

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON NOVEMBER 4, 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 Phillips\*, 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. (Call-in information was noticed prior on website for public participation.)

3. OPEN TO PUBLIC COMMENT

Chairman Drake opened the meeting to public comment. No public present. He closed the meeting to public comment.

4. AGENDA APPROVAL

Chairman Drake asked for a motion to approve the Final Agenda. Executive Director Varro requested to add a report on a landfill Dump Incident for Solid Waste Superintendent, and to remove Senior Project Manager's Bid Authorization for Sludge Hauling for Wastewater. Commissioner Cocula 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 Dietz. 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 October 21, 2020 Pending Action Summary Sheets (PASS) to the County Freeholder Board in accordance with N.J.S.A. 40:14B-14(e). Commissioner Perez motioned to approve, seconded by Commissioner Meyer. On voice vote: Ayes (9); Nays (0); Abstain (0). The motion carried.

No minutes were up for approval at this meeting.

The Open and Closed Meeting Minutes from the October 7, 2020 Authority Meeting were emailed to the Commissioners for their review.

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 seconded by Commissioner Meyer. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Drake noted the Closed Session should be approximately 50 minutes and discussions shall include: *NJ Executive Order #192 for COVID -19 related worker protocols, Mountain Creek, Care Environmental – Household Hazardous Waste Issues raised by Georgia Environmental Protection Department, Engineering Agreement for landfill life expansion project, PFOS Rule Challenge, Wallkill River Watershed Management Contract Agreement with NJDEP, and Personnel Matters.*

**#20-158** RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:30 p.m. Commissioner Cocula moved to adjourn the Closed Session in order to conduct the Public Rate Hearing for FY2021, seconded by Commissioner Finkeldie. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Drake noted the Board will go back into Closed Session to finish Closed Session Agenda discussions after the Public Hearing which was advertised for 3:30 p.m. He confirmed discussions held as specifically set forth in the resolution authorizing Closed Executive Session: *NJ Executive Order #192 for COVID -19 related worker protocols, Mountain Creek, Care Environmental Household Hazardous Waste Issues raised by Georgia Environmental Protection Department, Engineering Agreement for landfill life expansion project.* When the need for confidentiality of these matters no longer exists, they will be opened to the public.

At 3:30, Chairman Drake requested a motion to begin the FY2021 Public Rate Hearing. Commissioner Cocula made the motion, seconded by Commissioner Madsen. On voice vote: Ayes (9), Nays (0). The motion carried.

The floor was given to SCMUA Executive Director Varro and Comptroller Day to begin the FY2021 Public Rate Hearing. A packet was distributed and reviewed regarding all the proposed rates for the Upper Wallkill Wastewater Facility, Hampton Commons Wastewater Facility, Paulinskill Water Reclamation Facility, Solid Waste Facility and Administration/Miscellaneous fees. Mr. Varro began with the U.W. budget line items, and expenses/revenues for the Upper Wallkill Facilities' Budget which totals \$7,236,600 for FY2021. The highlights of the presentation include, U.W. Connection fees shall be set at \$7,065/EDU (Equivalent Dwelling Unit), Wastewater Participants will see slight increase/decrease depending on their Service Agreements with the Authority and flow data, Vernon Township has an increase for their Additional Bond payments for 2021. Hampton Commons Facility Budget shall remain the same at \$183,500, with a \$473 per unit annual charge. Paulinskill Water Reclamation Facility's budget shall decrease 1.0% compared to last year at \$605,000, the connection fee shall be set at \$800 per EDU. The Solid Waste Facilities' Budget shall see an increase of 0.21% compared to FY2020, for a total of \$10,974,000. Mr. Day and Mr. Varro reviewed changes to the revenues/expenses, as well as, specific changes to the proposed FY2021 Rate Schedule as compared to the previous year. The Solid Waste Facility rates and tipping fees shall remain the same as 2021, as well as Administration miscellaneous fees. [A digital of the presentation will be made available upon request at the Authority's Administration Building.] No members of the public were in attendance on call-in phonenumber.

Executive Director Varro noted that these Proposed FY2021 Rates, Fees and Charges will up for approval at the November 25, 2020 Authority Meeting for Commissioners' consideration per resolution.

At 3:50 p.m. Commissioner Finkeldie made a motion to close the Public Rate Hearing, seconded by Commissioner Madsen. On voice vote: Ayes (9); Nays (0); Abstain. The motion passed.

Chairman Drake requested a motion re-enter Closed Executive Session to continue with remaining Agenda Items. The Closed Session should be approximately 20 minutes and discussions shall include, including: PFOS litigation, Wallkill River Watershed Management Contract Agreement with NJDEP, and Personnel Matters.

At 3:50 p.m. Commissioner Dabinett moved to go back into Closed Executive Session, motion seconded by Commissioner Cocula. 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 PFOS litigation, Wallkill River Watershed Management Contract Agreement with NJDEP, and Personnel Matters.

b. Wastewater Program

**Superintendent's Report**

Wastewater Superintendent Tim Phillips reported on the Upper Wallkill Operations, stating that all operations are in compliance with no issues to report. Septage and Sludge volume has been heavy, averaging 80,000+ gallons per day. He indicated that a NJDEP inspection is scheduled for tomorrow at the Paulinskill Water Reclamation Facility (11-5-2020).

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

Mr. Varro referred to Closed Executive Session discussions concerning a Contract Agreement between the SCMUA-Wallkill River Watershed Management Group and the NJDEP to install porous asphalt at the Newton Halsted Middle School. The agreement is for a not-to-exceed amount of \$33,995.00. and is a NJDEP grant funded project for stormwater management. Commissioner Cocula moved the resolution agreement, seconded by Commissioner Finkeldie. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

**#20-159** RESOLUTION RE: AUTHORIZING THE EXECUTION OF A PARTNERSHIP AGREEMENT WITH HALSTED MIDDLE SCHOOL/NEWTON TOWNSHIP BOARD OF EDUCATION TO ASSIST WITH THE IMPLEMENTATION OF A POROUS ASPHALT PROJECT ON THE SCHOOL'S PAVED PLAYGROUND AREA

Mr. Varro reported that the Wallkill River Watershed Group has prepared a resolution authorizing application submittal for further grant funds, as well as authorizing the grant agreement between the SCMUA-WRWMG and the NJDEP in the amount of \$190,000. These grant funds shall be used for the implementation of watershed restoration plans for the Papakating Creek, Upper Paulinskill Watershed and other stewardship projects across Sussex County. Commissioner Madsen moved the resolution, seconded by Commissioner Dabinett. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

**#20-160** RESOLUTION RE: GRANT AGREEMENT BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION RE: UPPER PAULINS KILL HEADWATERS LAKES INITIATIVE

c. Solid Waste Program

**Superintendent's Report**

Solid Waste Superintendent Morris indicated that the Staff is preparing for a high volume of vehicles for the Household Hazardous Waste Day Event on November 7, 2020. COVID-19 precautions have been implemented.

Mr. Morris reported on an incident at the landfill face area regarding illegal dumping of a large load of fluorescent light bulbs. The SCMUA staff reloaded them onto the hauler's vehicle and instructed the generator to dispose of them properly, and to provide evidence of disposal.

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

Mr. Varro gave a status report on the Landfill Life Extension/Infrastructure Relocation Project, noting ongoing conference calls with the NJ I-Bank. Mr. Varro stated that the Project Reviewer did question the large number of relocation items within the Scope of Work, and was addressed by Mr. Varro. He reported that the I-Bank requested that the SCMUA designate a responsible project representative to include with their files to sign project documents, refer questions to, etc. A resolution was prepared for consideration to designate Executive Director Varro as the project representative, with Senior Project Engineer Sesto as an alternate. Commissioner Cocula moved the representing resolution, seconded by Commissioner Meyer. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

**#20-161** RESOLUTION RE: AUTHORIZING SCMUA EXECUTIVE DIRECTOR AND/OR SENIOR PROJECT ENGINEER TO REPRESENT THE AUTHORITY FOR THE LANDFILL LIFE EXTENSION/INFRASTRUCTURE RELOCATION PROJECT

**Senior Project Engineer's Report**

Mr. Sesto referred to discussions in Closed Session regarding a proposal submitted from ARM Group for inspection services related to the Landfill Life Extension/Infrastructure Relocation Project. There are sufficient funds for the not-to-exceed amount of \$1,497,518.15 for these services which are necessary for onsite construction/inspections for such a large project. The authorization is contingent upon NJDEP review and approval. Commissioner Cocula moved the authorizing resolution to execute agreement, seconded by Commissioner Madsen. On roll call: Ayes (8) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Finkeldie, Dabinett; Nays (0); Abstain (1) Commissioner Perez. The resolution passed.

**#20-162** RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ARM GROUP TO PROVIDE CONSTRUCTION ADMINISTRATION AND ON-SITE INSPECTION SERVICES RELATIVE TO THE LANDFILL LIFE EXTENSION/INFRASTRUCTURE RELOCATION PROJECT #551

Mr. Sesto gave a status report on the North Berm Project. The Contractor has made significant recent progress and based on project meeting discussions, it was indicated that weekly progress meetings shall be scheduled. Next week the liner subcontractor will begin to installation. Mr. Sesto noted the project completion date is December 19<sup>th</sup>, and Contractor is aware.

Mr. Sesto reported on the Leachate Pump Station Project and the October 27<sup>th</sup> progress meeting. He indicated that Mott MacDonald redirected the pipeline to have less trenching within Route 94 due to paving requirements from the NJDOT. A project change order is inevitable, but at a lower cost.

### **Comptroller's Report**

Comptroller Day reported on Solid Waste Tonnages and Revenues through October 31, 2020, and we are on par for budget projections of 105,000 tons for FY2020. Compared to the same time period from 2019, tonnage is up 1.3 % up and revenues up \$27,000.

#### d. General Authority Business

### **Attorney's Report**

General Counsel Napolitano reported on recent New Jersey Department of Community Affairs recommendations and guidelines to prepare a resolution to address virtual meetings in conformance with the Open Public Meetings Act. The SCMUA has had procedures in place since the end of March for Commissioner meetings and public comment access, in addition written questions can be submitted in advance of the meeting. A resolution has been prepared to ensure all protocols are being met for virtual remote meetings. Commissioner Cocula moved the remote meeting resolution, seconded by Commissioner Finkeldie. On voice vote: Ayes (9); Nays (0); Abstain (0). The resolution passed.

**#20-163** RESOLUTION RE: ESTABLISHING REMOTE MEETING PROCEDURES AND REQUIREMENTS DURING DECLARED STATES OF EMERGENCY

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

Mr. Varro indicated that each year the Authority advertises for the submittals of Request for Qualifications/Request for Proposals for various Professional Services for 2021, and appointments are made at the Annual Reorganization Meeting in February. The RFQ/RFPs include bond counsel, attorneys, auditors, and various other engineers and consultants. Commissioner Cocula motioned to authorize the advertisement for Professional Services for 2021, Commissioner Madsen. On voice vote: Ayes (9); Nays (0); Abstain (0). The motion passed.

### **Comptroller's Report**

Mr. Day reported on the recent auction of SCMUA obsolete equipment. He noted four of the five items shall be closed out tomorrow and the final item, U.W. Screener, shall close on November 12<sup>th</sup>. He will follow up on the total proceeds after received.

e. Personnel Matters

**Solid Waste Superintendent’s Report**

Mr. Morris presented a resolution for consideration for a 60 day Leave of Absence for employee WH2486. Commissioner Dietz moved the resolution, seconded by Commissioner Cocula. On roll call: Ayes (9) Commissioners Petillo, Madsen, Cocula, Dietz, Drake, Meyer, Perez, Finkeldie, Dabinett; Nays (0); Abstain (0). The resolution passed.

**#20-164** RESOLUTION RE: AUTHORIZATION TO GRANT A 60 DAY “OFFICIAL LEAVE OF ABSENCE” FOR WH2486

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 #20-165 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			

**#20-165** RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public present.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioners acknowledged Senior Project Engineer Sesto on his diligence to get solid waste projects moving, with Contractor and COVID challenges. They also thanked Mr. Varro and Mr. Day for their presentation of the Public Hearing for FY2021 Rates, Fees and Charges.

11. ADJOURN

At 4:33 p.m. Commissioner Dabinett moved to adjourn the meeting, seconded by Commissioner Finkeldie. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary