

LEBANON BOROUGH SEWERAGE AUTHORITY

MINUTES

February 17, 2022

The meeting of the LEBANON BOROUGH SEWERAGE AUTHORITY was called to order by Attorney, Joseph Novak 7:30 PM at the Borough Hall, 6 High Street, Lebanon NJ.

MEMBERS PRESENT: Edward Cichone, Richard Burton, Benedict Valliere, Greg Crawford, Glen Chandler

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

The meeting was convened in compliance with the OPEN PUBLIC MEETINGS ACT

REORGANIZATION

NOMINATION OF CHAIRMAN:

Mr. Cichone moved, Mr. Valliere seconded the motion to nominate Richard Burton as Chairman of LBSA for 2022. There being no further nominations, and the withdrawal of nomination for Mr. Cichone: **Roll Call Vote: Valliere, Chandler, Cichone, Crawford, Burton, ALL AYES:**
MOTION CARRIED

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

NOMINATION OF VICE CHAIRMAN:

Mr. Valliere moved, Mr. Cichone seconded the motion to nominate Greg Crawford as Vice Chairman of LBSA for 2022. There being no further nominations:
Roll Call Vote: Valliere, Burton, Cichone, Chandler, Crawford, ALL AYES:
MOTION CARRIED

APPOINTMENT OF SECRETARY/TREASURER:

Mr. Cichone moved, Mr. Valliere seconded the motion to appoint Anita Weingart as Secretary/Treasurer for LBSA for 2022.
Roll Call Vote: Valliere, Chandler, Crawford, Cichone, Burton, ALL AYES:
MOTION CARRIED

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

Mr. Cichone moved, Mr. Chandler seconded the motion to review the 2022 contracts: Novak & Novak Law Office - Joseph Novak, Bedard, Kurowicki & Co (BKC) - William Colantano. and Frey Engineering, LLC - James Hill

Roll Call Vote: Valliere, Chandler, Cichone, Crawford, Burton, ALL AYES: MOTION CARRIED

EXECUTIVE SESSION – Contractual – Professional Contracts as listed above

Mr. Crawford moved, Mr. Valliere seconded the motion to enter Closed Session.

ALL AYES: MOTION CARRIED

PUBLIC SESSION –

Mr. Crawford moved, Mr. Chandler seconded the motion to return to open public session.

ALL AYES: MOTION CARRIED

Mr. Crawford moved, Mr. Valliere seconded the motion to approve the contracts: Novak & Novak Law and BKC.

Roll Call Vote: Valliere, Chandler, Cichone, Crawford, Burton, ALL AYES: MOTION CARRIED

Mr. Crawford moved, Mr. Valliere seconded the motion to appoint Mr. Hill of Frey Engineering for 3 months with the contingency of extending that time period if members of LBSA agree at the next meeting.

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

RESOLUTIONS 22-01, through 22-10

Mr. Crawford moved, Mr. Valliere seconded the motion to adopt the following Resolutions: 22-01 through 22-10

Roll Call Vote: Valliere, Chandler, Cichone, Crawford, Burton ALL AYES: MOTION CARRIED

RESOLUTION:22-01

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 its 2022-2023 fiscal year; 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, as well as other requisite business registration and related documents.

NOW, THEREFORE, BE IT RESOLVED by the Chairman and Commissioners of the Lebanon Borough Sewerage Authority, as follows:

1. The following professional 2022/2023 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 2022 Business Entity Disclosure Certification pursuant to *N.J.S.A.* 19:44A-20.8.

RESOLUTION:22-02

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 is utilized to maintain and create the Borough of Lebanon’s website for public notification of road projects, recreation projects, record retention, education needs and also has been used by the Lebanon Borough Sewerage Authority for its administration tasks; and

NOW THEREFORE, BE IT RESOLVED by the Lebanon Borough Sewerage Authority with regard to obtaining website management, that the Borough Administrator and Lebanon Borough Sewerage Authority Secretary have used and recommends engagement of AlphaDog to perform specific website services and associated services for a yearly sum of \$1,200.00 for the Lebanon Borough Sewerage Authority’s portion of services. The original Contract (started in 2016) is on file in the office of the Borough Clerk

RESOLUTION:22-03

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, 2022 and terminating on December 31, 2022; 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 17TH day of February, 2022, as follows:

1. The following professionals are hereby retained by the Lebanon Borough Sewerage Authority for the period of time commencing on January 1, 2022 through December 31, 2022 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 22-04

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 22-05

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 22-06

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 2022; 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 22-07

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 3rd 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 22-08

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 22-09

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 22-10

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 2022.

REGULAR MEETING

APPROVE JANUARY MINUTES

Mr. Crawford moved and Mr. Valliere seconded the motion to approve the Jan 2022 minutes.
All Ayes: Motion Carried

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING ON CONNECTION FEES & SEWER SERVICE CHARGES

RESOLUTION 22-11 - CONNECTION FEES AND SEWER SERVICE CHARGES

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 **2022** fiscal year of the Authority as more particularly is set forth in the attached "**2022** 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 17TH of February, 2022 and a copy of such notice and the proposed "**2022** Schedule of Service and Other Charges" was served upon the Clerk of the Borough of Lebanon.

NOW, THEREFORE, BE IT RESOLVED, on this 17TH day February, **2022** 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 “**2022** 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 **2022** of the Authority commencing as of January 1st, **2022** through December 31st, **2022**.
3. A true copy of the “**2022** 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.

2022 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 **2022**:

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 **2022**.

The amount of the Connection Fee shall be **\$3,319.57** 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.

RESOLUTION 22-12 – SALARY SCHEDULE

The following salary schedule is hereby approved for the year 2022.

Anita Weingart, Secretary/Treasurer	\$ 30,830.00
& Mobile Phone allowance	\$ 1,200.00

RESOLUTION 22-13 – 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.

This Resolution shall be become effective on February 17, 2022.

ENGINEER'S REPORT

Mr. Hill's report is on file.

Flow Study, Proposed special projects for 2022, Emergency contacts for LBSA/FREY 2022, Draft of Emergency Services Bid

Metering continues

LBSA Capital and Special Project work – All of the 2020 work under capital improvement is now completed.

EXPENDITURES

Mr. Crawford moved, Mr. Cichone seconded the motion to approve Feb 2022 expenditures as listed below.

Roll Call Vote: Valliere, Chandler, Cichone, Crawford, Burton, All Ayes: Motion Carried

<u>GENERAL ACCT:</u>			FEB 2022
22-015	PAYROLL ACCT	PAYROLL	\$2,872.31
22-016	RLSA	WATER TREATMENT	\$36,734.92
	LEBANON		
22-017	BOROUGH	LEASE	\$1,300.00
	R&L		
22-018	DATACENTERS	PAYROLL SERVICES	\$71.00
	ONE CALL		
22-019	CONCEPTS	INV# 2015375	\$39.67
22-020	COURIER NEWS	INV# 0005110996, 0005110981	\$43.58
	NJ ADVANCE		
22-021	MEDIA	INV# 10164131	\$14.34
	NOVAK & NOVAK		
22-022	LAW	Feb-22	\$3,903.50
	ACRISURE, LLC		
22-023	DBA PEA	INV# 443645	\$355.00
	FREY		
22-024	ENGINEERING	INV# 7423	\$6,376.33
	FREY		
22-025	ENGINEERING	INV# 7399 (special projects)	\$5,505.34
	BANK FEE		\$50.00
TOTAL			\$57,265.99
 <u>ESCROW ACCT:</u>			
	FREY		
TOWN CENTER	ENGINEERING	INV# 7424	\$70.00
		TOTAL	\$70.00

