

MINUTES OF THE REGULAR AUTHORITY MEETING OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY HELD ON DECEMBER 14, 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 3:05 p.m.

The following were present: Chairman Ronald Petillo, Vice Chairman John Drake, Commissioners Karl Meyer, Thomas Madsen, Andrea Cocula, Wayne Dietz, John Wesley, 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 (via telecom), Special Counsel Thomas Prol, and Recording Secretary Tara Kronski

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 Drake moved the Final Agenda, seconded by Commissioner Finkeldie. 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 Dietz. 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 November 30, 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 Drake. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Finkeldie, Dabinett; Nays (0); Abstain (1) Commissioner Wesley. The motion carried.

There were no minutes up for approval at this meeting.

The Open and Closed Meeting Minutes from the November 2, 2022 Authority Meeting were distributed to the Commissioners for their review.

No minutes were distributed at this meeting.

7. BUSINESS

a. Executive Session

At 3:08 p.m. Commissioner Dabinett moved the adoption of the following resolution authorizing a Closed Executive Session. Motion was seconded by Commissioner Cocula. On voice vote: Ayes (9), Nays (0). The motion carried.

Chairman Petillo noted the Closed Session should be approximately 20 minutes and discussions shall include: Vernon Township MUA Litigation, Vernon Township Septage Facility, and Personnel Items.

#23-001 RESOLUTION RE: AUTHORIZING CLOSED EXECUTIVE SESSION

At 3:45 p.m. Commissioner Cocula moved to adjourn the Closed Session, seconded by Commissioner Finkeldie. 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 MUA Litigation, Vernon Township Septage Facility, and Personnel Items.

b. Wastewater Program

Superintendent's Report

Mr. Phillips gave an update on the Sussex Borough Force Main Replacement Project. The Contractor has installed silt fencing and are preparing for the installation. A Meeting was held regarding FM alignment and pipes are being prepared. No actual force main installation has occurred to date.

Watershed Director's Report

Mr. Sajdak reported on a presentation given to Sussex County Community College students, which was a team effort by himself, Recycling Coordinator Dawn Latincsics, Wastewater Superintendent Tim Phillips, Wastewater Operator Stephen Furtkevic. Mr. Sajdak noted how engaged the students were to the information given, and it was a successful learning event.

Comptroller's Report

Mr. Day reported on Upper Wallkill Facility Sludge, Septage & Hauled Sewage data through end of November 2022, which is a full fiscal year. Sludge was 74% of anticipated flows, slightly down from expectations. Septage totaled 110%, which is higher than anticipated, and Hauled Sewage was at 142%. Revenue for all three categories was 107%, which is higher than expected for the year. The Connection fees budget for 2022 was estimated at \$200,000, and \$1,211,844.00 was received.

Commissioners Dietz & Finkeldie stepped out of the meeting room at 3:46 p.m.

Mr. Day presented two resolutions for FY2022 Approval and Adoption of Calculations of Actual Annual Sewer User Charges for participants in the Upper Wallkill, and Paulinskill. Certificates are distributed per statute for final sewer user charges for 2022, and bills are adjusted for 2023 quarterly billing. Commissioner Cocula moved both resolutions, seconded by Commissioner Madsen. On roll call: Ayes (7) Commissioners Meyer, Madsen, Cocula, Petillo, Drake, Wesley, Dabinett. The resolutions passed.

#23-002 APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2022 - UPPER WALLKILL SYSTEM

#23-003 APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2022 - PAULINSKILL BASIN WATER RECLAMATION SYSTEM

c. Solid Waste Program

Superintendent's Report

Superintendent Morris reported that he was contacted by the Sussex County Sheriff's Office regarding renewal of a Shared Services Agreement for SLAP/SWAP program to provide the SCMUA with manual labor for site maintenance, assistance with customers, etc. A resolution was prepared for consideration to renew agreement for 2023 & 2024, subject to SCMUA Budget appropriations. Commissioner Cocula moved the authorizing resolution, seconded by Commissioner Dabinett. On roll call: Ayes (8) Commissioners Meyer, Madsen, Cocula, Petillo, Drake, Wesley, Dabinett. The resolution passed.

#23-004 RESOLUTION RE: AUTHORIZING THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE COUNTY OF SUSSEX PROVIDED BY THE SUSSEX COUNTY SHERIFF'S SLAP/SWAP PROGRAMS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.

Commissioners Dietz and Finkeldie re-entered the meeting room at 3:50 p.m.

Chief Engineer's Report

Mr. Sesto gave a status report on the Stage 2 Landfill Expansion Project and indicated that that the contractor has been working on the Phase 4 Berm. The winter wet weather is causing problems with the material not being able to dry out. ARM and Tomco is analyzing material and should have a plan moving forward to fix the problem areas. Tomco is off for the next two weeks, through the end of the year.

Mr. Sesto prepared a resolution for outstanding change orders to the Phase 2 Expansion Project. A Construction Review Committee meeting was held for review of the change orders and recommendations are included in this resolution. There are 58 change orders totaling \$556,676.10. Commissioner Cocula moved the resolution, seconded by Commissioner Dabinett. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

#23-005 RESOLUTION RE: AUTHORIZATION TO EXECUTE CHANGE ORDERS TO SCMUA CONTRACT NO. 551 – STAGE 2 LANDFILL EXPANSION, TOMCO CONSTRUCTION INC.

Comptroller's Report

Mr. Day reported on the full FY2022 tonnages and revenues. The FY2022 yearly tonnage totaled 113,358 tons, which is an increase of 2,539 tons (2.39% increase) compared to FY2021. However, revenues increased by only \$53,000, this was due to the inclusion of tonnage from SCMUA's Phase 2 Expansion Project. Also, ID27 tonnage was up considerably due to Pace Glass Facility disposal.

d. General Authority Business

Comptroller's Report

Mr. Day gave a status report on the FY2021 Audit and indicated that the State finally has released the GASB numbers for Authorities. He spoke with SCMUA Auditor Paul Cuva and he is in the process of completion, footnotes, financial statements, etc. Three letters have been provided to the Authority to be sent to Attorneys for current litigation information. Finalized Audit should be received within the next few weeks.

e. Personnel

Executive Director's Report

Mr. Varro referred to Executive Session discussions regarding granting a Leave of Absence for MN7298 for 30 days with pay for medical reasons. Commissioner Cocula moved resolution, seconded by Commissioner Drake. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

#23-006 RESOLUTION RE: REQUEST FOR "OFFICIAL LEAVE OF ABSENCE WITH PAY FOR MEDICAL REASONS" FOR 30-DAY PERIOD FOR MN7298

Mr. Varro presented a resolution to adopt the amended SCMUA Organizational and Salary Structure, Personnel and Employee Policies, which would take effect on January 1, 2023. The resolution also provides for possible future/ongoing revisions to the Personnel Policy as deemed appropriate. Commissioner Dietz moved the resolution, seconded by Commissioner Cocula. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

#23-007 RESOLUTION RE: ADOPTION OF AMENDED SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY ORGANIZATIONAL STRUCTURE, STAFF POSITION DESCRIPTION, SALARY STRUCTURE AND PERSONNEL AND EMPLOYEE POLICIES (EFFECTIVE JANUARY 1, 2023)

Mr. Varro prepared three salary adjustment resolutions for Employees, Department Heads and Executive Director, as discussed in Executive Session. Commissioner Dietz moved all three resolutions, seconded by Commissioner Cocula. On roll call: Ayes (9) Commissioners Meyer, Madsen, Cocula, Dietz, Petillo, Drake, Wesley, Finkeldie, Dabinett. The resolution passed.

#23-008 RESOLUTION RE: FY2023 SALARY ADJUSTMENTS AND PERSONNEL ACTIONS FOR SCMUA EMPLOYEES

#23-009 RESOLUTION RE: FY2023 SALARY ADJUSTMENTS AND PERSONNEL ACTIONS FOR SCMUA EMPLOYEES (Supervisors)

#23-010 RESOLUTION RE: FY2023 SALARY ADJUSTMENTS AND PERSONNEL ACTIONS FOR SCMUA EMPLOYEES (Executive Director)

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 #23-011 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			

#23-011 RESOLUTION RE: CONSENT AGENDA – BILL PAYING LIST

9. PUBLIC COMMENT

No public in attendance.

10. COMMISSIONERS COMMENTS/REQUEST

Commissioners wished all a Merry Christmas and Happy Holiday Season! Commissioner Dietz introduced a safety light for consideration for SCMUA employees on site at Residents’ Convenience Center/Recycling Center. It is a light that is visible for drivers to see while driving around utilizing the facility. He will look into getting some for a trial period.

11. ADJOURN

At 4:05 p.m. Commissioner Dabinett moved to adjourn the meeting, seconded by Commissioner Dietz. On voice vote: Ayes (9); Nays (0). The motion passed.

Respectfully submitted,

Andrea Cocula, Secretary