

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON MARCH 5, 2014 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.

The following were present: Commissioners Sowden, Petillo, Cocula, Meyer and Drake, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent, Attorney John Napolitano, Special Counsel Prol and Recording Secretary Kronski

Absent: Commissioner Madsen, Commissioner Dietz

2. PUBLIC STATEMENT REGARDING SUNSHINE LAW

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 comment. Chairman Petillo closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Petillo asked for a motion to approve the Agenda, Commissioner Drake moved the approval of the Agenda, seconded by Commissioner Sowden. On voice vote: Ayes (5); Nays (0). 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 Drake. No discussions. On voice vote: Ayes (5); Nays (0). The motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve the distribution of the February 19, 2014 Pending Action Summary Sheet, which was emailed to the Freeholder Board on February 20, 2014. Commissioner Cocula moved to approve the February 19, 2014 Pending Action Summary Sheet, seconded by Commissioner Drake. On voice vote: Ayes (5); Nays (0); Abstain (0). The motion passed.

Chairman Petillo asked for motion to approve the Open and Closed Meeting Minutes for the January 22, 2014 Regular Authority Meeting. Commissioner Drake approved the minutes, seconded by Commissioner Meyer. All were present. On voice vote: Ayes (5); Nays (0).

Chairman Petillo stated that the Open & Closed Meeting Minutes for the February 19, 2014 Annual Reorganization Meeting was previously emailed to the Commissioners for their review.

7. BUSINESS

a. Executive Session

At 3:03 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Sowden. On voice vote (5) Ayes, (0) Nays, the motion carried.

#14-041 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:21 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Drake. On voice vote, Ayes (5); Nays (0), the motion passed.

Chairman Petillo indicated that in Closed Executive Session items discussed as specifically set forth in the resolution were negotiations and/or litigations re: Title V Air Permit; LFGTE Operations; Vernon Township sewer user charges; Grinnell Collection Matter. When the need for confidentiality of these matters no longer exists they will be opened to the public.

Chairman Petillo called for a meeting recess at 3:21 p.m.

The meeting resumed at 3:30 p.m.

b. Wastewater Program

No Report

c. Solid Waste Program

Superintendent's Report

Mr. Sparnon reported on the 2013 Spending Plan for Recycling Enhancement Act Tax Fund Entitlement. The Authority will submit the spending plan to the NJDEP Solid & Hazardous Waste Management Program in the amount of \$110,000. He presented a resolution authorizing the Administrator and Solid Waste Superintendent to execute and file the 2013 spending plan. Commissioner Cocula moved the resolution, seconded by Commissioner Sowden. On roll call: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0) The Resolution passed.

#14-042 ENABLING RESOLUTION AUTHORIZING THE FILING OF A SPENDING PLAN FOR A 2013 RECYCLING ENHANCEMENT ACT TAX FUND ENTITLEMENT PURSUANT TO P.L. 2007 C.113 ET. SEQ. HEREINAFTER THE ACT

Chief Engineer's Report

Mr. Varro reviewed discussion points regarding contract amendment with SXLE in Executive Session and Commissioner Cocula moved to authorize Chairman to sign amendment to SXLE Contract that includes an increase in insurance liability, an SCMUA approved emergency plan and the installation of mandatory safeguard equipment to the LGTE system. These requirements must be met within a reasonable timeline in order for gas operations resume. Motion was seconded by Commissioner Meyer.

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On roll call: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0) The motion passed.

Administrator's Report

Administrator Hatzelis reported on the 1st quarter tonnages (December 1st – February 28th), in comparing the same time period for 2013, the overall tonnages are down approximately 7.7%. He noted that the tonnage drop is most likely due to the lagging cold weather. ID13 is significantly lower, no construction, ID10 is slightly down. Hopefully will rebound with the warmer weather.

d. General Authority Business

Administrator's Report

Mr. Hatzelis noted that certain professional services were awarded at the Annual Reorganization Meeting for 2014. He presented resolutions to authorize execution of Professional Service Agreements. The first is for General Legal Counsel Services with Matthew Giacobbe, Esq. of Cleary, Giacobbe, Alfieri, Jacobs, LLC. Resolution was moved by Commissioner Cocula, seconded by Commissioner Drake. On roll call: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0). The resolution passed.

#14-043 RESOLUTION RE: AUTHORIZING THE RETENTION OF MATTHEW J. GIACOBBE, ESQ. OF CLEARY GIACOBBE ALFIERI JACOBS, LLC FOR THE FURNISHING OF GENERAL LEGAL COUNSEL SERVICES FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 19, 2014 TO FEBRUARY 4, 2015

Mr. Hatzelis presented a resolution for the retention of Thomas Prol, Esq. for Special Environmental Legal Counsel. Commissioner Cocula moved the resolution, seconded by Commissioner Meyer. On roll call: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0) The Resolution passed.

#14-044 RESOLUTION RE: AUTHORIZING THE RETENTION OF THOMAS PROL, ESQ. FOR THE FURNISHING OF SPECIAL ENVIRONMENTAL LEGAL COUNSEL SERVICES FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 19, 2014 TO FEBRUARY 4, 2015

Mr. Hatzelis also presented a resolution for the retention of John Hall of Hall and Associates for certain legal services for Wastewater and Solid Waste NJPDES Permits, etc. Commissioner Drake moved the resolution, seconded by Commissioner Meyer. On roll call: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0) The Resolution passed.

#14-045 RESOLUTION RE: AUTHORIZING THE RETENTION OF JOHN HALL, ESQ. OF HALL AND ASSOCIATES FOR THE FURNISHING OF CERTAIN LEGAL SERVICES IN REGARD TO WASTEWATER MANAGEMENT PLANNING AND RELATED ENVIRONMENTAL MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 19, 2014 TO FEBRUARY 4, 2015

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Administrator Hatzelis also presented a resolution for the retention of John Cantalupo of Archer & Greiner, P.C. for Bond Counsel Services. Commissioner Meyer moved the resolution to execute agreement, seconded by Commissioner Drake. On roll call: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0) The Resolution passed.

#14-046 RESOLUTION RE: AUTHORIZING THE RETENTION OF JOHN CANTALUPO OF ARCHER & GREINER, P.C. FOR THE FURNISHING OF BOND COUNSEL SERVICES FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 19, 2014 TO FEBRUARY 4, 2015

Mr. Hatzelis also prepared a resolution for the retention of Paul Cuva, C.P.A. of Ferraioli, Wielkocz, Cerullo & Cuva, P.A. for auditing services. Commissioner Cocula moved the resolution, seconded by Commissioner Meyer. On roll call: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0) The Resolution passed.

#!4-047 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH PAUL CUVA, C.P.A. OF THE FIRM FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A. FOR AUDITING SERVICES IN PERFORMING THE ANNUAL AUDIT OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S FISCAL YEAR 2014

8. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo asked for a motion to approve the Financial Consent Agenda (FCA) and supplement provided at meeting. Commissioner Cocula moved the FCA, seconded by Commissioner Meyer. On roll call, the vote was as follows: Ayes (5) Commissioners Sowden, Petillo, Cocula, Meyer and Drake; Nays (0); Abstain (0). The resolution passed.

#14-048 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA

9. PUBLIC COMMENT

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

10 COMMISSIONERS' COMMENTS/REQUEST

Commissioner Cocula moved to give an excused absence for Commissioners Dietz and Madsen, seconded by Commissioner Drake. On voice vote: Ayes (5); Nays (0); Abstain (0). The motion passed.

11. ADJOURN

Commissioner Sowden moved to adjourn the meeting, seconded by Commissioner Meyer. On voice vote, the motion passed. The meeting was adjourned at 3:40 p.m.

Respectfully submitted,

Andrea Cocula, Secretary