

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON MARCH 3, 2021 AT THE AUTHORITY'S ADMINISTRATION BUILDING, LAFAYETTE, NEW JERSEY

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

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

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

\*Attended the meeting remotely due to State Executive Orders regarding COVID-19.

Absent: Comptroller Timothy Day

2. PUBLIC STATEMENT REGARDING SUNSHINE LAW

Chairman Meyer stated that the meeting has been duly advertised, and notice given thereof, as required by P.L. 1975, Chapter 231. Call-in information was noticed prior via newspaper/website re: public participation.

3. OPEN TO PUBLIC COMMENT

Chairman Meyer opened the meeting to public comment. Two members from the public were present via teleconference, with no comments at this time. Chairman Meyer closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Meyer asked for a motion to approve the Final Agenda. Commissioner Finkeldie, 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 Drake. No discussions requested. On voice vote: Ayes (9); Nays (0). The motion carried.

6. MINUTES

Chairman Meyer requested a motion to approve/acknowledge the email distribution of the February 17, 2021 Pending Action Summary Sheets (PASS) to the County Commissioners Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Cocula motioned to approve, seconded by Commissioner Dabinett. On voice vote: Ayes (9); Nays (0). The motion carried.

Commissioner Drake moved the Open and Closed Meeting Minutes for the January 6, 2021 Authority Meeting, Commissioner Cocula seconded the motion. On roll call: Ayes (7) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Finkeldie; Nays (0); Abstain (2) Meyer, Wesley.

Commissioner Madsen moved the Open and Closed Meeting Minutes for the January 20, 2021 Authority Meeting, Commissioner Dietz seconded the motion. On roll call: Ayes (7) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Finkeldie; Nays (0); Abstain (2) Dabinett, Wesley.

No minutes were 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 Drake. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Meyer noted the Closed Session should be approximately 60 minutes and discussions shall include: Contract #21-11 Liquid Sludge Hauling, Contract #229 Bid for Bulky Waste Building Roof Repairs, Contract #551 Stage 2 Landfill Expansion Project, Vernon Township Service Agreement, Contract #447A/B UST/AST, Contract #551A/B North Berm Project, Action Environmental Group, Inc., Sussex Technical School Sewer Connection and Personnel Items.

**#21-070** RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 4:00 p.m. Commissioner Drake moved to adjourn the Closed Session, seconded by Commissioner Dabinett. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Meyer confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session: Contract #21-11 Liquid Sludge Hauling, Contract #229 Bid for Bulky Waste Building Roof Repairs, Contract #551 Stage 2 Landfill Expansion Project, Vernon Township Service Agreement, Contract #447A/B UST/AST, Contract #551A/B North Berm Project, Action Environmental Group, Inc., Sussex Technical School Sewer Connection and Personnel Items.

b. Wastewater Program

**Superintendent's Report**

Mr. Phillips reported on two Sussex Borough Force Main breaks, numbers 32 and 33. Both were on SCMUA property, and repairs were made by Ferraro Construction and Sussex DPW. The Sussex Borough flow meter is expected tomorrow, and Mr. Phillips shall schedule an install and calibration.

**Executive Director's Report**

Mr. Varro reported that an SCMUA resolution was prepared to authorize Verizon Wireless to make a courtesy review to Hardyston's Planning Board to enable the County's 911 system to utilize the cell tower located at the Upper Wallkill Plant in Hardyston. Commissioner Cocula moved the resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

**#21-071** RESOLUTION RE: ACKNOWLEDGING A LICENSING AGREEMENT BETWEEN THE COUNTY OF SUSSEX AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND DIRECTING APPLICATION FOR COURTESY REVIEW

Mr. Sesto noted discussions in Executive Session regarding Contract #21-11 Liquid Waste Hauling bids. Mr. Sesto presented a resolution to award to the lowest responsive/responsible bidder, Spectraserv. Commissioner Cocula moved the award resolution, seconded by Commissioner Drake. On roll call: Ayes (7) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Finkeldie; Nays (2) Commissioners Wesley, Dabinett. The resolution passed.

