

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON JANUARY 18, 2023 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 Ronald Petillo, Vice Chairman John Drake, Commissioners Karl Meyer, Thomas Madsen, Andrea Cocula, Wayne Dietz (remote), John Wesley, Robert Dabinett, Executive Director Thomas Varro, Comptroller Timothy Day, Chief Engineer Joseph Sesto, Solid Waste Superintendent Jonathan Morris, Wastewater Superintendent Timothy Phillips, Wallkill River Watershed Management Group Director Nathaniel Sajdak, General Counsel John Napolitano, Special Counsel Thomas Prol, and Recording Secretary Tara Kronski

Also in attendance: SCMUA Auditor Paul Cuva and Assistant Solid Waste Enforcement Office Christopher Goul

Absent: Commissioner Finkeldie

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 comments. Chairman Petillo closed the meeting to public comment.

Chairman Petillo directed General Counsel Napolitano to give the oath of office to Karl Meyer for reappointment to the SCMUA Board of Commissioners for a term starting on February 1, 2023 to January 31, 2028, as per resolution from the Sussex County Commissioner Board.

4. AGENDA APPROVAL

Executive Director Varro requested to move the Report Re: FY2021 Audit and the Solid Waste Enforcement Program's Annual Report to the top of the Agenda before Closed Session. Cocula moved the revised Final Agenda, seconded by Commissioner Drake. On voice vote: Ayes (8); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

Commissioner Madsen moved to approve the Consent Agenda, seconded by Commissioner Dabinett. No discussions requested. On voice vote: Ayes (8); Nays (0). The motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve/acknowledge the email distribution of the January 4, 2023 Pending Action Summary Sheets (PASS) to the County Commissioner Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Drake moved the PASS, seconded by Commissioner Wesley. On roll call: Ayes (7) Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Dabinett; Nays (0); Abstain (1) Commissioner Meyer. The motion passed.

Commissioner Dabinett moved to approve the Open and Closed Meeting Minutes from the November 2, 2022 Authority Meeting, seconded by Commissioner Madsen. On roll call: Ayes (7) Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Dabinett; Nays (0); Abstain (1) Commissioner Wesley. The motion passed.

The Open and Closed Minutes for the December 14, 2022 Authority Meeting were distributed for Commissioners review.

7. BUSINESS

Report Re: 2021 Audit Report

Chairman Petillo gave the floor to SCMUA Auditor Paul Cuva to review the FY2021 Audit. Mr. Cuva noted the long delay in receiving the Government Accounting Standards Board (GASB) data from the State of NJ, which was received in late December. The Authority is in good shape financially. Mr. Cuva’s main concern was the Cell Closure/Post Closure Report, in which the deficit is \$4,788,481, due to inflation and low interest rates. This account needs to be replenished over time for future closure of landfill. Available funds from future Capital Budgets should be used to begin the reduction of this deficit. Interest on trust accounts are climbing steadily. Cash flow is doing well, solid waste debt is included in this report, and plenty funding coming in the budget to payoff the notes and loans taken out for recent improvement projects. The only recommendation Mr. Cuva noted was the Landfill Cell Closure deficiency, as in previous years. SCMUA Executive Director and Comptroller both noted that a contemplated Change Order to the Stage 2 Landfill Project for the North Slope Cap Project would lessen the noted fiscal deficiency. A resolution and an affidavit were prepared affirming Commissioners have reviewed recommendations page of FY2021 Audit. Discussions re: future of landfill and revenue futures to rectify cell closure account.

Report Re: 2022 Solid Waste Enforcement Program

Mr. Christopher Goul, Assistant Solid Waste Enforcement Officer presented Solid Waste Enforcement Summary Report for 2022. He reviewed data and information on County-wide container inspections, totaling 1,875, this is an increase of 171 from 2021. To date, the solid waste enforcement program has conducted 153 cases, 10,109 container inspections, and 19,559 miles traveled. The runners program at the solid waste facility totaled \$581.58, which shows that a low amount customers are non-compliant with payment of services. Discussions re: onsite video cameras, and program success. Commissioners thanked Mr. Goul for his presentation.

a. Executive Session

At 3:18 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session. Motion was seconded by Commissioner Drake. On voice vote: Ayes (8), Nays (0). The motion carried.

Chairman Petillo noted the Closed Session should be approximately 20 minutes and discussions shall include: Vernon Township, RFQ/RFPs for Professional Services for 2023 and Personnel Matters.

#23-017 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:45 p.m. Commissioner Cocula moved to adjourn the Closed Session, seconded by Commissioner Dabinett. On voice vote: Ayes (8), Nays (0). The motion carried.

Chairman Petillo confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session: Vernon Township, RFQ/RFPs for Professional Services for 2023 and Personnel Matters.

b. Wastewater Program

Superintendent’s Report

Mr. Phillips reported on the Sussex Borough Force Main Project and 910 linear feet of pipe has been installed and substantial completion is expected in early July 2023.

Chief Engineer’s Report

Mr. Sesto reported on the recent meeting with County of Sussex and their Engineers (Boswell Engineering) regarding the Homestead Plant. Mr. Varro and Mr. Sesto received the Engineer’s Report for the connection to the Paulinskill Wastewater Reclamation Plant. The Report indicated average monthly flows of 11,000 gpd and peak flows of 33,000 gpd, which matches historical data from the plant. The County and Branchville Borough will discuss allocation details and project completion is projected to be late 2024.

Watershed Director’s Report

Mr. Sajdak prepared a resolution for the authorization to execute a grant agreement with NJDEP. This grant award is titled Climate and Community Resiliency in the Papakating Creek and Clove Brook Watersheds, and supports 3 years of implementation of watershed restoration plans, as well as, other green initiative projects. Commissioner Madsen moved the authorizing resolution, seconded by Commissioner Cocula. On roll call: Ayes (8) Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

#23-018 AUTHORIZATION TO EXECUTE GRANT AGREEMENT BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CLIMATE AND COMMUNITY RESILIENCY IN THE PAPAKATING CREEK AND CLOVE BROOK WATERSHEDS

c. Solid Waste Program

Superintendent’s Report

Mr. Morris reported that Lafayette Fire Department and Town Committee members have requested a tour of the Solid Waste Facility. Commissioners discuss recent fire emergencies and new facility layout, and agree to have Mr. Morris conduct a tour on a Saturday after closure to public.

Mr. Morris reviewed a resolution for Commissioners' consideration to authorize the submittal of a spending plan to the NJDEP for a 2022 REA tax fund grant. Mr. Morris noted the total grant amount is for \$162,000.00 for implementation of various recycling programs. Commissioner Cocula moved the authorizing resolution, seconded by Commissioner Drake. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Dabinett; Nays (0); Abstain (0). The resolution passed.

#23-019 RESOLUTION RE: ENABLING RESOLUTION AUTHORIZING THE FILING OF A SPENDING PLAN FOR A 2022 RECYCLING ENHANCEMENT ACT TAX FUND GRANT PURSUANT TO P.L. 2007 C.113 ET SEQ. HEREINAFTER, THE ACT

Chief Engineer's Report

Mr. Sesto gave a status report for the Landfill Expansion Project and a projected shortage of approximately 3,700 yards of reinforced fill for Phase 4. He requested Tomco to provide two proposals, one for excavation of cell floor of phase 4 for suitable material or Vendor import of the necessary material. When proposals are received, he will review with CRC.

Comptroller's Report

Mr. Day reported that the Solid Waste Facility has a Ford F-250 that is no longer of use to the Authority, and a resolution was prepared to authorize public auction of this piece of equipment through GovDeals. Commissioner Dabinett moved the authorizing resolution, seconded by Commissioner Drake. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Dabinett. The resolution passed.

#23-020 RESOLUTION RE: AUTHORIZING THE PUBLIC SALE OF SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) SOLID WASTE PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH GOVDEALS PUBLIC ONLINE AUCTION.

d. General Authority Business

Comptroller's Report

Mr. Day referred to report on the 2021 Audit, and prepared two resolutions regarding same. One resolution was for each Commissioner to sign and acknowledge review of said report, specifically General Comments and Recommendations, and the second resolution is authorizing submittal of a corrective action plan for FY2021 Audit Findings. Commissioner Madsen moved both resolutions, seconded by Commissioner Cocula. On roll call: Ayes (7) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Dabinett; Nays (0); Abstain (1) Commissioner Wesley. The resolutions passed.

#23-021 RESOLUTION RE: FY2021 ANNUAL FINANCIAL AUDIT

#23-022 RESOLUTION RE: AUTHORIZING SUBMITTAL OF A CORRECTIVE ACTION PLAN ON THE FY2021 FINANCIAL AUDIT FINDINGS

e. Personnel

Solid Waste Superintendent’s Report

Mr. Morris reported that he received two resignations from Solid Waste Employees. Harry Lee Doremus has worked for the Authority as a part time attendant for 10 years and we thank him for his service and wish him well in his retirement years. Solid Waste Employee David Van Ardsdale has also put his resignation. Commissioner Cocula moved to accept both resignations, seconded by Commissioner Dabinett. On voice vote: Ayes (8), Nays (0). The motion carried.

Mr. Morris referenced Closed Session discussions regarding the termination of Solid Waste Employee Jacob Ezzo. Commissioner Dietz moved to dismiss Mr. Ezzo, seconded by Commissioner Cocula. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Dabinett; Nays (0). The motion passed.

Mr. Morris requested authorization to promote two Solid Waste Facility part time employees to full time. Mr. Jomar Perez and William Burns. Commissioner Drake moved the to authorize, seconded by Commissioner Madsen. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Dabinett; Nays (0). The motion passed.

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 #23-023 Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
MEYER			x			
MADSEN			x			
COCULA	x		x			
DIETZ			x			
DRAKE		x	x			
PETILLO			x			
WESLEY			x			
FINKELDIE						x
DABINETT			x			

#23-023 RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public in attendance.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioner Cocula moved to give Commissioner Finkeldie an excused absence, seconded by Commissioner Madsen. On voice vote: Ayes (8); Nays (0). The motion passed.

Commissioner Madsen thanked the Mr. Phillips for the tour of the U.W. wastewater plant. Commissioners praised effectiveness of the Solid Waste Enforcement Program.

Congratulated Wastewater Superintendent Phillips on his recent marriage.

11. ADJOURN

At 4:00 p.m. Commissioner Madsen moved to adjourn the meeting, seconded by Commissioner Drake. On voice vote: Ayes (8); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary