

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON OCTOBER 7, 2020 AT THE AUTHORITY'S ADMINISTRATION BUILDING, LAFAYETTE, NEW JERSEY

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

The Teleconference Meeting was called to order at 3:00 p.m.

The following were present: Chairman Drake, Vice Chairman Meyer*, Commissioners Petillo, Madsen*, Cocula, Dietz*, Perez*, Finkeldie*, Dabinett*, Executive Director/Chief Engineer Varro, Comptroller Timothy Day, Senior Project Engineer Sesto*, Solid Waste Superintendent Jonathan Morris*, General Counsel Napolitano, Special Counsel Prol, and Recording Secretary Tara Kronski

*Attended the meeting remotely due to State Executive Orders regarding COVID-19.

2. PUBLIC STATEMENT REGARDING SUNSHINE LAW

Chairman Drake stated that the meeting has been duly advertised, and notice given thereof, as required by P.L. 1975, Chapter 231. (Call-in information was noticed prior on website for public participation.)

3. OPEN TO PUBLIC COMMENT

Chairman Drake opened the meeting to public comment. No public present. He closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Drake asked for a motion to approve the Final Agenda. Commissioner Madsen moved the Final Agenda, seconded by Commissioner Dietz. On voice vote: Ayes (9); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

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

6. MINUTES

Chairman Drake requested a motion to approve/acknowledge the email distribution of the September 16, 2020 Pending Action Summary Sheets (PASS) to the County Freeholder Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Dietz motioned to approve, seconded by Commissioner Perez. On voice vote: Ayes (8); Nays (0); Abstain (1) Commissioner Dabinett. The motion carried.

There were no minutes up for approval at this meeting.

The Open and Closed Meeting Minutes for the August 9, 2020, September 2, 2020, and September 16, 2020 Authority Meetings were distributed to the Commissioners for their review/comment.

7. BUSINESS

a. Executive Session

At 3:06 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session, motion seconded by Commissioner Dietz. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Drake noted the Closed Session should be approximately 50 minutes and discussions shall include: St. Clare's Lease Agreement, Verizon Lease Agreement, PFOS Coalition/ Litigation, Sussex Borough Service Rules, Sparta Township Connection Fee, Leachate Pump Station/Force Main Connection Fee, FY2020 Solid Waste and Upper Wallkill Capital Budget Amendments and Personnel Items.

#20-147 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:40 p.m. Commissioner Finkeldie moved to adjourn the Closed Session, seconded by Commissioner Cocula. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Drake confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session: St. Clare's Lease Agreement, Verizon Lease Agreement, PFOS Coalition/ Litigation, Sussex Borough Service Rules, Sparta Township Connection Fee, Leachate Pump Station/Force Main Connection Fee, FY2020 Solid Waste and Upper Wallkill Capital Budget Amendments and Personnel Items. When the need for confidentiality of these matters no longer exists, they will be opened to the public.

b. Wastewater Program

Executive Director's Report

Mr. Varro reported to the Commissioners that a check was received today for the Sparta Stop and Shop from Jersey Investor's Growth for a total of \$160,000. The fee is now paid in full.

Comptroller's Report

Mr. Day reviewed a resolution prepared to change the titles of one line item for the Upper Wallkill Renewal and Replacement FY2020 Budget. It was noted the total budget amount has not changed but the DCA requires changes be done via Resolution. The Belt Filter Press line item shall change to U.W. Liquid Sludge Conversion due to project priorities. A resolution was prepared to authorize this change. Commissioner Cocula moved the resolution, seconded by Commissioner Finkeldie. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

#20-148 RESOLUTION RE: AMENDING THE SCMUA'S FY2020 UPPER WALLKILL FACILITIES BUDGET – LINE ITEM TITLE

Attorney's Report

Executive Director Varro and Special Counsel Prol referenced Executive Session discussions regarding the litigation coalition that filed the PFOS/PFNA/PFOA rulemaking regulations petition challenge. Mr. Prol recommended approval of a resolution for the authorization of the execution of a retainer agreement with Cullen and Dykman, LLP as limited special counsel for this action only at no cost except for a payment

amount of \$400.00 for minimis costs and fees. Commissioner Cocula moved the resolution to execute retainer agreement, seconded by Commissioner Dabinett. On roll call: Ayes(7) Commissioners Petillo, Madsen, Cocula, Drake, Meyer, Finkeldie, Dabinett; Nays(1) Commissioner Perez; Abstain(1) Commissioner Dietz. The resolution passed.

#20-149 RESOLUTION RE: AUTHORIZING EXECUTION OF A RETAINER AGREEMENT AND COMMON INTEREST AGREEMENT WITH NEIL YOSKIN, ESQ. OF CULLEN & DYKMAN, LLP FOR COUNSEL REPRESENTATION REGARDING PFAS RULEMAKING

Mr. Prol recommended adoption of a motion to authorize the Chairman to execute the Common Interest Agreement to share information with Cullen and Dykman, LLP and other coalition parties as noted above including Landis Environmental Authority, 3M, NJBIA, etc. Commissioner Dabinett moved the execution of the common interest agreement, seconded by Commissioner Cocula. On roll call: Ayes(7) Commissioners Petillo, Madsen, Cocula, Drake, Meyer, Finkeldie, Dabinett; Nays(1) Commissioner Perez; Abstain(1) Commissioner Dietz. The motion passed.

c. Solid Waste Program

Superintendent's Report

Superintendent Morris gave a report concerning an agitated customer at the Scalehouse regarding the COVID-19 policy regarding origin and disposal forms. Mr. Morris noted that he spoke to the customer in which he reiterated the reason for this policy, and the irate customer complied on his way out of the facility.

Mr. Morris reported on a Motor Vehicle Incident involving a Solid Waste Employee that was following protocol while assisting a customer to backup his vehicle to the boxes at the Convenience Center. Mr. Morris noted the employee did all the correct maneuvers however the driver pressed too hard on the gas causing the employee to quickly move out of the way and subsequently fell to the ground. The state police were called and a report was prepared. The driver left without further incident.

Mr. Morris wanted to report to the Board that a customer took time and made a point to come to the Administration Building to acknowledge and praise Solid Waste Employee Rick Fredholm. The customer stated that Mr. Fredholm is an asset to the Facility and does an exemplary job. Mr. Morris confirmed this positive recognition shall be noted and put into Mr. Fredholm's personnel file.

Mr. Morris provided an update on a previous incident where a customer fell into the Contractor Area and was subsequently taken to the hospital. Mr. Morris indicated that during the examination, it was discovered that the customer had an undiscovered cancerous tumor and was beginning treatment immediately.

Executive Director/Chief Engineer's Report

Mr. Varro updated the Commissioners on the timeline of the Landfill Life Extension/Infrastructure Relocation Project. Bids are expected to be advertised at the end of November 2020, and to be opened in January 2021. The State Comptroller's office needs to review, due to the project total amount. This review shall be concurrent with the I-Bank and NJDEP – Solid Waste's review of project bids and documents.

Senior Project Engineer's Report

Mr. Sesto gave an update on the North Berm Project, in which the Notice to Proceed was issued on July 22nd to Tomco. Bi-weekly meetings are being held with Contractor to keep them on project schedule. Construction is on ongoing, the liner system should be installed at the end of the week. Contractor is aware of the tight timeline, project needs to be complete and ready to accept debris before current cell is filled.

Mr. Sesto reported on the Leachate Pump Station/Force Main Project, awarded to Tomco. Notice to proceed was issued on September 3rd. Bi-weekly meetings shall be scheduled, they have conducted surveying and stakes have been installed. Mr. Sesto is keeping records on correspondence regarding project progress.

Mr. Sesto indicated that the Above Ground Fuel Storage tanks at the SW facility are nearly completed. The tanks and electrical boards look great, and the Contractor, PetroMechanics, did a nice job with construction and cleanup. After successful hookup and trial run, the underground tanks shall be removed. Contractor will move to the wastewater facility to complete Hamburg and Franklin PS. All replacements should be completed by end of the year.

Comptroller's Report

Mr. Day reported on the Solid Waste Tonnage/Revenues for December 1, 2019 to September 30, 2020 and indicated that compared to the same time last year, tonnage is up 1.2% and revenues are up \$38,000.

Mr. Day prepared a resolution as discussed in Executive Director, to amend the Solid Waste FY2020 Budget. He indicated the overall budget remains the same, however due to project priorities, funds will be moved from natural gas heater and balance from back-up generator to a heavy duty tire machine and bird control project. Commissioner Cocula moved the budget amendment resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0) Abstain; The resolution passed.

#20-150 RESOLUTION RE: AMENDING THE SCMUA'S FY2020 SOLID WASTE FACILITIES BUDGET

d. General Authority Business

Attorney's Report

Wallkill River Watershed Director, Nathaniel Sajdak joined the meeting virtually at 4:10 p.m. for discussions regarding a COVID-19 release form for WRWMG Activities. Attorney Napolitano referred to the WRWMG's purpose and community outreach programs that are have been and are currently suspended due to the COVID-19 virus. Discussions ensued regarding the Authority's exposure and liability if a volunteer/student is infected either before or during a planting project. Further discussions concerning the need of volunteer work to complete manpowered projects with no lapse in grant funding. Mr. Sajdak answered questions and concerns of the Commissioners. It was decided, at the moment, the virus risks outweigh the need of volunteers, and WRWMG was advised to suspend school/volunteer work and utilize SCMUA SW Staff to fill in, as necessary.

Mr. Sajdak left the meeting at 4:33 p.m.

Executive Director/Chief Engineer’s Report

Mr. Varro reported on the need for a Public Rate Hearing for FY2021 rates, fees and charges for the Authority. A Public Rate Hearing shall be scheduled/advertised according to Statute. Commissioner Cocula moved the hold the FY2021 Public Rate Hearing on November 4, 2020 at 3:30 p.m., Commissioner Madsen seconded. On voice vote: Ayes (9) Nays (0); Abstain (0). The motion passed.

Comptroller’s Report

Mr. Day prepared a resolution to auction/dispose of equipment no longer used or outdated property from the Upper Wallkill Facility, Solid Waste Facility and Administration. Commissioner Dabinett moved the resolution to dispose/auction listed equipment, and remove from the fixed assets lists. Seconded by Commissioner Cocula. On voice vote: Ayes (9) Nays (0); Abstain (0). The resolution passed.

#20-151 RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY DECLARING CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC USE, AND AUTHORIZATION TO REMOVE FROM FIXED ASSETS

e. Personnel Matters

Executive Director/ Chief Engineer’s Report

Mr. Varro referred to Executive Session discussions regarding the Wastewater Superintendent Position and presented a resolution to promote current Chief Operator Timothy Phillips to the Superintendent Position. Commissioner Dietz moved the resolution, seconded by Commissioner Dabinett. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

#20-152 RESOLUTION RE: APPOINTMENT OF SUPERINTENDENT OF WASTEWATER FACILITIES

Mr. Varro requested authorization to advertise for the following positions, Wastewater Chief Operator, Solid Waste Construction Inspector, and WW Assistant Maintenance Foreman. Commissioner Dietz moved the authorization to advertise via inhouse, website, and newspaper. Commissioner Cocula seconded the motion. On voice vote: Ayes (9) Nays (0); Abstain (0). The motion passed.

8. Financial Transactions

a. Payment of Bills

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

Res #20-146 Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
PETILLO			x			
MADSEN		x	x			
COCULA			x			
DIETZ			x			
DRAKE			x			
MEYER			x			
PEREZ			x			
FINKELDIE	x		x			
DABINETT			x			

#20-153 RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public present.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioners commended Nathaniel Sajdak and the Watershed Program for putting in the work themselves and keeping the program running.

11. ADJOURN

At 4:45 p.m. Commissioner Cocula moved to adjourn the meeting, seconded by Commissioner Dietz. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary