

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON MARCH 21, 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 3:02 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, Attorney Prol, Recording Secretary Kronski

Absent: 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 comment from the public. Chairman Petillo closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Petillo requested a motion for approval of the Agenda. Commissioner Dietz moved the approval of the Agenda. There were no additions/deletions to the Agenda. Commissioner O'Halloran seconded. 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 Dietz 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 March 7, 2012 Pending Action Summary Sheet which was submitted to the Freeholder Board on March 9, 2012. Commissioner Cocula moved to approve the March 7, 2012 Pending Action Summary Sheet, seconded by Commissioner O'Halloran. On roll call the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (1) Commissioner Madsen due to absence at that meeting. The motion carried.

Chairman Petillo asked for a motion to approve the Regular & Closed Minutes of February 1, 2012 Reorganization Meeting. Commissioner Dietz motion to approve the minutes, seconded by Vice Chairman Sowden. No discussions. On voice vote (7) Ayes, (0) Nays. The motion carried.

Chairman Petillo asked for a motion to approve the Regular & Closed Minutes of February 15, 2012 Authority Meeting. Commissioner Madsen motion to approve the minutes, seconded by Commissioner Dietz. No discussions. On roll call the vote was as follows: Ayes (6) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, and O'Halloran, Nays (0), Abstain (1) Commissioner Meyer due to absence at that meeting. The motion carried.

7. BUSINESS

a. Executive Session

At 3:05 p.m. Chairman Petillo asked for a motion to go into Closed Executive Session. Commissioner Dietz moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Vice Chairman Sowden. On voice vote (7) Ayes, (0) Nays, the motion carried.

#12-060 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:03 p.m. Vice Chairman Sowden 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 4:12 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 Family of Companies; Frankford-Branchville Wastewater Project; Landfill Air Permit; Landfill Gas to Energy Agreement/Facility; RFPs for Clove Brook Streambank Restoration Project; Solid Waste/Flow Control Enforcement Program; Household Hazardous Waste Day Event Bids. When the need for confidentiality of these matters no longer exists they will be opened to the public.

b. Wastewater Program

Superintendent's Report

Mr. Nugent reported on the need for work to be done on #1 & #2 Primary Clarifiers for the Upper Walkkill Plant, as well as, #1 & #2 Gravity Thickeners. He indicated that Birdsall Engineering shall review the technical specifications and indicated that the bid will exceed bid threshold. Mr. Nugent reviewed the work that needs to be completed and noted that the Wastewater Employees will do as much as possible. Commissioners discussed and agreed to get a proposal from Birdsall Engineering for review of the technical specifications/equipment in order to proceed with bid preparation.

Chief Engineer's Report

Mr. Varro presented a resolution authorizing Amendment #1 to the Princeton Hydro contract for Professional Environmental and Engineering Consulting Services related to the Walkkill River Watershed Management Group and the Papakating Creek and Clove Brook Acres Lake Restoration Plans. RFPs and Amendment details discussed in Executive Session. Commissioner Dietz moved the resolution, seconded by Commissioner Cocula. On roll call the vote was as follows: Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolution was approved.

#12-061 RESOLUTION RE: AUTHORIZING AMENDMENT NO. 1 TO THE PRINCETON HYDRO CONTRACT FOR PROFESSIONAL ENVIRONMENTAL SERVICES RELATED TO THE EFFORTS OF THE WALLKILL RIVER WATERSHED MANAGEMENT GROUP WITH THE IMPLEMENTATION OF THE PAPA KATING CREEK AND CLOVE ACRES LAKE/CLOVE BROOK WATERSHED RESTORATION PLANS

Administrator's Report

Mr. Hatzelis reported on Volumes and Revenues for the first quarter of 2012 for the Upper Wallkill Septage, Sludge and Hauled Sewage Volumes. He indicated that projections were lower than actual revenues received, which may be due to mild winter, however, the connection fees are on target for the year. Discussions were held on connection fee for Sparta Stop n' Shop and correct Block and Lot designation of property lien. Attorney Prol reported that the Sparta Township has re-designated the property and he will ensure the lien is filed on the correct Block and Lot.

Mr. Hatzelis reported that the refunding of the Wastewater Series F and Series G Bonds have been approved by the Local Finance Board at their last meeting. He indicated he has spoken to Brian Burke and Bond Counsel regarding proceeding and are currently watching the market to ensure the highest savings to the Authority.

c. Solid Waste Program

Attorney's Report

Attorney Prol reviewed the details of the proposed settlement terms of the SCMUA v. Grinnell Recycling, Inc.; Grinnell Enterprises v. Sussex County, SCMUA and John Hatzelis litigation. This Agreement was made at the Sussex County Courthouse on Monday, March 19, 2012 between all parties. Commissioner Cocula motioned to give authorization to SCMUA Attorney to draft a Settlement Agreement based on the settlement terms discussed for consideration by all parties. Commissioner Madsen seconded. On roll call the vote was as follows: Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The motion was approved.

Superintendent's Report

Mr. Sparnon reported that regarding earlier discussions, in Executive Session, on the Household Hazardous Waste Bids, he will research and report on additional information requested at the next Authority Meeting.

Mr. Sparnon reported that he has received requests from Andover Township, Lafayette Township and Montague Township to enter into a Shared Services Agreement for Certified Recycling Professional Services with the Authority. He indicated he has received agreements and resolutions from each Township. He presented 3 separate resolutions for each and Commissioner Cocula moved the 3 resolutions to execute Shared Services Agreements with Andover, Lafayette and Montague Townships. Commissioner Meyer seconded. On roll call the vote was as follows: Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolutions were approved.

#12-062 SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH ANDOVER TOWNSHIP FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2011 RECYCLING TONNAGE REPORT TO NJDEP

#12-063 SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH LAFAYETTE TOWNSHIP FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2011 RECYCLING TONNAGE REPORT TO NJDEP

#12-064 SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH MONTAGUE TOWNSHIP FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2011 RECYCLING TONNAGE REPORT TO NJDEP

Chairman Petillo referred to information previously provided to the Construction Review Committee regarding dozer replacement for the Solid Waste Facility from Mr. Sparnon. He asked for additional information regarding the equipment years during operation and the purchase year. Discussions on dozer size needed for the Solid Waste Facility's newly incorporated tarp-o-matic system. CRC needs to consider life of landfill and other uses of equipment that are already owned by Facility. Mr. Sparnon will get additional information to the CRC for consideration before decision made on purchase of new equipment.

d. General Authority Business

Administrator's Report

Mr. Hatzelis reviewed the 1987 County Deficiency Agreement between the SCMUA and the County of Sussex. A Certificate is provided as formal notification to the County advising that the 2012 Solid Waste Facilities' Budget anticipates \$3,000,000 in State or County financial aid, which has been determined necessary for the County Solid Waste System. Mr. Hatzelis indicated that the certificate is recommended each year by the Authority's Bond Counsel. Commissioner Cocula moved resolution authorizing the Chairman to execute a certificate under the 1987 County Agreement, seconded by Commissioner Meyer. On roll call the vote was as follows: Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolution was approved.

#12-065 AUTHORIZING THE CHAIRMAN TO EXECUTE A CERTIFICATE UNDER THE 1987 COUNTY AGREEMENT

Mr. Hatzelis reminded the Commissioners, Professionals and Staff that State Financial Disclosure Statements need to be submitted by April 30, 2012. He indicated that forms have been distributed for review and corrections. Please return forms as soon as possible for submission to the County Clerk.

8. FINANCIAL TRANSACTIONS

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo indicated the removal of PO# 66081 under Solid Waste Item E of the Financial Consent Resolution and asked for a motion to adopt as amended. Commissioner Cocula moved approval of bill paying resolution as amended, seconded by Vice Chairman Sowden. No discussions or comments. On roll call, the vote

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was as follows: Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran. The resolution passed.

#12-066 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL
CONSENT AGENDA AS AMENDED

Chairman requested a motion to approve Solid Waste Operating Fund Section E, PO#66081 for overtime portion of payroll. Commissioner O'Halloran moved, seconded by Commissioner Madsen. On roll call the Ayes (6) Commissioners Madsen, Sowden, Petillo, Dietz, Meyer and O'Halloran, Nay (1) Commissioner Cocula. The motion was approved.

9. OPEN TO 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 the Recycling Container Awards to be presented to 4 County Schools for the Slam Dunk the Junk Contest at the next Freeholder Meeting. The contest was run by Recycling Coordinator Reenee Casapulla and the County Health Department. Commissioners, unfortunately, unable to attend. Commissioners also commented on using the website that was developed by Labor Commissioner Hal Wirths for employment notices for part-time hires. Lastly, Commissioners had short discussion on the County's decision not to give up control of the Solid Waste Enforcement Program to the Authority.

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 4:46 p.m.

Respectfully submitted,

Andrea Cocula, Secretary