

LEBANON BOROUGH SEWERAGE AUTHORITY

MINUTES

FEBRUARY 5TH 2015

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

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

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

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

REORGANIZATION

OATH OF OFFICE: Leona Burton

Mr. Novak administered the Oath of Office to Leona Burton of 12 Maple St. Mrs. Burton's term as LBSA member expires 1/31/2020.

NOMINATION OF CHAIRMAN:

Mr. Burton moved and Mrs. Burton seconded the motion nominating Edward Cichone as Chairman of LBSA for 2015. There being no other nominations, All Ayes: Motion Carried.

NOMINATION OF VICE CHAIRMAN:

Mr. Saharic moved and Mr. Crawford seconded the motion nominating Richard Burton as Vice-Chairman of LBSA for 2015. There being no other nominations, All Ayes: Motion Carried.

APPOINTMENT OF SECRETARY/TREASURER:

Mr. Burton moved and Mrs. Burton seconded the motion appointing Anita Weingart as Secretary/Treasurer of LBSA for 2015. All Ayes: Motion Carried.

APPOINTMENT OF Professional Engineer, Attorney and Auditor (subject to review and approval of contracts):

Mr. Burton moved and Mr. Crawford seconded the motion to have this item on the March 2015 agenda. Mr. Novak will review the contracts prior to the March meeting. All Ayes: Motion Carried.

RESOLUTION 15-02:

"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 2015 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 2015 Business Entity Disclosure Certification pursuant to *N.J.S.A. 19:44A-20.8*.

Mr. Burton moved and Mr. Saharic seconded the motion approving Resolution 15-02. All Ayes: Motion Carried.

RESOLUTION 15-03:

AWARD OF NON-FAIR & OPEN PROFESSIONAL SERVICES (**INSURANCE**) FOR THE YEAR 2015

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, 2015 and terminating on December 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 5th day of February, 2015, as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on January 1, 2015 through December 31, 2015 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.

Mr. Crawford moved and Mr. Saharic seconded the motion approving Resolution 15-03. All Ayes: Motion Carried.

RESOLUTION 15-04: Contracts ~ Professional Services

Mr. Saharic moved and Mr. Burton seconded the motion to table Resolution 15-04 ~ Contracts – Professional Services until the March 2015 meeting. All Ayes: Motion Carried

RESOLUTION 15-05:

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 determines that the circumstances warrant a waiver.

Mr. Saharic moved and Mr. Burton seconded the motion approving Resolution 15-05. All Ayes:
Motion Carried

RESOLUTION 15-06:

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.

Mr. Saharic moved and Mr. Burton seconded the motion approving Resolution 15-06. All Ayes:
Motion Carried.

RESOLUTION 15-07:

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 legal authorized investment vehicles during the year 2015; 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.

Mr. Crawford moved and Mr. Saharic seconded the motion approving Resolution –5-07. All Ayes: Motion Carried.

RESOLUTION 15-08:

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.

Mrs. Burton moved and Mr. Crawford seconded the motion approving Resolution 15-08. All Ayes: Motion Carried.

RESOLUTION 15-09:

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.

Mrs. Burton moved and Mr. Burton seconded the motion approving Resolution 15-09. All Ayes: Motion Carried.

RESOLUTION 15-10:

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

Mr. Saharic moved and Mr. Crawford seconded the motion approving Resolution 15-10. All Ayes: Motion Carried.

RESOLUTION 15-11:

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 2015.

Mr. Burton moved and Mr. Crawford seconded the motion approving Resolution 15-11. All Ayes: Motion Carried.

OPEN MEETING TO PUBLIC FOR REGULAR MEETING SESSION:

Mr. Burton moved and Mrs. Burton seconded the motion to enter into public session. All Ayes: Motion Carried.

APPROVE JANUARY MINUTES

Mr. Saharic moved and Mr. Burton seconded the motion to approve January 2015 minutes. All Ayes: Motion Carried.

RESOLUTION 15-12:

2015 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 **2015** fiscal year of the Authority as more particularly is set forth in the attached "**2015** 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 5th of February, 2015 and a copy of such notice and the proposed "**2015** Schedule of Service and Other Charges" was served upon the Clerk of the Borough of Lebanon.

NOW, THEREFORE, BE IT RESOLVED, on this 5th day February, **2015** 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 “**2015** 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 **2015** of the Authority commencing as of January 1st, **2015** through December 31st, **2015**.
3. A true copy of the “**2015** 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.

2015 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 **2015**:

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 **\$387.00** 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 **2015**. The amount of the Connection Fee shall be **\$2,954.83** 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 Mr. Saharic seconded the motion approving Resolution 15-12. All Ayes: Motion Carried.

**RESOLUTION 15-13: CLOSED SESSION (REVIEW CONTRACTS) ~
TABLED UNTIL MARCH 2015 MEETING.**

RESOLUTION 15-14:

2015 SALARY SCHEDULE

The following salary schedule is hereby approved for the year 2015.

| | |
|-------------------------------------|--------------|
| Joseph S. Novak, Attorney | \$ 37,290.00 |
| Anita Weingart, Secretary/Treasurer | \$ 24,000.00 |
| & Mobile Phone allowance | \$ 1,200.00 |

LEBANON BOROUGH SEWERAGE AUTHORITY

Mr. Burton moved and Mr. Saharic seconded the motion approving Resolution 15-14.
Roll Call Vote: Mr. Burton, Mrs. Burton, Mr. Saharic, Mr. Crawford and Mr. Cichone. All Ayes:
Motion Carried.

RESOLUTION 15-15: AMENDMENTS TO RULES & REGULATIONS

WHEREAS, the Lebanon Borough Sewerage Authority has adopted pursuant to N.J.S.A. 40:14A-7(11), Rules and Regulations, and Policies and Procedures to govern the operation of its sewerage system within the Borough of Lebanon; and

WHEREAS, such Rules and Regulations and Policies and Procedures continue to be reviewed and amended as necessary to insure delivery of sewer services in order to protect the public health and welfare of the residents and users of its sewerage system;

NOW, THEREFORE, BE IT RESOLVED on this 5th day of February, 2015 that the following enumerated sections of the Rules and Regulations and Policies and Procedures are hereby amended and revised to include the provisions as hereinafter set forth:

1. I. Introduction

D. System Capacity

The Readington – Lebanon Sewerage Authority constructed a sewerage treatment plant designed to process 800,000 gallons per day (gpd) of effluent capacity, with the Borough of Lebanon and its Sewerage Authority being allocated, receiving and utilizing 160,000 gallons per day (gpd). Thereafter, the Readington – Lebanon Sewerage Authority Treatment Plant was expanded in 2002 by a capacity of 400,000 gallons per day (gpd) with the Lebanon Borough Sewerage Authority receiving an allocation of 80,000 gallons per day (gpd) therefrom, and thus providing the Lebanon Borough Sewerage Authority with a total treatment capacity of 240,000 gallons.

2. II. Definitions

Maintained Reserve Capacity

The total sewerage capacity maintained by the Lebanon Borough Sewerage Authority as a reserve for (1) future Mt. Laurel housing; (2) excess use by existing users; (3) possible underestimation of amount of capacity reserved for those entering into approved Reservation Agreements; and (4) infiltration, cracks and/or breaks in existing sewer infrastructure lines.

3. III. Administrative Regulations

F. Maintenance of Reserve Capacity

The Lebanon Borough Sewerage Authority hereby declares, and shall maintain and not allocate, a reserve capacity of 20,000 gallons per day (gpd) to be utilized only for the preservation of the public health and safety and as deemed necessary by the Authority for (1) future Mt. Laurel Housing; (2) excess use by existing users; (3) possible underestimation of amount of capacity reserved for those entering into approved Reservation Agreements; and (4) infiltration, cracks and/or breaks in existing sewer infrastructure lines.

