

MINUTES OF THE ANNUAL REORGANIZATION MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON FEBRUARY 6, 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 3:01 p.m.

Present: Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, Wastewater Consulting Engineer John Vena, Recording Secretary Kronski, and Attorney Giacobbe (arrived at 3:22 p.m.) and Attorney Prol (arrived at 3:13 p.m.)

Public Attendance: Linda Massina Sussex Borough Councilwoman

2. PUBLIC STATEMENT

The Chairman 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 Petillo opened the meeting to public comment. No comments from the public. Chairman Petillo closed the meeting to public comment.

4. OATH OF OFFICE

Administrator Hatzelis administered the Oath of Office to Karl Meyer for a 5-year appointed term to the Commissioner Board of the Sussex County Municipal Utilities Authority. Term for Commissioner Meyer: February 6, 2013 – February 1, 2018.

5. AGENDA APPROVAL

The Chairman requested a motion for approval of the Agenda, as well as any additions or deletions to it and it was recommended moving Executive Session to the end of the Agenda to accommodate the public present and advised that no actions are scheduled to be taken after reconvening to Open Session. Commissioner Sowden moved the approval of the Agenda as modified, seconded by Commissioner Madsen. On voice vote, the motion carried.

6. REORGANIZATION ACTIONS

Chairman Petillo passed the chair to Administrator John Hatzelis for the purpose of nominations and election of a Chairman and Vice Chairman to serve for the year from February 6, 2013 until the next Reorganization Meeting of February 5, 2014.

John Hatzelis asked for nominations for the office of Chairman of the Authority. Commissioner Dietz nominated Ronald Petillo for the office of Chairman of the Authority, seconded by Commissioner Sowden. John Hatzelis asked if there were any other nominations. There being none, he asked a motion to close nominations, which was moved by Commissioner Cocula, seconded by Commissioner Dietz. On voice vote, the motion carried. Mr. Hatzelis requested a roll call to elect Ronald Petillo as Chairman of the Authority. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The motion carried.

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John Hatzelis asked for nominations for the office of Vice Chairman of the Authority. Commissioner Madsen nominated John Sowden for the office of Vice Chairman of the Authority, seconded by Commissioner Cocula. John Hatzelis asked if there were any other nominations. There being none, he asked for a motion to close nominations, moved by Commissioner Dietz, seconded by Chairman Petillo. On voice vote, the motion carried. John Hatzelis requested a roll call to elect John Sowden as Vice Chairman of the Authority. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The motion carried.

John Hatzelis turned the gavel over to the re-elected Chairman to preside over the remainder of the meeting.

Chairman Petillo requested a motion for adoption of a resolution appointing an Authority Secretary. Commissioner Dietz moved the following resolution appointing Andrea Cocula as Secretary to the Authority for the period February 6, 2013 to February 5, 2014, seconded by Vice Chairman Sowden. On roll call the vote was as follows: Ayes: (5) Commissioners Madsen, Sowden, Petillo, Dietz, and Meyer. Abstain: (1) Commissioner Cocula. The motion carried.

#13-025 RESOLUTION RE: APPOINTMENT OF ANDREA COCULA AS  
AUTHORITY SECRETARY FEBRUARY 6, 2013 TO FEBRUARY 5,  
2014

Mr. Hatzelis presented a resolution for adoption for establishing dates and times of the Authority meetings. This resolution provides meetings dates to be held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of each month to begin at 3:00 p.m, except in the month of November when the meetings will be held the 1<sup>st</sup> and 4<sup>th</sup> Wednesdays. Commissioner Cocula moved the resolution establishing dates and times of the regular Authority meetings, seconded by Commissioner Meyer. Discussion ensued regarding the cancellation of January 1, 2014 meeting, it was agreed to cancel that meeting and to also leave 2 meetings for the month of August. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-026 RESOLUTION RE: DATES AND TIME OF REGULAR AUTHORITY  
MEETINGS – FEBRUARY 6, 2013 TO FEBRUARY 5, 2014

Chairman Petillo requested a motion for adoption of a resolution appointing an Authority Treasurer and Assistant Treasurer. John Hatzelis advised that he has a resolution re-appointing himself as the Treasurer and Patricia Frey to be authorized as Assistant Treasurer. Commissioner Cocula moved the adoption of the following resolution appointing John Hatzelis as Authority Treasurer and Patricia Frey as Assistant Treasurer, seconded by Commissioner Sowden. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-027 RESOLUTION RE: APPOINTMENT OF AUTHORITY TREASURER  
AND ASSISTANT TREASURER – FEBRUARY 6, 2013 TO  
FEBRUARY 5, 2014

Chairman Petillo requested a motion for adoption of a resolution appointing Authority General Counsel. John Hatzelis advised the Board that the Authority posted on the website for request for proposals for professional services and received one proposal from the current Authority General Counsel Matthew Giacobbe from the firm of Cleary Giacobbe Alfieri Jacobs LLC. Commissioner Cocula moved the adoption of the

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following resolution appointing General Counsel Matthew Giacobbe as Authority General Legal Counsel for the period February 6, 2013 to February 5, 2014. Commissioner Sowden seconded the motion. On roll call the vote was as follows (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution carried.

#13-028 RESOLUTION RE: APPOINTMENT OF MATTHEW GIACOBBE OF CLEARLY GIACOBBE ALFIERI & JACOBS, LLC AS AUTHORITY GENERAL LEGAL COUNSEL - FEBRUARY 6, 2013 TO FEBRUARY 5, 2014

Chairman Petillo requested a motion for adoption of a resolution appointing Authority Special Counsel for matters related to solid waste and wastewater NJPDES Permit and Watershed Management. Mr. Hatzelis noted that a request for proposals was posted on the Authority's website for Special Counsel and one proposal was received for Special Counsel from Hall and Associates. Commissioner Dietz moved the adoption of the following resolution appointing the firm of Hall and Associates as Authority Special Counsel for the period February 6, 2013 to February 5, 2014. Commissioner Meyer seconded the motion. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-029 RESOLUTION RE: APPOINTMENT OF JOHN HALL, ESQ. OF HALL AND ASSOCIATES AS SPECIAL COUNSEL FOR MATTERS RELATED TO SOLID WASTE FACILITIES AND WASTEWATER FACILITIES NJPDES PERMITS AND WATERSHED MANAGEMENT PROGRAM – FEBRUARY 6, 2013 TO FEBRUARY 5, 2014

Chairman Petillo requested a motion for adoption of a resolution appointing Authority Special Counsel for Environmental Matters. Mr. Hatzelis noted that a request for proposals was posted on the Authority's website and the Personnel Committee reviewed two proposals that were received for Special Counsel on Environmental Matters and the Personnel Committee has recommended award to Thomas H. Prol. Commissioner Dietz moved the adoption of the following resolution appointing the Thomas H. Prol as Authority Special Counsel for Environmental Matters for the period February 6, 2013 to February 5, 2014. Commissioner Cocula seconded the motion. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-030 RESOLUTION RE: APPOINTMENT OF THOMAS H. PROL, ESQ. AS AUTHORITY SPECIAL COUNSEL ON ENVIRONMENTAL MATTERS – FEBRUARY 6, 2013 TO FEBRUARY 5, 2014

Mr. Prol entered the meeting at this point – 3:13 p.m.

Chairman Petillo requested a motion for adoption of a resolution appointing Authority Bond Counsel. John Hatzelis advised the Board that the Authority posted a request for proposals on the Authority's website for Bond Counsel Services and a proposal was received from Wilentz, Goldman and Spitzer who provided services the last few years. Commissioner Dietz moved the adoption of the following resolution appointing the firm of Wilentz, Goldman and Spitzer as Authority Bond Counsel for the period February 6, 2013 to February 5, 2014. Commissioner Meyer seconded the motion. On roll call the vote was as follows (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer. The resolution passed.

