

MINUTES OF THE REGULAR MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON SEPTEMBER 4, 2013 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 Sowden, Petillo, Dietz, Cocula, Meyer and Drake, Administrator Hatzelis, Chief Engineer Varro, Solid Waste Superintendent Spannon, Wastewater Superintendent Nugent, Attorney Matthew Giacobbe, Special Counsel Prol, Bond Counsel John Cantalupo and Recording Secretary Kronski

Absent: Commissioner Madsen

Public: Linda Masson, Sussex Borough Liaison

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 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, and Commissioner Sowden seconded. The Executive Session shall be moved to the end of the Agenda to accommodate the public present. On voice vote: Ayes (6); Nays (0). 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 Cocula. No discussions. On voice vote: Ayes (6); Nays (0). The motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve the distribution of the August 21, 2013 Pending Action Summary Sheet, which was emailed to the Freeholder Board on August 22, 2013. Commissioner Drake moved to approve the August 21, 2013 Pending Action Summary Sheet, seconded by Commissioner Meyer. On voice vote: Ayes (6); Nays (0). The motion carried.

Chairman Petillo asked for a motion to approve the Open & Closed Meeting Minutes for the August 7, 2013. Commissioner Cocula moved approval of the minutes, seconded by Commissioner Dietz. On vote vote: Ayes (5) Commissioner Sowden, Petillo, Cocula and Drake; Nays (0); Abstain (1) Commissioner Dietz. The motion carried.

The Chairman stated that the Open & Closed Meeting Minutes for the August 21, 2013 Authority Meeting have been emailed to the Commissioners for their review/comment.

7. BUSINESS

a. Executive Session (moved to the end of Agenda)

b. Wastewater Program

No Report.

c. Solid Waste Program

Superintendent's Report

Mr. Sparnon reported that the FY2012 Recycling Report has been completed and posted on the SCMUA website. The report was previously provided to the Commissioners for review/comment.

Chief Engineer's Report

Mr. Varro reported on the bid opening for Contract 443C Landfill Gas System Improvement Project, in which 2 bids were received. The lowest responsive/responsible bidder was Ferraro Construction for a bid price of \$549,692.00 and was less than the Engineer's Estimate which included a \$15,000 contingency. Mr. Varro reported both the SCMUA staff and Cornerstone have reviewed the bid and he presented a resolution recommending award to Ferraro Construction contingent upon SCMUA Attorney Review. Commissioner Cocula moved the resolution, seconded by Commissioner Sowden. On roll call, the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and Drake; Nays (0); Abstain (0). The resolution passed.

#13-102 AWARDING SUSSEX COUNTY MUNICIPAL UTILITIES
AUTHORITY CONTRACT NO 443C FOR CONSTRUCTION OF
LANDFILL GAS SYSTEM IMPROVEMENTS TO FERRARO
CONSTRUCTION CORP.

Mr. Varro reported on the Condensate Pump Station Repairs and indicated that on August 23rd there was a check valve failure. Tom noted that the NJDEP was notified and repairs were made and explained the cause which was due to hardened sediment in the valve. An alarm will be installed for the pump and routine inspections will be conducted and an additional 3rd check valve will also be installed for precaution. Discussions continued regarding periodic maintenance and alarm notifications.

Administrator's Report

Mr. Hatzelis reported on tonnages and revenues for the period of December 1st through August 31st and indicated that the accumulation of revenues have exceeded previous years for 2011 and 2012. He provided a handout for review with graphs showing data for month to month tonnage and cumulative revenues. Mr. Hatzelis stated that revenues are up by approximately 5½% above revenues for 2011, waste class ID10 has slightly decreased, however ID13 has increased by 3%. He noted the Authority should meet all revenue projections for FY2013.

Mr. Hatzelis gave a status report on the budgets for FY2014 and indicated that the Staff has met to discuss and they will be ready to present to the Board at the September 18th Authority Meeting. Mr. Hatzelis will send Budget Committee Chairman Tom Madsen an email to give him a status update and to determine if the Budget Committee will be meeting prior to September 18th.

Mr. Hatzelis reminded the Commissioners of the New Jersey League of Municipalities Annual Meeting will be held on November 19 -21st and noted if any Commissioner wishes to attend to please advise Recording Secretary Kronski of their preference for accommodations.

8. FINANCIAL TRANSACTIONS

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo asked for a motion to approve the Financial Consent Agenda with the removal of PO#68913 for the Solid Waste Operating Fund Overtime voucher. Commissioner Cocula moved the approval of bill paying resolution, as amended seconded by Commissioner Sowden. On roll call, the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and Drake; Nays (0); Abstain (0). The resolution passed.

#13-103 RESOLUTION RE: AUTHORIZING PASSAGE OF FINANCIAL CONSENT AGENDA

Chairman requested a motion to approve P.O. #68913 for Solid Waste overtime portion of payroll. Commissioner Sowden moved, seconded by Commissioner Dietz. On roll call: Ayes (5) Commissioners Sowden, Petillo, Dietz, Meyer and Drake; Nays (1) Commissioner Cocula; Abstain (0). The motion was approved.

9. PUBLIC COMMENT

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

(7a) EXECUTIVE SESSION

At 3:18 p.m. 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.

#13-104 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:51 p.m. Commissioner Cocula moved to adjourn the Closed Executive Session and reconvene the Open Session seconded by Commissioner Dietz. On voice vote, Ayes (6); 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: FMI Property Purchase Agreement; Paulinskill Project Design Engineering Agreement; Grinnell Settlement Agreement Amendment and Collection Matter; MIC Unit Lease Agreement; Vernon Service Contract; Sussex Service Agreement. When the need for confidentiality of these matters no longer exists they will be opened to the public.

Attorney's Wastewater Report

Attorney Giacobbe shall prepare resolution regarding discussions in Executive Session concerning Commissioners authorization execution of an Amendment to the 2005 Service Contract between the Sussex County MUA, Vernon Township subject to review and approval from the parties' attorneys, Bonds Counsels, Staff and Engineers. Commissioner Cocula moved the resolution, seconded by Commissioner Drake. On roll call, the vote was as follows: Ayes (6) Commissioners Sowden, Petillo, Dietz, Cocula, Meyer and Drake; Nays (0); Abstain (0). The resolution passed.

#13-105 RESOLUTION RE: AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE 2005 VERNON TOWNSHIP/SCMUA SERVICE AGREEMENT

10 COMMISSIONERS' COMMENTS/REQUEST

Commissioner Cocula moved to give an excused absence for Commissioner Madsen, seconded by Commissioner Sowden. On voice vote: Ayes (6); Nays (0), the motion passed.

11. ADJOURN

Commissioner Sowden moved to adjourn the meeting, seconded by Commissioner Drake. On voice vote, the motion passed. The meeting was adjourned at 3:53 p.m.

Respectfully submitted,

Andrea Cocula, Secretary