are being resolved.

Heat tape – Mr. Hill is working with DOT to have the repair made to the damaged heat tape due to the sand blasting and spraying DOT did for Cokesbury Rd. Mr. Cichone requested to see the emails between Mr. Hill and DOT regarding this. Mr. Hill will continue to follow up on this. DOT claims they will make the repair.

Shared Services Agreement – The agreement with RLSA is expiring in December. We need a letter to RLSA to re-new the contract. The Co-op is not worth looking into because we do not use it enough. We have quotes for emergency services until the end of the year. Mr. Hill recommends Oswald for the jet/video. He also recommends Russell Reid for the cleaning out. The Borough may be using Russell Reid for storm drains and perhaps we can split the bill.

Reserve Units- Kaplan’s 18 reserve units can now be active. Werner Way has 23 reserve units. Mr. Hill will work with Mr. Novak to decide about Werner Way.

Metering – Proposals were discussed. Mr. Hill suggested 5 meters for 4 months to get a reading on the flow. More meters would be the best test but 5 is a good start. This can be considered for 2015.

Monthly Flow Summary – Flows were discussed for different times of the year and which months tend to have a high flow. The September 2014 monthly report from RLSA has not been received yet. They will be distributed when they are available.

Frenchtown WWM – Mr. Hill discussed the letter that the Borough received about a Proposed Amendment for Frenchtown. Since we are in the Highlands, ours gets approved through the Highlands. Frenchtown is looking for support on their amendment. This was just for our information only. No action is required.

**RLSA**

There is no new information to report.

**EXPENDITURES**

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

<u>GENERAL ACCT</u>		<u>EXPENSES</u>
14-105 PAYROLL ACCT	PAYROLL	\$5,188.53
14-106 RLSA	WATER TREATMENT	\$26,126.83
14-107 JCP&L	HEAT TAPE	\$6.19
14-108 LEBANON BOROUGH	LEASE	\$1,300.00
14-109 R&L DATACENTERS	PAYROLL SERVICES	\$96.50
14-110 ONE CALL CONCEPTS	INV# 4095364	\$10.98
14-111 USA BLUE BOOK	INV# 484395	\$91.20
14-112 FRANK APGAR & SONS	INV# 2803	\$250.00
14-113 THE BUZAK LAW GROUP	BILLING 8/21/14-9/20/14	\$250.00
14-114 FREY ENGINEERING	INV# 3960	\$5,308.00
14-115 FREY ENGINEERING	INV# 3961	\$653.73
14-116 FREY ENGINEERING	INV# 3962	\$1,550.00
14-117 FREY ENGINEERING	INV# 3964	\$850.00
	<b>TOTAL</b>	<b>\$44,509.79</b>

ESCROW ACCT.

FREY ENGINEERING	THE HEIGHTS	INV# 3966	\$1,431.25
<b>TOTAL</b>			<b>\$1,431.25</b>

**RESOLUTION 14-16** – Accepting the Heights of Lebanon into the LBSA system and close escrow

**RESOLUTION # 14-16  
KAPLAN/THE HEIGHTS AT LEBANON**

WHEREAS, the Kaplan Companies are the developer of the project in the Borough of Lebanon known as “The Heights at Lebanon”; and

WHEREAS, The Heights at Lebanon have been paying an annual usage fee for its approved level of usage calculated in accordance with NJDEP standards, that is 163.4 units in accordance with its Sewer Service Agreement of 2001.

WHEREAS, the project will have 120 residential units, 12 of which will be low and moderate income units; and

WHEREAS, the adjustment from the 163.4 units to the actual 120 units was to have taken place at the completion of the project pursuant to the Agreement executed between the Developer and the Borough of Lebanon; and

WHEREAS, in consideration of the low and moderate income units the Developer has requested release by way of amendment to its prior commitments by way of a reduction at this time to the actual unit count; and

WHEREAS, the Developer has paid all required usage fees through the 1<sup>st</sup> quarter of 2008 and waives any claim for any reimbursement under prior commitments.

NOW, THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority that as of April 1<sup>st</sup>, 2008 the project as a whole will be billed at the actual number of units, that is 120, less the sewer use charge for the number of units sold which usage charge is paid by each new owner; and adjusted quarterly for the units sold in the prior quarter.

BE IT FURTHER RESOLVED, that we accept this project into our sewer system.

Mr. Burton moved and Mr. Saharic seconded the motion for Resolution 14-16 Accepting The Heights of Lebanon into the LBSA system and close the escrow account. ALL AYES: MOTION CARRIED.

**RESOLUTION 14-17** – Recommending the re-appointment of Leona Burton for another 5 year term

**RECOMMENDING THE REAPPOINTMENT OF  
LEONA BURTON**

**WHEREAS**, the current term of office of Lebanon Borough Sewerage Member Leona Burton ends on January 31, 2015; and

**WHEREAS**, Leona Burton has been an active and integral member of the Lebanon Borough Sewerage Authority, having served on the LBSA with distinction for the past seventeen years; and

**NOW THEREFORE BE IT RESOLVED** on this 6<sup>th</sup> day of November, 2014, by the Commissioners of the Lebanon Borough Sewerage Authority that they wholeheartedly and respectfully recommend and request of the governing body, the reappointment of Leona Burton to a new term as Lebanon Borough Sewerage Authority Member commencing February 1, 2015.

**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 regular meeting held on \_\_\_\_\_.

Mr. Burton moved and Mr. Saharic seconded the motion for Resolution 14-17 to recommend the re-appointment of Leona Burton for another 5 year term. ALL AYES: MOTION CARRIED.

**MISCELLANEOUS**

Sewer Capacity Application and Escrow Fee Table – Discussion about the changes/updates that were made took place.

Mr. Crawford moved and Mr. Burton seconded the motion to adopt the updated Sewer Capacity Application and Escrow fee table. All Ayes: Motion Carried.

Grease Trap Ordinance – Will be discussed further during next sub-committee meeting.

Road Opening Ordinance – Will be discussed at next Council meeting. Mr. Hill and Mr. Novak will provide the Borough with the necessary items regarding LBSA concerns and fees.

**EXECUTIVE SESSION** – Litigation

Mrs. Burton moved, Mr. Burton seconded the motion to enter into Executive Session 8:30 PM.  
All Ayes: Motion Carried.

**CLOSE EXECUTIVE SESSION** – Mrs. Burton moved, Mr. Burton seconded the motion to enter back into the Public Meeting session 8:45 PM.

**Easement Clearing** – A quote request for cleaning 4 areas was sent out. The response was over the 15% bid limit of \$18,300. This now requires 3 written quotes rather than just one.

**CONTRACT FOR MR. BUZAK, Esq.-**

Mr. Burton moved to accept the contract for Mr. Buzak, Mr. Crawford seconded the motion. Roll Call Vote: Mr. Burton, Mrs. Burton, Mr. Crawford, Mr. Saharic, Mr. Cichone. ALL AYES: MOTION CARRIED.

**EXECUTIVE SESSION** - Mr. Burton moved, Mrs. Burton seconded motion to enter into Executive Session 9:00 PM to discuss Personnel and Contractual issues.

**CLOSE EXECUTIVE SESSION** – Mr. Burton moved, Mrs. Burton seconded motion to enter back into the Public Meeting session 9:45 PM.

**RESOLUTION 14-18** - INTRODUCE 2015 BUDGET

INTRODUCTION OF THE 2015 BUDGET

Fiscal year: from January 1 to December 31, 2015

WHEREAS, the Annual Budget and Capital Budget/Program for the Sewerage Authority for the fiscal year beginning January 1, 2015 and ending December 31, 2015 has been presented for adoption before the governing body of the Lebanon Borough Sewerage Authority at its open public meeting of November 6<sup>th</sup>, 2014: and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 692,209.00 Total Appropriations, including Accumulated Deficit if any, of \$ 748,081.00 and Total Unreserved Retained Earnings utilized of \$ 55,872.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$25,000.00 and Renewal and Replacement Reserve planned to be utilized as funding thereof, \$0; and total revenues of \$25,000.00

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of

bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such services, all as may be required by law, regulations or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C.5:31-2 does not confer any authorization to raise funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Lebanon Borough Sewerage Authority, at an open public meeting held on November 6<sup>th</sup>, 2014 that the Annual Budget including appended Supplemental Schedules and the Capital Budget/Program of the Lebanon Borough Sewerage Authority for the Fiscal year beginning January 1, 2015 and ending December 31, 2015 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, services contracts and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Lebanon Borough Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 4<sup>th</sup>, 2014.

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Anita Weingart, Secretary

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Date

GOVERNING BODY  
MEMBERS

RECORDED VOTE

	AYE	NAY	ABSTAIN	ABSENT
E. CICHONE	X			
L. BURTON	X			
R. BURTON	X			
J. SAHARIC	X			
G. CRAWFORD	X			

Mr. Burton moved and Mr. Crawford seconded the motion for Resolution 14-18 To Introduce 2015 Budget. All Ayes: Motion Carried.

**RESOLUTION 14-19 BUDGET DELAY**

2015 BUDGET  
LATE INTRODUCTION

WHEREAS, the Lebanon Borough Sewerage Authority will introduce its 2015 Operating Budget on November 6, 2014; 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 2015 Operating Budget on the 6<sup>th</sup> day of November, 2014.

**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 \_\_\_\_\_.

Mr. Burton moved and Mr. Crawford seconded the motion for Resolution 14-19 to Delay the Budget. ALL AYES: MOTION CARRIED.

**PUBLIC COMMENTS** – There were no public comments made.

**ADJOURN**

Mr. Burton moved and Mrs. Saharic seconded the motion to adjourn. 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