

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON MARCH 1, 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, John Finkeldie, Robert Dabinett, Executive Director Thomas Varro, Comptroller Timothy Day, Chief Engineer Joseph Sesto, 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

Absent: Solid Waste Superintendent Jonathan Morris

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 comments. Chairman Petillo closed the meeting to public comment.

4. AGENDA APPROVAL

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

5. APPROVAL OF CONSENT AGENDA

Commissioner Madsen moved to approve the Consent Agenda, seconded by Commissioner Drake. 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 15, 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 Dabinett. On roll call: Ayes (8) Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Dabinett; Nays (0); Abstain (1) Commissioner Finkeldie. The motion passed.

There were no minutes up for approval or distributed at this meeting.

7. BUSINESS

a. Executive Session

At 3:05 p.m. Commissioner Cocula moved the adoption of the following resolution authorizing a Closed Executive Session. Motion was seconded by Commissioner Finkeldie. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Petillo noted the Closed Session should be approximately 45 minutes and discussions shall include: Vernon Township/Vernon Township MUA Litigation, Upper Wallkill Nitrate Permit Effluent Litigation, Solid Waste Rate Schedule and Personnel Matters.

#23-066 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:10 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: Vernon Township/Vernon Township MUA Litigation, Upper Wallkill Nitrate Permit Effluent Litigation, Solid Waste Rate Schedule and Personnel Matters.

b. Wastewater Program

Superintendent's Report

Mr. Phillips reported that there was a NJDEP inspection at the Paulinskill Wastewater Facility on February 16, 2023, and there were no issues to report. All was in order with the overall condition and operation with the Plant.

c. Solid Waste Program

Chief Engineer's Report

Mr. Sesto reported on the Stage 2 Landfill Expansion Project. Over the past two weeks the contractor has been working on the installation of the landfill gas system, the excavation of Phase 4 floor, and the MSE berm wall.

d. General Authority Business

Executive Director's Report

Mr. Varro prepared a resolution for the Energy Aggregate Bid, which authorizes the Authority's Energy Agent, Gabel Associates and the Executive Director to secure bids for electric generation service for Upper Wallkill. The bids are only guaranteed to 3:00 p.m. Commissioner Cocula moved the resolution, seconded by Commissioner Finkeldie. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

#23-067 RESOLUTION RE: AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR OR, IN HIS/HER ABSENCE THE COMPTROLLER OR CHIEF ENGINEER, TO AWARD A CONTRACT AND/OR REJECT BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITIES AUTHORITY ELECTRICAL SUPPLY AGGREGATION

Mr. Varro reported that resolutions have been prepared to authorize execution of contracts for 2023 Professional Services that were appointed at the Authority's Reorganization Meeting on February 1, 2023. Mr. Varro reviewed all the appointed firms for Professional Services. 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.

#23-068 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 1, 2023 TO FEBRUARY 7, 2024

#23-069 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 1, 2023 TO FEBRUARY 7, 2024

#23-070 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 1, 2023 TO FEBRUARY 7, 2024

#23-071 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 1, 2023 TO FEBRUARY 7, 2024

#23-072 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ARM GROUP, INC. FOR GENERAL AND SPECIALIZED SOLID WASTE FACILITIES CONSULTING ENGINEERING SERVICES - 2023

#23-073 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH FOR GENERAL AND SPECIALIZED SOLID WASTE CONSULTING ENGINEERING SERVICES – 2023

#23-074 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 – 2023

#23-075 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 2023

#23-076 RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HARMONIC ENGINEERING SOLUTIONS FOR GENERAL CONSULTING ENGINEERING SERVICES FOR 2023

- #23-077** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER FOR WASTEWATER CONSULTING ENGINEERING SERVICES FOR 2023
- #23-078** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ONE WATER CONSULTING FOR SPECIALIZED WATER QUALITY STUDIES CONSULTANT FOR 2023
- #23-079** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ALL 4 CONSULTING SERVICES FOR GENERAL AND SPECIALIZED AIR PERMIT CONSULTING SERVICES FOR 2023
- #23-080** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GABEL ASSOCIATES FOR SPECIALIZED ENERGY CONSULTING FOR 2023
- #23-080A** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TRINITY CONSULTANTS FOR GENERAL AND SPECIALIZED AIR PERMIT CONSULTING SERVICES FOR 2023
- #23-081** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PHOENIX ADVISORS FOR FINANCIAL ADVISORY SERVICES – 2023
- #23-082** 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 - 2023

Comptroller's Report

Mr. Day reported that two claims were submitted to the insurance company for the tarp damage due to recent landfill fires in the Fall 2022. A check for \$36,000 was received to closeout both claims.

e. Personnel

Solid Waste Superintendent's Report

Mr. Varro reported on behalf of Superintendent Morris regarding a request for a Leave of Absence for a family member. A resolution was prepared for solid waste employee MR3793 for a 30 day LOA. Commissioner Drake moved the appointing resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

- #23-083** RESOLUTION RE: REQUEST FOR OFFICIAL LEAVE OF ABSENCE WITH PAY FOR A THIRTY (30) DAY PERIOD FOR MR3793

Executive Director's Report

Mr. Varro presented a resolution to give salary increases to certain Administrative Staff as deemed warranted and appropriate for Senior Account Clerk, Data Systems Technician, and Upper Walkkill Administrative Assistant. Commissioner Cocula moved the resolution, seconded by

Commissioner Dabinett. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett; Nays (0). The resolution passed.

#23-084 RESOLUTION RE: SALARY ADJUSTMENTS FOR SENIOR ACCOUNT CLERK, DATA SYSTEMS TECHNICIAN AND UPPER WALLKILL PART TIME ADMINISTRATIVE ASSISTANT

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 #23-085 Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
MEYER			x			
MADSEN			x			
COCULA			x			
DIETZ			x			
DRAKE	x		x			
PETILLO			x			
WESLEY		x	x			
FINKELDIE			x			
DABINETT			x			

#23-085 RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public in attendance.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioners gave kudos to Wastewater Staff for the no issues inspection from the NJDEP, and for the well run plant.

Commissioners also noted the good job that Comptroller and Executive Director did on the solid waste analysis.

11. ADJOURN

At 4:20 p.m. Commissioner Madsen moved to adjourn the meeting, seconded by Commissioner Drake. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary