

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON OCTOBER 5, 2011 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 3:04 p.m.

The following were present: Commissioners Zidek, Sowden, Petillo, Dietz, Cocula and O'Halloran, Administrator Hatzelis, Consulting Engineer Donati, Chief Engineer Varro, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, Attorney Prol, Recording Secretary Kronski

Absent: Commissioner Meyer, Consulting Engineer Cerenzio and Attorney Giacobbe

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

Chairman opened the meeting to public comment. No public present, Chairman Petillo closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Petillo requested a motion for approval of the Agenda, as well as any additions or deletions. Vice-Chairman Sowden moved the approval of the Agenda, seconded by Commissioner Dietz. Mr. Hatzelis noted that there is a supplemental bill paying list for Commissioners' consideration. On voice vote (6) Ayes, (0) Nays, the motion carried.

5. APPROVAL OF CONSENT AGENDA

The Chairman requested a motion for approval of the Consent Agenda. Commissioner Zidek moved the approval of the Consent Agenda, seconded by Commissioner O'Halloran. No discussion necessary. On voice vote (6) Ayes, (0) Nays, the motion carried.

6. MINUTES

Chairman requested a motion to approve the distribution of the September 21, 2011 Pending Action Summary Sheet which was submitted to the Freeholder Board on September 23, 2011. Commissioner Zidek moved to approve the September 21, 2011 Pending Action Summary Sheet, seconded by Vice-Chairman Sowden. No discussions necessary. On voice vote (6) Ayes, (0) Nays. The motion carried.

The Chairman asked for a motion to approve the Regular & Closed Meeting Minutes for September 7, 2011. Commissioner Zidek moved, seconded by Commissioner O'Halloran. On voice vote (6) Ayes, (0) Nays, the motion carried.

Chairman Petillo advised that there are no minutes for distribution at this meeting.

7. BUSINESS

a. Closed Executive Session

At 3:07 p.m. Commissioner Dietz moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner O'Halloran. On voice vote (6) Ayes, (0) Nays, the motion carried.

#11-105 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:04 p.m. Commissioners Dietz moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Cocula. On voice vote (6) Ayes, (0) Nays, the motion carried.

Chairman Petillo called a meeting break, before continuing with Open Session Agenda.

The Open Session was reconvened at 4:19 p.m. Chairman Petillo indicated that in Closed Executive Session items discussed as specifically set forth in the resolution were negotiations and/or litigations re: Grinnell Litigation; Frankford-Branchville Sewer Project Service Agreement Provisions and Property Acquisitions; High Ridge Properties Litigation; NJDPES Permit; Vernon Township Settlement Agreement; DMR Construction Services Contract and Personnel Items. When the need for confidentiality of these matters no longer exists they will be opened to the public.

b. Wastewater Program

Wastewater Superintendent Report

Wastewater Superintendent Nugent reported on the NJDEP Lab Inspection at the Upper Wallkill Facility. Inspections are conducted every 3 to 4 years and included testing procedures/techniques and equipment analyzing the wastewater for reporting to the NJDEP. Mr. Joseph Kinney is the lab manager and no deficiencies were noted, some recommendations were made and NJDEP will send a written report on the inspection.

c. Solid Waste Program

Solid Waste Superintendent's Report

Chairman Petillo inquired to Mr. Sparron on stone crushing at the solid waste facility, Eastern Concrete has visited the site and he is expecting a quote shortly.

Consulting Engineer's Report

Mr. Stephen Donati distributed a document titled Closure/Post Closure Care Plan Support Document and Planning Analysis – for Future Solid Waste Disposal. He indicated the report has been presented before by C&P and SCMUA Staff in draft form, and this is the final version for SWAC submittal. Mr. Donati summarized report indicating that the plan is to landfill waste until permit allowance at year 2018, then implement transfer station to bring in revenue to fund closure costs and keep Residents'

Convenience Center, Recycling and Vegetative Waste Facility open for public use. The plan will be presented to SWAC with recommendations and used to final the formal Closure/Post Closure Care Plan for submission to the NJDEP. At that point, Authority can begin the process of obtaining the proper permits for transfer station. Funding of Section 3 Cap may be taken from existing funds and some of excess post closure care revenues. Transfer station will be funded by incoming revenue, no bonding necessary, however the Section 4 Cap/final closure will have to be bonded. Commissioners discussed NJDEP estimated interest rate Post Closure Care Account return calculations and inflation rates. After discussions, Commissioner Cocula moved to submit Closure/Post-Closure Care Plan Support Document and information to Sussex County Solid Waste Advisory Council and to complete the C/PCC Plan for submission to the NJDEP, seconded by Vice-Chairman Sowden. On voice vote: (6) Ayes, (0) Nays, the motion carried.

Administrator's Report

Administrator John Hatzelis reported on Solid Waste Revenues for the period of December 2010 – September 2011. He indicated tonnages and revenues are up from last year. Residents' Convenience Center has been heavily used by residents due to recent flooding throughout the County, however, will most likely not eliminate the \$2 million budget shortfall. Discussions regarding waste flow enforcement and necessary rate increases for FY2012 may be needed to cover for closure fund shortage.

d. Authority Business

Administrator's Report

Commissioner Meyer had submitted a request for an excused absence from today's meeting, and Commissioner Cocula moved an excused absence for Commissioner Karl Meyer, seconded by Commissioner Dietz. On voice vote (6) Ayes, (0) Nays, the motion carried.

8. FINANCIAL TRANSACTIONS

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo requested a motion to adopt the Financial Consent Agenda and Supplemental bill paying list. Commissioner O'Halloran moved approval of bill paying resolution and supplement, seconded by Commissioner Dietz. On roll call, the vote was as follows: Ayes (6) Commissioners Zidek, Sowden, Petillo, Dietz, Cocula, and O'Halloran. The resolution passed.

#11-106 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA AND SUPPLEMENT

9. OPEN TO PUBLIC COMMENT

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

At 4:39 p.m. Chairman Petillo asked for a motion to go back into Closed Executive Session to further discuss strategy and drafting of the RFQ/RFP for General Engineering Services. Commissioner Zidek moved Executive Session, seconded by Vice Chairman Sowden. On voice vote (6) Ayes, (0) Nays, the motion carried.

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Mr. Stephen Donati left at this point in the meeting, 4:39 p.m.

At 5:04 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner O'Halloran. On voice vote, the motion passed. Chairman Petillo stated that when the need for confidentiality of discussions for the General Engineering Services RFQ/RFP no longer exists the minutes would be opened to the public.

Commissioner Cocula moved to authorize SCMUA Staff to advertise for RFQ/RFP General Engineering Consulting Services for the Solid Waste and Wastewater Facilities. Commissioner O'Halloran seconded and on voice vote (6) Ayes, (0) Nays, the motion carried.

10. COMMISSIONERS' COMMENTS/REQUEST

Commissioner Dietz indicated he would like the Authority to put in a request to the Health Department for a full/detailed report on the Flow Control Enforcement Program. The report will be effective in comparing waste flow revenue and non-waste flow data.

Commissioner Cocula requested an overtime breakdown report for Solid Waste Employees be emailed to the Personnel Committee.

11. ADJOURN

Vice-Chairman Sowden moved to adjourn the meeting, seconded by Commissioner O'Halloran. On voice vote, the motion passed. The meeting was adjourned at 5:08 p.m.

Respectfully submitted,

Andrea Cocula, Secretary