

LEBANON BOROUGH SEWERAGE AUTHORITY

MINUTES

FEBRUARY 4TH, 2016

The meeting of the LEBANON BOROUGH SEWERAGE AUTHORITY was called to order by Joseph Novak of Novak & Novak LLC at 7:30 PM at the Boro Hall, 6 High Street, Lebanon NJ. The meeting was convened in compliance with the Open Public Meetings Act.

MEMBERS PRESENT: Richard Burton, Leona Burton, and Greg Crawford

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

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

REORGANIZATION

OATH OF OFFICE: Richard Burton

Mr. Burton has been nominated by Council to serve a 5 year term with LBSA.

Mr. Novak administered the Oath of Office to Richard Burton of 12 Maple St. Mr. Burton's terms as LBSA member expires 2/1/2021.

NOMINATION OF CHAIRMAN:

Mr. Burton moved and Mrs. Burton seconded the motion to nominate Edward Cichone as Chairman of LBSA for 2016. There being no further nominations, All Ayes: Roll Call Vote: Motion Carried.

The meeting was then turned over to Mr. Cichone, Chairman of LBSA

NOMINATION OF VICE CHAIRMAN:

Mrs. Burton moved and Mr. Crawford seconded the motion to nominate Richard Burton and Vice Chairman of LBSA for 2016. There being no further nominations, All Ayes: Motion Carried.

APPOINTMENT OF SECRETARY/TREASURER:

Mr. Burton moved and Mrs. Burton seconded the motion appointing Anita Weingart as Secretary/Treasurer for LBSA for 2016. Roll Call Vote: All Ayes: Motion Carried.

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

Mrs. Burton moved and Mr. Burton seconded the motion to enter into Executive Session to discuss the contracts. All Ayes: Motion Carried.

RESOLUTION 16:14 Closed Session Contractual Matters and Litigation.

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.

I CERTIFY THIS TO BE A TRUE AND ACCURATE COPY OF THE RESOLUTION PASSED AT THE LBSA MEETING ON FEBRUARY 4th, 2016.

Anita Weingart, Secretary

PUBLIC SESSTION:

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

Appointment of Professionals: Engineer, Attorney and Auditor.

Mr. Burton moved and Mrs. Burton seconded the motion to appoint the Professionals listed above. Roll Call Vote: All Ayes: Motion Carried.

RESOLUTION 16:02 “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 2016; 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 2016 contracts shall be awarded under the “non-fair and open” process:
 - Authority Auditor
 - Authority Engineer
 - Authority Attorney
 - Authority Insurance Agent
 - Special Counsel for Garner Litigation
2. The said professional, prior to securing such contract, shall execute and file with the Secretary of the LBSA, a 2016 Business Entity Disclosure Certification pursuant to *N.J.S.A. 19:44A-20.8*.

Mr. Burton moved to adopt Resolution 16:02 and Mrs. Burton seconded the motion. All Ayes: Motion Carried.

RESOLUTION 16:04 “Non-Fair and Open” Contracts – Insurance

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, 2016 and terminating on December 31, 2016; 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 4th day of February, 2016, as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on January 1, 2016 through December 31, 2016 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. Burton moved and Mrs. Burton seconded the motion to adopt Resolution 16:04. All Ayes: Motion Carried.

RESOLUTION 16:05 “Non-Fair and Open” Contracts – Professional

Engineering: James Hill of Frey Engineering
Attorney: Novak and Novak, LLC
Auditor: William Colantano of Bedard, Kurowicki & Co., CPA’s, PC
Litigation: Buzak & Buzak Law Office
Insurance: Public Entity Advocates

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 4, 2016 and terminating on January 31, 2017; 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 4th day of February 2016, as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on February 1, 2016 through January 31, 2017 on a non-fair and open basis.
 - Frey Engineering, LLC, James Hill, P.E. – Engineer
 - Bedard, Kurowicki & Co., CPA’s, PC, William M. Colantano, Jr. – Auditor
 - Novak & Novak, LLC, Legal Consultants
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. Burton moved and Mrs. Burton seconded the motion to adopt Resolution 16:05. All Ayes: Motion Carried.

RESOLUTION 16:06 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. Burton moved and Mr. Crawford seconded the motion to adopt Resolution 16:06. All Ayes: Motion Carried.

RESOLUTION 16:07 Payment of Invoices if Meeting is 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. Burton moved and Mr. Crawford seconded the motion to adopt Resolution 16:07. All Ayes: Motion Carried.

RESOLUTION 16:08 Investment of Idle Funds & 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 2016; 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. Burton seconded the motion to adopt Resolution 16:08. Roll Call Vote: All Ayes: Motion Carried.

RESOLUTION 16:09 Regular Meeting Dates/Times

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.

Mr. Crawford moved and Mr. Burton seconded the motion to adopt Resolution 16:09. All Ayes: Motion Carried.

RESOLUTION 16:10 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.

Mr. Burton moved and Mr. Crawford seconded the motion to adopt Resolution 16:10. Roll Call
Vote: All Ayes: Motion Carried.

RESOLUTION 16:11 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 – REGAL BANK
PEAPACK & GLADSTONE BANK
PNC BANK
INVESTORS SAVING BANK
NJ CASH MANAGEMENT FUND

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

Mr. Burton moved and Mrs. Burton seconded the motion to adopt Resolution 16:11. Roll Call
Vote: All Ayes: Motion Carried.

RESOLUTION 16:12 PACO

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 2016.

Mr. Burton moved and Mr. Crawford seconded the motion to adopt Resolution 16:12. Roll Call Vote: All Ayes: Motion Carried.

REGULAR MEETING

APPROVE JANUARY MINUTES:

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

RESOLUTION 16:13 Rates and Connection Fees 2016

This has been advertised in two newspapers with affidavits on file. This is open to the public.

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 **2016** fiscal year of the Authority as more particularly is set forth in the attached "**2016** 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 4th of February, 2016 and a copy of such notice and the proposed "**2016** Schedule of Service and Other Charges" was served upon the Clerk of the Borough of Lebanon.

NOW, THEREFORE, BE IT RESOLVED, on this 4th day February, **2016** 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 "**2016** 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 **2016** of the Authority commencing as of January 1st, **2016** through December 31st, **2016**.
3. A true copy of the "**2016** 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

2016 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 **2016**:

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 **\$426.00** 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 **2016**. The amount of the Connection Fee shall be **\$3,038.81** 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 _____

There were no public comments regarding Resolution 16:13.

Mr. Burton moved and Mr. Crawford seconded the motion to adopt Resolution 16:13. There are no public comments. The 2016 sewer service rate is \$426.00 per unit/year. The 2016 connection fee is \$3,038.81. Roll Call Vote: All Ayes: Motion Carried.

RESOLUTION 16:15 Salary Schedule

Mr. Novak will amend this Resolution to remove himself as an employee. He will continue with LBSA as a Consultant effective 2/1/16.

The following salary schedule is hereby approved for the year 2016.

Anita Weingart, Secretary/Treasurer	\$ 24,960.00
& Mobile Phone allowance	\$ 1,200.00

Mr. Burton moved and Mrs. Burton seconded the motion to adopt Resolution 16:15. Roll Call Vote: All Ayes: Motion Carried.

Further discussion of the Professional contracts took place. Mr. Colantano will provide the necessary forms such as Business Entity, Business Registration Certificate and any others as outlined in item 9. These are the standard form contracts executed by Professional Consultants. These contracts are now approved and any forms still needed will be obtained and put on file.

Mr. Burton moved and Mr. Crawford seconded the motion to approve the Professional contracts. Roll Call Vote: All Ayes: Motion Carried.

EXPENDITURES

Mr. Burton moved to approve February expenditures as listed below and Mr. Crawford seconded the motion. Roll Call Vote: All Ayes: Motion Carried.

GENERAL ACCT:

16-014	PAYROLL ACCT	PAYROLL	\$5,718.94
16-015	RLSA	WATER TREATMENT	\$28,048.92
16-016	LEBANON BOROUGH	LEASE	\$1,300.00
16-017	JCP&L	HEAT TAPE	\$56.29
16-018	ONE CALL CONCEPTS	INV# 5125371	\$6.20
16-019	ALPHADOG	INV# 23202	\$750.00
16-020	BUZAK LAW GROUP	BILLING 11/21/15 - 12/20/15 & 12/21/15-12/31/15	\$812.50
16-021	COURIER NEWS	AD# 1002819	\$41.88
16-022	NJN PUBLISHING	2016 RATES & CONNECTION FEES	\$14.34
16-023	R&L DATACENTERS	PAYROLL SERVICES	\$96.50
16-024	ART OF FRAMING	INV# 5032	\$136.08
16-025	STAMP FULFILLMENT SERVICE	PRE-STAMPED, RETURN ADDRESS ENVELOPES	\$918.10
16-026	QUILL CORPORATION	INV# 2477929, INV# 2576891	\$31.05
16-027	FREY ENGINEERING, LLC	INV# 4651	\$10,616.66
16-028	FREY ENGINEERING, LLC	INV# 4654	\$17,504.04
16-029	FREY ENGINEERING, LLC	INV# 4652	\$556.25
16-030	FREY ENGINEERING, LLC	INV# 4653	\$540.00
	BANK FEE	DEPOSIT SCANNER	\$75.00

TOTAL

\$67,222.75

ESCROW ACCT:

TOWN OF

CLINTON

FREY ENGINEERING

INV# 4655

\$191.25

TOTAL

191.25

Financial Reports

Mr. Burton moved and Mr. Crawford seconded the motion to acknowledge the reports. Roll Call Vote: All Ayes: Motion Carried.

RLSA

RLSA recently had their reorganization meeting. Mr. Vincent Schiabe is the Chairman and Mr. Richard Burton is the Vice-Chairman for 2016. Mr. Charles Westfield is the Secretary for 2016. The belt press is operating extremely well.

Engineer's Report

Mr. Hill's report is on file.

Mr. Novak recommended that LBSA submit our expenses regarding Cokesbury Rd to the DOT requesting reimbursement. Mr. Hill outlined his costs and suggested this request come from LBSA. Since 2012 the amount spent is \$39,534.00.

Mr. Burton moved and Mr. Crawford seconded the motion to submit a request to recover our costs for repairing Cokesbury Rd. Roll Call Vote: All Ayes: Motion Carried.

Mr. Hill will provide the annual list of emergency contractors for us to approve in the March meeting. He will also provide quotes for easement clearing in the March meeting.

Fencing for the heat tape call box may be considered in the spring. Landscaper for KB would like to clear the area first and mulch.

TOC

Mr. Hill and Mr. Brightly plan to attend their meeting regarding the next phase of the project. This may include part of Main St. and across Rt. 22.

Mr. Hill ensures he is on-site for road openings and this is part of the inspection fees that come with the application for road opening.

MISCELLANEOUS

Mr. Cichone suggested for our next meeting to create a formal Resolution possibly framed, thanking the Freeholders for their cooperation with LBSA regarding Cokesbury Rd.

PUBLIC COMMENTS

There were no public comments.

ADJOURN

Mr. Burton moved and Mr. Crawford 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