

LEBANON BOROUGH SEWERAGE AUTHORITY

MINUTES

FEBRUARY 4TH, 2021

The meeting of the LEBANON BOROUGH SEWERAGE AUTHORITY was called to order by Attorney, Joseph Novak 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, Ben Valliere, Edward Cichone

Also present: Joseph Novak- Novak & Novak LLC, Jim Hill and Kayla Kern– Frey Engineering, William Colantano of BKC and Secretary Anita Weingart

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

REORGANIZATION

NOMINATION OF CHAIRMAN:

Mr. Burton moved and Mr. Valliere seconded the motion to nominate Edward Cichone as Chairman of LBSA for 2021. There being no further nominations,

Roll Call Vote: Mr. Valliere, Mr. Burton, Mr. Cichone, ALL AYES: MOTION CARRIED

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

NOMINATION OF VICE CHAIRMAN:

Mr. Valliere moved and Mr. Cichone seconded the motion to nominate Richard Burton as Vice Chairman of LBSA for 2021. There being no further nominations,

Roll Call Vote: Mr. Valliere, Mr. Burton, Mr. Cichone, ALL AYES: MOTION CARRIED

APPOINTMENT OF SECRETARY/TREASURER:

Mr. Burton moved and Mr. Valliere seconded the motion to appoint Anita Weingart as Secretary/Treasurer for LBSA for 2021.

Roll Call Vote: Mr. Valliere, Mr. Burton, Mr. Cichone, ALL AYES: MOTION CARRIED

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

Mr. Burton moved and Mr. Valliere seconded the motion to appoint for 2021: Novak & Novak Law Office with Joseph Novak, Frey Engineering, LLC with James Hill and Bedard, Kurowicki & Co with William Colantano.

Roll Call Vote: Mr. Valliere, Mr. Burton, Mr. Cichone, ALL AYES: MOTION CARRIED

RESOLUTIONS 21-01, through 21-10

Mr. Burton moved and Mr. Valliere seconded the motion to adopt the following Resolutions: 21-01 through 21-10.

Roll Call Vote: Mr. Valliere, Mr. Burton, Mr. Cichone, ALL AYES: MOTION CARRIED

RESOLUTION 21-01: “NON-FAIR AND OPEN” – PROFESSIONALS

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 2021; 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 2021 contracts shall be awarded under the “non-fair and open” process:
 - Authority Auditor
 - Authority Engineer
 - Authority Attorney
 - Authority Insurance Agent
2. The said professional, prior to securing such contract, shall execute and file with the Secretary of the LBSA, a 2021 Business Entity Disclosure Certification pursuant to *N.J.S.A. 19:44A-20.8*.

RESOLUTION 21-02: ALPHADOG WEBSITE MANAGEMENT

WHEREAS, a need has arisen to maximize Lebanon Borough Sewerage Authority's ability to be in compliance with the State of New Jersey's regulations in all departments for website management. AlphaDog will be utilized to maintain and create the Borough website for public notification of road projects, recreation projects, record retention, education needs and include Lebanon Borough Sewerage Authority's administration tasks; and

NOW THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority with regard to obtaining website management, the Administrator recommends engagement of AlphaDog to perform specific website services and associated services with a \$750.00 for a yearly maintenance fee sum not-to-exceed \$1,800.00 has been approved to be paid to the Borough of Lebanon or directly billed from AlphaDog. This will be billed \$150.00 monthly or quarterly. The contract is on file from 2016 for details.

RESOLUTION 21-03: AWARD OF NON-FAIR & OPEN PROFESSIONAL SERVICES (INSURANCE) FOR THE YEAR 2021

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, 2021 and terminating on December 31, 2021; 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, 2021, as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on January 1, 2021 through December 31, 2021 on a non-fair and open basis.
 - ACRISURE LLC, DBA 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.

RESOLUTION 21-04: 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.

RESOLUTION 21-05: 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.

RESOLUTION 21-06: 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 2021; 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.

**RESOLUTION 21-07: 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.

RESOLUTION 21-08: 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.

RESOLUTION 21-09: 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

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

RESOLUTION 20-10: 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 2021.

REGULAR MEETING

APPROVE JANUARY MINUTES

Mr. Burton moved and Mr. Valliere seconded the motion to approve the Jan 2021 minutes. All Ayes: Motion Carried.

TOWN CENTER PROJECT – Informal Meeting Application

Henry Kent-Smith, Partner with Fox Rothschild LLP discussed the proposed project for Town Center, 103 and 104 Corporate Drive. There are 2 buildings in each phase with construction tentatively scheduled to begin 5/1/21. Phase 1 is for 103 Corporate Dr and is requesting 24,574 gpd. Mr. Hill confirmed there is enough capacity for phase 1. Clinton Water confirms there is enough water capacity for phase 1. The 1st phase is proposed as 155 units with 28 affordable. The 2nd phase is proposed as 125 units with 28 affordable.

Town Center will come before the LBSA board with a formal application. Phase 2 plans may begin in 1 year.

PUBLIC COMMENTS

There were no public comments.

RESOLUTION 21-11: Rates & Connection Fees (Legal Ad placed in 2 newspapers, on file)

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 **2021** fiscal year of the Authority as more particularly is set forth in the attached “**2021** 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, 2021 and a copy of such notice and the proposed “**2021** 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, **2021** 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 “**2021** 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 **2021** of the Authority commencing as of January 1st, **2021** through December 31st, **2021**.

3. A true copy of the “**2021** 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.

2021 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 **2021**:

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 **\$516.00** 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 **2021**. The amount of the Connection Fee shall be **\$ 3,263.05** 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.

GREASE TRAP INSPECTION FEE

An Annual Fee of \$50.00 per applicable business use on a property will be added to the properties' annual sewer service payment; and payable in quarterly installments by the property owner. The Annual Grease Trap Inspection is mandatory and reference can be made to the LBSA Operations & Maintenance Manual and the Policy & Procedure Manual.

Mr. Burton moved and Mr. Valliere seconded the motion to adopt Resolution 21-11: Rates & Connection Fees. Roll Call Vote: Mr. Burton, Mr. Valliere, Mr. Cichone, All Ayes: Motion Carried.

RESOLUTION 21-12: SALARY SCHEDULE

The following salary schedule is hereby approved for the year 2021.

Anita Weingart, Secretary/Treasurer	\$ 29,930.00
& Mobile Phone allowance	\$ 1,200.00

Mr. Burton moved and Mr. Valliere seconded the motion to adopt Resolution 21-12. Roll Call Vote: Mr. Burton, Mr. Valliere, Mr. Cichone, All Ayes: Motion Carried.

RESOLUTION 21-13: RESOLUTION CLEAN-OUT FEE:

PROHIBITS MATERIALS - BLOCKAGE CLEANOUT

WHEREAS, the number of sewer line blockages has steadily increased; and

WHEREAS, those blockages are attributable to individual homeowners and commercial users;
and

WHEREAS, as a result of such blockages, specialized services must be secured on an emergency basis to relieve blockages and permit the free flow of effluent in the system; and

WHEREAS, it has been determined that blockages are being caused by improper disposal of various types of paper towels, cleaning materials, feminine hygiene products, diapers, flushable wipes, and the like.

NOW, THEREFORE, BE IT RESOLVED, by the Chairman and Commissioners of the Lebanon Borough Sewerage Authority, that the following amendments shall be made to the Rules and Regulations and Operating Procedures of the Lebanon Borough Sewerage Authority as follows:

Prohibited Materials - Blockage Cleanout

1. All types of paper towels and cleaning materials, feminine hygiene products, diapers, flushable wipes, and like type materials are prohibited from being disposed of in toilets and drains within the sewer service area of the Lebanon Borough Sewerage Authority.

2. Any and all back-ups of individual premise sewer lines and the main sewer trunk shall be traced to their source and the sewer system user and/or property owner shall be liable for all costs and expenses incurred to clear and/or relieve the blockage.

3. A fee of \$250.00 plus the actual cost of clearing the line blockage, shall be assessed to the property owner/user and must be paid with the next quarterly sewer installment due from the user. Such fee if unpaid, shall become a lien upon the property, and failure to make payment of the lien shall result in the immediate filing of a Lien Notice with the Lebanon Borough Clerk's Office/Assessor's Offices/Search Officer, and a separate Notice of Lien shall be recorded against the property in the Hunterdon County Clerk's Office, and the property will be subject to the annual, public lien sale conducted for tax and sewer delinquencies.

ENGINEER'S REPORT

Mr. Hill's report is on file.

Metering continues as noted in our contract with Frey Engineering.

EXPENDITURES

Mr. Burton moved and Mr. Valliere seconded the motion to approve FEB 2021 expenditures as listed below

Roll Call Vote: Mr. Burton, Mr. Valliere, Mr. Cichone, All Ayes: Motion Carried.

<u>GENERAL ACCT:</u>			FEB 2021
21-014	PAYROLL ACCT	PAYROLL	\$2,788.49
21-015	RLSA LEBANON	WATER TREATMENT	\$38,937.33
21-016	BOROUGH	LEASE	\$1,300.00
21-017	JCP&L CONSUMER	HEAT TAPE	\$11.15
21-018	CELLULAR ONE CALL	HEAT TAPE PHONE	\$20.84
21-019	CONCEPTS	INV# 0125372	\$4.29
21-020	R&L	PAYROLL SERVICES	\$96.50

DATACENTERS			
21-021	NOVAK & NOVAK QUILL	FEB RETAINER	\$3,903.50
21-022	CORPORATION ACRISURE, LLC	INV# 13434731, 13486232	\$248.98
21-023	DBA PEA	INSURANCE 2021	\$6,599.00
21-024	FREY ENGINEERING BANK FEE	INV# 6961, 6964	\$10,795.83 <u>35.00</u>
TOTAL			\$64,740.91

ESCROW ACCT:

<u>TOWN CENTER</u>	FREY ENGINEERING	INV# 6962	\$315.00
			\$0.00
		TOTAL	\$315.00

FINANCIAL REPORTS – Jan bank statements, February 2021 reports.

**Mr. Burton moved and Mr. Valliere seconded the motion to acknowledge the reports.
Roll Call Vote: Mr. Burton, Mr. Valliere, Mr. Cichone, All Ayes: Motion Carried.**

RLSA – RLSA and LBSA monitoring flows continues

MISC – None reported

ADJOURN

**Mr. Burton moved and Mr. Valliere 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