

SUSSEX COUNTY WATER QUALITY MANAGEMENT

POLICY ADVISORY COMMITTEE

MINUTES – FEBRUARY 9, 2012

The meeting was opened at 7:40 p.m. by Vice Chairman Butz. The meeting was held in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-1 of 1975, as amended, and notice has been forwarded to the newspapers and posted on the bulletin board maintained at the Sussex County Administrative Center for public announcement.

ROLL CALL:

MEMBERS PRESENT: James Landrith, Andover Borough
Vita Thompson, Andover Township
Jeffrey Butz, Vice-Chairman, Fredon Township
Christopher Kelly, Hamburg Borough
Robert Schultz, Hardyston Township
David Muscalo, Lafayette Township
Paul Baldwin, Town of Newton
Eric Powell, Sparta Township
James Benson, Stanhope Borough
Denise Webb, Wantage Township
Richard Gottemoller, At-Large
Kathy Little, At-Large
John Nugent, At-Large

EXCUSED MEMBERS: Joe Pinzone, Sandyston Township
Eleanor Mensonides, At-Large

STAFF MEMBERS: Alice Brees, Principal Planner
Dennis R. McConnell, Esq., County Counsel
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Marina, Krynicky, Sussex Borough
Bob McDowell
Paul Sutphen, Frankford Township
Joe Mikulka, Cerenzio & Panaro
Tom Collins, attorney

MINUTES CORRECTION/APPROVAL:

A motion was made by John Nugent to approve the Minutes of October 13, 2011. The motion was seconded by Paul Baldwin. All were in favor, with abstentions from Vita Thompson, Christopher Kelly, Robert Schultz, David Muscalo, Eric Powell, James Benson and Denise Webb. Motion carried.

A motion was made by David Muscalo to approve the Minutes of December 8, 2011. The motion was seconded by Kathy Little. All were in favor, with abstentions from Vita Thompson, Christopher Kelly and Robert Schultz. Motion carried.

A motion was made by John Nugent to approve the Minutes of January 12, 2012. The motion was seconded by David Muscalo. All were in favor, with abstentions from Vita Thompson, Robert Schultz, James Benson, Denise Webb and Kathy Little. Motion carried.

CORRESPONDENCE:

Alice Brees said there were only a few items of correspondence: a letter from Cerenzio & Panero addressing the comments from the last meeting regarding the Frankford Town Center WMP Amendment. Also, similar to last month, there was correspondence regarding the Consolidated NJPDES Permit for 6 schools in the County.

PLANNER'S REPORT:

Alice Brees reported that her work this month for PAC included two DEP meetings on new legislation for the Sewer Service Area Map. She will discuss this further later in the agenda. There was a meeting between DEP and County Planners in January to go over legislation. She also attended a meeting on Tuesday with John Eskilson, Eric Snyder, DEP staff and Brian McNeilly, Town Manager of Stanhope regarding sewer service area maps.

There is an issue with John Maione regarding the Town Center and Mt. View Manor project on Route 23 in Wantage. He has a subdivision with 12 lots which was originally in the County Sewer Service Area map. He now wants to withdraw the lots from sewers and develop the lots with individual septic systems. There is a question of jurisdiction between the County Health Dept. and DEP.

UNFINISHED BUSINESS:

A. DRAFT RESOLUTION FOR FRANKFORD TOWN CENTER WMP AMENDMENT:

Alice Brees said information submitted by Cerenzio and Panero was included in the PAC mailing. She asked the applicant if they wanted to review what was submitted or if there were any questions from PAC.

Tom Collins, Attorney for the Township of Frankford said Joe Mikulka, Environmental Expert from Cerenzio and Panero was here to give a summary of the responses and

will answer questions. Vice Chairman Butz asked if the members had any questions concerning this proposal. No questions were raised.

Alice Brees said the Draft Resolution was sent out as requested at last month's meeting. Mr. Butz confirmed that the Resolution was reviewed by County Counsel. Seeing that Frankford Township does not have a PAC representative, Mr. Butz called for a motion to approve the Resolution.

MOTION:

A motion was made by David Muscalo to accept the preliminary adoption of the Frankford Township Amendment to the Sussex County Water Management Plan. The motion was seconded by Jim Landrith. By roll call vote, all were in favor with an abstention from John Nugent.

B. DEP REVIEW – NEW LEGISLATION ON SEWER AREA MAP:

Alice Brees said there was a DEP meeting in Trenton held with the County Planners on January 18, the day after the legislation on the Sewer Area Map was passed. Any sewer service areas that had been taken out by DEP review have been restored for now. For property that is in the County 2001 Wastewater Plan, DEP is extending its use as a valid plan. The property owner can apply for a NJPDES permit.

In the next four to six months the Counties will be submitting their sewer service maps to DEP. DEP is being pressured to move this process forward. Ms. Brees showed some DEP maps and explained the different areas. Some sewer areas were left out due to potential habitat of threatened and endangered species. For wetlands, Ms. Brees said these issues get sorted out on the ground when Letters of Interpretation are verified by DEP. Jim Benson spoke about issues that Stanhope Borough is having with DEP.

Ms. Brees displayed the latest sewer area map from DEP and said she hopes to be able to show them using the overhead projector next month. She will also post them on the County website.

C. BYRAM TOWNSHIP WMP CHAPTER – FINAL APPROVAL PROCESS:

Byram Chapter is going through the WMP Amendment process and they are within a couple of months of completion. The Freeholder Public Hearing is scheduled for February 22, 2012 which is followed by a 15-day comment period. The Requests for Consent were sent out to four affected parties and those four Resolutions should be back by mid-March. Any comments received will be addressed by Byram Township, the Highlands Council or DEP. This will be followed by a final Freeholder Resolution for DEP approval.

D. WATERSHED UPDATES: UPPER DELAWARE, WALLKILL:

Vice Chairman Butz did not have anything to report on the Upper Delaware. No one was present to report on the Wallkill Watershed.

NEW BUSINESS:

David Muscalo said that in the past, PAC was provided with a brochure on Marcellus Shale with negative information. He brought in information showing the positive side. People in New York State are trying to get Marcellus Shale resources developed to improve the economy, particularly in western New York.

The document was prepared by legal people and looks at the process from a legal perspective. Mr. Muscalo said he received this document from a geologist, who is also an attorney. He said he sent this information to the Governor because the Governor is wrestling with this same issue in New Jersey. Mr. Muscalo had copies of this document for distribution.

PUBLIC COMMENT:

Paul Sutphen from Frankford Township asked Alice Brees how the DEP resolved the site specific amendment that Frankford Township submitted that required 210,000 gallons per day when the legislation has a limit to 20,000 gallons per day for site specific amendments.

Alice Brees said she did not know the answer to that, but the letter from DEP was written in December 2011, before the legislation was passed.

Mr. Sutphen said the legislation clearly puts a limit on the daily capacity of any site specific amendment to a sewer service area addition and also the area of acreage that is involved. Both the capacity and the area in Frankford Twp. application exceed what the legislation requires. He asked if the Committee looked into that before approving the Resolution.

Ms. Brees said she will ask DEP about this because it was their determination. John Nugent said DEP will do a review of the plan amendment once they receive it. Alice said that was correct -- once it leaves the Freeholders it will go to DEP for review. Vice Chairman Butz suggested that Alice contact DEP about this and put it under Old Business at March's PAC meeting. David Muscalo suggested she talk to County Counsel also.

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by David Muscalo. The motion was seconded by Jim Landrith and carried unanimously. The meeting adjourned at 8:05 p.m.