#13-031 RESOLUTION RE: APPOINTMENT OF WILENTZ, GOLDMAN  
AND SPITZER AS AUTHORITY BOND COUNSEL – FEBRUARY 6,  
2013 TO FEBRUARY 5, 2014

Chairman Petillo requested a motion for adoption of a resolution appointing Authority Auditor. John Hatzelis advised the Board that the Authority received a proposal, via the Authority's website posted requests, from Ferraioli, Wielkotz, Cerullo & Cuva, P.A.. Commissioner Cocula moved the adoption of the following resolution appointing the firm of Ferraioli, Wielkotz, Cerullo & Cuva, P.A. as Authority Auditors for the period February 6, 2013 to February 5, 2014. Commissioner Madsen seconded the motion. On roll call the vote was as follows (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-032 RESOLUTION RE: APPOINTMENT OF FERRAIOLI, WIELKOTZ,  
CERULLO & CUVA, P.A. AS AUDITORS TO THE SUSSEX  
COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 6,  
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Commissioner Dietz motioned to table the appointment of a Risk Manager stating that the Personnel Committee would like to more time to schedule interviews with the firms. Commissioner Cocula seconded. On roll call the vote was as follows: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The motion carried.

Mr. Hatzelis noted that the Statewide Insurance Fund requires the appointment of a Fund Commissioner, and he suggested himself as the Fund Commissioner for 2013. Commissioner Dietz moved the resolution, seconded by Commissioner Madsen. On roll call the vote was as follows (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-033 RESOLUTION RE: APPOINTMENT OF A FUND  
COMMISSIONER TO THE STATEWIDE INSURANCE FUND

Chairman Petillo asked for a motion for the resolution designating the Authority's official newspapers to be the New Jersey Herald, New Jersey Sunday Herald and Daily Record. No discussion necessary, Commissioner Dietz moved the adoption of the following resolution designating the official newspapers for the Authority for the period February 6, 2013 to February 5, 2014, seconded by Commissioner Sowden. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-034 RESOLUTION RE: DESIGNATION OF OFFICIAL AUTHORITY  
NEWSPAPERS – FEBRUARY 6, 2013 TO FEBRUARY 5, 2014

Chairman Petillo requested a motion for adoption of a resolution regarding banking and financial transactions. John Hatzelis indicated that this resolution designates the banks that the Authority utilizes for services for the various Authority accounts. Commissioners had no changes or questions. Commissioner Meyer moved the adoption of the following resolution regarding banking and financial transactions for the period February 6, 2013 to February 5, 2014 seconded by Commissioner Cocula. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-035 RESOLUTION RE: BANKING AND FINANCIAL  
TRANSACTIONS FEBRUARY 6, 2013 TO FEBRUARY 5, 2014

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Chairman Petillo requested a motion for adoption of a resolution regarding appointment of a Certifying Officer for Payroll, Pension and DMV Records. John Hatzelis indicated that Patricia Frey has previously handled these transactions and is therefore listed in the resolution as the Certifying Officer. Commissioner Dietz moved to appoint Patricia Frey as the Certifying Officer for Payroll, Pension, Deferred Compensation Plans and DMV records for the period February 6, 2013 to February 5, 2014, seconded by Commissioner Meyer. On roll call the vote was as follows: Ayes: (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-036 RESOLUTION RE: APPOINTMENT OF PATRICIA FREY AS  
SCMUA "CERTIFYING OFFICER"

Chairman Petillo requested a motion for adoption of a resolution for approval of a Cash Management Plan, as required by the NJDEP. Commissioner Dietz moved the adoption of the following resolution approving a Cash Management and Investment Policy for the Authority, seconded by Commissioner Cocula. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-037 RESOLUTION RE: APPROVING SCMUA CASH MANAGEMENT  
AND INVESTMENT POLICY

Chairman Petillo requested a motion for adoption of a resolution authorizing issuance of Officer's Certificates related to Authority Bonds. John Hatzelis advised that this resolution of Certificate is required by Bond resolution and authorizes Commissioners and Officers signatures related to Bond issues and directives to the Trustee. Commissioner Dietz moved the adoption of the following resolution authorizing issuance of Officers Certificates related to Authority Bonds for the period February 6, 2013 to February 5, 2014, seconded by Commissioner Madsen. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-038 RESOLUTION RE: AUTHORIZING ISSUANCE OF OFFICERS'  
CERTIFICATES RELATED TO AUTHORITY BONDS – FEBRUARY  
6, 2013 TO FEBRUARY 5, 2014

Chairman Petillo requested a motion for adoption of a resolution regarding the establishment of a Purchasing Board. Representatives from this Board attend bid openings of submitted proposals. Commissioner Dietz moved the adoption of the following resolution establishing a Purchasing Board for the Authority consisting of John Hatzelis, Karl Meyer, Ronald Petillo, John Nugent, Thomas Varro, Jim Sparnon, Jack Kinney of the SCMUA. Commissioner Cocula seconded the motion. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-039 RESOLUTION RE: ESTABLISHMENT OF A PURCHASING  
BOARD IN ACCORDANCE WITH N.J.S.A. 40A:11-9 FOR THE  
PERIOD FROM FEBRUARY 6, 2013 TO FEBRUARY 5, 2014

Chairman Petillo reviewed the Committee Appointments for 2013 and recommended the only change be for Commissioner Madsen to replace Christopher O'Halloran as Budget Committee Chairman. Commissioners agreed.

7. APPROVAL OF CONSENT AGENDA

Chairman Petillo requested a motion for approval of the Consent Agenda. Commissioner Madsen moved the approval of the Consent Agenda, seconded by Commissioner Dietz. No discussions. On voice vote: Ayes (6), Nays (0), the motion carried.

8. MINUTES

Chairman requested a motion to approve the distribution of the January 16, 2013 Pending Action Summary Sheet which was faxed to the Freeholder Board on January 23, 2013. Commissioner Dietz moved to approve the January 16, 2013 Pending Action Summary Sheet, seconded by Commissioner Cocula. On roll call, the vote was as follows: Ayes (5) Commissioner Madsen, Sowden, Petillo, Dietz, and Cocula, Nays: (0) Abstain (1) Commissioner Meyer due to absence at that meeting. The motion passed.

Chairman Petillo asked for a motion to approve the November 28, 2012 Open & Closed Meeting Minutes. Commissioner Madsen moved approval of the minutes, seconded by Commissioner Sowden. All were present, no comments/discussions. On voice vote: Ayes (6), Nays (0). The motion passed.

Chairman Petillo asked for a motion to approve the December 5, 2012 Open & Closed Meeting Minutes. Commissioner Cocula moved approval of the minutes, seconded by Commissioner Dietz. No comments/discussions. On roll call: Ayes (5) Commissioners Petillo, Dietz, Cocula, and Meyer, Nays (0), Abstain (1) Commissioner Madsen due to absence at that meeting. The motion passed.

Chairman Petillo stated that the Draft Open & Closed Minutes for the December 19, 2012 and the January 2, 2013 have been emailed to the Commissioners for review and comment.

8. BUSINESS

a. Closed Executive Session

Moved until the end of the Agenda to accommodate the public present.

Attorney Giacobbe entered the meeting at 3:22 p.m.

b. Wastewater Program

**Chief Engineer's Report**

Mr. Varro reported that last year a Professional Services Agreement for Wastewater Consulting Engineers was awarded to Birdsall Services Group with an option to renew for 2013 and 2014. He indicated that they have performed well in the past year and the rates and fees will remain the same. He presented a resolution for Commissioners approval to extend the Agreement for a one year extension. A draft agreement has been prepared and the time period would start on February 6, 2012 to February 5, 2014. Commissioner Dietz moved, seconded by Commissioner Madsen. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-040 RESOLUTION RE: AUTHORIZING EXECUTION OF A ONE YEAR EXTENSION OF A PROFESSIONAL SERVICES AGREEMENT WITH BIRDSALL SERVICES GROUP FOR WASTEWATER CONSULTING ENGINEERING SERVICES

Mr. Varro also presented a resolution for the reappointment of Hatch Mott MacDonald for Specialized Wastewater Consulting Engineer Services for a one year extension until February 5, 2014. They have also agreed to hold their current rates. Commissioner Sowden moved the resolution to reappoint HHM, seconded by Commissioner Cocula. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-041 RESOLUTION RE: AUTHORIZING EXECUTION OF A ONE YEAR EXTENSION OF A PROFESSIONAL SERVICES AGREEMENT WITH HATCH MOTT MACDONALD FOR SPECIALIZED WASTEWATER CONSULTING ENGINEERING SERVICES

Mr. Varro reported on the status of approving new Vernon Connections. He indicated that the Authority has requested certain information from Vernon Township on their local Sewer Service Area, this was in response to the issues that have occurred in Vernon. The concerns of the Authority need to be addressed with consideration of an overall change in policy concerning accepting connection fees. He explained that the Authority cannot approve local capacity for allocation, our oversight therefore is limited, and the new policy addresses this. A policy regarding SCMUA acceptance of payment for sewer system connection fees will be provided along with a certificate of payment to those paying a connection fee to the Authority. This policy explains that the local system owner/operator (municipality) oversees the allocation, sewer capacity and sewer services areas. Commissioners discuss and had no changes to the draft policy. Mr. Hatzelis reported that correspondence has been sent to the Vernon Township MUA requesting a metering plan be in place by May 1, 2013 to keep track of the separate flows for the Vernon Transmission Company and the Mountain Creek System. They are two different systems and have separate Service Agreements with the Authority. Additionally, the Authority is waiting for Vernon's response/plan on how to handle requests for hardship cases for connection fee payment. Commissioners discuss jurisdiction of the municipalities and County Health Department regarding municipal sewer service areas. Commissioners also discuss draft policy and agree to resume acceptance of Connection Fees for Vernon residents/businesses.

Mr. Varro proposed a resolution for Commissioners consideration for the endorsement of the Countywide WQMP Amendment, specifically future Sewer Service Area Mapping. He indicated it has been reviewed by himself and staff, comments have been submitted, and they do not materially affect the proposal. Commissioner Cocula moved the resolution, seconded by Commissioner Madsen, no discussions. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-042 RESOLUTION RE: AUTHORIZING SCMUA STATEMENT OF CONSENT FOR THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: SUSSEX COUNTY WATER QUALITY MANAGEMENT PLAN

Mr. Varro reported on the County's request for a slope easement over the SCMUA's existing Right-of-Way for the Franklin ViaDuct Project. Attorney Giacobbe has reviewed and has no issues with the easement. Commissioner Sowden moved the resolution to authorize execution of



county deed for right of way. Commissioner Cocula seconded motion. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-043 RESOLUTION RE: AUTHORIZATION TO EXECUTE COUNTY DEED FOR FEE SIMPLE R.O.W. ACQUISITION

### **Administrator's Report**

Mr. Hatzelis reported that the \$5,496,000 Paulinskill Project Note is set to mature on February 15<sup>th</sup>. The note will need to be rolled on Friday, February 14<sup>th</sup>. Documents are being prepared by Bond Counsel and there will be no need to go before the Local Finance Board. He reviewed the potential Note Pricing and what the bond will finance on the project. He also noted that the County's Bond Rating has gone up, so that helps the issuance with a better credit rating.

#### c. Solid Waste Program

### **Superintendent's Report**

Mr. Sparnon gave an update on the tanker truck repairs/replacement, he reviewed the accident details and reported that the insurance quote for the repairs is \$22,563.00, however, the estimate from the vendor (original manufacturer of the trailer) is \$26,435.00. Mr. Sparnon indicated that this is half of the cost of replacing the trailer. He reported that in order to continue hauling leachate, the Authority has rented a tanker trailer at a cost of \$1,500.00/month. Discussions held regarding the Authority's insurance policy and reimbursement of the rental charges. The Authority is keeping track of the cost and will look to recover.

Mr. Sparnon reported that the Bids for Contract 13-02 Landfill Cover Material are still being reviewed by the Attorney Giacobbe and report will be tabled until the next meeting.

Mr. Sparnon reviewed the last year's agreements with municipalities for the Certification of Recycling Tonnage Reports. He reported there were separate resolutions for each municipality requesting this service, however this year one resolution is up for consideration to execute shared services agreements as necessary when approved by the individual municipalities. He presented a resolution to authorize the execution of shared service agreements for Certified Recycling Professional Services for those municipalities in need of the certification. Commissioner Dietz moved the resolution, seconded by Commissioner Sowden. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-044 RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT(S) WITH VARIOUS SUSSEX COUNTY MUNICIPALITIES FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2012 RECYCLING TONNAGE REPORT TO NJDEP

It was requested that the Superintendent Sparnon email the January OT reports to the Commissioners for review.



### **Chief Engineer's Report**

Mr. Varro gave a status report on the Landfill Life Extension and slope modification. He reported that a letter was recently received, dated November 21, 2012, from SWAC which was sent to the Freeholder Board supporting the slope increase, phase 4 and landfill life extension use of berms. He indicated an application was completed by SCMUA Consultant Cornerstone to seek minor modification permit approval from the NJDEP. He presented a resolution for Commissioners to authorize the submittal of the permit modification to the NJDEP. Commissioner Cocula moved the resolution, seconded by Commissioner Madsen. Mr. Varro confirmed this modification was for the slope increase only. On roll call, the vote was as follows: Ayes (6) Commissioner Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer. The resolution passed.

#13-045 RESOLUTION RE: AUTHORIZATION FOR THE FILING OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION APPLICATION FOR SOLID WASTE FACILITY PERMIT MODIFICATION

Discussion were held regarding the Construction Committee reviewing the cost analysis options and preliminary numbers for the three different proposals. A meeting has been scheduled with Cornerstone for tomorrow (2/7) and Chief Engineer Varro will update the Committee on the matter.

### **Administrator's Report**

John Hatzelis distributed a recent report on Tonnages and Revenues and reviewed the data comparing the first two months of the 2013 fiscal year (Dec. and Jan.) to 2012 for the same time period. Tonnages are down by 3.7% for 2013.

Mr. Hatzelis reported that two Commissioners will be absent at the next Authority Meeting of February 20<sup>th</sup> and will not have a quorum. Commissioner Dietz stated he will be able to call in during the entire meeting. Attorney Giacobbe reminded Commissioner Dietz to have no one in the room with him during Executive Session.

## 9. FINANCIAL TRANSACTIONS

### a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo requested to remove PO#67643 under Solid Waste Operating Fund Item D and asked for a motion to adopt the Financial Consent Agenda, as amended. Commissioner Cocula moved the bill paying resolution, seconded by Commissioner Madsen. No discussions or comments. On roll call the vote was as follows: Ayes (6) Madsen, Sowden, Petillo, Dietz, Cocula, and Meyer, Nays (0), Abstain (0). The resolution passed.

#13-046 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA AND SUPPLEMENT

Chairman requested a motion to approve Solid Waste Operating Fund PO#67643 for overtime portion of payroll. Commissioner Sowden moved, seconded by Commissioner Dietz. On roll call the Ayes (5) Commissioners Madsen, Sowden, Petillo, Dietz, and Meyer. Nays (1) Commissioner Cocula. Abstain (0). The motion was approved.

10. Open To Public Comment

The Chairman opened the meeting to Public Comment. Ms. Linda Masson and introduced herself indicating that she was recently appointed as liaison to the SCMUA representing the Sussex Borough Council. Commissioner welcomed her. Chairman Petillo closed the meeting to public comment.

At 3:55 Chairman Petillo called for a short break before going into Executive Session.

The Public left the meeting room for the Executive Session portion of the meeting.

9a. Executive Session (moved from earlier on the Agenda)

The meeting resumed at 4:10 p.m.

Chairman Petillo asked for a motion to go into Executive Session. Commissioner Madsen moved the adoption of the following resolution authorizing a Closed Executive Session, seconded by Commissioner Dietz. On voice vote, the motion passed.

#13-047 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:19 p.m. Commissioner Sowden moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Cocula. On voice vote, the motion passed.

Chairman Petillo indicated that in Closed Executive Session items discussed as specifically set forth in the resolution included negotiations, litigation regarding the Grinnell Settlement Agreement. When the need for confidentiality of these matters no longer exists they will be opened to the public.

11. Commissioners' Comments/Requests

Commissioners had no comments.

12. Adjourn

Commissioner Cocula moved to adjourn the meeting, seconded by Commissioner Dietz. On voice vote, the motion passed. The meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Andrea Cocula, Secretary