

SUSSEX COUNTY WATER QUALITY MANAGEMENT

POLICY ADVISORY COMMITTEE

MINUTES

JUNE 14, 2012

The meeting was opened at 7:35 p.m. by Chairman Armeno. 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  
Troy Orr, Branchville Borough  
Jeffrey Butz, Vice-Chairman, Fredon Township  
Carrine Kaufer, Hardyston Township  
Howard Baker, Hopatcong Borough  
David Muscalo, Lafayette Township  
Paul Baldwin, Town of Newton  
Joe Pinzone, Sandyston Township  
Eric Powell, Sparta Township  
James Benson, Stanhope Borough  
Denise Webb, Wantage Township  
John Armeno, Chairman, At-Large  
Ernie Hofer, At-Large  
Kathy Little, At-Large  
John Nugent, At-Large

EXCUSED MEMBERS: Lisa Chammings, Stillwater Township  
Richard Gottemoller, At-Large  
Eleanor Mensonides, At-Large

STAFF MEMBERS: John Eskilson, County Administrator  
Eric Snyder, Planning Director  
Dennis R. McConnell, Esq., County Counsel

Alice Brees, Principal Planner  
Antoinette Wasiewicz, Recording Secretary

ALSO PRESENT: Victor Marotta, Vernon Township Mayor  
Jim Kilduff, Franklin Borough Administrator  
Michael Gaus, Esq., Lucas and Gaus  
Michael Simone, Project Engineer for Hampshire Co.

**MINUTES CORRECTION/APPROVAL:**

A motion was made by Denise Webb to approve the Minutes of May 10, 2012. The motion was seconded by David Muscalo. All were in favor, with abstentions from Troy Orr, Carrine Kaufer, Joe Pinzone, Eric Powell, James Benson, John Armeno, Ernie Hofer, Kathy Little and John Nugent. Motion carried.

The Agenda was amended to Unfinished Business, B.

The Agenda was further amended to Unfinished Business, A.

**CORRESPONDENCE:**

Alice Brees said most of the correspondence was related to the Sewer Service Area maps. She also received a draft NJPDES Permit Modification in Sparta for the Newton water supply at Morris Lake; a NJPDES permit renewal for Sparta White Deer Plaza; and a NJPDES permit application for the Martin property on Route 94 in Fredon Twp. Ms. Brees answered questions regarding the Martin permit application.

**UNFINISHED BUSINESS:**

A. HAMPSHIRE CO. WMP REVISION, LOWER UNIONVILLE ROAD, WANTAGE TWP.:

Michael Gaus, Esq. spoke on behalf of Hampshire Co. He said Michael Simone, the Project Engineer came before PAC in May. They were asked to provide additional information and they have done so. PAC had asked about the wastewater allocation at the A&P Plaza in Wantage Township. The applicant submitted four documents that showed there was an allocation transfer from Franklin Borough to Wantage Township about 10 years ago. Wantage Township entered into an inter-local services agreement with Sussex Borough to use their pipes and a separate agreement with the SCMUA to have the gallonage treated there. There was also a Developer's Agreement with the prior property owner, United Properties, who designated that the 10,000 gallons would go to this particular site. Hampshire Co. subsequently purchased the property from United Properties and the gallonage goes with whoever owns the real estate. Mr. Gaus said Hampshire Co. also owns the lot that is the subject of the application, Lots 36.01 and 36.02 in Block 2, which is across the road from the A&P site.

At the last meeting, PAC had also asked the applicant to submit historical data regarding the gallonage and usage over a five year period. They submitted two calibration tests which indicate that the pumping system is working properly, so the gallonage numbers can be relied on. Except for the month of August 2011 (the hurricane) the existing wastewater flow is in the 5,000-6,000 gallon per day range. Another question was raised asking how many gallons would be transferred across the road to the subject lots. Mr. Gaus said they would like to have these two lots which are under common ownership become part of the overall project at the A&P site. There would be no differentiation between the gallons to be used at the A&P site vs. the gallons to be used at the site across the street. They still don't know exactly how everything will be developed.

PAC had also asked for a breakdown of the occupancy. This was submitted with the names of the tenants and their individual businesses. They are currently at 100% occupancy at the A&P site. Chairman Armeno confirmed with Alice Brees that she did receive all the requested information. He asked the PAC members if they had additional questions.

