

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON NOVEMBER 24, 2021 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 3:04 p.m.

The following were present: Chairman Meyer, Vice Chairman Drake, Commissioner Petillo, Dietz, Executive Director Thomas Varro, Chief Engineer Joseph Sesto, Comptroller Timothy Day, Solid Superintendent Jonathan Morris, Wastewater Superintendent Timothy Phillips and Recording Secretary Tara Kronski

Remote attendance: Commissioners Madsen, Cocula, Dabinett, General Counsel John Napolitano, Special Counsel Thomas Prol

Absent: Commissioners Finkeldie, Wesley

2. PUBLIC STATEMENT REGARDING SUNSHINE LAW

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

4. AGENDA APPROVAL

Chairman Meyer asked for a motion to approve the Final Agenda. Executive Director requested to add Discussions re: Stage 2 Landfill Expansion to his report in Executive Session. Commissioner Drake moved the revised Agenda, seconded by Commissioner Dietz. On voice vote: Ayes (7); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

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

6. MINUTES

Chairman Meyer requested a motion to approve/acknowledge the email distribution of the November 3, 2021 Pending Action Summary Sheets (PASS) to the Sussex County Commissioners Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Madsen motioned to approve, seconded by Commissioner Dabinett. On roll call: Ayes (6) Commissioners Petillo, Madsen, Cocula, Meyer, Drake, Dabinett; Nays (0); Abstain (1) Commissioner Dietz. The motion passed.

Commissioner Drake moved the approval of the Open and Closed Meeting Minutes for the October 6, 2021 Authority Meeting, seconded by Commissioner Dietz. On voice vote: Ayes (7); Nays (0). The motion carried.

The Open and Closed Minutes for both the October 20, 2021 and November 3, 2021 Authority Meetings were emailed to the Commissioners for their review.

Financial Transactions – (Section 8. Moved to top of Agenda for the end of FY2021)

Two resolutions were moved before Business Agenda in order to send Bill Pay List to the bank as soon as possible before Thanksgiving Holiday.

Comptroller Day reviewed a resolution to authorize the transfer of funds to reimburse Solid Waste General Fund after SW Revenue Bonds were received for the Landfill Expansion Project. Commissioner Madsen, seconded by Commissioner Dietz. On roll call: Ayes (7) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett; Nays (0). The resolution passed.

#21-205 TRANSFER (MOVE) FUNDS FROM US BANK SOLID WASTE REVENUE BOND SERIES 2021 TO SOLID WASTE GENERAL FUND

FINANCIAL CONSENT AGENDA (Final for FY2021) – Chairman Meyer asked for a motion to approve the Financial Consent Agenda (FCA). On roll call:

| Res #21-206 Financial Consent Agenda | | | | | | |
|--------------------------------------|-----|-----|-----|-----|---------|--------|
| Commissioner | 1st | 2nd | Yea | Nay | Abstain | Absent |
| PETILLO | | | x | | | |
| MADSEN | | | x | | | |
| COCULA | | x | x | | | |
| DIETZ | | | x | | | |
| DRAKE | x | | x | | | |
| MEYER | | | x | | | |
| WESLEY | | | | | | x |
| FINKELDIE | | | | | | x |
| DABINETT | | | x | | | |

#21-206 RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

7. BUSINESS

a. Executive Session

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

Chairman Meyer noted the Closed Session should be approximately 45 minutes and discussions shall include: Upper Walkkill NJPDES Permit Litigation, Solid Waste Flow Control, Rails-to-Trails/Green Acres, Vernon Township/Vernon Township MUA Litigation, Stage 2 Landfill Expansion Project and Personnel Matters.

#21-207 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:55 p.m. Commissioner Madsen moved to adjourn the Closed Session, seconded by Commissioner Drake. On voice vote: Ayes (7), Nays (0). The motion carried.

Chairman Meyer confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session: Upper Walkkill NJPDES Permit Litigation, Solid Waste Flow Control, Rails-to-Trails/Green Acres, Vernon Township/Vernon Township MUA Litigation, Stage 2 Landfill Expansion Project and Personnel Matters. When the need for confidentiality of these matters no longer exists, they will be opened to the public.

b. Wastewater Program

Superintendent's Report

Mr. Phillips reported on the Hamburg Pump Station Upgrade Project. There was some additional work required and quotes were solicited and received. Tomco submitted the lowest quote for the additional scope of work. Mr. Phillips reported they discovered an issue with a manhole riser that was not shown on the as-builts from 1981. Tomco reported that there were no valves installed at the riser when discovered, and contractor did install during repairs/upgrades.

Executive Director's Report

Mr. Varro reported on a resolution prepared to authorize the Authority's Energy Agent, Gabel Associates to secure lowest bid through competitive bidding with the NJSMUAAESA electrical supply pricing, and for Executive Director/Chief Engineer to award the energy contract. Bids are only guaranteed until 3:00 pm the same day. Commissioner Madsen moved the authorizing resolution, seconded by Commissioner Cocula. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett. The resolution passed.

#21-208 RESOLUTION RE: AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR IN HIS/HER ABSENCE, THE CHIEF ENGINEER TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION

Comptroller's Report

Mr. Day reported that the Upper Wallkill Septage is at 109% of the projected budget for FY2021, which ends on November 30, 2021. Sludge is at 95% of projected revenues and Hauled Sewage is currently at 61%. Connection fees are significantly over projected revenues for the fiscal year.

Comptroller Day noted a few budget line items that had unused balances and were available for use to fund further pump and electrical improvements for Upper Wallkill System. He resolution authorized the transfer of funds within the budget with no increase in budget overall amount for FY2021. Commissioner Drake moved the authorizing resolution to transfer funds within budget, Commissioner Dietz seconded motion. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett. Absent (2) Commissioners Finkeldie, Wesley. The resolution passed.

#21-209 RESOLUTION RE: AMENDING THE SCMUA'S FY2021 UPPER WALLKILL FACILITIES BUDGET – RENEWAL & REPLACEMENT FUND

Three resolutions were presented to the Commissioners regarding the authorization to issue estimated sewer user charges certificates for participants of the Upper Wallkill, Hampton Commons, and Paulinskill Facilities for 2022. Commissioner Drake moved the three authorizing resolutions, seconded by Commissioner Dietz. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett. The resolutions passed.

#21-210 AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2022, UPPER WALLKILL SYSTEM

#21-211 AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2022, HAMPTON COMMONS SYSTEM

#21-212 AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2022, PAULINSKILL BASIN WATER RECLAMATION SYSTEM

c. Solid Waste Program

Superintendent's Report

Superintendent Morris reported on the 2020/2021 Recycling Enhancement Act Spending Plan that was submitted to NJDEP for review in April. He received notice that it was approved in October, and a check was received for \$162,000. This check is for reimbursement for the Authority's recycling programs.

Mr. Morris reported on the Household Hazardous Waste Event held on November 6, 2021. He indicated that schools, municipalities and business were excluded as per NJDEP directive, and 703 vehicles utilized the event, and 17.71 tons of HHW was collected. Mr. Morris reviewed the cost compared to last year's Fall event, and a total cost for the Fall 2021 event was \$38,422.39.

Mr. Morris reported on the recent E-Waste Event on October 23rd. There were 668 vehicles that entered the facility and towns/ schools/ municipalities participated. A total of 37.58 tons of E-waste was collected. For the year, a total of 175.51 tons of E-waste was diverted from the landfill and recycled.

Mr. Morris gave a status report on the solid waste facility equipment repairs and refurbishing. All equipment that needed repairs, have been back in service and working well. He noted all invoices were reviewed and approved for work done.

Chief Engineer's Report

Chief Engineer Sesto gave a status report on the construction of the Leachate PS/FM Project (Contract #446). He noted there is approximately 700 linear feet to yet be installed mostly by the rock blasting area. Testing was performed on and successful on Route 94 portion before paving, and the new chemical building is complete. Mr. Sesto reviewed the critical path for project with Contractor. Project schedule update was submitted by contractor and is in review and not yet approved by SCMUA or Engineer.

Mr. Sesto reported that the Stage 2 Landfill Expansion Project is continuing. He noted an issue with a small leak in the liner which was discovered and has been patched. Paving and retainer wall has been completed, as well as footings for the new recycling and convenience center. Construction continues and he will report back at the next Authority meeting.

d. General Authority Business

Executive Director's Report

Mr. Varro noted that the Public Hearing for the FY2022 Rate Schedule was held on November 3, 2021 and no comments were received. A resolution was prepared to formally adopt the Rates, Fees and Charges for the Authority's FY2022. Commissioner Drake moved the resolution, seconded by Commissioner Dabinett. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett. Absent (2) Commissioner Finkeldie, Wesley. The resolution passed.

#21-213 RESOLUTION RE: ADOPTION OF SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S SCHEDULE OF RATES, FEES AND CHARGES FOR FY2022

Mr. Varro referred to Executive Session discussions regarding supplemental contingent funding, if necessary, for the Stage 2 Landfill Expansion Project. Commissioner Dabinett moved authorize to proceed to the County Commissioners with a request for authorization for an additional \$4 million in funding for the Landfill Expansion Project, with a project funding total not to exceed \$43 million. This funding will only be used if necessary for any unanticipated budget overages or project change orders. Commissioner Dietz seconded the motion. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett. The motion passed.

Comptroller's Report

Mr. Day reported that a resolution was prepared to formally adopt the FY2022 Authority's Budget, effective on December 1st. Commissioner previously approved the submitted Budget in September. Commissioner Drake moved the resolution, seconded by Commissioner Madsen. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett. The resolution passed.

#21-214 RESOLUTION RE: 2022 ADOPTED BUDGET RESOLUTION – SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

Mr. Day indicated that three checks were returned by the bank and deemed uncollectable for the FY2021 solid waste revenue account. Mr. Day had a resolution to cancel/write off a total debt amount of \$198.60. Commissioner Drake moved the resolution, seconded by Commissioner Dietz. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Dabinett. The resolution passed.

#21-215 RESOLUTION RE: AUTHORIZATION FOR THE TREASURER TO CANCEL/WRITE-OFF CERTAIN BAD DEBTS FROM THE SOLID WASTE REVENUE ACCOUNT

e. Personnel

Wastewater Superintendent's Report

Mr. Phillips prepared a resolution for consideration as discussed on Executive Session to hire Zach Von Oesen as a Wastewater Operator I. Commissioner Drake moved the resolution, seconded by Commissioner Dietz. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Meyer, Drake, Dabinett; Nays (0). The resolution passed.

#21-216 RESOLUTION RE: APPOINTMENT OF WASTEWATER OPERATOR I,

Mr. Phillips presented a resolution to hire Matthew Kuhn as a Wastewater Operator I. Commissioner Cocula moved the resolution, seconded by Commissioner Dietz. On roll call: Ayes (7) Commissioner Petillo, Madsen, Cocula, Meyer, Drake, Dabinett; Nays (0). The resolution passed.

#21-217 RESOLUTION RE: APPOINTMENT OF WASTEWATER OPERATOR I, MATTHEW KUHN

Commissioners discussed cancelling the December 1, 2021 Authority Meeting due to close proximity to this meeting with only a two-day work week between meetings and lack of agenda items. Commissioner Drake moved to the cancel the regularly scheduled Authority Meeting of December 1, 2021, seconded by Commissioner Dietz. On voice vote: Ayes (7); Nays (0). The motion passed.

8. Financial Transactions

a. Payment of Bills
(Moved to beginning of Agenda)

9. PUBLIC COMMENT

No public comment.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioner Cocula moved to give Commissioners Finkeldie and Wesley an excused absence, seconded by Commissioner Drake. On voice vote: Ayes (7); Nays (0). The motion passed.

Commissioner Drake thanked Wastewater Superintendent Phillips and Executive Director for the tour they gave to him and Vernon Town Council-elect Natalie Buccieri. It was very informative.

11. ADJOURN

At 4:30 p.m. Commissioner Dietz moved to adjourn the meeting, seconded by Commissioner Drake. On voice vote: Ayes (7); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary