

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON OCTOBER 2, 2013 AT THE AUTHORITY'S ADMINISTRATION BUILDING, LAFAYETTE, NEW JERSEY

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

The Chairman called the meeting to order at 3:05 p.m.

The following were present: Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and Drake, Administrator Hatzelis, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, Attorney Matthew Giacobbe, Special Counsel Prol and Recording Secretary Kronski

Public: Linda Masson, Sussex Borough Liaison

Absent: Chief Engineer Varro

2. PUBLIC STATEMENT

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

The Chairman 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 Sowden moved the approval of the Agenda, and Commissioner Drake seconded. It was recommended that the Executive Session be moved to the end of the Agenda to accommodate the public present. 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 Drake moved the approval of the Consent Agenda, seconded by Commissioner Meyer. No discussions. On voice vote: Ayes (7); Nays (0). The motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve the distribution of the September 18, 2013 Pending Action Summary Sheet, which was emailed to the Freeholder Board on September 19, 2013. Commissioner Dietz moved to approve the September 18, 2013 Pending Action Summary Sheet, seconded by Commissioner Madsen. On roll call: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula and Drake; Nays (0); Abstain (1) Commissioner Meyer. The motion carried.

Chairman Petillo asked for a motion to approve the Open & Closed Meeting Minutes for the September 4, 2013. Commissioner Drake moved approval of the minutes, seconded by Commissioner Dietz. On roll call: Ayes (6) Commissioner Sowden, Petillo, Dietz, Cocula, Meyer and Drake; Nays (0); Abstain (1) Commissioner Madsen. The motion carried.

The Chairman stated that there were no minutes for distribution at this meeting.

7. BUSINESS

a. Executive Session (moved to the end of Agenda)

b. Wastewater Program

Superintendent's Report

Mr. Nugent reported that a status update was given to the Commissioners in the Agenda packet regarding Hatch Mott MacDonald's evaluation of biosolids and should be completed by the end of November and a presentation will be made for Commissioners at a scheduled Authority Meeting. Commissioners did not have any questions at this time.

Administrator's Report

Mr. Hatzelis reported that correspondence was received from the NJDEP confirming grant funds to the Wallkill Watershed Management Group of \$700,000 over a 5 year period. Mr. Hatzelis stated that the Watershed Program Director, Nathaniel Sajdak will give a presentation at an upcoming Authority meeting to summarize their activities/projects.

Administrator Hatzelis reviewed the history of the Vernon A&P Treatment Works Application and the VTMUA pump station capacity to manage the additional flows that would come with the A&P shopping plaza. He reported that the SCMUA finally received an Engineer's Report on the pump station from Dewberry Engineering. The Report outlines the additional flows and the capability of the Vernon Pump Station to handle them. Commissioners discuss added flows and the Pump Station in question is owned by the Vernon Township MUA. The Authority's pump station is more than capable of the higher flows and the Commissioners agree that if the Vernon Township MUA Engineer approves that their Pump Station can handle additional capacity, the Authority will endorse the TWA Application. Commissioner Cocula moved to endorse A&P Shopping Plaza Treatment Works Approval Application, contingent upon SCMUA's Engineer approvals, seconded by Commissioner Meyer. On roll call: Ayes (7) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and Drake; Nays (0). The motion was approved.

c. Solid Waste Program

Superintendent's Report

Mr. Sparnon informed the Commissioners that he was contacted by the Sussex County Sheriff's Office regarding the current SLAP/SWAP Program Agreement. A letter agreement has been renewed yearly, however, the Sheriff's Office requested a Shared Services Agreement be prepared for the payment of one officer to oversee the inmates at a rate in conformance with the PAL/Union fees. Attorney Giacobbe advised Mr. Sparnon to request a copy of the collective bargaining agreement, there may be an off duty rate cited therein for non-profit/government entities. He will report back to the Commissioners before final Agreement is executed.

Administrator's Report

Mr. Hatzelis distributed up-to-date tonnage and revenue reports through September 30, 2013, which indicated that compared to the same period for 2012, shows an increase in tonnage for household waste of 0.6%. Overall the waste tonnage is 85,074 tons, and the budgeted projected total is 103,000 tons, and should meet those projections. He reported compared to last year, ID13 and ID13C for 2013 has increased by 19% and 12% respectively.

Administrator Hatzelis reported on the annual food drive, Champion for Charities that is a competition between Sussex County schools to collect the most food donations to restock the County's food bank. In the past, the organization used the Authority's truck scales to weight County buses. This year the program was using student/parent pickup trucks. Commissioners discuss and agree to waive the \$10 minimum scale charge with the receipt of an insurance certificate to protect the Authority in case of injury/accident on the scales. Discussion ensued regarding High School requirements for community service hours and insurance coverage of the students. Commissioner Cocula moved the authorization to use the Authority's Scales, seconded by Commissioner Sowden. On roll call: Ayes (7); Nays (0); Abstain (0).

Chairman Petillo moved the Financial Transaction Resolution to after Executive Session in order to discuss Cornerstone Engineering Voucher.

9. PUBLIC COMMENT

Chairman Petillo opened the meeting to public comment. Ms. Masson added to the discussion regarding the Public Service Requirements for High School Students, and stated that the students are provided many options to organizations that are available. Chairman Petillo closed the meeting to public comment.

Chairman Petillo called at 3:23 p.m. for a 5 minute break before going into Closed Executive Session.

The Meeting resumed at 3:36 p.m.

(7a) EXECUTIVE SESSION

At 3:36 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Meyer. On voice vote (7) Ayes, (0) Nays, the motion carried.

#13-114 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:06 p.m. Commissioner Sowden moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Cocula. On voice vote, Ayes (7); Nays (0), the motion passed.

Chairman Petillo indicated that in Closed Executive Session items discussed as specifically set forth in the resolution were negotiations and/or litigations re: FMI Property Purchase Agreement; OMNI/KLF Design Agreement; St. Clare's/ MIC Unit Lease Agreement; Grinnell Settlement Agreement Amendment/Collection Matter; Bond Counsel Service

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Agreement; Vernon Service Contract Consolidation; KDA Agreement/Property Lien; Cornerstone Voucher. When the need for confidentiality of these matters no longer exists they will be opened to the public.

8. FINANCIAL TRANSACTIONS

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo asked for a motion to approve the Financial Consent Agenda with the removal of PO#68972 & for the Solid Waste Operating Fund Overtime and PO#68961 for Cornerstone payment for Contract 443C. Commissioner Cocula moved the approval of bill paying resolution, as amended seconded by Commissioner Drake. On roll call, the vote was as follows: Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and Drake; Nays (0); Abstain (0). The resolution passed.

#13-115 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA

Chairman requested a motion to approve PO# 68972 for Solid Waste overtime portion of payroll. Commissioner Meyer moved, seconded by Commissioner Dietz. On roll call: Ayes (6) Commissioners Madsen, Sowden, Petillo, Dietz, Meyer and Drake; Nays (1) Commissioner Cocula; Abstain (0). The motion was approved.

Commissioners requested further information on the Contract 443C not to exceed amount for Engineering Services for PO# 68961 for Cornerstone Engineering, will be referred to Chief Engineer Varro for review. Commissioners requested a budget draw down for Cornerstone. Commissioners also questioned the hourly rate for billed for Hatch Mott MacDonald voucher for wastewater engineering services, to check if it conforms to the contracted rate schedule. Superintendent Nugent informed the Commissioners that Chief Engineer Varro sent an email to HHM regarding the principal engineer's rate and was subsequently revised.

10 COMMISSIONERS' COMMENTS/REQUEST

No comments from the Commissioners.

11. ADJOURN

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

Respectfully submitted,

Andrea Cocula, Secretary