G. Unused and/or Excess Sewer Capacity

Any and all excess sewer capacity and/or unused capacity previously approved for and granted to the owner of land is not a proprietary interest, and is not and shall not be construed to be owned by the owner, but is granted to and for use on the particular tract of land for which is was approved and is not transferrable, saleable, or otherwise disposable. Excess and/or unused capacity may only be returned to the Lebanon Borough Sewerage Authority at no cost to, or reimbursement by the Lebanon Borough Sewerage Authority. The Lebanon Borough Sewerage Authority may thereafter utilize such capacity as it deems necessary and appropriate to preserve

the public health and welfare, and in accordance with State Statutes and the governing resolutions, rules, regulation and procedures of the Lebanon Borough Sewerage Authority.

BE IT FURTHER RESOLVED that these amendments shall be incorporated into the Rules and Regulations and the Policy and Procedures of the Lebanon Borough Sewerage Authority effective as of the adoption of this Resolution on February 5, 2015.

Mr. Burton moved and Mr. Crawford seconded the motion approving Resolution 15-15.
All Ayes: Motion Carried.

ENGINEER'S REPORT

Mr. Hill's report is on file.

Manhole inspections – Files and information for 2015 work have been set up. One third of the manholes are planned to be completed each year. Mr. Hill will provide a report for the March meeting regarding easements and the manholes. The ground was too icy in February.

Flow Meters - Mr. Hill would like us to check the budget for flow meters and review the quotes once again. Mr. Hill will follow up with Environmental Trust Funds to see if we can get funds for repairs. Storm drains will be inspected in the spring.

Presidential Place – Mr. Hill continues to follow up regarding the new owners and escrow owed.

Heat tape - DOT booked contracts through summer and this may help expedite the repair needed for LBSA. Mr. Novak will review the C.O.I.

Lanwin – LBSA Secretary will contact Diana Fainberg regarding OPRA request.

Grease Trap Ordinance – Mr. Hill asked the members to review the draft that was emailed in December. Once this is approved, we can begin inspections. We should look at agreements to see when grease traps were last inspected. The O&M manual will eventually include updated ordinances.

EXPENDITURES

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

GENERAL ACCT

EXPENSES

| | | |
|--------------------------|---------------------------------|--------------------|
| 15-013 PAYROLL ACCT | PAYROLL | \$5,563.35 |
| 15-014 RLSA | WATER TREATMENT | \$27,666.67 |
| 15-015 LEBANON BOROUGH | LEASE | \$1,300.00 |
| 15-016 JCP&L | HEAT TAPE | \$8.76 |
| 15-017 ONE CALL CONCEPTS | INV# 4125366 | \$10.98 |
| 15-018 SASCO INSURANCE | INV# 18866, RENEW BOND-WEINGART | \$355.00 |
| 15-019 BUZAK LAW GROUP | 12/21/14-12/31/14 | \$2,500.00 |
| 15-020 COURIER NEWS | INV# 274610 | \$47.32 |
| 15-021 NJN PUBLISHING | ACCT: 1160684 | \$78.84 |
| 15-022 FREY ENGINEERING | INV# 4154 | \$5,308.33 |
| 15-023 FREY ENGINEERING | INV# 4155 | \$360.00 |
| 15-024 FREY ENGINEERING | INV# 4156 | \$300.00 |
| TOTAL | | \$43,499.25 |

ESCROW ACCT.

| | | |
|-----------------|------------------|-----------------|
| LANWIN HOLDINGS | FREY ENGINEERING | \$840.00 |
| | TOTAL | \$840.00 |

RLSA

RLSA completed their re-organization for 2015. Mr. Vincent Schiable is the Chairman. Mr. Richard Burton is the Vice-Chairman.

MISCELLANEOUS

Garner lawsuit is postponed until the end of March. LBSA filed counter statements to the brief that was filed by the Garners'.

PUBLIC COMMENTS

There were no public comments.

ADJOURN

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