

SUSSEX COUNTY SOLID WASTE ADVISORY COUNCIL

MINUTES

NOVEMBER 8, 2016

The meeting was opened at 7:00 p.m. by Chairman Landrith. 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, Chairman
Donald Ploetner, At-Large, Vice Chairman
Dennis Haff, Fredon Township
Allan Esenlohr, Green Township
Karen Hansen, Hampton Township
Howard Baker, Hopatcong Borough
Nina Fradl, Montague Township
Eric Powell, Sparta Township
Christopher Fitzpatrick, At-Large

EXCUSED MEMBERS: William Koellhoffer, Byram Township
Adam Vough, Town of Newton
Jo-Ann Williamson, Sandyston Township

STAFF MEMBERS: Autumn Sylvester, Acting Planning Director
Alice Brees, Program Manager
Antoinette Wasiewicz, Recording Secretary
Jennifer Terwilliger, Health Department

ALSO PRESENT: John Williams, Esq., County Counsel
Reenee Casapulla, Recycling Coordinator
Tom Varro, SCMUA

MINUTES CORRECTION/APPROVAL:

Tom Varro asked for clarifications to be made to Page 4, fifth paragraph, first line. "Tom Varro said the SCMUA does not have an objection," will be changed to read, "Tom Varro said the SCMUA does not have an objection to the project concept," Also, on Page 7, last sentence on the page, "The power lines were asbestos coated..." will be changed to read, "The power line towers were asbestos coated ..."

A motion was made by Christopher Fitzpatrick to approve the Minutes of October 11, 2016, as amended. The motion was seconded by Karen Hansen. All were in favor, with abstentions from Dennis Haff and Howard Baker. Motion carried.

CHAIRMAN'S REMARKS:

Chairman Landrith appointed Howard Baker, Christopher Fitzpatrick and Allan Esenlohr to a Nominating Committee with Howard Baker serving as the Chair. They will accept requests for nominations for the positions of the SWAC Chair and Vice Chair to be voted upon at the first meeting of 2017.

NEW BUSINESS:

None

OLD BUSINESS:

A. DISCUSSION OF PROPOSED CHANGES TO THE BY-LAWS:

Donald Ploetner reported that the By-Laws Sub-Committee met in May and made some proposed changes to the By-Laws. SWAC was provided with a copy of the draft prior to this evening's meeting. He said some changes were simple housekeeping issues. He asked for comments on the changes.

Chairman Landrith said he wanted to discuss Section V which says that if staff has a differing opinion than that of the SWAC membership; staff must submit their differing opinion, in writing, to the SWAC membership in the meeting package ten (10) days prior to the meeting. SWAC and staff will discuss the difference of opinion, and in the event that the opinions remain unchanged after discussion, the two opinions shall be submitted to the Board of Chosen Freeholders for final decision. The draft changes to the By-Laws include the addition of Ex-Officio Members. Mr. Landrith said he feels the inclusion of Ex-Officio Members gives them special treatment.

Mr. Landrith said that including SWAC's minority opinion as part of the SWAC's recommendations to the Freeholders may not be an evenhanded policy. If a proposal is either accepted or rejected by SWAC membership, SCMUA, as an Ex-Officio member, will have the right to promote their interests as part of the SWAC recommendations. If a private sector applicant is rejected by SWAC membership, there is no procedure to express their interest through the SWAC recommendations.

Tom Varro said that SCMUA serves a different role than the industry at-large and they have the ability to provide information that staff may not have. Also, SCMUA does not get a vote on the SWAC. He talked about the Grinnell issue which passed by one vote. SCMUA reserved their right to present a minority opinion. The Freeholder Board voted to approve Grinnell's request, but they had all the facts before them. Mr. Landrith credited SCMUA for valuable input and advice to SWAC regarding the solid waste disposal business. He also said that SCMUA's ability to make an appeal to the Freeholders, over and above SWAC's decision, is better than a vote.

There was some discussion about At-Large members. They do not have the option of offering a differing opinion to the Freeholder Board. It was noted that anyone who has a differing opinion than SWAC is free to attend a Freeholder meeting and express their opinion. Mr. Landrith said that SWAC is an advisory group and for SWAC to send the Freeholders all the opinions, then they (SWAC) haven't done its job. It has not made a clear cut decision. The membership decision reflects, not just recommendations, but to what extent these tradeoffs would be best accepted by the constituents that each member represents. He believes the membership should vote and the majority opinion should be sent to the Freeholders.

Mr. Varro said that staff and the Health Department do not have a vote and that an Ex-Officio member also does not vote. He said that it sounds like he (Mr. Landrith) did not want staff to have the ability to send a differing opinion to the Freeholders. Mr. Landrith said that staff and the Health Department are employees of the County and do not have a vested interest in solid waste proposals; whereas, SCMUA has a vested interest.

John Williams said this paragraph in the By-Laws is a conflict resolution mechanism. When there are differing opinions that cannot be resolved, they are presented as being differing opinions to the Freeholders. Ms. Brees said it allows the Freeholders to hear more points of view. It was brought up that SWAC is an advisory board and the Freeholders make the ultimate decision. SWAC does the groundwork and passes on the information on to the Freeholders. Mr. Williams said this section deals with a situation where both staff AND ex-officio members have a difference of opinion. He will work on the language. A decision was not made on this section.

Mr. Ploetner said that in Section VI, 6.01, the By-Laws were changed to show the meeting start time to 7:00 p.m. There was also a section added saying that the Chairman or Vice Chairman shall have the discretion to cancel a regular scheduled meeting. It listed the reasons for a meeting cancellation as inclement weather, lack of a quorum, lack of agenda or conflicting meetings or events.

Under Section VI, 6.02, d, "nor later than seven (7) days" was removed. Item d now reads, "The special meeting shall be noticed in the media, and the meeting shall be held not earlier than three (3) days from the date of the request. It was suggested that "media" be changed to "the official publication." Mr. Williams said this is covered under OPMA, the Open Public Meetings Act. Mr. Williams said he would change this to whatever is appropriate.

Under 6.04, Agenda, there were some changes made to the order of the Agenda. Chairperson's/Vice-Chairperson's Remarks was added under Acceptance of the Previous Meeting's Minutes; followed by Presentations; and Reports will be shown between Old Business and New Business.

The last paragraph of this section reads, "As a matter of policy, the Council shall not take immediate action on items presented under the agenda heading of "Presentations." It is proposed to add to the sentence, "and/or "New Business" that had not been previously scheduled and discussed."

There was some discussion on whether an issue discussed at a special meeting held in December could be voted upon in January, because SWAC membership may change with the New Year. It was agreed that the requirement to wait for the next meeting to vote on a special meeting issue should be removed.

John Williams said in Section 6.02, b, it should be changed from "Any person requesting a special meeting shall be in attendance at the special meeting and shall be identified for the record," should be changed to "All persons."

To the certification at the end of the By-Laws, "Adopted" will be changed to "Approved." Also, "And Thereby Adopted by Two Thirds SWAC Majority Vote at its Regular Meeting held on the ____ Day of _____, 2016," will be added.

John Williams said he will make changes to the By-Laws to make it gender neutral throughout. Chairman Landrith congratulated Vice Chairman Ploetner on a job well done. Vice Chairman Ploetner thanked all who served on the By-Laws Sub-Committee.

B. PLANNING RESPONSE TO DEP ON RECYCLING RATES:

Ms. Brees said in the SWAC mailing, she included a draft of the letter that will be going to the DEP regarding the recycling rates. The recycling rates to be reported will be from 2014. Ms. Casapulla will be providing some data for the letter.

REPORTS:

A. SCMUA UPDATE:

Tom Varro provided SWAC with tonnage report from December 1, 2015 through October 31, 2016. The total tonnage to date was 89,275 tons, which represents a 4.1% increase. The increase to revenue was 3.5%.

Mr. Varro reported that on November 2, 2016, the MUA received a letter from DEP regarding the Grinnell Recycling application for the Solid Waste Transfer of Ownership. He discussed the issues Cavalier had to resolve, including a monitoring well. In Cavalier's response to DEP, they referenced the stormwater permit and said that should resolve that issue. DEP will hold the records open for 30 days. He asked SWAC to let the MUA know if they want to send back a response through the MUA. Eric Powell said he would look into this issue on behalf of Sparta Township.

B. RECYCLING COORDINATOR:

Renee Casapulla reported that since the last SWAC meeting, the Recycling Coordinators met and discussed their goals in trying to get compliance from the generators in their towns. They also discussed new programs and recycling programs at the MUA.

This past Saturday, the MUA had a Household Hazardous Waste Collection Event. The County Health Department was a partner in this event and the HazMat team was there to oversee the event. Ms. Casapulla reported that the event was very well attended.

C. STATE LIAISON:

The State Liaison did not attend this evening's meeting, nor did he provide a report.

DIRECTOR'S REPORTS:

A. PLANNING REPORT:

None

B. HEALTH DEPARTMENT:

Jennifer Terwilliger reported that since the last SWAC meeting there were three waste flow referrals from SCMUA. There was one Notice of Violation issued and nine penalty assessments. There were three solid waste referred investigations from NJDEP.

There were 14 facility inspections completed: two for Ag Choice with NJDEP for permit change from RD&D to Class C facility; three "Class B Exempt" for Peterson Compost, Hopatcong Borough Compost and SCMUA Compost; one "Class C Exempt" Compost for SCMUA; two "Class C Exempt Leaf Transfer" for Byram and Hopatcong Boroughs; and six Convenience Centers for Byram, Hopatcong, Montague, SCMUA, Stillwater and Vernon.

There were 24 recycling truck inspections at the SCMUA landfill for comingling of recyclables checks. There were also six phone interviews for Exempt Hauler applications.

John Williams reported that he has finished the draft Memorandum of Understanding with SCMUA and it is slated for approval by the Freeholders during the second meeting of November for hiring special counsel to take enforcement action for SCMUA.

CORRESPONDENCE:

- A. LETTER FROM NJDEP RE LANDFILL LIFE EXTENSION PROJECT STAGE 1 BERM CONSTRUCTION, 9/15/16:
- B. LETTER FROM NJDEP RE NOTICE OF ADMINISTRATIVE COMPLETENESS FOR THE APPLICATION FOR A SOLID WASTE TRANSFER STATION PERMIT – TRANSFER OF OWNERSHIP, 10/17/16:
- C. SOLID WASTE FACILITY MONTHLY DISPOSAL AND MATERIALS RECOVERY REPORT FOR SEPTEMBER 2016, C.E.C.S., 10/17/16:

PUBLIC COMMENT:

None

ADJOURNMENT:

All business having been completed, a motion to adjourn the meeting was made by Donald Ploetner. The motion was seconded by Karen Hansen and carried unanimously. The meeting adjourned at 8:10 p.m.