

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON MAY 6, 2020 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 Drake, Vice Chairman Meyer\*, Commissioners Petillo, Madsen\*, Cocula\*, Dietz\*, Perez\*, Finkeldie\*, Dabinett\*, Executive Director/Chief Engineer Varro, Comptroller Timothy Day\*, Senior Project Engineer Sesto, Solid Waste Superintendent Jonathan Morris, Wastewater Superintendent Angelo Baron\*, General Counsel Napolitano\*, Special Counsel Prol\*, and Recording Secretary Tara Kronski

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

2. PUBLIC STATEMENT REGARDING SUNSHINE LAW

Chairman Drake stated that the meeting has been duly advertised, and notice given thereof, as required by P.L. 1975, Chapter 231. And P.L. 2020, c.11.

3. OPEN TO PUBLIC COMMENT

Chairman Drake opened the meeting to public comment. No public present. He closed the meeting to public comment. (Call in information was noticed prior on website for public participation)

4. AGENDA APPROVAL

Chairman Drake asked for a motion to approve the Agenda. Commissioner Dabinett moved the Final Agenda, seconded by Commissioner Dietz. 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 Perez. No discussions requested. On voice vote: Ayes (9); Nays (0). The motion carried.

6. MINUTES

Chairman Drake requested a motion to approve/acknowledge the email distribution of the April 15, 2020 Pending Action Summary Sheets (PASS) to the County Freeholder 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 (8); Nays (0); Abstain (1) Commissioner Finkeldie. The motion carried.

Chairman Drake noted that there are no minutes for up for approval at this meeting.

Distributed: Open and Closed Minutes for March 18, 2020 and April 1, 2020

7. BUSINESS

a. Executive Session

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

Chairman Drake noted the Closed Session should be approximately 25 minutes and discussions shall include: Paulinskill/Ovivo Contract Matters, and Personnel Items.

**#20-101** RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:31 p.m. Commissioner Perez moved to adjourn the Closed Session, seconded by Commissioner Dietz. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Drake confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session Paulinskill/Ovivo Contract Matters and Personnel Items. When the need for confidentiality of these matters no longer exists, they will be opened to the public.

b. Wastewater Program

**Superintendent's Report**

Superintendent Baron gave recognition to the wastewater lab technicians, who passed all State and Federal lab regulations at all three labs. Upper Wallkill, Hampton and Homestead are certified for another year. The lab technicians put in a lot of effort and do a wonderful job.

**Senior Project Engineer's Report**

Mr. Sesto prepared a resolution to replace the Emergency Generator at the Hampton Commons Facility, a cost proposal was received through the ESCNJ Cooperative Pricing System. Foley Power Systems submitted most cost efficient option for purchase, installation and start-up for a price of \$45,947.00 Commissioner Cocula moved the resolution, seconded by Commissioner Madsen. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Finkeldie, Dabinett; Nays (0). The resolution passed.

**#20-102** RESOLUTION RE: AUTHORIZING THE AWARD OF A CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND FOLEY POWER SYSTEMS FOR PURCHASE AND INSTALLATION OF NEW DIESEL-POWERED EMERGENCY GENERATOR AT HAMPTON COMMONS WASTEWATER FACILITY

c. Solid Waste Program

**Superintendent's Report**

Mr. Morris reported on recent operations issues indirectly related to COVID-19, including increase in vehicle traffic accessing the facility, while working with split crew. High volume of traffic and less services due to social distancing is slowing average disposal time. Mr. Morris also indicated that Leachate transport drivers, increased from one to two in order handle volume.

Mr. Morris addressed customers that are leaving with tags and not paying for disposal. The lines to enter and exit the facility are longer/busier on Saturdays, even with all scales in operation. Mr. Morris has worked in conjunction with SCMUA Enforcement Officer to view video and issue payment letters to the vehicle owners.

Mr. Morris reported on both compliments and complaints regarding wait times, and not mandating mask wearing for employees/customers. Discussions ensued regarding face masks and Commissioners noted to stay the course to keep distance with optional masks since operating outdoors and eventually when back to normal or new normal operations, PPE will be needed/required when unloading customer vehicles. Compliments have also been forthcoming thanking staff for keeping open during the pandemic.

Mr. Morris indicated that discussions were held with Safety Coordinator Reenee Casapulla, Executive Director Varro and MXI Environmental Services regarding the June 6, 2020 Household Hazardous Waste Event. Commissioners further discussed options with concerns regarding the State's Executive Orders, staff/customer congestion, contract language. Commissioner Cocula moved to cancel the June 6<sup>th</sup> HHW Event due to extenuating circumstances, seconded by Commissioner Finkeldie. On voice vote: Ayes (9), Nays (0). The motion carried.

