

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON MARCH 2, 2016 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 3:00 p.m.

The following were present: Commissioners Perez, Madsen, Petillo, Dietz (via telecom), Cocula, Meyer and Drake, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, General Counsel John Napolitano, Special Counsel Prol (arrived 3:25 pm) and Recording Secretary Kronski

2. PUBLIC STATEMENT REGARDING SUNSHINE LAW

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

4. AGENDA APPROVAL

Chairman Petillo asked for a motion to approve the Agenda, Commissioner Perez moved the approval of the Agenda, seconded by Commissioner Meyer. Chairman Petillo noted that the Closed Executive Session shall be moved to the end of the Agenda after Public Comment portion, due to a late arrival by Special Counsel Prol. On voice vote: Ayes (7); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

The Chairman requested a motion for approval of the Consent Agenda. Commissioner Cocula moved the approval of the Consent Agenda, seconded by Commissioner Madsen. No discussions necessary. On voice vote: Ayes (7); Nays (0). The motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve/acknowledge the distribution of the February 17, 2016 Pending Action Summary Sheet (PASS), which was emailed to the Freeholder Board on February 18, 2016.

PASS Report for 2-17-16 transmittal to the Clerk of the Freeholder Board						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN					x	
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

Motion passed.

Chairman Petillo requested a motion to approve the Open and Closed Minutes for the January 20, 2016 Authority Meeting. Commissioner Madsen moved the approval, seconded by Commissioner Drake.

Minutes approval for 1-20-16 Authority Meeting						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x		x	
TOM MADSEN	x		x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA			x			
KARL MEYER			x			
JOHN DRAKE		x	x			

Chairman Petillo requested a motion to approve the Open Minutes (no Executive Session) for the February 3, 2016 Annual Reorganization Meeting. Commissioner Drake moved the approval, seconded by Commissioner Dietz. On voice vote: Ayes (7); Nays (0). The motion carried.

7. BUSINESS

- a. Executive Session (moved to after Public Comments)
- b. Wastewater Program

Superintendent’s Report

Superintendent Nugent reported on another Sussex Borough pipe break on February 25th, this one occurred along Route 23 corridor 30 feet from the last break. He noted that Ferraro Construction installed a repair clamp. This is the 21st pipe break, the Authority is aware of within the Sussex Borough sewer system. Discussions re: type of pipes used in the original specifications for construction. Chairman Petillo recommended contacting Sussex Borough and advising them of to perhaps sending out a sample of piping to be analyzed to determine why it is failing and causing these breaks. Mr. Nugent and Mr. Varro will reach out to Hauser Engineering re: analysis of the pipe material.

Mr. Nugent updated the Commissioners on the Hampton Commons Repairs, in which all brackets have been installed along with the extensions. He noted that a check was received from Hatch Mott MacDonald for \$10,850 which reimbursed the SCMUA for Ferraro Construction for the cost of installation of the correct brackets, which were required due to an oversight by HMM. Mr. Nugent reported he will review and prepare out of pocket costs to be submitted to the insurance company for further consideration.

Chief Engineer’s Report

Mr. Varro reported on the Wastewater Engineer Consulting Agreements. Hatch Mott MacDonald submitted a proposal based on the Fair and Open Process in November of 2014, in which the agreement included an option for a one year extension. HMM have submitted a rate schedule for 2016 and a resolution has been prepared for Board consideration.

Res # 16-052 Authorization to execute a one year extension to HMM WW Consulting Engineer's Agrmt						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER		x	x			
JOHN DRAKE			x			

#16-052 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HATCH MOTT MACDONALD FOR GENERAL WASTEWATER CONSULTING ENGINEERING SERVICES

Mr. Varro reported that the Kleinfelder's current Agreement for Specialized Wastewater Consulting Engineering Services with the Authority which was awarded November 2014 as per the Fair and Open Process and has the option for a one year extension.

Res # 16-053 Authorization to execute a one year extension to Kleinfelder's Spec. WW Agrmt						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ		x	x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE			x			

#16-053 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER FOR SPECIALIZED WASTEWATER CONSULTING ENGINEERING SERVICES

Mr. Varro reported on another Specialized Wastewater Consulting Engineer, Paulus, Sokolowski and Sartor who has the option for a one year renewal for their Agreement with the Authority. Tom Varro indicated that the original Agreement was also awarded through the Fair and Open Process in November 2014. It was also recommended to award PS&S with 2016 LSRP services as well, in regard to their proposal submitted December 2015.

Res # 16-054 Authorization to execute a one year extension to PS&S Spec. WW Consulting Engineer's Agrmt and 2016 LSRP Services						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

#16-054 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PAULUS, SOKOLOWSKI AND SARTOR (PS&S) FOR SPECIALIZED WASTEWATER CONSULTING ENGINEERING SERVICES

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Mr. Varro reported on the Surveying Services Agreements, the first being Gardell Land Surveying Services, Inc. which was awarded via the Fair and Open Process in November 2014 and allowed for a one year extension with no change in rates for 2016.

Res # 16-055 Authorization to execute a one year extension to Gardell Land Surveying						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN		x	x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE			x			

#16-055 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GARDELL LAND SURVEYING SERVICES, INC. (GARDELL) FOR PROFESSIONAL SURVEYING SERVICES IN REGARD TO THE SOLID WASTE AND WASTEWATER FACILITIES AND RELATED MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR FISCAL YEAR 2016

Mr. Varro reported that the Authority also has a Surveying Services Agreement with Louis Weber and Associates, which was awarded via the Open and Fair process in 2014, with an option for a one year extension.

Res # 16-056 Authorization to execute a one year extension to Louis Weber Surveying for Surveying Services						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN	x		x			
RON PETILLO			x			
WAYNE DIETZ		x	x			
ANDREA COCULA			x			
KARL MEYER			x			
JOHN DRAKE			x			

#16-056 AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LOUIS J. WEBER AND ASSOCIATES (WEBER) FOR PROFESSIONAL SURVEYING SERVICES IN REGARD TO THE SOLID WASTE AND WASTEWATER FACILITIES AND RELATED MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR FISCAL YEAR 2016

c. Solid Waste Program

Superintendent's Report

Superintendent Sparnon updated the Commissioners on the E-Waste Price Quotes that were received, and they are very excessive. Mr. Sparnon reviewed his discussions with the vendors concerning what is included in their quote regarding packaging/materials and shipping costs and he reviewed last year's tonnages for E-Waste including revenue generated over the Authority's truck scale system throughout FY2015. Commissioners requested further analysis of the revenue tonnage for FY2015 to not include event tonnage, in order to establish a more accurate revenue amount that was generated. Mr. Sparnon acknowledged the use of the overall total tonnage of E-Waste (including events) should be used to predict total possible revenue generation for FY2016. Discussions continued regarding the acceptance of E-Waste Material

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priced at ID13, as per current operations, and the State Legislature bill concerning Manufacturer's responsibility. Commissioners agree to hold off scheduling free event dates until they gather more information from our meeting scheduled this Friday with State Representatives and for further analyzed tonnage/revenues. Mr. Sparnon reported that in order to market/recycle E-Waste, it will require a Letter of Agreement with low quote vendor to remove the collected/stockpiled E-waste.

Motion to authorize a Letter of Agreement to remove daily collected E-waste with the removal the Free Event Dates.						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN		x	x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE			x			

The motion passed.

Special Counsel Prol entered the meeting at 3:25 p.m.

Mr. Sparnon reported that he has a resolution for authorization to execute Shared Services Agreements for Certified Recycling Professional Services to requesting municipalities for their NJDEP Recycling Reports. These municipal reports must be certified by a Recycling Professional, in which Reenee Casapulla can serve in this capacity.

Res#16-057 – Shared Services Agreement for CRP Services						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

#16-057 RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT(S) WITH VARIOUS SUSSEX COUNTY MUNICIPALITIES FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2015 RECYCLING TONNAGE REPORT TO NJDEP

Chief Engineer's Report

Chief Engineer Varro reported regarding the RFOs/RFPs received for Solid Waste Engineer Consulting Agreements, which also included previous presentations to the Board. RFO/RFP Open and Fair process noted various tasks (1-11) and was posted in November 2015. Mr. Varro presented a resolution for award to Sterns, Conrad and Schmidt (SCS) for specialized solid waste engineering services incidental to the operation and development of its Solid Waste Facilities.

