

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON NOVEMBER 30, 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 Ronald Petillo, Vice Chairman John Drake (via telecom), Commissioners Karl Meyer, Thomas Madsen, Andrea Cocula, Wayne Dietz (arrived @ 3:10 p.m.), John Finkeldie, 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 (via telecom), and Recording Secretary Tara Kronski

Absent: Commissioner Wesley

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.

4. AGENDA APPROVAL

Commissioner Dabinett moved Final Agenda, seconded by Commissioner Finkeldie. On voice vote: Ayes (7); Nays (0). The motion carried.

5. APPROVAL OF CONSENT AGENDA

Commissioner Cocula moved to approve the Consent Agenda, seconded by Commissioner Madsen. No discussions requested. On voice vote: Ayes (7); Nays (0). The motion carried.

6. MINUTES

Chairman Petillo requested a motion to approve/acknowledge the email distribution of the November 2, 2022 Pending Action Summary Sheets (PASS) to the County Commissioner Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Madsen moved the PASS, seconded by Commissioner Cocula. On voice vote: Ayes (7); Nays (0). The motion carried.

Commissioner Cocula moved the approval of the Open and Closed Minutes for the October 5, 2022 Authority Meeting, seconded by Commissioner Drake. On roll call: Ayes (6) Commissioners Meyer, Madsen, Cocula, Petillo, Drake, Finkeldie; Nays (0); Abstain (1) Commissioner Dabinett. The motion carried.

Commissioner Madsen moved the approval of the Open and Closed Minutes for the October 19, 2022 Authority Meeting, seconded by Commissioner Finkeldie. On voice vote: Ayes (7); Nays (0). The motion carried.

No minutes were distributed at this meeting.

7. BUSINESS

a. Executive Session

At 3:03 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 (7), Nays (0). The motion carried.

Commissioner Dietz entered meeting room (3:10 p.m.)  
Chairman Petillo noted the Closed Session should be approximately 9 minutes and discussions shall include: SCMUA Nitrate Permit Appeal, Vernon Township MUA Litigation, Vernon Township, Personnel Items.

**#22-177A** RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:13 p.m. Commissioner Cocula moved to adjourn the Closed Session, seconded by Commissioner Finkeldie. 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: SCMUA Nitrate Permit Appeal, Vernon Township MUA Litigation, Vernon Township, Personnel Items.

b. Wastewater Program

**Superintendent’s Report**

Mr. Phillips reviewed a recent wastewater discharge from Earthcare which contained heavy grease that came from the Wantage Plaza. Mr. Phillips and Mr. Sesto reviewed the security video to confirm. A formal letter was sent to the owner of the Wantage Plaza to follow up with their tenant who has to clean their grease trap more frequently to avoid such contamination.

Mr. Phillips reported that a new Hamburg Pump Station transfer switch has been property installed. Pump upgrade was completed earlier in the year and new generator has been ordered and will not be in until May 2023.

**Watershed Director’s Report**

Mr. Sajdak reported that the WRWVG hosted 2 student driven tree planting events. Frankford School 7 graders planted 75 trees located on the school property adjacent to a Paulinskill River tributary. Sussex Technical students planted 2,783 live cuttings at the Paulinskill Wastewater Treatment Plant property. Grant funding provided from NJ Wetlands Restoration Partnership.

**Comptroller’s Report**

Mr. Day presented three resolutions for FY2023 Estimated Sewer User Charges for participants in the Upper Wallkill, Paulinskill, Hampton Commons Wastewater Facilities, respectively. Certificates are distributed per statute for estimated sewer user charges for 2023, and then are adjusted for credit/debit after actual sewer usage is calculated at end of FY2022. Commissioner Cocula moved 3 resolutions, seconded by Commissioner Finkeldie. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett. The resolutions passed.

- #22-178 AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2023, UPPER WALLKILL SYSTEM
- #22-179 AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2023, HAMPTON COMMONS SYSTEM
- #22-180 AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2023, PAULINSKILL BASIN WATER RECLAMATION SYSTEM

c. Solid Waste Program

**Superintendent’s Report**

Mr. Morris updated the Commissioners on the recent landfill fires. He noted that there were a few flareups after the larger fire that occurred on Saturday, November 5<sup>th</sup>, after hosting the Household Hazardous Waste Event. The cause of the fire is inconclusive, however, he has seen an increase in lithium battery disposal. If not handled properly they can easily cause sparks and fires in landfill during and after hours. Mr. Morris reported eight tarps were damaged during these past few flareups, and a claim was submitted to SCMUA’s insurance company.

Mr. Morris noted that he and Recycling Coordinator Dawn Latinsics have been preparing a media blitz to inform the public about the proper disposal of lithium batteries. Literature shall be put on all SCMUA media outlets, including SCMUA website, as well as radio ads and schools/municipalities. The staff will continue to be diligent to watch for these types of batteries.

**Executive Director’s Report**

Mr. Varro reviewed two resolutions prepared by SCMUA Bond Counsel regarding financing documents for Landfill Expansion Project. The first resolution is amending and supplementing the 2021 NJIB note. The second is for authorization for SCMUA officials to execute the loan and associated escrow agreements. Commissioner Cocula moved both resolutions, seconded by Commissioner Dietz. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett. The resolutions passed.

#22-181 RESOLUTION RE: THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AMENDING AND SUPPLEMENTING THE 2021 NJIB NOTE RESOLUTION (AS DEFINED HEREIN) TO INCREASE THE AMOUNT OF NOTES AUTHORIZED BY \$4,000,000

#22-182 RESOLUTION RE: 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 202[-] NEW JERSEY WATER BANK (SUCH YEAR DESIGNATED AT DELIVERY]

Mr. Varro reported that the SCMUA recently received an Environmental Leadership Award from the Sussex County Economic Development Partnership. It was for the Stage 2 Landfill Expansion Project, which has been a team effort.

**Chief Engineer’s Report**

Mr. Sesto gave a status report on the Stage 2 Landfill Expansion Project and included completion of paving, installation new enter/exit gates, speed bumps and striping. He indicated that a Construction Review Committee Meeting shall be scheduled to discuss outstanding project change orders, and a resolution shall be prepared for consideration at the next Authority Meeting.

d. General Authority Business

**Executive Director’s Report**

Mr. Varro noted that the F2023 Rate Hearing was held on November 2, 2022 and no public comments have been received. The only change to the Final Rate Schedule involved Commissioner comment at the Rate Hearing with regard to out-of-county biohazardous waste minimum of one ton for disposal. That change has been made accordingly. A resolution was prepared to adopt the schedule of rates, fees and charges for FY2023. Commissioner Madsen moved the resolution, seconded by Commissioner Cocula. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett. The resolution passed.

**#22-183** RESOLUTION RE: ADOPTION OF SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY’S SCHEDULE OF RATES, FEES AND CHARGES FOR FY2023

Mr. Varro reported that RFPs are needed for Professional Services for 2023. Mr. Sesto and Mr. Varro are preparing an invitation to submit. Commissioners agree to advertise for 2023 services for various Counsel, Engineering and Consultants Services.

Mr. Varro noted that the next scheduled Authority Meeting is December 7<sup>th</sup>, which is a week away. Commissioners discussed schedule and authorized to cancel the December 7<sup>th</sup> and December 21<sup>st</sup> Authority Meetings and to schedule the next meeting for December 14<sup>th</sup>. Updated Meeting schedule shall be advertised and posted.

**Comptroller’s Report**

Mr. Day prepared a resolution to formally adopt the SCMUA FY2023 Operating and Capital Budgets. He indicated that the NJ Department of Local Government Services (DLGS) approved the budgets. Commissioner Madsen moved the Budget Resolution, seconded by Commissioner Dabinett. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett. The resolution passed.

**#22-184** RESOLUTION RE: 2023 ADOPTED BUDGET RESOLUTION

Mr. Day reported that there were \$149.15 in uncollected bank checks and are considered bad debts. A resolution was prepared to delete these bad debts. Commissioner Cocula moved the resolution, seconded by Commissioner Finkeldie. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett. The resolution passed.

**#22-185** RESOLUTION RE: AUTHORIZATION FOR THE TREASURER TO DELETE CERTAIN BAD DEBTS FROM THE SOLID WASTE REVENUE ACCOUNT

e. Personnel

**Wastewater Superintendent’s Report**

Mr. Phillips reviewed a resolution to grant a four (4) month official leave of absence to Wastewater Employee CS1839. This resolution shall rescind and replace the previous resolution approved on November 2, 2022. Commissioner Cocula moved resolution, seconded by Commissioner Dietz. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett. The resolution passed.

**#22-186** RESOLUTION RE: AUTHORIZATION TO GRANT A FOUR (4) MONTH “OFFICIAL LEAVE OF ABSENCE” FOR CS1839

**Solid Waste Superintendent’s Report**

Mr. Morris reviewed a resolution to grant a three month extension for a current leave of absence for personal illness for Solid Waste Employee KR8867. Commissioner Dabinett moved resolution, seconded by Commissioner Dietz. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett. The resolution passed.

**#22-187** RESOLUTION RE: REQUEST FOR OFFICIAL EXTENDED LEAVE OF ABSENCE WITHOUT PAY FOR MEDICAL REASONS FOR A THREE (3) MONTH PERIOD FOR KR8867

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 #22-188 Financial Consent Agenda						
Commissioner	1st	2nd	Yea	Nay	Abstain	Absent
MEYER			x			
MADSEN		x	x			
COCULA	x		x			
DIETZ			x			
DRAKE			x			
PETILLO			x			
WESLEY						x
FINKELDIE			x			
DABINETT			x			

**#22-188** RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public in attendance.

10. COMMISSIONERS COMMENTS/REQUEST

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

Commissioners hoped all had a nice Thanksgiving Holiday.

11. ADJOURN

At 3:35 p.m. Commissioner Finkeldie moved to adjourn the meeting, seconded by Commissioner Meyer. On voice vote: Ayes (8); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary