

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON JANUARY 16, 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 Madsen, Sowden, Petillo, Dietz, and Cocula, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Spannon, Wastewater Superintendent Nugent, Solid Waste Consulting Engineer Mark Swyka, Attorney Matthew Giacobbe (arrived 3:15p.m.), Recording Secretary Kronski

Absent: Commissioner Meyer

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 Dietz moved the approval of the Agenda, Commissioner Madsen seconded. No additions or deletions. 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 Dietz moved the approval of the Consent Agenda, seconded by Commissioner Cocula. No discussion necessary. On voice vote (5) Ayes, (0) Nays, the motion carried.

6. MINUTES

Chairman requested a motion to approve the distribution of the January 2, 2013 Pending Action Summary Sheet, which was faxed to the Freeholder Board on January 3, 2013. Commissioner Cocula moved to approve the January 2, 2013 Pending Action Summary Sheet, seconded by Commissioner Dietz. On voice vote (6) Ayes, (0) Nays, the motion carried.

Chairman Petillo noted that there are no minutes up for approval at this meeting.

The Chairman stated that the Open & Closed Meeting Minutes for the November 28, 2012 and December 5, 2013 Authority Meetings have been emailed to the Commissioners for their review/comment.

7. BUSINESS

a. Executive Session

Chairman Petillo asked for a motion to go into Closed Executive Session at 3:09 p.m. Commissioner Sowden moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Madsen. On voice vote (5) Ayes, (0) Nays, the motion carried.

#13-020 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:41 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Meyer. On voice vote, the motion passed.

The Open Session was reconvened at 3:50 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 and Payment Status; Upper Wallkill NJPDES Permit Appeal; Cover Soil Bid Specifications; Leachate Truck Accident and Personnel Item. When the need for confidentiality of these matters no longer exists they will be opened to the public.

b. Wastewater Program

Chief Engineer's Report

Mr. Varro reported on the County's proposed Sewer Service Area Mapping, in which he has had discussions with Alice Brees and Eric Snyder of the County Planning Department. He indicated that the mapping was reviewed in detail by all parties. The NJDEP is not accepting any mapping changes at this time. If a municipality has additions, it will be pulled and considered at a later date. Mr. Varro also reported that Vernon Township is working with the County regarding certain property designations. He proposed some minor comments, but will not prevent the Authority for endorsing. He suggested a disclaimer stating that each municipality is responsible for the delineation of their formal sewer service area. The Commissioners and Staff agreed.

Administrator's Report

Administrator Hatzelis reported that the Paulinskill Project Note will need to be refunded on February 15, 2013 and Bond Counsel is preparing a document to be brought before the Local Finance Board. The position will be to roll the note and a resolution will be up for consideration in a few weeks. A request to the USDA will also be submitted for an extension for the grant/loan funds.

Mr. Hatzelis reported that the NJDEP has approved a \$700,000 Grant for the Watershed Program. It is for the implementation of an Upper Paulinskill Watershed Restoration Plan, the grant application needs to be submitted to the NJDEP, as soon as possible. Mr. Hatzelis presented a resolution approving a grant application and agreement between the SCMUA and the NJDEP. Commissioner Dietz moved the resolution, seconded by Commissioner Cocula. On roll call: Ayes (5), Commissioner Madsen, Sowden, Petillo, Dietz and Cocula, Nays (0) Abstain (0). The resolution passed.

#13-021 RESOLUTION RE: GRANT AGREEMENT BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION RE: IMPLEMENTATION OF THE UPPER PAULINS KILL WATERSHED RESTORATION PLAN

c. Solid Waste Program

Superintendent's Report

Mr. Sparnon reported that the Agreement between the Easter Seals Society and the Authority is up for renewal consideration. It is a two year agreement with the option for a year extension for Easter Seals to provide staffing for litter control, operation and maintenance at the Solid Waste Complex. He indicated that both parties have agreed to maintain the 2012 payments as specified in the current Agreement. Commissioners and Staff discussed contract details and Commissioner Cocula moved the resolution, seconded by Commissioner Madsen. On roll call: Ayes (5), Commissioner Madsen, Sowden, Petillo, Dietz and Cocula, Nays (0) Abstain (0). The resolution passed.

#13-022 RESOLUTION RE: AUTHORIZING THE EXTENSION OF A CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND HIGHLANDS WORKSHOP/EASTER SEAL SOCIETY (HIGHLANDS)

Chairman Petillo inquired about the quote for repairs compactor. Mr. Sparnon reported on the recent repair quote made by Foley, Inc. through a State Contract. Commissioners and staff discuss the necessity of replacement vs. repairs and agree that if the Freeholders approve the landfill life extension option, a new compactor may be needed.

Chief Engineer's Report

Mr. Varro reported on the submittal of the NJDEP – SIU Permit for discharge for landfill leachate. Tom presented a resolution to authorize the submittal of the permit renewal to the NJDEP and for Administration Hatzelis to sign. Commissioner Cocula moved the resolution to submit the NJDPES – SIU Permit renewal application. Commissioner Sowden seconded. On roll call: Ayes (5), Commissioner Madsen, Sowden, Petillo, Dietz and Cocula, Nays (0) Abstain (0). The resolution passed.

#13-023 RESOLUTION RE: AUTHORIZATION FOR THE FILING OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION NJPDES – SIU PERMIT RENEWAL APPLICATION

Consulting Engineer's Report

Mr. Mark Swyka reported on the Solid Waste Facilities Annual Inspection Report that was completed in November 2012, but was conducted throughout the year. He indicated that the Solid Waste Facility is in good condition. The Report along with a 5 year plan has been prepared to satisfy the bond requirements. He discussed the contents of the report for operations and maintenance and noted that last year's report previously focused on the development of a transfer station, however this year's report is now centered on the landfill life extension option. It was noted that SWAC has been given two presentations on the proposal

landfill life extension project and we are now waiting on approval/confirmation to move on this option. Commissioners acknowledged receiving and reviewing the entire Annual Inspection Report. Discussion continued on the slope of the berms and solar panels, as well as, a review of the Massachusetts South Hadley landfill situation regarding cracking in the berm compared to the Authority's designs and the differences thereof. Mr. Swyka explained that the Authority's berms shall be outside the footprint of the landfill and settling should not be a problem. Mr. Swyka also indicated that an inspection on the strength of the liner was conducted and the preliminary results were satisfactory and show it is compatible for the addition of berms on the landfill base liner and that all these findings will be submitted to NJDEP. The Commissioners and staff reviewed the timeline for the minor and major permit modifications and Amendment to SWMP. It was indicated that, to date, the Authority has not received a resolution or letter from SWAC confirming approval of landfill extension. The Authority can only go so far within the parameters of SWAC's approvals and bond requirements need Freeholder approval. Mr. Hatzelis stated the Authority does not want to spend money on a concept without concrete approvals from SWAC.

Administrator's Report

Mr. Hatzelis presented a resolution for consideration, per Bond Counsel recommendation, for the Authority's Chairman to execute a certificate under the 1987 County Agreement. This agreement is in regard to the financing of the Sussex County's Solid Waste Facilities and notifies the County of state aid shortfall. Commissioner Cocula moved the resolution, seconded by Commissioner Dietz. On roll call: Ayes (5), Commissioner Madsen, Sowden, Petillo, Dietz and Cocula, Nays (0) Abstain (0). The resolution passed.

#13-024 RESOLUTION RE: AUTHORIZING THE CHAIRMAN TO EXECUTE A CERTIFICATE UNDER THE 1987 COUNTY AGREEMENT

d. General Authority Business

Administrator's Report

Mr. Hatzelis indicated that the 2013 Goals and Objectives Draft report was distributed to the Commissioners and a finalized report will be ready for the next meeting.

Mr. Hatzelis also indicated that the next meeting will be the Authority's Reorganization Meeting to be held on February 6, 2013. He referred to the appointments that are up for Commissioner consideration and the Agenda will be compromised mostly of Reorganization Actions.

John also reported that the RFQs for the Professional Services Agreements for 2013 are scheduled to be opened tomorrow, January 17th at 11:00 am and shall be reviewed by Staff and Personnel Committee for recommendations.

e. Personnel Matters

Commissioner Cocula made a motion to give an excused absence for Commissioner Meyer for today's meeting. Commissioner Dietz seconded the motion. On voice vote (5) Ayes, (0) Nays, the motion carried.

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#67605 for Solid Waste Operating Fund Overtime portion. Commissioner Cocula moved the approval of bill paying resolution, as amended seconded by Commissioner Dietz. No discussions. On roll call, the vote was as follows: Ayes (5) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Nays (0), Abstain (0). The resolution passed.

#13-025 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA

Chairman requested a motion to approve Solid Waste Operating Fund, Voucher 67605 for overtime portion of payroll. Commissioner Dietz moved, seconded by Commissioner Sowden. On roll call the Ayes (4) Commissioners Madsen, Sowden, Petillo, and Dietz. Nays (1) Commissioner Cocula, Abstain (0). The motion was approved.

9. PUBLIC COMMENT

The Chairman opened the meeting to Public Comment, no public comment. The Chairman closed the meeting to public comment.

10. COMMISSIONERS' COMMENTS/REQUEST

Commissioners discussed attendance at the February 20, 2013 meeting to make sure a quorum will be present. Commissioners congratulated Commissioners Dietz on his reappointment.

11. ADJOURN

Commissioner Sowden moved to adjourn the meeting, seconded by Commissioner Cocula. On voice vote, the motion passed. The meeting was adjourned at 4:35 p.m.

Respectfully submitted,

Andrea Cocula, Secretary