David Muscalo noted that from 2006 to 2007 the flow almost doubled. He asked if that was due to occupancy. Mr. Gaus said they were adding occupants as they were going along, and at one point they did take one store and divide it into two users. They paid an additional connection fee for that, and this increased usage. Alice Brees said that during the last six months of 2007 and into 2008, the flows were sometimes over 8,000 and 9,000 gallons per day. She asked why that happened. Mr. Simone said there is no way to address that from the charts. The information was taken on a monthly average and the figures came from SCMUA. He said it may have been a meter issue because the flow then drops again. After that, the meters were calibrated and in 2009, Friendly's came in, which would have added substantial flow. The meters were calibrated again this month and the two meter calibrations were essentially the same. He said from mid 2008 to 2012 the meters were accurate. Prior to that he believes it was a meter problem because there is no other way to explain the difference. Mr. Gaus said they submitted a letter from DEP regarding their favorable review of the proposed sewer service area.

**MOTION:**

A motion was made by Jim Landrith to direct staff to prepare a Resolution in support of the Hampshire Co. Wastewater Map revision. The motion was seconded by Howard Baker. A roll-call vote was taken, all were in favor.

Affected parties were determined to be Sussex Borough, Wantage Township and the SCMUA. Mr. Gaus said they already submitted letters of endorsement from Wantage Township and Sussex Borough.

B. SUBMITTAL OF SEWER SERVICE AREA MAP TO DEP AS REQUIRED BY NEW LEGISLATION:

Alice Brees reported that the comparison maps (comparing the original Sussex County Wastewater Plan Sewer Service Area Maps submitted to DEP in February 2008 to the latest DEP review map in January 2012) were sent out to all the municipalities at the end of May. A copy of the map was displayed at this meeting. The map shows where the County is in the review process at this time. The County asked for municipal comments. This was done to meet the new legislation which requires Counties to submit Sewer Service Area maps by July 15.

Eric Snyder said he sent out a hard copy and an electronic copy of the map to each town and asked for comments. The two basic options, given the tightness of the timeframe, are 1) either we submit the sewer map for a town as modified by DEP in January 2012, or 2) if that map is not acceptable to the town, then the County map, as originally submitted back in 2008, would be submitted instead. The reason for this is the legislature in January 2012 adopted a rule that says that County shall submit a future wastewater service area map by July 15. It is a part of a process. He is not sure that the legislature and the DEP were on the same page as far as what the process was. This process has taken a very long time.

Mr. Snyder said the County submitted its first Wastewater Management Plan in 2005 as part of the Plan Endorsement requirements that we had from the State Planning Commission. The County has been working to support municipal proposals for almost seven years. The map that the DEP came back with is the result of seven years worth of negotiations. The negotiations are not done. This action that is being discussed this evening needs a legislative mandate. It does not shut the door to further discussions. Mr. Snyder said he did not want anybody to be misled. Based on responses we've gotten from a number of towns, roughly, 14 towns are happy with the map and 10 were not. The County continues to advance the interest of the whole County and of the municipalities in particular.

Mr. Snyder said he and John Eskilson met with then Commissioner Campbell in 2005 and told him they wanted wastewater support for the County's centers. Ever since then, the County has fought for that. The Freeholders adopted the Strategic Growth Plan which talked about centers. The Freeholders have supported the actions that we've taken all along and we remain committed to that whole approach. Sussex County's future depends on doing growth intelligently. DEP staff said this is Phase I. This is something that they are required to push the Counties to do by virtue of legislation. It has nothing to do with DEP rules nor does it have anything to do with the eventual revisions and/or submission of the County Wastewater Management Plan. We are the County Water Quality Management Agency established in 1977 and we have jurisdiction not only of Sussex County but also for portions of four towns in Morris County. The draft Resolution that is before SWAC this evening also talks about the Morris County portion of our jurisdiction. Mr. Snyder said where we're able to find areas of agreement with DEP, we want to go ahead and get that wastewater plan submitted. What is being done tonight is a step. It is not a door that opens any doors or closes any doors. This action tonight is a necessary precursor to the Freeholder

action to get a map to the DEP prior to the deadline. If that map does not get to DEP by the deadline, all the sewer service areas get drawn back to what is in the street and hooked up.

John Eskilson said we're advancing those communities that have agreed that the DEP maps are satisfactory to the next phase, which is the wastewater management plan. For those communities that have expressed deep concerns about the DEP maps, the County is resending the 2008 maps. Mr. Eskilson said he did not want to mislead anybody. This is about the threatened and endangered species habitat maps. There is an environmental constraint that is built into the DEP wastewater management rules. He said he sincerely believes this administration wants to help and that we have made some progress. There are a lot of projects that were taken out by the prior administration that are back in. He said they will continue to argue their points and he hopes that some logic will prevail.

Eric Snyder said the potential for site specific amendments exists after July 15. Those site specific amendments will lean on the habitat studies that have to be done because of the rules. Chairman Armeno then asked for questions or comments.

Carrine Kaufer, Hardyston Township Planner, said that Hardyston did submit comments identifying some lots that they had concerns with. They are more of a "nice to have" rather than "need to have" concerns. Hardyston is comfortable in submitting maps with the 2012 DEP maps. Their comments did ask for more but they are agreeable to moving forward without them.

Victor Marotta, Vernon Township Mayor, thanked John Eskilson for his efforts. He provided PAC with a copy of a letter to the Assistant DEP Commissioner and many other legislators. He said this is not just a Vernon problem. Vernon has followed all of the regulations, all of the plans and jumped all of the hurdles put in front of them by DEP and the Highlands. Now within two weeks of a closing date to purchase the assets of the United Water System, they find themselves with the possibility of having the area where they have laid sewer pipes, taken out of the sewer service district. Mr. Marotta said Vernon Township is responsible for \$40 million worth of bonds that support the County MUA. If this sewer area is reduced by DEP, Vernon may have an impossible situation to be able to meet its commitments in terms of bonding. If Vernon doesn't pay the bonds, it falls to the SCMUA and then the County. He said DEP, with their iron-clad stance to protect rare or endangered botanical species, are threatening the County's livelihood and financial stability. He said Vernon Township will do everything in its power to see that DEP is brought to a reasonable and intelligent solution to this problem.

Jim Kilduff, Franklin Borough Administrator thanked PAC for their work and also the County and officials who have also worked on this project for so long. He said Franklin Borough is probably at the top of the list as far as towns with concerns; and he submitted a five page letter highlighting those issue areas. They have properties that have an arbitrary division of sewer service areas and non-sewer service areas. They have properties that have site plan approvals and have been taken out of the sewer service area. He said most frustrating of all, there is a major subdivision with

the roads and sewer lines installed and the lots have been taken out of the sewer service area. He said he appreciates all the efforts and hopes that there can be some sensible resolution to these issues.

Chairman Armeno said that PAC members received a copy of the Draft Resolution for the Sewer Service Area Maps for Sussex County was prepared and available to PAC at this evening's meeting. Chairman Armeno read the Resolution.

John Eskilson reread the "Now Therefore Be It Resolved" paragraph. He noted the sentence that said "Future Sewer Service Area map as proposed by the County of Sussex in 2008 is in its entirety." He said that is not what we're recommending. We are recommending as described in the attachment. It should read "as proposed and described in attachment number 1", which is the matrix of staff recommendations by municipalities. The attachment lists the 15 municipalities where there is agreement on the DEP map vs. the nine that disagree. For the nine communities that do not have agreement, the recommendation is to submit the map as originally proposed by Sussex County in 2008. It is one map, but municipality by municipality, it will be glued together, they will appear as a DEP map final version 2012 for the fifteen that have accepted that and for the nine, it will revert back to the 2008 map produced by the County. That paragraph should be changed to reflect that.

**MOTION:**

A motion was made by Jeffrey Butz to adopt the Resolution with the correction noted above with Attachment No. 1. The motion was seconded by Howard Baker. A roll-call vote was taken. All were in favor.

C. "SUSSEX COUNTY WATER QUALITY MANAGEMENT AREA" JURISDICTION INCLUDING PORTION OF MORRIS COUNTY:

Alice Brees said she received a sample Resolution for the Morris County Wastewater Plan outside of Sussex County's jurisdiction. She feels it is optional whether PAC does a Resolution on this because it does not affect Sussex County. Dennis McConnell said he did not see a problem in passing it. Ms. Brees said Morris County needs this in 60 days so there is time to table this to July. Chairman Armeno asked her to prepare a Resolution for the July meeting.

D. WATERSHED UPDATES: UPPER DELAWARE; WALLKILL:

Jeffrey Butz said he did not have anything to report on the Upper Delaware watershed.

**NEW BUSINESS:**

None

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

All business having been completed, a motion to adjourn the meeting was made by Jeffrey Butz. The motion was seconded by Denise Webb and carried unanimously. The meeting adjourned at 8:30 p.m.