

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON DECEMBER 19, 2012 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, Cocula, Meyer and O'Halloran, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, Wastewater Consulting Engineer John Vena, Recording Secretary Kronski

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 Madsen moved the approval of the Agenda, Commissioner Dietz seconded. No additions or deletions. On voice vote (7) Ayes, (0) Nays, the motion carried.

5. APPROVAL OF CONSENT AGENDA

The Chairman requested a motion for approval of the Consent Agenda. Commissioner Cocula moved the approval of the Consent Agenda, seconded by Commissioner Madsen. No discussion necessary. On voice vote (7) Ayes, (0) Nays, the motion carried.

6. MINUTES

Chairman requested a motion to approve the distribution of the December 5, 2012 Pending Action Summary Sheet, which was submitted to the Freeholder Board on December 6, 2012. Commissioner Dietz moved to approve the December 5, 2012 Pending Action Summary Sheet, seconded by Commissioner Meyer. On roll call: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, (0) Nays, Abstain (1) Commissioner Madsen due to absence at that meeting. The motion carried.

No Minutes are up for approval at this meeting.

Chairman Petillo stated that the Open & Closed Meeting Minutes for November 7, 2012 have been emailed to the Commissioners for their review.

7. BUSINESS

a. Executive Session

Chairman Petillo asked for a motion to go into Closed Executive Session at 3:03 p.m. Commissioner Madsen moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Meyer. On voice vote (7) Ayes, (0) Nays, the motion carried.

#13-005 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:12 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Madsen. On voice vote, the motion passed.

The Open Session was reconvened at 3:12 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; Extension of Medical Leave of Absence; and FY2013 Policy Manual Amendments & Salary Adjustments. 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 that he attended a meeting at NJDEP offices with other invited permit stakeholders for discussions regarding Nitrate limitations. The meeting included permit holders, water purveyors and NJDEP Departmental Staff. He stated NJDEP is proposing that there be two Types of categories, both the Hampton Commons Plant and the Upper Wallkill Plant would be considered Type 2. The Type 2 plants presently have no known downstream potable water usage, however, the NJDEP is concerned that there may be future water intakes downstream. NJDEP is considering more stringent efforts on testing and sampling requirements in the Permit rather than a water quality based limit for these Type 2 Plants. Mr. Varro reported it is good for the Authority with no "upgrades" required to meet a Nitrate Limitation as long as the plant stays a Type 2. He reported that the Hampton Commons plant has a low permitted flow. NJDEP will prepare a low flow analysis that will be compared to other low flow streams. He indicated that the Upper Wallkill Plant has a higher discharge (3.0 million gallons per day capacity) into the Wallkill River and therefore may have concerns regarding Nitrate at low stream flow conditions. Mr. Varro recommended that the Authority take a wait and see approach regarding the Upper Wallkill Plant. Mr. Varro indicated that the Authority has not yet received the final permit for Hampton Commons, however the NJDEP intends to issue permits and the Authority will have to proceed with the filing of a permit appeal to request a Stay. The Paulinskill waterways were also discussed and Mr. Varro stated that existing potable water sources are non-existent, and the dilution downstream is not an issue.