### **Executive Director/Chief Engineer's Report**

Mr. Varro presented a resolution to amend the Solid Waste Capital Budget Amendment for the purpose of self-furnishing a needed landfill expansion, thereby ensuring proper and continual solid waste management. Discussions ensued regarding urgency to provide necessary capacity, and decrease in time to fill capacity of north berm due to projected data/estimates on tonnage. Mr. Varro noted that the final design along with recent topographic reports and related density calculations had revised the estimated interim capacity to 7 plus months, however this is conservative and ultimately the full design capacity will be able to be utilized as landfilling progresses. Commissioner Cocula moved the resolution to authorize a \$2,000,000 Solid Waste Capital Budget Amendment to self-fund the North Berm Project, while reserving option to seek reimbursement via future project Note, seconded by Commissioner Meyer, on roll call: Ayes (8) Commissioner Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Finkeldie, Dabinett; Nays (0); Abstain (1) Commissioner Perez. The resolution passed.

**#20-103** RESOLUTION RE: SOLID WASTE CAPITAL BUDGET AMENDMENT TO INCLUDE \$2,000,000 FOR SELF-FUNDING OF NORTH BERM PROJECT WHILE PROVIDING NOTICE OF INTENT TO SEEK FUTURE PROJECT NOTE

Mr. Varro requested authorization to advertise the plans and specifications for Contract 551A North Berm Construction prepared by ARM Group. On roll call: Ayes (8) Commissioner Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Finkeldie, Dabinett; Nays (0); Abstain (1) Commissioner Perez. The motion passed.

Mr. Varro reported on the status of the financing of the Leachate Pump Station/Force Main Project. He presented two resolutions prepared by Bond Counsel John Cantalupo determining the form and details of the Note for the principal amount of up to \$8,300,000 from the I-Bank Financing Program. The related resolution authorizes execution and delivery of loan agreements between the I-Bank and SCMUA. Discussion with Attorney concerning pre-availability of bids and specs to potential interested bidders. Commissioner Madsen motioned to authorize both resolutions, seconded by Commissioner Cocula. On roll call: Ayes (9)

Commissioner Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0). The resolutions passed.

**#20-104** RESOLUTION OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE WATER BANK FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$8,300,000 AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK

**#20-105** 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)

### **Senior Project Engineer**

Two resolutions were prepared in regard to SCMUA Contract #446A/B for removal of USTs and installation of ASTs and Fueling Station. After original bids were rejected due to being significantly over engineer's estimate/budget, Mr. Sesto conducted a Value Engineering review and included in house quality control inspections. Award of Contract #446A/B is through NJ State Contract proposal submitted by Petro Mechanics. Comptroller Day indicated that the Solid Waste Facilities Budget will require amending from one line item to another, with no increase in overall budget.

Commissioner Cocula moved the amending FY2020 Solid Waste Budget resolution, seconded by Commissioner Dabinett. On roll call: Ayes (9) Commissioner Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0). The resolution passed.

**#20-106** RESOLUTION RE: AMENDING THE SCMUA'S FY2020 SOLID WASTE FACILITIES BUDGET

Commissioner Finkeldie moved the resolution to award SCMUA Contract #446A/B Petro Mechanics under NJ State Contract proposal submitted, seconded by Commissioner Dabinett. On roll call: Ayes (9) Commissioner Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0). The resolution passed.

**#20-107** RESOLUTION RE: AUTHORIZING THE AWARD OF A CONTRACT AGREEMENT #447A/B BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND PETRO MECHANICS, INC. FOR NEW FUELING FACILITY AND REMOVAL OF THREE (3) UNDERGROUND STORAGE TANKS (USTs) AT SOLID WASTE FACILITY ADMINISTRATION BUILDING

**Comptroller’s Report**

Comptroller Day reported on the tonnages and revenues for solid waste facility through the end of April 2020, report previously distributed. Compared to the same time frame from 2019, December 2019 – April 2020, tonnage is down 0.5% revenues are down approx. \$50,000.

e. Personnel Matters

**Wastewater Superintendent’s Report**

Mr. Baron reported three wastewater employees have completed the Intro. to Water and Wastewater class. They can now move forward to obtain their licenses. Mr. Baron praised the employees for this accomplishment, working full time and taking the difficult class, which began in September and ended as an on-line class due to COVID-19.

8. Financial Transactions

a. Payment of Bills

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

Res #20-108 Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
PETILLO			x			
MADSEN		x	x			
COCULA			x			
DIETZ					x	
DRAKE			x			
MEYER			x			
PEREZ					x	
FINKELDIE	x		x			
DABINETT			x			

**#20-108** RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public present.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioners noted to stay safe during this virus (COVID-19).

11. ADJOURN

At 4:15 p.m. Commissioner Dabinett moved to adjourn the meeting, seconded by Commissioner Meyer. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary