

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON AUGUST 19, 2015 AT THE AUTHORITY'S ADMINISTRATION BUILDING, LAFAYETTE, NEW JERSEY

1. CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE

The Meeting was called to order at 3:01 p.m.

The following were present: Commissioners Sowden, Madsen, Dietz, Cocula, Meyer and Drake, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, General Counsel Giacobbe, Special Counsel Prol, and Recording Secretary Kronski.

Absent: Commissioner Petillo
Vice Chairman Madsen chaired the Meeting.

2. PUBLIC STATEMENT REGARDING SUNSHINE LAW

Chairman Madsen stated that the meeting has been duly advertised, and notice given thereof, as required by P.L. 1975, Chapter 231.

3. OPEN TO PUBLIC COMMENT

Chairman Madsen opened the meeting to public comment. No public comment. Chairman Madsen closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Madsen asked for a motion to approve the Agenda, Commissioner Drake moved the approval of the Agenda, seconded by Commissioner Cocula. No changes to the Agenda. On voice vote: Ayes (6); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

The Chairman requested a motion for approval of the Consent Agenda. Commissioner Dietz moved the approval of the Consent Agenda, seconded by Commissioner Meyer. No discussions. On voice vote: Ayes (6); Nays (0). The motion carried.

6. MINUTES

Chairman Madsen requested a motion to approve the distribution of the August 5, 2015 Pending Action Summary Sheet (PASS), which was emailed to the Clerk of the Freeholder Board on August 6, 2015.

PASS Report for 8-5-15 to Freeholder Board						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN		x	x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ			x			
ANDREA COCULA			x			
KARL MEYER			x			
JOHN DRAKE	x		x			

Motion passed.

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Chairman Madsen asked for a motion to approve the Open & Closed Minutes from the July 15, 2015 Authority Meeting.

Open and Closed Minutes for 7-15-15 Authority Meeting						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN			x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ			x			
ANDREA COCULA			x			
KARL MEYER		x	x			
JOHN DRAKE	x		x			

Motion passed.

Chairman Madsen noted there are no minutes for distribution at this meeting.

7. BUSINESS

a. Executive Session

At 3:04 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session. Attorney Giacobbe would like to add discussions regarding the Lease Agreement with St. Clare's Medical Unit. Motion seconded by Commissioner Sowden. On voice vote: (6) Ayes, (0) Nays, the motion carried. Chairman noted Closed Session to be approximately 15 minutes.

#15-127 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:34 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Drake. On voice vote, Ayes (6); Nays (0), the motion passed.

Chairman Madsen called for a meeting break at 3:34 p.m. Meeting reconvened at 3:43 p.m.

Chairman Madsen indicated items discussed as specifically set forth in the resolution authorizing Closed Execution Session were negotiations and/or litigations re: Landfill Gas to Energy Agreement; St. Clare's Agreement; Underground Inspection/Settlement Offer; and Hampton Commons Draft Site Inspection. When the need for confidentiality of these matters no longer exists they will be opened to the public.

b. Wastewater Program

Superintendent's Report

Superintendent Nugent reported that the current contract for Sludge Hauling and Disposal will expire in a few months and he is asking for authorization to prepare specifications and advertise Notice to Bidders.

Advertise Bid Specifications for Sludge Hauling and Disposal for UW						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN			x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

The motion passed.

Chief Engineer's Report

Mr. Varro reported on a request received from Tara Properties for consideration for SCMUA Hardship Agreement for Connection Fee for commercial property. He noted they have been approved by the Vernon MUA via resolution and first payment of SCMUA connection fee has been made including filing fee for property lien.

Resol: #15-128 Authorization to execute Hardship Agreement with Tara Properties for connection fee (Vernon)						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN			x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ	x		x			
ANDREA COCULA			x			
KARL MEYER			x			
JOHN DRAKE		x	x			

The resolution passed.

#15-128 RESOLUTION RE: AUTHORIZING THE EXECUTION OF A CONNECTION FEE FINANCIAL HARDSHIP AGREEMENT WITH TARA PROPERTIES, INC.

Mr. Varro indicated that a connection fee was received by a Developer in Sparta near the new Sparta Pharmacy. Mr. Varro explained that a preliminary review was conducted for connection fee calculation with the information he had at the time, which was different than Sparta Township's. Tom informed the Developer to go back to Sparta to question the EDU calculation difference. The Developer paid the SCMUA fee anyway, and Sparta later re-evaluated with a reduction in their EDU calculation and the Developer is now requesting a refund from the initial payment in an amount of \$2,853.00.

Motion: Authorization to refund portion of connection fee due to change in EDU calculation.						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN			x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ			x			
ANDREA COCULA			x			
KARL MEYER	x		x			
JOHN DRAKE		x	x			

The motion passed.

Mr. Varro continued with a report on the recently obtained FMI property that includes a Barn located near the Paulinskill Project, which can be utilized for storage He reported that a cost proposal for \$8,500 was received from SCMUA Wastewater Engineers PS&S for architectural and structural inspection. Commissioners discuss further and ask Mr. Varro to get other pricing quotes from the Authority's other engineering consulting firms.

Mr. Varro reported on a request from JCP&L to obtain SCMUA authority to access Paulinskill Project properties to install and maintain power poles.

Authorize JCP&L to access project property for power line/pole maintenance						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN			x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER		x	x			
JOHN DRAKE			x			

The motion passed.

Administrator's Report

Mr. Hatzelis presented a resolution to execute Amendments to the Service Contracts for both Branchville Borough and Frankford Township due to reduction in plant size and allocations.

Res: #15-129 – Amendments to Service Contracts for Branchville & Frankford						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN			x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER		x	x			
JOHN DRAKE			x			

The resolution passed.

#15-129 RESOLUTION RE: AUTHORIZING AMENDMENT #1 TO THE COST SHARING AGREEMENT WITH JAMES KUPERUS, OPERATOR OF KUPERUS MEADOWS FARM IN WANTAGE TOWNSHIP TO IMPLEMENT BEST MANAGEMENT PRACTICES IN COLLABORATION WITH A USDA-NRCS FARM BILL FUNDING PROGRAM (EQIP)

c. Solid Waste Program

Superintendent's Report

Mr. Sparnon reported on a Walk-through tour with the SCMUA Staff and Lafayette Township Fire Department. This tour included location of on-site fire hydrants, water systems and recommendations were made for markings thereon. They also toured the DCO Flare system. Mr. Sparnon noted that an emergency drill was discussed, as well as, an annual inspection.

Administrator's Report

Mr. Hatzelis reported on the Solid Waste Enforcement Shared Services Agreement that has been fully executed by all parties and needs to be reviewed by the NJDEP. The County Health Department informed Mr. Hatzelis that the NJDEP will be in their offices on September 23rd to discuss the Agreement. He noted that the Personnel Committee will begin discussions regarding an Enforcement Officer hire and responsibilities. Discussions continued regarding CEHA program rules and NJEM's system data entries.

e. Personnel Matters

Attorney’s Report

Special Counsel Prol reported on a recent published Appellate Court decision overturning a trial decision regarding the Open Public Meetings Act concerning how public entities in NJ should handle their meeting Agendas and documents referenced in an agenda. He stated that the case, which is binding on SCMUA held that an agenda is what it is normally understood to mean: a memo or outline of the meeting; it is not necessary to publish/post documentation referenced on the agenda under the holding of the case. That is, there is no requirement to post on internet, with adequate notice confined to newspaper publication and as the OPMA law explicitly requires. He recommends the Authority make no changes to its handling of agenda and, specifically, that it keep publishing its preliminary agenda on the website; however, SCMUA is not required to do so by OPMA, but this shows how SCMUA goes beyond the legal requirement imposed on it to notify the public of its actions.

Administrator’s Report

Mr. Hatzelis noted that the Authority’s budget requirements for the following year are due no later that 60 days before the end of the Fiscal Year. He will be preparing and presenting them at the September Authority Meetings. Budget Committee Meeting scheduled a meeting for September 16th at 1:00 pm

8. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Madsen asked for a motion to approve the Financial Consent Agenda (FCA).

Res: #15-126 - Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
JOHN SOWDEN			x			
TOM MADSEN			x			
RON PETILLO						x
WAYNE DIETZ		x	x			
ANDREA COCULA			x			
KARL MEYER			x			
JOHN DRAKE	X		x			

The resolution passed.

#15-130 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA

9. PUBLIC COMMENT

Chairman Madsen opened the meeting to public comment. Ms. Masson asked if the Authority has ever waived a Connection Fee? Administrator Hatzelis stated not to his knowledge, it sets a precedent that would be hard to differentiate and budgets are prepared ahead of time. Connection fees are legally authorized. Hardship programs have been approved at the local level before consideration by the Authority. Mr. Madsen closed the meeting to public comment.

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10. COMMISSIONERS' COMMENTS/REQUEST

Commissioner Cocula moved to give an excused absence to Commissioner Petillo, seconded by Commissioner Meyer. On voice vote: Ayes (6), the motion passed.

11. ADJOURN

Commissioner Sowden moved to adjourn the meeting, seconded by Commissioner Meyer. On voice vote: Ayes (6), the motion passed. The meeting was adjourned at 4:12 p.m.

Respectfully submitted,

Andrea Cocula, Secretary