

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON JANUARY 4, 2012 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 3:00 p.m.

The following were present: Commissioners Zidek, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Administrator Hatzelis, Consulting Engineer Donati, Chief Engineer Varro, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, Attorney Prol, Recording Secretary Kronski

Absent: Attorney Giacobbe (arrived at 3:12) and Consulting Engineer Cerenzio

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

Chairman opened the meeting to public comment. No public in attendance, Chairman Petillo closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Petillo requested a motion for approval of the Agenda, as well as any additions or deletions. Commissioner Dietz moved the approval of the Agenda, seconded by Vice Chairman Sowden. Mr. Hatzelis pointed out that the Preliminary Agenda that was sent previously has been changed and Commissioners should refer to handout. On voice vote (7) Ayes, (0) Nays, the motion carried.

5. APPROVAL OF CONSENT AGENDA

The Chairman requested a motion for approval of the Consent Agenda. Vice Chairman Sowden moved the approval of the Consent Agenda, seconded by Commissioner O'Halloran. No discussion necessary. On voice vote (7) Ayes, (0) Nays, the motion carried.

6. MINUTES

Chairman requested a motion to approve the distribution of the December 21, 2011 Pending Action Summary Sheet which was submitted to the Freeholder Board on December 22, 2011. Commissioner Zidek moved to approve the December 21, 2011 Pending Action Summary Sheet, seconded by Commissioner O'Halloran. On roll call the vote was as follows: Ayes (6) Commissioners Zidek, Sowden, Petillo, Dietz, Cocula, and O'Halloran. (0) Nays. (1) Abstain Commissioner Meyer due to absence at that meeting. The motion carried.

Chairman Petillo asked for a motion to approve the Regular & Closed Meeting Minutes of November 2, 2011. Commissioner Zidek motion to approve the minutes, seconded by Commissioner O'Halloran. No discussions. On roll call the vote was as follows: Ayes (6) Commissioners

Zidek, Petillo, Dietz, Cocula and O'Halloran, Nays (0), Abstain (1) Commissioner Meyer due to absence at that meeting. The motion carried.

Chairman Petillo asked for a motion to approve the Regular & Closed Meeting Minutes of November 23, 2011. Commissioner Zidek motion to approve the minutes, seconded by Commissioner Cocula. No discussions. On roll call the vote was as follows: Ayes (6) Commissioners Zidek, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (1) Vice Chairman Sowden due to absence at that meeting. The motion carried.

Chairman Petillo advised that the Open and Closed Meeting Minutes for the December 7, 2011 Authority Meeting has been emailed to Commissioners for their review/comment.

7. BUSINESS

a. Executive Session

At 3:07 p.m. Commissioner Zidek moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Cocula. On voice vote (7) Ayes, (0) Nays, the motion carried.

#12-018 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:46 p.m. Commissioner Dietz moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Meyer. On voice vote (7) Ayes, (0) Nays, the motion carried.

Chairman Petillo called for a short meeting break 3:46 p.m.

The Open Session was reconvened at 4:02 p.m. Chairman Petillo indicated that in Closed Executive Session items discussed as specifically set forth in the resolution were negotiations and/or litigations re: Grinnell Hauling; Landfill Air Permit; Frankford-Branchville Sewer Project; NJDPES Permit Appeal; DMR Construction Services Contract 601D; Sussex Borough Surcharges 2010; Vernon Township Settlement Agreement Collection Matter; Mt. Creek Connection Fee and General Consulting Engineer Request For Proposals. When the need for confidentiality of these matters no longer exists they will be opened to the public.

b. Wastewater Program

**Chief Engineer's Report**

Mr. Varro reported that he attended an Electrical Supply Public Bid which was held on December 23<sup>rd</sup>. Commissioners had previously authorized Mr. Varro to attend and accept low bid. He reviewed both one and two year bid pricing and reported that a two year fixed price bid was awarded to PPL Energy Plus at \$0.07101 kwh, which is approximately 20% lower than our current contract. Discussions ensued regarding PPL Energy Plus and accepting a two year fixed price contract. Mr. Varro noted a contract has been established and he has a resolution authorizing Administrator Hatzelis to execute the contract. Commissioner Zidek moved the resolution, seconded by Commissioner Cocula. On roll call the vote was as follows: Ayes (7) Commissioners Zidek, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0). The resolution was approved.

#12-019 RESOLUTION RE: AUTHORIZATION TO EXECUTE A TWO YEAR CONTRACT FOR AN ELECTRIC POWER SUPPLY SERVICE AGREEMENT WITH PPL ENERGY PLUS

**Consulting Engineer's Report**

Mr. Donati reported on the Frankford Town Center Project WMP which has been approved by the Frankford Township Committee and is being sent to PAC208 and then to the Freeholders and finally to the NJDEP for review. He noted that the Developer is anxious to get the plan started. He indicated that the project will be done in 3 phases, the first two will be included in the Paulinskill Basin portion and the 3<sup>rd</sup> in the Wallkill Basin portion. The WMP would provide for the full 210,00 gpd, the Discharge to Groundwater (DGW) would be 140,000 gpd (The Paulinskill portion). Commissioners and staff discussed project phases, expansion plans and the Developer's timeline to get permits in place. Once the permits are complete, approximately one year, then the plant project could go out to bid for design. John Hatzelis reported that correspondence will be sent to Developer Howard Buerkle to request escrow money to keep the process moving. C&P will provide a cost estimate to get plan to Trenton for review/approval.

c. Solid Waste Program

**Superintendent's Report**

Superintendent Sparnon indicated that the Solid Waste Facility historically has offered residents free disposal of one Christmas tree per vehicle. He asked if the Commissioners to continue this program, and after a short discussion, Commissioner Dietz moved that program be renewed for another year, seconded by Commissioner O'Halloran. On voice vote: Ayes (7), Nays (0). The motion passed.

Mr. Sparnon reported on a written request from a local veterans' group to place clothing bins at the Recycling Center. He indicated that the Authority currently has a contract in place with AMVETS for the Authority to be paid 4 cents per pound, and this agreement is renewed yearly. The contract has been in place for many years with no complaints from either party. Commissioners discussed pros and cons of additional vendors/bins for clothing collection at the recycling area. Commissioners decide to keep current vendor and will notify the veterans' group of the decision and if anything changes with the current contract we will reach out to them.

**Consulting Engineer's Report**

Mr. Donati gave an update on the Closure/Post Closure Care Plan which the final version has been completed according to NJDEP requirements, SCMUA staff is currently reviewing/commenting and it is scheduled to be sent to the NJDEP this Friday. The Commissioners requested that a copy of the final report be emailed to them for review/reference. Mr. Donati noted that the final version is based on the previously approved report, however, is in NJDEP format and is more detailed.

d. General Authority Business

**Administrator's Report**

Mr. Hatzelis indicated that the Authority, according to Statute, must appoint a Public Agency Compliance Officer (PACO) by January 10<sup>th</sup> of each year. A resolution was presented and Commissioner Cocula moved to appoint Administrator John Hatzelis to the position of PACO for 2012, seconded by Commissioner O'Halloran. On roll call, the vote was as follows: Ayes (7) Commissioners Zidek, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran. The resolution passed.

#12-020 RESOLUTION RE: AUTHORIZING ANNUAL APPOINTMENT OF A PUBLIC AGENCY COMPLIANCE OFFICER (PACO) FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA)

Administrator Hatzelis reported that annually a Request for Proposals for Professional Services is advertised on the SCMUA's website. The Professional Services include General Counsel, Bond Counsel, Special Counsel, Risk Manager and Auditor. The current contracts expire at Reorganization on February 1, 2012. Commissioner Zidek moved to advertise for the listed Professional Services Contracts to be advertised on the SCMUA's website with RFPs due on January 27, 2012. Commissioner Cocula seconded. On voice vote, Ayes (7), Nays (0), the motion passed.

Mr. Hatzelis presented a resolution for approval/discussion authorizing an extension of General Consulting Engineering Agreement with Cerenzio & Panaro until February 1, 2012. John indicated the Agreement has been reviewed by Cerenzio & Panaro, as well as the Authority's Counsel. Commissioner Zidek moved the contract extension and authorizing resolution, seconded by Commissioner O'Halloran. On roll call, the vote was as follows: Ayes (7) Commissioners Zidek, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran. The resolution passed.

#12-021 RESOLUTION RE: AUTHORIZING A ONE-MONTH EXTENSION OF A PROFESSIONAL SERVICES AGREEMENT WITH CERENZIO & PANARO, P.C. FOR CONSULTING ENGINEERING SERVICES

John Hatzelis indicated that the Authority has been a member of Statewide Insurance for a number of years and every three years the membership is up for renewal. He reported that the overall premium increase for 2012 is 1.7%. He presented a resolution for Commissioners consideration to rejoin the Statewide Insurance Fund. Mr. Hatzelis noted that the resolution also authorizes the signature of the Trust Agreement and appoints the Fund Commissioner as Administrator Hatzelis. Commissioner Cocula moved to adopt the resolution as presented, seconded by Commissioner O'Halloran. On roll call, the vote was as follows: Ayes (7) Commissioners Zidek, Sowden, Petillo, Cocula, Meyer and O'Halloran, Nays (0), Abstain (1) Commissioner Dietz. The resolution passed.

#12-022 RESOLUTION RE: THE AUTHORITY RENEWING MEMBERSHIP TO THE STATEWIDE INSURANCE FUND

8. FINANCIAL TRANSACTIONS

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo requested to remove PO# 65603 under Solid Waste Item C and then asked for a motion to adopt the Financial Consent Agenda, as amended. Commissioner Zidek moved approval of bill paying resolution, seconded by Vice Chairman Sowden. No discussions or comments. On roll call, the vote was as follows: Ayes (7) Commissioners Zidek, Sowden, Petillo, Dietz, Cocula, Meyer and O’Halloran. The resolution passed.

#12-023 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA AND SUPPLEMENT AS AMENDED

Chairman requested a motion to approve Solid Waste Operating Fund PO#65603 for overtime portion of payroll. Commissioner Zidek moved, seconded by Commissioner O’Halloran. On roll call the Ayes (6) Commissioners Zidek, Sowden, Petillo, Dietz, Meyer and O’Halloran, Nay (1) Commissioner Cocula. The motion was approved. Commissioner Cocula commented that she was voting no on the overtime for Solid Waste and that the OT Report for 12/5 – 12/17 was just received and it is not enough time to review report.

Administrator Hatzelis indicated for the last 2 years OT for the solid waste facility has been trending down, however after Hurricane Irene and the heavy rains that have occurred this fall has spiked hours in leachate hauling. The OT report was distributed at today’s meeting due to the short week with the holiday schedule.

9. OPEN TO PUBLIC COMMENT

The Chairman opened the meeting to Public Comment, no public comment, the Chairman closed the meeting to public comment.

a. 2<sup>nd</sup> Closed Executive Session

At 4:34 p.m. Chairman asked for a motion to go into Closed Executive Session. Commissioner Zidek moved to reconvene Closed Executive Session seconded by Commissioner Dietz. On voice vote (7) Ayes, (0) Nays, the motion carried.

The Chairman asked Mr. Donati and Mr. Sparnon to leave the meeting at this point 4:34 p.m. Their services were no longer needed for future discussions.

At 4:45 p.m. Commissioner Dietz moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Meyer. On voice vote (7) Ayes, (0) Nays, the motion carried.

The Open Session was reconvened at 4:45 p.m. Chairman Petillo indicated that in Closed Executive Session items discussed were General Consulting Engineering RFPs and stated when the need for confidentiality of these matters no longer exists they will be opened to the public.

JANUARY 4, 2012

10. COMMISSIONERS' COMMENTS/REQUEST

Commissioners had no comments.

11. ADJOURN

Vice Chairman Sowden moved to adjourn the meeting, seconded by Commissioner Zidek. On voice vote, the motion passed. The meeting was adjourned at 4:47 p.m.

Respectfully submitted,

Andrea Cocula, Secretary