

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON MARCH 7, 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 3:03 p.m.

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

Absent: Commissioner Madsen

Public: Mr. Robert Chilton of Gable Associates

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 O'Halloran moved the approval of the Agenda. There were no additions/deletions to the Agenda. Vice Chairman Sowden seconded. 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. Vice Chairman Sowden moved the approval of the Consent Agenda, seconded by Commissioner Cocula. 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 February 15, 2012 Pending Action Summary Sheet which was submitted to the Freeholder Board on February 16, 2012. Commissioner Dietz moved to approve the February 15, 2012 Pending Action Summary Sheet, seconded by Commissioner O'Halloran. On voice vote (6) Ayes, (0) Nays. The motion carried.

Chairman Petillo asked for a motion to approve the Regular & Closed Meeting Minutes of January 18, 2012. Commissioner O'Halloran motion to approve the minutes, seconded by Commissioner Cocula. No discussions. On voice vote (6) Ayes, (0) Nays. The motion carried.

Chairman Petillo advised that the Regular & Closed Meeting Minutes for both February 1, 2012 and February 15, 2012 have been emailed to the Commissioners for review/comment.

7. BUSINESS

a. Executive Session

At 3:05 p.m. Chairman Petillo asked for a motion to go into Closed Executive Session. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Meyer. On voice vote (6) Ayes, (0) Nays, the motion carried.

Attorney Giacobbe entered the meeting at 3:05 p.m.

#12-052 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:29 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Dietz. On voice vote, the motion passed.

Mr. Chilton left the meeting after Executive Session at 4:30p.m.

The Open Session was reconvened at 4:43 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; Wastewater Engineering Agreements; Special Consulting Engineering Agreements; Solid Waste/Flow Control Enforcement Program and Personnel. 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 two day PEOSHA inspection that took place in January 2012 and consisted of all the wastewater facilities (Upper Walkkill Plant; Homestead Plant; Hampton Commons Plant, 7 regional pump stations and water recharge beds). He indicated that there were 6 minor violations that must be remediated, or a penalty will be assessed. He reported that staff has made corrections, which were considered minor, and a certified letter was sent to PEOSHA notifying them of the completed repairs. POESHA will return to confirm.

Mr. Nugent reported that the Wastewater Facilities owns a 1996 Dodge Dakota pick up truck that is no longer needed for public use. He presented a resolution to declare the vehicle is no longer needed and will be disposed of in the most cost effective manner possible, and shall be deleted from the fixed asset inventory list. Commissioner Cocula moved the resolution as presented, seconded by Commissioner Dietz. On roll call the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolution was approved.

#12-053 RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY DECLARING CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC USE, AND AUTHORIZATION TO DISPOSE OF IN THE LEAST COSTLY METHOD AVAILABLE PURSUANT TO N.J.S.A. 40A:11-36

Chief Engineer's Report

Mr. Varro reviewed the Wastewater Consulting Engineering Agreements as discussed in detail in Executive Session. He presented a resolution to authorize execution of a professional services agreement with Birdsell Engineering for general wastewater consulting engineering services. Commissioner Cocula moved the resolution, seconded by Vice Chairman Sowden. On roll call the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolution was approved.

#12-054 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BIRDSALL SERVICES GROUP FOR GENERAL WASTEWATER CONSULTING ENGINEERING SERVICES

Mr. Varro presented a resolution for the execution of a professional services agreement with Hatch Mott MacDonald for specialized wastewater consulting engineering services. Agreement details discussed in Executive Session. Commissioner O'Halloran moved the resolution, seconded by Commissioner Dietz. On roll call the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolution was approved.

#12-055 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HATCH MOTT MACDONALD FOR SPECIALIZED WASTEWATER CONSULTING ENGINEERING SERVICES

Mr. Varro presented a resolution to execute a professional services agreement with Cerenzio & Panaro, P.C. for certain specialized tasks to be completed. Commissioner Cocula moved the resolution, seconded by Commissioner Meyer. On roll call the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolution was approved.

#12-056 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CERENZIO & PANARO, P.C. FOR SPECIALIZED CONSULTING ENGINEERING SERVICES

Mr. Varro reported that he received a letter from the NJDEP granting the Authority's Stay Request for Nitrate limits for the Upper Walkkill NJPDES Permit.

On behalf of the Walkkill Watershed Management Group, Mr. Varro reported on the Clove Brook Emergency Restoration Project. The Natural Resource Conservation Service (NRCS) inspected the Clove Brook Stream segment that has considerable damage due to Hurricane Irene and concluded that approximately \$121,250 of previously provided NJDEP grant money would be the estimated cost for repairs. It was indicated that \$110,031.25 was received as NJDEP grant funds, the remainder is to be paid, in kind, by the Authority. The WRWMG currently has an RFP out for project design. He presented a resolution for Commissioners' consideration for the WRWMG and the SCMUA to enter into a grant agreement with the United States Department of Agriculture – NRCS to implement emergency stream bank restoration for the Clove Brook Stream Segment. Discussions regarding design and RFP, as well as, federally funded grant money received to pay for the project. Commissioner Cocula moved the agreement resolution, 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 (0). The resolution was approved.

#12-057 RESOLUTION RE: AUTHORIZING THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – WALLKILL RIVER WATERSHED MANAGEMENT GROUP TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE – NATURAL RESOURCE CONSERVATION SERVICE (NRCS) TO IMPLEMENT AN EMERGENCY STREAMBANK RESTORATION AND STABILIZATION PROJECT TO RELIEVE HAZARDS AND DAMAGES CREATED BY HURRICANE IRENE IN AUGUST 2011

c. Solid Waste Program

Chief Engineer's Report

Mr. Varro reviewed the design project for well installation by Cornerstone Engineers. The design portion is complete. Most of the construction work will be in the active portion of Phase 3A for repairs to be made and the installation of 13 wells for gas collection and for storm water collection improvements. Mr. Varro explained the project in detail with the use of project plan layout. The estimated project cost for construction will be \$615,500, with 15% for contingency, totaling about \$708,000, to be funded from the Cell Closure Escrow Account. Discussions on construction interfering with landfill active workforce and odor/leachate issues. It was indicated that most of the construction will be on the side slopes, allowing for normal SCMUA landfill operations. Commissioner Cocula motioned to give authorization to go out to bid for Landfill Gas System Phase 3A improvements, seconded by Commissioner O'Halloran. On voice vote (6) Ayes, (0) Nays, the motion carried.

Mr. Varro indicated that he received a Draft Solid Waste Facilities Renewal Permit from the NJDEP, which includes new provisions for the use of the Tarp-O-Matic to be used as cover for operations over the weekend, as per SCMUA's request. He will contact the NJDEP to see how long it will take to receive the final permit. He indicated that the only issue was NJDEP classified the recycling building as Class A materials only, he will put in a request to include Class B materials (metals, tires, etc.).

Chief Engineer Varro indicated that the Authority is still evaluating RFPs for General Solid Waste Engineering Consultant. He reported that certain NJDEP required solid waste projects will need to be completed in the near future (topo report; stormwater prevention plan; air emissions statement; annual update). He stated that the Authority currently has existing Solid Waste Engineering Contracts with Cornerstone and SCS Engineers. Discussions on which projects require immediate attention, the Air Emissions Statement can be completed by Cornerstone, as they have previously submitted report for the Authority. Commissioners direct Staff to request proposals from both Cornerstone and SCS for the Topographic Report and Stormwater Prevention Plan. The Solid Waste RFP process will be revisited at a later date.

Administrator's Report

Mr. Hatzelis reported on Solid Waste Tip Fee Revenues for the First Quarter of 2012. He indicated that in comparing the first quarter of 2011 with 2012, all ID waste classes are up from last year. The Residents' Convenience Center up 26%. He reviewed the data and individual waste class tonnage, which has increased from last year, which may be the

result of the mild winter weather. Mr. Hatzelis reminded Commissioners that the Authority is still trying to fill the \$3 million shortfall for Cell Closure Escrow Account. Discussions on State Aid not forthcoming, according to the NJDEP Representatives.

d. General Authority Business

Administrator's Report

Mr. Hatzelis presented a resolution as discussed in Executive Session for Commissioners' consideration, contingent upon Attorney review, to reappoint John Hatzelis as the Authority Administrator from April 1, 2012 to March 31, 2017. Commissioner Cocula moved the resolution as presented, Vice Chairman Sowden seconded. On roll call the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran, Nays (0), Abstain (0). The resolutions were approved.

#12-058 AUTHORIZING EXECUTION OF EMPLOYMENT CONTRACT WITH JOHN HATZELIS, SCMUA ADMINISTRATOR

8. FINANCIAL TRANSACTIONS

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo asked to remove PO# 66008 under Solid Waste Item D and then asked for a motion to adopt the Financial Consent Agenda, as amended. Vice Chairman moved approval of bill paying resolution as amended, seconded by Commissioner Dietz. No discussions or comments. On roll call, the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran. The resolution passed.

#12-059 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA, AS AMENDED

Chairman requested a motion to approve Solid Waste Operating Fund PO#66008 for overtime portion of payroll. Commissioner O'Halloran moved, seconded by Commissioner Cocula. On roll call the Ayes (5) Commissioners 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 congratulated Mr. John Vena of Birdsall on being appointed as General Wastewater Consultant, appreciation reciprocated.

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 5:15 p.m.

Respectfully submitted,

Andrea Cocula, Secretary