**#21-072** RESOLUTION RE: AWARD OF CONTRACT NO. 21-11 FOR LIQUID SLUDGE HAULING

c. Solid Waste Program

**Superintendent's Report**

Mr. Morris prepared a resolution to extend Household Hazardous Waste Contract #20-01 with MXI Environmental Services for an additional year. This option was included in the original bid as per SCMUA's authorization, via resolution. The resolution extends MXI Household Hazardous Waste services for two events in 2021. Commissioner Drake moved the HHW resolution, seconded by Commissioner Cocula. On roll call: Ayes (9) Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Wesley, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

**#21-073** RESOLUTION RE: AUTHORIZING AWARD FOR SCMUA CONTRACT #21-01 HOUSEHOLD HAZARDOUS WASTE DISPOSAL EVENT(S) TO MAUMEE EXPRESS, INC.

Mr. Morris reported that certain municipalities require the services of a Certified Professional Recycling Coordinator to certify their 2020 Recycling Tonnage Reports before submittal to the NJDEP. A resolution was prepared to authorize shared services agreements with those municipalities requesting this service for an amount of \$300.00. Commissioner Drake moved the resolution, seconded by Cocula. On roll call: Ayes (9) Petillo, Madsen, Cocula, Dietz, Meyer, Wesley, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

**#21-074** RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY BOARD OF COMMISSIONERS AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT(S) WITH VARIOUS SUSSEX COUNTY MUNICIPALITIES FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2020 RECYCLING TONNAGE REPORT TO NJDEP

Mr. Morris reported that the SCMUA, in conjunction with the County Veterans' Cemetery, shall be holding a flag retirement ceremony on March 16<sup>th</sup> at 10:00 am. Due to COVID-19 considerations, the event will not be advertised, and attendance is by request only by contacting Mr. Varro or himself.

**Executive Director's Report**

Mr. Varro reported that the lowest responsive/responsible bidder for SCMUA Contract #551 for the Stage 2 Landfill Expansion/Infrastructure Relocation Project is Tomco Construction for a bid price of \$25,477,636.59. The Project is being funded by the New Jersey Infrastructure Bank funding program through the NJDEP. Mr. Varro presented a resolution to conditionally award the bid to Tomco, and to authorize contract execution. This resolution is contingent upon approval from the IBank/NJDEP. Commissioner Petillo moved the award resolution, seconded by Commissioner Dabinett. On roll call: Ayes (9) Commissioners

Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The resolution passed.

**#21-075** RESOLUTION RE: CONDITIONALLY AWARDING STAGE 2 EXPANSION/INFRASTRUCTURE RELOCATION PROJECT FOR CONTRACT #551 TO TOMCO CONSTRUCTION, INC.

### **Chief Engineer's Report**

Mr. Sesto reported that the lone bid received for Contract #229 for the roof repairs to the Bulky Waste/Recycling Building was from Ferraro Construction, and was significantly over the engineer's cost estimate/budget appropriation. Mr. Sesto confirmed there were no current safety concerns regarding the building, and will search for other options available. Commissioner Cocula moved the resolution to reject bid, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The resolution passed.

**#21-076** RESOLUTION RE: REJECTION OF BID FOR SCMUA CONTRACT #229 BULKY WASTE/RECYCLING BUILDING ROOF REPAIRS PROJECT

Chief Engineer Sesto reported on a Change Order #1 for Contract #551A, as prepared by Tomco Construction in the amount of \$7,250.00. The increase was for materials and subcontractor costs only for the construction of a rain flap and diversion berm necessary to mitigate water into the secondary liner system. Commissioner Dietz moved the change order authorization resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The resolution passed.

**#21-077** RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDER NUMBER 1 TO SCMUA CONTRACT NO. 551A, TOMCO CONSTRUCTION, INC.

Mr. Sesto reported on Change Order #1 to SCMUA Contract #447A/B (fueling station and removal of UST) to construct certain structural and electrical needs to install a future facility standby generator at the Solid Waste Facility. The total contract addition is for \$3,500 for materials, labor and equipment. Commissioner Cocula moved the authorizing resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The resolution passed.

**#21-078** RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDER NUMBER 1 TO SCMUA CONTRACT NO. 447AB, PETRO MECHANICS

#### d. General Authority Business

### **Executive Director's Report**

Mr. Varro reported that resolutions have been prepared to authorize execution of contracts for 2021 Professional Services that were appointed at the Authority's Reorganization Meeting. Mr. Varro reviewed the appointed firms through the RFP process. Mr. Drake moved all 17 firms' resolutions to authorize agreement executions by SCMUA Chairman and Secretary, seconded by Commissioner Cocula. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The following resolutions passed.

- #21-079** 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 3, 2021 TO FEBRUARY 2, 2022
- #21-080** 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 3, 2021 TO FEBRUARY 2, 2022
- #21-081** 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 3, 2021 TO FEBRUARY 2, 2022
- #21-082** 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 2021
- #21-083** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PHOENIX ADVISORS FOR FINANCIAL ADVISORY SERVICES – 2021
- #21-084** 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 3, 2021 TO FEBRUARY 2, 2022
- #21-085** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH MOTT MACDONALD FOR GENERAL AND SPECIALIZED WASTEWATER CONSULTING ENGINEERING SERVICES FOR 2021
- #21-086** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH T&M ASSOCIATES FOR GENERAL AND SPECIALIZED WASTEWATER CONSULTING ENGINEERING SERVICES FOR 2021
- #21-087** 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 2021
- #21-088** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SUBURBAN CONSULTING ENGINEERS FOR GENERAL AND SPECIALIZED WASTEWATER FACILITIES CONSULTING ENGINEERING SERVICES AND ENVIRONMENTAL LSRP SERVICES FOR 2021

**#21-089** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH KLEINFELDER FOR SPECIALIZED WATER QUALITY STUDIES CONSULTANT FOR 2021

**#21-090** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ARM GROUP, INC. FOR GENERAL AND SPECIALIZED SOLID WASTE FACILITIES CONSULTING ENGINEERING SERVICES - 2021

**#21-091** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TETRATECH FOR GENERAL AND SPECIALIZED SOLID WASTE CONSULTING ENGINEERING SERVICES – 2021

**#21-092** 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 – 2021

**#21-093** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH AMY S. GREENE ENVIRONMENTAL CONSULTANTS, INC. FOR SPECIALIZED ENVIRONMENTAL SERVICES FOR 2021

**#21-094** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH GABEL ASSOCIATES FOR SPECIALIZED ENERGY CONSULTING FOR 2021

**#21-095** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH TRINITY CONSULTANTS FOR GENERAL AND SPECIALIZED AIR PERMIT CONSULTING SERVICES FOR 2021

Mr. Varro noted a separate vote should be taken for the Contract Agreement with Weber and Associates for surveying services for 2021, which was under the Non-fair and Open process. The contract not-to-exceed amount is \$17,000, and was the only proposal submitted. Commissioner Drake moved the authorizing resolution to execute the agreement, Commissioner Madsen seconded the motion. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The resolution passed.

**#21-096** RESOLUTION RE: AUTHORIZING PROFESSIONAL SERVICES AGREEMENT FOR SURVEYING SERVICE TO LOUIS J. WEBER & ASSOCIATES, INC. - 2021

e. Personal Matters

**Solid Waste Superintendent's Report**

Mr. Morris reviewed a resolution to promote current solid waste employee, Benjamin Wilson to Maintenance Shop Supervisor which has become vacant due to a retirement. Commissioner Dabinett moved the resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The resolution passed.

**#21-097** RESOLUTION RE: APPOINTMENT OF MAINTENANCE SHOP SUPERVISOR, BENJAMIN H. WILSON



Mr. Morris reported that he received a resignation/two week notice from SW Employee Brenden Scorsell, and requested a motion to accept said notice. Commissioner Cocula moved to accept Mr. Scorsell's resignation, seconded by Commissioner Drake. On voice vote: Ayes (9); Nays(0); Abstain (0). The motion passed.

**Executive Director's Report**

Mr. Varro noted recommendations by the Personnel Committee concerning the Construction Inspector position, and Commissioner Madsen moved to authorize Staff and Professionals to proceed with the necessary options to fill the position, or to advertise for bids if that is deemed necessary by Attorney. Commissioner Madsen moved, Commissioners Dietz seconded the motion. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Meyer, Drake, Wesley, Finkeldie, Dabinett; Nays(0); Abstain (0). The motion passed.

8. Financial Transactions

a. Payment of Bills

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

Res #21-098 Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
PETILLO			x			
MADSEN			x			
COCULA		x	x			
DIETZ			x			
DRAKE	x		x			
MEYER			x			
WESLEY			x			
FINKELDIE			x			
DABINETT			x			

**#21-098** RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

The public that was present, via teleconference, had no comment.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioners acknowledged the County Health Department COVID vaccine site, which was well organized due to dedicated Health Department Staff and volunteers.

11. ADJOURN

At 4:35 p.m. Commissioner Finkeldie moved to adjourn the meeting, seconded by Commissioner Dietz. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary