

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON OCTOBER 6, 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 3:03 p.m.

The following were present: Chairman Meyer, Vice Chairman Drake, Commissioners Petillo, Finkeldie, Wesley, Executive Director Thomas Varro, Chief Engineer Joseph Sesto, Comptroller Timothy Day, Solid Waste Superintendent, and Recording Secretary Tara Kronski

Remote attendance: Commissioners Madsen, Cocula, Dietz, Dabinett, Wastewater Superintendent Timothy Phillips, General Counsel John Napolitano, Special Counsel Thomas Prol

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. It was requested to add in Open Session – Chief Engineer's Report: Resolution for award of Contract 21-08A for a rebid for a Walking Floor Transfer Trailer. Also, for Special Counsel in Closed Session: Report regarding an update on Wastewater NJPDES Permit Nitrate Limitations. Commissioner Finkeldie moved the revised Agenda, seconded by Commissioner Drake. On voice vote: Ayes (9); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

Commissioner Madsen moved the approval of the Consent Agenda, seconded by Commissioner Cocula. No discussions requested. On voice vote: Ayes (9); Nays (0). The motion carried.

6. MINUTES

Chairman Meyer requested a motion to approve/acknowledge the email distribution of the September 15, 2021 Pending Action Summary Sheets (PASS) to the Sussex County Commissioners Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Cocula motioned to approve, seconded by Commissioner Drake. On voice vote: Ayes (9); Nays (0). The motion carried.

There were no minutes up for approval at this meeting.

Meeting minutes for August 18, 2021, September 1, 2021 and September 15, 2021 were distributed to Commissioners for their review/comment.

7. BUSINESS

a. Executive Session

At 3:08 p.m. Commissioner Drake moved the adoption of the following resolution authorizing a Closed Executive Session, motion was seconded by Commissioner Cocula. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Meyer noted the Closed Session should be approximately 45 minutes and discussions shall include: Vernon Township Litigation, PFAS Litigation, Stage 2 Landfill Expansion Project (#551), Sussex Technical School, NJPDES Nitrate Permit Limitations, and Personnel Matters.

**#21-185** RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:50 p.m. Commissioner Cocula moved to adjourn the Closed Session, seconded by Commissioner Drake. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Meyer confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session: Vernon Township Litigation, PFAS Litigation, Stage 2 Landfill Expansion Project (#551), Sussex Technical School, NJPDES Nitrate Permit Limitations, 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 gave a report on the County Homestead Plant Inspection. The holding tank is scheduled to be emptied on October 11, 2021 for inspection purposes. The County’s engineer will be present, and SCMUA staff. After inspection, it will be determined by the County, how to proceed with the aging plant.

**Chief Engineer’s Report**

Mr. Sesto reported that he has reviewed a request to connect to an existing manhole in Hampton Township. The connection is to the Hampton Commons Facility, and is a site proposed to be a WAWA convenience store. Mr. Sesto reviewed the connection application and allocation is available as approved by Hampton Township. Mr. Sesto prepared a resolution to approve/endorse the connection to the facility. Commissioner Cocula moved the resolution, seconded by Commissioner Dabinett. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-186** RESOLUTION RE: APPROVAL OF CONNECTION OF WAWA INTO EXISTING SANITARY MANHOLE ON BLOCK 3501, LOT 38 IN HAMPTON TOWNSHIP, NEW JERSEY

Mr. Sesto reported he received application for an addition to the existing Lowe’s Home Center in Hampton Township. The application is requesting additional allocation to the Hampton Commons Facility. Mr. Sesto noted there is enough allocation, and has been endorsed by Hampton Township. Commissioner Drake moved the endorsing resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-187** RESOLUTION RE: APPROVAL OF PROPOSED LOWE'S TOOL RENTAL ADDITION AT 39 HAMPTON HOUSE ROAD IN HAMPTON TOWNSHIP, NEW JERSEY

c. Solid Waste Program

**Superintendent's Report**

Superintendent Morris reported on the recommendation that the engine on the CAT973 Loader will need a rebuild after discussions with Foley, Inc. An engine block became available and installation will begin as soon as possible to get equipment back in service. Discussions ensued regarding prior oil sample, use of vehicle and service time.

Mr. Morris reported on new NJDEP regulations/rules regarding Electronic Waste Collection. He reviewed the current SCMUA program, and reviewed two options moving forward (1. No E-Waste collection between events; or (2. E-Waste collection with no disposal charge (weight credit), and discussed the potential effects on solid waste revenues vs. recycling tax credit. The Commissioners requested further data regarding amount of E-waste tonnage received in between E-Waste events to make decision on how to proceed. NJDEP would have to agree to decision.

Mr. Morris reported on new regulations/rules regarding acceptance of Hazardous Waste at the Household Hazardous Waste Event. NJDEP notified the Authority that we can no longer accept hazardous waste from Municipalities/schools/organizations. A letter is being prepared to notify these customers that are affected. Event is open to households only, not from "large quantity generators" such as municipalities and schools, etc. The NJDEP will provide further guidance, and Mr. Morris will report back.

Mr. Morris advised the Commissioners that there was a small on-site motor vehicle accident with an SCMUA trailer that came in contact with a staff member's personal vehicle. No damage to MUA equipment, and no injuries. SCMUA insurance claim filed.

**Chief Engineer's Report**

Mr. Sesto reviewed bids received for Contract #21-08A for the rebid of a Walking Floor Transfer Trailer. Northeast Great Dane was the low bid for an amount of \$62,115.00, include Trade-In Credit. A resolution was prepared to award and to execute contract documents. Commissioner Cocula moved the resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Meyer, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-188** RESOLUTION RE: CONDITIONAL AWARD OF SCMUA CONTRACT #21-08A TO NORTHEAST GREAT DANE FOR ONE (1) NEW WALKING FLOOR TRANSFER TRAILER

Mr. Sesto presented the resolution to approve Change Orders for Contract #551 for Stage 2 Landfill Expansion Project, as discussed in Executive Session and considered by Construction Review Committee as reasonable and necessary. The Change Orders are an increase of \$93,750.78 to overall contract amount. Commissioner Drake moved the resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-189** RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDERS TO SCMUA CONTRACT NO. 551, TOMCO CONSTRUCTION INC.

Mr. Sesto gave a project status report on the Leachate Force Main (Contract #446). The contractor is working onsite at the solid waste facility sandblasting the leachate storage tank, and installing linear pipework. Electrical and Mechanical subcontractors are also on-site and pipe testing should occur at end of November, and Route 94 paving done in early Spring.

Mr. Sesto reported that the Stage 2 Landfill Expansion Project (#551) is progressing well, and the new Compost Area is complete. He indicated that the Delta time utilized has saved a month of work from project timeline. The landfill liner is expected to be delivered next week, and he reviewed additional current project related activities on site.

### **Comptroller's Report**

Mr. Day reported on tonnages and revenues through September 30, 2021 Revenues are up \$65,000 compared to same time from last year. Tonnage has also increased and is up 2,112 from December 2020 to September 2021 data.

Mr. Day prepared a resolution to transfer solid waste R&R funds in the amount of \$65,000 within the FY2021 budget, with no overall increase. The transfer is to fund the engine rebuild for the solid waste CAT973 Loader, which is used daily for operations at the landfill facility. Commissioner Drake moved the resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Meyer, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-190** RESOLUTION RE: AMENDING THE SCMUA'S FY2021 SOLID WASTE FACILITIES BUDGET

d. General Authority Business

### **Executive Director's Report**

Executive Director Varro presented a supplemental resolution prepared by Bond Counsel for \$2M contingency funding due to unanticipated field changes and site differing conditions for Leachate Pump Station/Force Main Project (#446), as previously approved/authorized by the County of Sussex. Commissioner Cocula moved the resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-191** RESOLUTION RE: 2021 SUPPLEMENTAL RESOLUTION OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING THE ISSUANCE OF AN ADDITIONAL NOT TO EXCEED \$2,000,000 COUNTY-SECURED SOLID WASTE REVENUE BONDS OR PROJECT NOTES (LEACHATE PUMP STATION AND FORCE MAIN PROJECT)

Mr. Varro opened discussions regarding the scheduling and advertisement of the FY2022 Rate Hearing Presentation. Commissioner Dabinett moved to schedule the Hearing at 3:30 on Wednesday, November 3, 2021, and which shall be advertised in two of the Authority's designated newspapers. Commissioner Drake seconded the motion, on voice vote: Ayes (9). The motion passed.

Mr. Varro reported on a mechanical failure with the bank drop box that the SCMUA uses, which caused two large deposits to be unaccounted for. It was rectified, but Mr. Varro and Mr. Day recommended using a different service regarding bank deposits, due to safety concerns for employees, etc. The Board agreed to revise bank deposit procedures with daily drop routine.

**Comptroller’s Report**

Mr. Day reported that the deadline has been extended for FEMA reimbursement for COVID related expenses. He expects 75% of the Authority’s expenses shall be reimbursed by the program.

e. Personnel Matters

**Solid Waste Superintendent’s Report**

Mr. Morris prepared a resolution for an official leave of absence for CB7427, without pay for medical reasons, to return on October 19, 2021 as discussed in Executive Session. Commissioner Dietz moved the resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-192** RESOLUTION RE: REQUEST FOR “OFFICIAL LEAVE OF ABSENCE WITH PAY FOR MEDICAL REASONS”, FOR A 30 DAY PERIOD” FOR EMPLOYEE CB7427

Mr. Morris presented a resolution for an official leave of absence for DH8754, for a 60 day period, as discussed on Executive Session. Commissioner Dietz moved the resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-193** RESOLUTION RE: REQUEST FOR “OFFICIAL LEAVE OF ABSENCE WITH PAY FOR MEDICAL REASONS FOR 60 DAY PERIOD” FOR EMPLOYEE DH8754

8. Financial Transactions

a. Payment of Bills

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

| Res #21-194 Financial Consent Agenda |     |     |     |     |         |        |
|--------------------------------------|-----|-----|-----|-----|---------|--------|
| Commissioner                         | 1st | 2nd | Yea | Nay | Abstain | Absent |
| PETILLO                              |     |     | x   |     |         |        |
| MADSEN                               |     |     | x   |     |         |        |
| COCULA                               |     | x   | x   |     |         |        |
| DIETZ                                |     |     | x   |     |         |        |
| MEYER                                |     |     | x   |     |         |        |
| DRAKE                                | x   |     | x   |     |         |        |
| WESLEY                               |     |     | x   |     |         |        |
| FINKELDIE                            |     |     | x   |     |         |        |
| DABINETT                             |     |     | x   |     |         |        |

**#21-194** RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public comment.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioner Dietz commented on the work accomplished on the Landfill Project and thanked the Staff, Special Engineer and Commissioner Petillo for their efforts in keeping this project moving.

11. ADJOURN

At 4:55 p.m. Commissioner Dabinett moved to adjourn the meeting, seconded by Commissioner Cocula. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary