

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON FEBRUARY 20, 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 3:00 p.m.

The following were present: Commissioners Sowden, Petillo, Dietz (via teleconference), Meyer and Cocula, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Spannon, Wastewater Superintendent Nugent, Attorney Matthew Giacobbe, and Recording Secretary Kronski

Absent: Commissioner Madsen

Public: Linda Masson, Sussex Borough Liaison

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 in attendance. Chairman Petillo closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Petillo requested a motion to approve the Agenda. Commissioner Sowden moved the approval of the Agenda, Commissioner Cocula seconded. Mr. Hatzelis would like to add under Wastewater Chief Engineer Report in Executive Session discussions regarding the County Franklin ViaDuct Project. Also Mr. Hatzelis recommended moving Executive Session to the end of the Agenda to accommodate the public present and noted there will be an action taken after the Executive Session discussions. On voice vote (5) Ayes, (0) Nays, the motion carried.

5. APPROVAL OF CONSENT AGENDA

The Chairman requested a motion for approval of the Consent Agenda. Commissioner Meyer moved the approval of the Consent Agenda, seconded by Commissioner Dietz. No discussion necessary. On voice vote (5) Ayes, (0) Nays, the motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve the distribution of the February 6, 2013 Pending Action Summary Sheet, which was emailed to the Freeholder Board on February 8, 2013. Commissioner Cocula moved to approve the February 6, 2013 Pending Action Summary Sheet, seconded by Commissioner Sowden. On voice vote (5) Ayes, (0) Nays, the motion carried.

Chairman Petillo asked for a motion to approve the Open & Closed Meeting Minutes for both the December 19, 2012 and January 2, 2013 Authority Meetings. Commissioner Meyer moved approval of the minutes, seconded by Commissioner Cocula. No comments/discussions. On voice vote: (5) Ayes, (0) Nays, the motion carried.

The Chairman stated that the Open & Closed Meeting Minutes for the January 16, 2013 Authority Meeting has been emailed to the Commissioners for their review/comment.

7. BUSINESS

a. Executive Session (moved to end of Agenda)

b. Wastewater Program

Superintendent's Report

Mr. Nugent reported that the current Wastewater Treatment Chemical Bids are set to expire. He stated the bids are for 3 chemicals and will be for a two year contract for delivery. He asked for authorization to advertise for the 2013-2014 chemical bids. Commissioner Sowden moved authorization for advertisement of the chemical bids, seconded by Commissioner Dietz. On voice vote: (5) Ayes, (0) Nays, the motion carried.

Administrator's Report

Administrator Hatzelis reported that a draft policy on the Acceptance of Connection Fees was distributed to the Commissioners for their review. He reviewed the policy and procedures of Authority and presented a resolution for adoption. Commissioner Cocula moved the resolution regarding acceptance of payment for Sewer System Connection Fees, seconded by Commissioner Meyer. On roll call: Ayes (5), Commissioner Sowden, Petillo, Dietz, Cocula and Meyer, Nays (0) Abstain (0). The resolution passed.

#13-048 RESOLUTION RE: S.C.M.U.A. POLICY REGARDING THE ACCEPTANCE OF PAYMENT FOR CONNECTION FEES FOR THE UPPER WALLKILL SYSTEM

Mr. Hatzelis reported on the status of the Sparta Plaza Plant in which he referred to an article in the NJ Herald indicated that the plant is 50,000 gpd plant. Sparta Township may eventually decide to decommission the plant and hookup to the Upper Wallkill Plant. An evaluation is being done by CP Engineers. The Authority's concern is the 50,000 gpd increase, the gallonage will have to be included in Sparta's Service Agreement with the Authority for 210,000 gpd or the Upper Wallkill permit will have to be revised/upgraded by 50,000 gpd. Discussions continued regarding existing force main and its ability to accept.

Administrator Hatzelis indicated that the Paulinskill Project Note roll occurred on February 15th. The \$5,496,000 Note was rolled for an additional year with a yield of 0.47%. Mr. Hatzelis reported that we are currently waiting for the Hydrogeological Survey results and Branchville's determination for continuation of the project.

c. Solid Waste Program

Attorney's Report to be moved until after Executive Session.

Superintendent's Report

Mr. Sparnon reported on the Landfill Cover Soil Bids Contract 13-02 that were received on February 1, 2013 that apparent low bidder was Braen Stone of Haledon for \$3.75/ton. The Attorney has reviewed the bids for the three low bidders and accepted the bid from Braen as the lowest responsive bidder. Mr. Sparnon presented a resolution for the award of SCMUA Contract #13-02. Commissioner Cocula moved the award resolution, seconded by Commissioner Sowden. On roll call: Ayes (5), Commissioner Sowden, Petillo, Dietz, Cocula and Meyer, Nays (0) Abstain (0). The resolution passed.

#13-049 RESOLUTION RE: AUTHORIZING AWARD TO THE LOWEST RESPONSIVE BIDDER TO FURNISH AND DELIVER LANDFILL COVER SOILD (CONTRACT NO. 13-02) FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

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#67846 for the Solid Waste Operating Fund Overtime portion. Commissioner Dietz moved the approval of bill paying resolution, as amended seconded by Commissioner Meyer. No discussions. On roll call, the vote was as follows: Ayes (5) Commissioners Sowden, Petillo, Dietz, Cocula, Nays (0), Abstain (0). The resolution passed.

#13-050 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA

Chairman requested a motion to approve Solid Waste Operating Fund, Voucher #67846 for overtime portion of payroll. Commissioner Dietz moved, seconded by Commissioner Sowden. On roll call the Ayes (4) Commissioners Sowden, Petillo, Dietz, Meyer. Nays (1) Commissioner Cocula, Abstain (0). The motion was approved.

9. PUBLIC COMMENT

The Chairman opened the meeting to Public Comment. Sussex Borough Councilwoman Linda Masson introduced herself as the Liaison to the Authority. Ms. Masson asked questions regarding the allocation of the Upper Wallkill Plant. Mr. Hatzelis responded that all of the allocation for the Plant is "assigned" to all the participants, but not necessarily used. He indicated that allocation may be transferred between participants with adjustments made their Sewer Service Agreements with the Authority and approved thereon by the Authority. Mr. Hatzelis offered to meet with Ms. Masson to discuss further at a later date. Chairman Petillo closed the meeting to public comment.

a. Executive Session

Chairman Petillo asked for a motion to go into Closed Executive Session at 3:18 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Meyer. On voice vote (5) Ayes, (0) Nays, the motion carried.

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#13-051 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:46 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Sowden. On voice vote, the motion passed.

The Open Session was reconvened at 3:46 p.m. and Chairman Petillo indicated that in Closed Executive Session items discussed as specifically set forth in the resolution were negotiations and/or litigations re: Grinnell Settlement Agreement; Landfill Gas to Energy Contract; Risk Manager Interviews and the Franklin ViaDuct Project. When the need for confidentiality of these matters no longer exists they will be opened to the public.

Solid Waste Attorney's Report

After discussions during Executive Session, Attorney Giacobbe stated he is looking for a motion from the board to authorize execution of the GRI Settlement Agreement. Mr. Giacobbe reiterated that this is the version has been reviewed and agreeable to the Authority and ordered by Judge Gannon months ago. Commissioner Cocula moved to authorize execution of the Court Ordered Settlement Agreement between Grinnell Entities, County of Sussex and the SCMUA, seconded by Commissioner Sowden. On roll call: Ayes (5), Commissioner Sowden, Petillo, Dietz, Cocula and Meyer, Nays (0) Abstain (0). The motion passed.

Commissioner Cocula moved to give an excused absence to Commissioner Madsen, seconded by Commissioner Meyer. On voice vote (5) Ayes, (0) Nays, the motion carried.

10. COMMISSIONERS' COMMENTS/REQUEST

Commissioner Dietz gave thanks for the accommodations made to allow him to call into the meeting.

11. ADJOURN

Commissioner Sowden moved to adjourn the meeting, seconded by Commissioner Meyer. On voice vote, the motion passed. The meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Andrea Cocula, Secretary