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Res# 16-058 Execution of contract with SCS for 2016						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER		x	x			
JOHN DRAKE			x			

#16-058 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH STERNS, CONRAD, AND SCHMIDT (SCS) FOR SPECIALIZED SOLID WASTE CONSULTING ENGINEERING SERVICES

Mr. Varro presented resolution authorizing contract execution with Cornerstone Environmental Services re: general solid waste consulting through Fair and Open process noticed in November 2015. The tasks are inclusive of Tasks 1-11 in the RFP/RFQ and shall be split with SCS.

Res#16-059 Execution of Contract for General Solid Waste Consulting Serv. 2016						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

#16-059 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CORNERSTONE ENVIRONMENTAL GROUP FOR GENERAL SOLID WASTE CONSULTING ENGINEERING SERVICES

Tom Varro reported Norcon Conservation submitted a proposal in response to the December 2015 RFP/RFQ for Licensed Remediation Professional Services. He presented a resolution for authorization to execute professional services agreement for LSRP services.

Res#16-060 Execution of Contract LSRP Services with Norcon Conserv.						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA			x			
KARL MEYER		x	x			
JOHN DRAKE	x		x			

#16-060 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH NORCON CONSERVATION COMPANY, INC. FOR LICENSED SITE REMEDIATION PROFESSIONAL AND ENVIRONMENTAL SERVICES

Mr. Varro reported on the Gabel Associates Professional Services Agreement for Specialized Energy Consulting Services, which allows for a one year extension at the same rates. Fair and Open Request from November 2014.

Res#16-061 Authorizing one year extension to Agreement with Gabel

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Associates for Specialized Energy Consulting Services						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN		x	x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE			x			

#16-061 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GABEL ASSOCIATES FOR SPECIALIZED ENERGY CONSULTING SERVICES

Mr. Varro gave an update on the Landfill Life Extension Project and indicated that SCMUA staff/Special Counsel Prol has reviewed draft plans prepared by Cornerstone. He also noted that the plans and application for funding has been submitted the NJEIT to be added to their scheduled. Discussions re: force main project timeline for leachate/technical school is scheduled to be submitted next spring. Discussion re: public comment period which would be closing tomorrow with no comments submitted from County or NJDEP.

Administrator's Report

Administrator Hatzelis reported on a discrepancy in per ton charge for Asbestos (ID27A), in which is was recognized the scale charge for asbestos was in the system at \$250/ton, while the adopted Rate Schedule for FY2014, FY2015 and FY2016 states \$230/ton. He reported that after calculations the overcharge was for \$2,577, and was recommending that the Commissioners authorize reimbursement to identifiable customers.

Motion to refund asbestos overcharges to identifiable customers						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN					x	
RON PETILLO			x			
WAYNE DIETZ	x		x			
ANDREA COCULA			x			
KARL MEYER			x			
JOHN DRAKE		x	x			

The motion passed.

Mr. Hatzelis reported on the latest solid waste tonnage data through the first quarter of FY2016 compared to the past 5 years first quarter. He provided a handout this is the first year since 2013 showing an increase in overall tonnage up 7%. He reviewed the individual waste classes, and noted that the Household Waste is up 5% in tonnage and Bulky Waste to landfill also up.

d. General Authority Business

Administrator's Report

Administrator Hatzelis reported that various Professional Services were solicited using the Fair and Open process and contracts for 2016 were awarded at the Annual Reorganization Meeting. He presented resolutions for authorization to execution of Professional Services Agreements.

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General Legal Counsel Services was awarded to Matthew Giacobbe of Cleary Giacobbe Alfieri Jacobs.

Res#16-062 Authorizing execution of Professional Serv. Agrmt with Giacobbe for Legal Counsel Services for 2016						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

#16-062 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MATTHEW J. GIACOBBE, ESQ. OF CLEARY GIACOBBE ALFIERI JACOBS, LLC FOR THE FURNISHING OF GENERAL LEGAL COUNSEL SERVICES FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 3, 2016 TO FEBRUARY 1, 2017

Mr. Hatzelis presented resolution to execution Prof. Serv. Agrmt. with Thomas H. Prol of Laddey, Clark and Ryan for Special Environmental Legal Counsel.

Res#16-063 Authorizing execution of Professional Serv. Agrmt with Prol for Special Environmental Legal Counsel Services for 2016						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN	x		x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA		x	x			
KARL MEYER			x			
JOHN DRAKE			x			

#16-063 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THOMAS PROL, ESQ. OF LADDEY, CLARK AND RYAN, LLC FOR THE FURNISHING OF SPECIAL ENVIRONMENTAL LEGAL COUNSEL SERVICES FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 3, 2016 TO FEBRUARY 1, 2017

Mr. Hatzelis reviewed Professional Services Agreement with John Hall of Hall and Associates for legal services for Wastewater and Solid Waste NJPDES Permits as well as Watershed Management Planning.

Res#16-064 Authorizing execution of Professional Serv. Agrmt with John Hall of Hall & Associates for certain Legal Counsel Services including WW & SW NJPDES Permits/ Watershed Mgmt. Planning for 2016						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

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#16-064 RESOLUTION RE: AUTHORIZING EXECUTION OF PROFESSIONAL SERVICES AGREEMENT WITH JOHN HALL, ESQ. OF HALL AND ASSOCIATES FOR THE FURNISHING OF CERTAIN LEGAL SERVICES IN REGARD TO WASTEWATER AND SOLID WASTE FACILITIES NJDEP PERMITS, WATERSHED MANAGEMENT PLANNING AND RELATED ENVIRONMENTAL MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY - FEBRUARY 3, 2016 TO FEBRUARY 1, 2017

Mr. Hatzelis presented a resolution for agreement execution for Auditing Services with Paul Cuva of Ferraioli Wielkocz Cerullo and Cuva for 2016.

Res#16-065 Authorizing execution of Professional Serv. Agrmt with Paul Cuva for Auditing Services for 2016						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

#16-065 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH PAUL CUVA, C.P.A. OF THE FIRM FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A. FOR AUDITING SERVICES IN PERFORMING THE ANNUAL AUDIT OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S FISCAL YEAR 2016

Mr. Hatzelis presented a resolution for execution of Professional Services Agreement with Phoenix Advisors as Financial Advisor/Continuing Disclosure Agent to the SCMUA.

Res#16-065 Authorizing execution of Professional for Financial Advisor Services/Continuing Disclosure Agent Services for 2016						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN			x			
RON PETILLO			x			
WAYNE DIETZ			x			
ANDREA COCULA	x		x			
KARL MEYER			x			
JOHN DRAKE		x	x			

#16-066 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PHOENIX ADVISORS FOR CONTINUING DISCLOSURE AGENT AND FINANCIAL ADVISOR SERVICES

8. Payment of Bills

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

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FCA for 3-2-16						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
DAN PEREZ			x			
TOM MADSEN		x	x			
RON PETILLO			x			
WAYNE DIETZ	x		x			
ANDREA COCULA			x			
KARL MEYER			x			
JOHN DRAKE			x			

#16-067 RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

Chairman Petillo opened the meeting to public comment. No Comments. Mr. Petillo closed the meeting to public comment.

Chairman Petillo called for a 5 minute meeting break at 3:48pm

Meeting reconvened at 4:00 p.m.

At 4:00 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session. Motion seconded by Commissioner Madsen. On voice vote: (7) Ayes, (0) Nays, the motion carried. Chairman noted Closed Session to be approximately 15-20 minutes.

#16-068 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:14 p.m. Commissioner Cocula moved to adjourn the Closed Session, seconded by Commissioner Madsen. On voice vote: Ayes (7); Nays (0). The motion passed.

Chairman Petillo indicated items discussed as specifically set forth in the resolution authorizing Closed Executive Session were included: re: Solid Waste Enforcement Agreement. When the need for confidentiality of these matters no longer exists they will be opened to the public.

10. COMMISSIONERS' COMMENTS/REQUEST

Commissioner Dietz thanked the Board for allowing him to phone into the meeting. Commissioner Perez thanked Mr. Varro and Mr. Nugent for his tour of the Wastewater Treatment Facilities, which he noted he was very impressed with the condition of the facilities.

11. ADJOURN

Commissioner Cocula moved to adjourn the meeting, seconded by Commissioner Drake. On voice vote: Ayes (7), the motion passed. The meeting was adjourned at 4:16 p.m.

Respectfully submitted,

Andrea Cocula, Secretary