



DIVISION OF PLANNING
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County of Sussex

SUSSEX COUNTY SOLID WASTE ADVISORY COMMITTEE

MINUTES

JANUARY 13, 2009

The meeting was called to order at 7:31 p.m. by Vice Chairman Ellie Mensonides. The meeting is held in compliance with the Open Public Meetings Act, NJSA 10:4-1 of 1975, as amended. Present were:

MEMBERS PRESENT:

Eleanor Mensonides, Vice-Chairman, Vernon Township
Allan Esenlohr, Green Township
Jason Doyle, Franklin Borough
William Sanford, Hampton Township
Edith McGrath, Lafayette Township
Ken Jaekel, Newton
Jo-Ann Williamson, Sandyston Township
Eric Powell, Sparta Township
Edward Vanderberg, Wantage Township
John Armeno, At-Large
James Wright, At-Large
Dick Plog, At-Large

MEMBERS EXCUSED:

James Landrith, Chairman
Jason Cofrancesco, At-Large
Robert Schultz, Hardyston Township

STAFF PRESENT:

Dennis McConnell, County Counsel
Reenee Casapulla, Recycling Coordinator
Jim McDonald, Health Department
Tom Varro, SCMUA
Phillip Crabb, Freeholder
Neal Leitner, Program Manager
Susan Heintz, Recording Secretary

ALSO PRESENT:

John Hatzelis, Administrator, SCMUA

The meeting was turned over to Dennis McConnell to hear a report by the nominating committee. Dick Plog said the committee was pleased to put forth the name of Jim Landrith for Chairman. This motion was seconded by Jason Doyle and carried. All were in favor. The committee then put forth the name of Ellie Mensonides as Vice Chairman. This motion was seconded by John Armeno and carried. All were in favor.

MINUTES:

During review of the December 9, 2008 minutes, John Hatzelis made some comments for clarification purposes. Please see the attached document for those suggested changes. Due to these suggestions to amend the minutes of December 9, 2008, it was recommended they be tabled until next month's meeting. This motion was made by Jo-Ann Williamson and seconded by John Armeno. All were in favor.

REPORTS:

A. SCMUA Update - Tom Varro said SCMUA has received nine proposals on the land-fill gas to energy project. After reviewing those proposals, SCMUA will be narrowing it down and making a selection.

B. Environmental & Public Health Services Update - Jim McDonald reported on the department's accomplishments of 2008. The department performed a total of 25 solid waste facility inspections, conducted small hauler interviews and completed recycling survey investigations. The accomplishments also included checking trucks to insure proper registration with the DEP, inspection of containers and junk yards and handling solid waste related complaints.

C. Recycling Coordinator - Reenee Casapulla provided a copy of the 2009 Recycling Events. It also contained the 2009 Schedule of Paper Shredding. She also reported, on behalf of the DEP, that new recycling regulations were just finalized on January 7 and will be available in February. DEP is putting together a summary of what changes have been made to the regulations. Reenee said there was a meeting held earlier in the day to go over the requirements of municipalities to comply with the Solid Waste Management Plan. Turnout was good and the DEP was in attendance.

D. Program Manager - Reenee Casapulla updated the committee on the municipalities' meeting with Ross Hull that took place earlier in the day. Neal Leitner said he will further update the committee at the next month's meeting the DEP has had a chance to answer the questions that were raised. Neal also mentioned the bylaws of the SWAC meeting which were included in this month's mailing. A committee was formed to review these bylaws and report back to SWAC. The members of the reviewing committee are John Armeno, Ellie Mensonides, and Jim Landrith. Comments regarding the bylaws are to be forwarded, or emailed, to one of these members.

The 2009 meeting dates were verbally agreed upon at last month's meeting, therefore a copy listing those dates was included in the mailing. A motion was made by Jo-Ann Williamson to accept these meeting dates. It was seconded by Jason Doyle and carried. All were in favor. A large discussion was held regarding item #4 of the resolution on which those dates were listed. Item #4 states that a person requesting a SWAC meeting schedule be charged \$1.00 before the request is mailed. The preferred method of delivery of the requested meeting dates would be via email. If, however, you want a paper copy, an OPRA request would need to be filled out at the County office. Eventually we will be able to direct people to look on the County Website for meeting dates. A motion was made by Eric Powell to amend paragraph #4 of the resolution to include that methodology. It was seconded by Jo-Ann Williamson and carried. All were in favor. John Armeno then made a motion to accept the amended resolution. Bill Sanford seconded that motion, a roll call vote was taken and all were in favor.

E. State Liaison - not present

CORRESPONDENCE:

Neal Leitner received correspondence dated January 8, 2009 from John Hatzelis. It is a resolution on Solid Waste Flow Control and was summarized by Mr. Hatzelis. He stated that on January 7 SCMUA Board of Commissioners approved a resolution which requests reimplementation of solid waste flow control for the Sussex County Solid Waste District and this resolution is directed at SWAC and the Board of Freeholders. It delineates the reasons for solid waste flow control. John Hatzelis summarized the history of waste flow control in Sussex County and New Jersey. He mentioned that Sussex County had previously utilized flow control which basically provided the county with the ability to direct solid waste to certain facilities and those facilities be charged tipping fees which would support the solid waste system. That worked well until about 1995 and then again in 1997 when federal courts declared flow control unconstitutional because it violated the dormant clause of the constitution. Since that time, Sussex County and a number of county solid waste systems in New Jersey have had very difficult financial times. In April 2007 the U.S. Supreme Court clarified their position on flow controls and said it is constitutional. Flow control in the State of New Jersey is legal under certain circumstances. Hatzelis stated that the Sussex County system appears to fit into those circumstances. The County of Sussex received a letter from DEP in October 2007 that said they would support a district Solid Waste Management Amendment to restore reasonable flow control provisions based on economic necessity. SCMUA believes since flow control was the original mechanism to pay for solid waste system, and the Supreme Court has confirmed that we can do it and our revenue stream is diminishing, this is one of the methods we can use to get the system back on track. John finished by re-stating that this resolution encourages the reimplementation of solid waste flow control.

Ellie Mensonides made a motion to accept this resolution and amend our Solid Waste Management Plan to include the waste flow provision and come up with the correct wording for inclusion in the Plan. County Counsel said at this point we should hold off on voting because the Freeholders need to review this. The committee can make a recommendation to the Freeholders to review and possibly implement.

Freeholder Phil Crabb said that this topic is a valid starting point, but a discussion is needed. Flow control is not like turning a light switch on or off. There are a lot of aspects to this topic that need to be further looked into.

At this point a motion was made by Ellie Mensonides for the Freeholders to review this resolution. It was seconded by Jason Doyle and carried. A roll call vote was taken and all were in favor.

Neal Leitner also mentioned the receipt of a report from Grinnell entitled Solid Waste Facility Disposal and Materials Recovery Report, December 2008. A report for the month of November 2008 was also received. It was noticed that this report only reported out-of-county figures. Therefore, it was recommended to staff to inform Grinnell that Sussex County figures need to be reported too.

It was recommended that all future correspondence be listed on the agenda and, if necessary, be included in the monthly mailing.

NEW BUSINESS:

It was recommended that the committee table the topics under New Business until Chairman Jim Landrith returns.

OPEN TO PUBLIC:

No topic was mentioned.

ADJOURNMENT:

There was no further business to be discussed at this time and a motion was made by John Armeno to adjourn. Motion was seconded by Jason Doyle and carried. Meeting adjourned at 8:55 p.m.