

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON FEBRUARY 16, 2022 AT THE AUTHORITY'S ADMINISTRATION BUILDING, LAFAYETTE, NEW JERSEY

1. CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE

The Meeting was called to order at 3:00 p.m.

The following were present: Chairman Petillo, Vice Chairman Drake, Commissioners Meyer, Madsen, Cocula, Dietz*, Wesley, Finkeldie, Dabinett, Executive Director Thomas Varro, Chief Engineer Joseph Sesto, Comptroller Timothy Day, Solid Waste Superintendent Jonathan Morris, Wastewater Superintendent Timothy Phillips, General Counsel Napolitano, Special Counsel Prol, and Recording Secretary Tara Kronski

*Attended the meeting remotely.

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

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

4. AGENDA APPROVAL

Chairman Petillo asked for a motion to approve the Final Agenda. Commissioner Cocula moved the Final Agenda, seconded by Commissioner Drake. On voice vote: Ayes (9); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

Commissioner Madsen moved the approval of the Consent Agenda, seconded by Commissioner Cocula. No discussions requested. On voice vote: Ayes (9); Nays (0). The motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve/acknowledge the email distribution of the February 2, 2022 Pending Action Summary Sheets (PASS) to the County Commissioners Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Drake motioned to approve, seconded by Commissioner Finkeldie. On voice vote: Ayes (9); Nays (0). The motion carried.

Commissioner Dabinett moved to approve the Open and Closed Meeting Minutes for the January 2, 2022 and January 19, 2022 Authority Meetings, Commissioner Wesley seconded the motion. On voice vote: Ayes (9); Nays (0). The motion carried.

No minutes were distributed at this meeting.

7. BUSINESS

a. Executive Session

At 3:02 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session. Motion was seconded by Commissioner Meyer. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Petillo noted the Closed Session should be approximately 60 minutes and discussions shall include: Upper Walkkill Nitrate Permit Limitations Litigation, Sparta Township-White Deer Plaza Connection, and Personnel Items.

#22-057 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:30 p.m. Commissioner Cocula moved to adjourn the Closed Session, seconded by Commissioner Dabinett. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Petillo confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session: Upper Walkkill Nitrate Permit Limitations Litigation, Sparta Township-White Deer Plaza Connection, and Personnel Items.

b. Wastewater Program

Superintendent's Report

Mr. Phillips gave a status report on the Hamburg P.S., and the contractor is still working on the project which has been slightly delayed. The project should be completed next week with no added costs to the Authority.

Mr. Phillips indicated that the Mt. Creek garage is adjacent to the Vernon Pump Station, and during plowing, the fence was damaged by Mt. Creek equipment. Mr. Phillips requested that they fix the fence correctly, and Mt. Creek offered to reimburse the Authority for rebuild work. The Authority's insurance carrier was notified.

Executive Director's Report

Mr. Varro reviewed a Walkkill River Watershed Management Group resolution to authorize preparation and submittal of grant application to water bank restoration projects in the Papakating Creek and watershed areas. Commissioner Drake moved the resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

#22-058 RESOLUTION RE: PREPARATION AND SUBMITTAL OF A GRANT PROPOSAL TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE 2020 – 2022 DIVISION OF WATERSHED PROTECTION AND RESTORATION WATER QUALITY RESTORATION GRANTS RFP

Chief Engineer's Report

Mr. Sesto reported on an application received for SCMUA endorsement for an amendment to the county water quality management plan for a site specific warehouse in Sparta Township which is outside of the SCMUA's Sewer Service Area. Diamond Chip Realty has indicated that all wastewater shall be treated on site by a MBR system to groundwater discharge. Mr. Sesto has reviewed the application, and is acceptable to the SCMUA, and SCMUA endorsement resolution is contingent upon PAC approval and receipt of review fee. Commissioner Cocula moved the resolution, seconded by Commissioner Dabinett. On roll call: Ayes (7) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Wesley, Dabinett; Nays (0); Abstain (2) Commissioners Drake, Finkeldie. The resolution passed.

#22-059 RESOLUTION RE: SCMUA ENDORSEMENT OF THE DIAMOND CHIP REALTY AMENDMENT TO THE SUSSEX COUNTY WATER QUALITY MANAGEMENT PLAN (WQMP)

Comptroller's Report

Mr. Day prepared a resolution to amend the FY2022 Upper Wallkill Budget to move funding between line items to fund the next phase of the electrical pole replacement project. The total budget amount has not changed. The resolution shall be forwarded to the State for approval. Commissioner Drake moved the resolution, seconded by Commissioner Madsen. On roll call: On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

#22-060 RESOLUTION RE: AMENDING THE SCMUA'S FY2022 UPPER WALLKILL FACILITIES BUDGET

c. Solid Waste Program

Superintendent's Report

Mr. Morris reported on the opportunity to provide cooking oil recycling at the Recycling Center. The current motor oil vendor, Loeffel's Oil, offered a receptacle to collect cooking oil for residential disposal/recycling. Loeffel's oil would do the pumping and cleaning of the tank, with the Authority receiving \$0.40/gallon. Commissioner Drake moved to accept the proposal from Loeffel's, Commissioner Madsen seconded. On voice vote: On voice vote: Ayes (9); Nays (0). The motion carried.

Chief Engineer's Report

Chief Engineer Sesto reported on the Leachate Pump Station/Force Main Project (#446), and reminded Commissioners the pipeline start-up was on January 19th. Force Main is running well with minimal issues. Currently he is working with the Contractor reviewing the extensive punch-list items. SCMUA pump trucks are off the road.

Mr. Sesto gave a status report on the Landfill Expansion Project (#551), and noted some weather related issues with recent snow/ice. Joe indicated that a weather extension request was received from the Contractor on February 6th. Results of storms on 1/16 and 18 calendar days was requested due to the effect of the snow delaying the aggregate on all the side slopes. All other work has been completed. The milestone to install the aggregate material on the side slopes is now set for February 24th.

Comptroller's Report

Mr. Day reported that the Authority's Bond Counsel prepared two resolutions for consideration for the next step to authorize additional \$2 million for further funding for the leachate force main project. It was indicated that the \$2 million is reimbursable to the SCMUA by the NJ I-Bank under the original application. Commissioner Cocula moved both resolutions to execute loan agreement, and to increase the NJ I-Bank Note. Commissioner Meyer seconded the motion. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The following resolutions passed.

#22-061 RESOLUTION RE: THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AMENDING AND SUPPLEMENTING THE 2020 NJIB NOTE RESOLUTION (AS DEFINED HEREIN) TO INCREASE THE AMOUNT OF NOTES AUTHORIZED BY \$2,000,000

#22-062 RESOLUTION RE: AMENDING AND RESTATING RESOLUTION HERETOFORE DULY ADOPTED BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY ON MAY 6, 2020 AND ENTITLED "RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2020 NEW JERSEY WATER BANK (OR SUCH OTHER YEAR OF DESIGNATION AT DELIVERY)"

d. General Authority Business

Executive Director's Report

Mr. Varro reported that resolutions have been prepared to authorize execution of contracts for 2022 Professional Services that were appointed at the Authority's Reorganization Meeting. Mr. Varro reviewed the appointed firms through the RFP process. After discussions, the Auditing Services resolution was omitted for a separate vote. Commissioner Cocula moved all noted resolutions to authorize agreement executions by SCMUA Chairman and Secretary, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The following resolutions passed.

#22-063 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF CLEARY GIACOBBE ALFIERI JACOBS, LLC FOR THE FURNISHING OF GENERAL LEGAL COUNSEL SERVICES FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 2, 2022 TO FEBRUARY 1, 2023

#22-064 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THOMAS PROL, ESQ. OF SILLS, CUMMIS & GROSS P.C. FOR THE FURNISHING OF SPECIAL COUNSEL SERVICES ON ENVIRONMENTAL MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 2, 2022 TO FEBRUARY 1, 2023

#22-065 RESOLUTION RE: AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH JOHN HALL, ESQ. OF HALL AND ASSOCIATES FOR THE FURNISHING OF CERTAIN LEGAL SERVICES IN REGARD TO WASTEWATER AND SOLID WASTE FACILITIES NJPDES PERMITS, WATERSHED MANAGEMENT PLANNING AND RELATED MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 2, 2022 TO FEBRUARY 1, 2023

#22-066 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PHOENIX ADVISORS FOR FINANCIAL ADVISORY SERVICES – 2022

#22-067 RESOLUTION RE: AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH JOHN CANTALUPO OF ARCHER & GREINER, P.C. FOR THE FURNISHING OF BOND COUNSEL SERVICES FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – FEBRUARY 2, 2022 TO FEBRUARY 1, 2023

