

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON AUGUST 1, 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, Meyer, Cocula and O'Halloran, Chief Engineer Varro, Attorney Giacobbe (arrived at 3:07 p.m.), Recording Secretary Kronski

Absent: Administrator Hatzelis, Solid Waste Superintendent Sparnon, Wastewater Superintendent Nugent

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 present. Chairman Petillo closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Petillo requested a motion to approve the Agenda. Vice Chairman Sowden moved the approval of the Agenda, Commissioner Madsen 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 Meyer. 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 July 18, 2012 Pending Action Summary Sheet, which was submitted to the Freeholder Board on July 19, 2012. Commissioner Dietz moved to approve the July 18, 2012 Pending Action Summary Sheet, seconded by Commissioner Meyer. No discussions. 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 carried.

Chairman Petillo asked for a motion to approve the Regular & Closed Meeting Minutes of June 6, 2012. Commissioner Madsen motioned 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 Meeting Minutes of June 20, 2012. Commissioner Cocula motioned 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 Meyer, Nays (0), Abstain (1)

Commissioner O'Halloran due to absence at that meeting. The motion carried.

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

Executive Session was moved to the end of the Agenda to wait for Attorney to be present.

7. BUSINESS

b. Wastewater Program

Chief Engineer's Report

Mr. Varro reported on the Clove Brook Streambank Restoration Project bid results. The bids were received on July 24th and reviewed by SCMUA Staff, Attorney and Wallkill River Watershed Management Group and after approval from NJDEP, it was indicated that Ferraro Construction will be awarded the project as the lowest responsive and responsible bidder. Watershed Director Nathaniel Sajdak and Watershed Agricultural Outreach Specialist Eric Van BenSchoten entered the meeting at 3:04 pm to give a full report on project details. Mr. Sajdak distributed pictures of the Clove Brook Area that is in need of restoration and re-grading. He presented detailed information regarding the reasons/causes for the planned emergency streambank repair work. He reviewed the funding sources for the project, as well as the cooperative partnerships that have been created with the USDA-National Resource Conservation Service, NJDEP and Princeton Hydro to get this project planned, financed and started. Nathaniel answered Commissioners' questions regarding stream flows and the funding of project overruns, which has been provided for by NJDEP grant monies. Mr. Sajdak explained that this specific project area of the stream was the worst hit, and future repairs to different areas would depend on how the stream reacts to these changes. A resolution was presented for Commissioners to award Contract CB-1 for the Clove Brook Streambank Restoration Project to Ferraro Construction for a lump sum amount of \$129,350.00, which was within the Engineer's Estimate range. Commissioner Cocula moved the resolution, seconded by Commissioner Madsen. 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 passed.

#12-105 RESOLUTION RE: AWARDING SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY/WALLKILL RIVER WATERSHED MANAGEMENT GROUP CONTRACT NO. CB-1 FOR CONSTRUCTION OF A STREAMBANK STABILIZATION PROJECT FOR CLOVE BROOK

The CP Engineering Agreement resolution was tabled until after Executive Session discussions.

c. Solid Waste Program

Chief Engineer's Report

Chief Engineer Varro reported on the current Landfill Gas System Improvement contract, in which, he has had several progress meetings with the Contractor Ferraro Construction Corp. Tom reported substantial completion should be on or around September 11, 2012 with the

installation of 15 new wells, 6 have already been connected. All remaining wells to be installed are located in Section 3A of the landfill.

8. FINANCIAL TRANSACTIONS

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo asked for a motion to approve the Financial Consent Agenda and supplement with the removal of P.O. #66872 from the Solid Waste Facility portion. Commissioner Cocula moved the approval of bill paying resolution, as amended, seconded by Vice Chairman Sowden. No discussions. 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 passed.

#12-106 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA

Chairman requested a motion to approve Solid Waste Operating Fund PO#66827 for overtime portion of payroll. Commissioner Dietz moved, seconded by Commissioner Madsen. On roll call the Ayes (6) Commissioners Madsen, Sowden, Petillo, Dietz, Meyer and O'Halloran. Nays (1) Commissioner Cocula, Abstain (0). The motion was approved.

9. EXECUTIVE SESSION

Chairman Petillo asked for a motion to go into Closed Executive Session at 3:20 p.m. Vice Chairman Sowden moved the adoption of the following resolution authorizing a Closed Executive Session seconded by Commissioner Dietz. On voice vote (7) Ayes, (0) Nays, the motion carried.

#12-107 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:07 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 4:07 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; CP Engineering Agreements; Hampton Commons Permit Renewal/Appeal; Edgewater Associates; Paulinskill Project Meeting discussions. When the need for confidentiality of these matters no longer exists they will be opened to the public.

10. BUSINESS (CONT.)

Mr. Varro presented a resolution to authorize assignment of existing Special Engineering Service Agreement with Cerenzio & Panaro, P.C. to CP Engineers, LLC who has acquired C&P assets and requested transfer of contractual rights. Commissioner Cocula moved the resolution, seconded by Commissioner Madsen. On roll call the Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran. Nays (0), Abstain (0). The resolution passed.

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#12-108 RESOLUTION RE: AUTHORIZING ASSIGNMENT OF EXISTING PROFESSIONAL ENGINEERING SERVICE AGREEMENT FROM C&P, P.C., CONSULTING ENGINEERS TO CP ENGINEERS, LLC

Based on Executive Session discussions regarding the Grinnell Settlement Agreement, Commissioner Dietz moved to approve the revisions to the Grinnell/SCMUA Court Ordered Settlement Agreement on record in front of Judge Gannon on July 25, 2012 subject to finalization by Staff and Legal Counsel. The revisions were to the original Court Ordered Settlement Agreement of March 10, 2012, also in front of Judge Gannon. Mr. Dietz added to authorize SCMUA Staff and Professionals to take any action necessary to enforce said Agreement to be upheld by all parties. Vice Chairman Sowden seconded the motion. On roll call the Ayes (7) Commissioners Madsen, Sowden, Petillo, Dietz, Cocula, Meyer and O'Halloran. Nays (0), Abstain (0). The motion was approved.

11. PUBLIC COMMENT

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

12. COMMISSIONERS' COMMENTS/REQUEST

Commissioners wished Commissioner Dietz a Happy Birthday!

12. 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 4:10 p.m.

Respectfully submitted,

Andrea Cocula, Secretary