- #22-068** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MOTT MACDONALD FOR GENERAL AND SPECIALIZED WASTEWATER CONSULTING ENGINEERING SERVICES FOR 2022
- #22-069** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PS&S FOR GENERAL AND SPECIALIZED WASTEWATER FACILITIES CONSULTING ENGINEERING SERVICES AND ENVIRONMENTAL LSRP SERVICES FOR 2022
- #22-070** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SUBURBAN CONSULTING ENGINEERS FOR GENERAL AND SPECIALIZED WASTEWATER FACILITIES CONSULTING ENGINEERING SERVICES FOR 2022
- #22-071** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER FOR SPECIALIZED WATER QUALITY STUDIES CONSULTANT FOR 2022
- #22-072** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ARM GROUP, INC. FOR GENERAL AND SPECIALIZED SOLID WASTE FACILITIES CONSULTING ENGINEERING SERVICES - 2022
- #22-073** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TETRATECH FOR GENERAL AND SPECIALIZED SOLID WASTE CONSULTING ENGINEERING SERVICES – 2022
- #22-074** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH STEARNS, CONRAD AND SCHMIDT (SCS ENGINEERS) FOR GENERAL AND SPECIALIZED SOLID WASTE CONSULTING ENGINEERING SERVICES – 2022
- #22-075** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GABEL ASSOCIATES FOR SPECIALIZED ENERGY CONSULTING FOR 2022
- #22-076** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TRINITY CONSULTANTS FOR GENERAL AND SPECIALIZED AIR PERMIT CONSULTING SERVICES FOR 2022
- #22-077** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH LOUIS J. WEBER & ASSOCIATES, INC.(WEBER) FOR PROFESSIONAL SURVEYING SERVICES IN REGARD TO THE SOLID WASTE AND WASTEWATER FACILITIES AND RELATED MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR FISCAL YEAR - 2022
- #22-078** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DAVEY RESOURCE GROUP FOR SPECIALIZED ENVIRONMENTAL SERVICES IN REGARD TO THE SOLID WASTE AND WASTEWATER FACILITIES AND RELATED MATTERS FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR FISCAL YEAR – 2022

#22-079 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR WASTEWATER CONSULTING ENGINEERING SERVICES FOR 2022

The resolution regarding authorizing the execution of a professional services agreement with Wielkotz & Co. was moved by Commissioner Cocula, seconded by Commissioner Drake. On roll call: Ayes (8) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Finkeldie, Dabinett; Nays(1) Commissioner Wesley; Abstain (0). The resolution passed.

#22-080 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH PAUL CUVA, C.P.A. OF THE FIRM OF WIELKOTZ & COMPANY, LLC FOR AUDITING SERVICES IN PERFORMING THE ANNUAL AUDIT OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S FISCAL YEAR 2022

Comptroller’s Report

Mr. Day reported that the State finally provided the pension information to the SCMUA’s Auditor for the 2020 Audit. Wielkotz & Co. completed the draft version and recently provided copies to the Executive Director and Comptroller for review. Mr. Day will provide the audit report to Commissioners after review and comments are sent back to the Auditor for final.

e. Personal Matters

Solid Waste Superintendent’s Report

Mr. Morris prepared a resolution for the authorization for official leave for personal illness for three months for solid waste employee NM5930. Commissioner Dabinett moved the resolution, seconded by Commissioner Cocula. On voice vote: Ayes (9); Nays(0); Abstain (0). The resolution passed.

#22-081 RESOLUTION RE: AUTHORIZATION TO GRANT A THREE (3) MONTH “OFFICAL LEAVE OF ABSENCE FOR A PERSONAL ILLNESS” FOR NM5930

8. Financial Transactions

a. Payment of Bills

FINANCIAL CONSENT AGENDA – Chairman Petillo asked for a motion to approve the Financial Consent Agenda (FCA). On roll call:

Res #22-082 Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
PETILLO			x			
MADSEN	x		x			
COCULA			x			
DIETZ			x			
DRAKE		x	x			
MEYER			x			
WESLEY			x			
FINKELDIE			x			
DABINETT			x			

#22-082 RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

None

10. COMMISSIONERS COMMENTS/REQUEST

Commissioners were glad in-person meetings have resumed and gave accolades to the Wallkill River Watershed Management Group for their continued work on grant applications towards their environmental projects.

11. ADJOURN

At 3:50 p.m. Commissioner Finkeldie moved to adjourn the meeting, seconded by Commissioner Drake. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary