SALEM COUNTY IMPROVEMENT AUTHORITY

Regular Meeting
Monday, November 25, 2013
Finlaw Building, Lower Level
199 East Broadway
Salem, New Jersey

Meeting was called to order by Chairman John Ober at 5:00 pm.

Pledge of Allegiance was recited by all present.

Chairman John Ober read the following statement: “Notice of this meeting has been provided to the public in accordance with the New Jersey Open Public Meetings Act by Publication in the South Jersey Times and the Elmer Times, newspapers circulated in Salem County, and by posting notice in the Salem County Clerk’s Office. Copies of the Board minutes and a video of this meeting are posted on SCIANJ.COM.”

Roll Call:
Howard, Ron Present
Ober, John Present
Schneider, Lew Absent
Voros, Pete Present
Widdifield, Bob Present

MINUTES
(M) R. Howard, (S) P. Voros to approve the minutes from the Regular Meeting of October 28, 2013. An amendment was requested by Robert Widdifield who requested the minutes include an explanation for his Nay vote on Resolution 2013-79. The minutes will be amended to reflect that Mr. Widdifield opposed introduction of the 2014 Solid Waste Division budget due to the horizontal engineering line item in the O/E budget and Capital Budget.
(M) R. Howard (S) P. Voros to amend the minutes and approve them with the amendment.
Approved by voice vote 4/0.

(M) R. Howard, (S) P. Voros to table Executive Meeting Minutes for October 28, 2013.
Approved by voice vote, 4/0.

SOLID WASTE DIVISION
• Solid Waste Division dated November 14, 2013 presented by Melinda Williams, Division Manager. Copies of this report along with statistical landfill report were distributed to all Board members prior to this meeting. Freeholder liaison Cross inquired if PSEG was still disposing of materials at SCIA. M. Williams responded in the affirmative and stated that marsh grass was very
limited and seasonal and that only minor other waste streams were coming to SCIA with the majority still going out of the County. 

Chairman Ober without objection ordered the Solid Waste Division Report be received and filed. Hearing no objections, so ordered.

- Landfill Engineers Status Report dated November 18, 2013 was presented by David Munion of T & M Associates. Copies of this report were distributed to all Board members prior to this meeting. 
  Chairman Ober without objection ordered the Solid Waste Division Report be received and filed. Hearing no objections, so ordered.

- Resolution 2013-88 Authorizing Payment of Bills for Solid Waste Division 
  (M) P. Voros, (S) R. Howard to approve resolution for payment of bills.
  All in favor, motioned passed by voice vote 4/0.

- Title V Air Permit inspection report of 11-8-13 (executive session discussion)

**ECONOMIC DEVELOPMENT DIVISION**

- Economic Development Report dated November 28, 2013 was presented by Jim Smith, Division Manager. Copies of this report were distributed to all Board members prior to meeting.  
  Chairman Ober without objection ordered the Economic Development Report be received and filed. Hearing no objections, so ordered.

- Resolution 2013-89 Authorizing Payment of Bills for the Economic Development Division.  
  (M) P. Voros, (S) R. Howard to approve resolution for payment of bills. All in favor, motioned passed by voice vote 4/0.

**NURSING HOME DIVISION**

- Golden Nursing and Rehabilitation Facility Demand for Payment (executive session discussion).

**STANDING COMMITTEE REPORTS**

**EXECUTIVE COMMITTEE (John Ober)** – Chairman Ober briefly discussed the 2013 salary increase recommendation for the Executive Director; action on this matter had been deferred until results of the CY 2012 audit were complete.  
(M) P. Voros, (S) R. Howard to increase the Executive Director's salary by 5% retroactive to January 1, 2013. Approved by voice vote 3/1. Member R. Widdifield opposed, stating he requested an opportunity to review the Executive Director's employment contract. 

Chairman Ober without objection ordered the Executive Committee Report be received and filed. Hearing no objections, so ordered.
PERSONNEL COMMITTEE (Ron Howard) – Ron Howard discussed the interview held with an additional candidate of Landfill Supervisor position. Executive Director briefly reviewed the status of the Dental Plan for SCIA employees. Chairman Ober inquired if SCIA had a lapse of Dental coverage because of the County’s failure to notify SCIA following plan termination on October 1. Executive Director Turner-Fox indicated that there was a technical lapse of coverage but that the Broker of Record and she were able to secure continuation of coverage with Horizon until December 31, 2013 without any real lapse of coverage to SCIA employees. Member Howard also stated that the Policy Manual is available for review in hard copy and asked the Board members to provide any input they had to the Executive Director. Freeholder Liaison Cross suggested that SCIA obtain an updated copy of the Aetna Dental Providers List as more county providers were in the process of signing up before the first of the year.

Chairman Ober without objection ordered the Personnel Committee Report be received and filed. Hearing no objections, so ordered.

SOLID WASTE COMMITTEE (Peter Voros) Peter Voros briefly discussed that the Sanitary Landfill Escrow Audit is complete, without findings or recommendations. He also noted that construction of leachate tank #2 is progressing on schedule. Member Voros inquired who authorized Mercadian to do an audit on the Solid Waste Division, how much it cost and who was going to pay for this service. Freeholder Director Julie Acton responded that the County Freeholder Board approved this action unanimously, but did not know how much it cost. Member Voros asked if a Purchase Order was issued for this work. Freeholder Director Acton Indicated she assumed a Purchase Order has been issued.

Chairman Ober without objection ordered the Solid Waste Committee Report be received and filed. Hearing no objections, so ordered.

INNOVATION & TECHNOLOGY (Lew Schneider) In member Schneider’s absence, Executive Director Turner-Fox stated that a revised Shared Services Agreement with the County of Salem for IT Equipment Housing and Internet Access for April 1-August 1, 2013 has been received and renegotiated. She recommended it be authorized by the SCIA Board this evening. She highlighted other IT projects underway.

Chairman Ober without objection ordered that all Innovation & Technology Committee Reports be received and filed. Hearing no objections, so ordered.

ALTERNATIVE & RENEWABLE ENERGY COMMITTEE (Bob Widdifield) No meeting held.

EXECUTIVE DIRECTOR’S REPORT
- Executive Director’s Report dated November 28, 2013 was present by Executive Director Deborah Turner Fox.
  Copies of this report were distributed to all members prior to this meeting.
  Executive Director Turner Fox discussed the meeting that was held with NJDEP inspector Mr. Hansen and his supervisor Mr. Everett regarding the Solid Waste enforcement activity as well as other highlights of the report.
Chairman Ober without objection ordered the Executive Director’s Report be received and filed. Hearing no objections, so ordered.

OLD BUSINESS
- **Motion** Authorizing the Hire of Landfill Supervisor *(executive session discussion)*

- **Motion** Approving 2014 Salary and Wages increases—Tabled on October 28, 2013. Chairman Ober suggested action on this be deferred until after the 2014 budgets are adopted. *(M)* P. Voros, *(S)* R. Howard to defer action until 2014 budgets are adopted. *All in favor, motioned passed by voice vote 4/0.*

NEW BUSINESS
- **Resolution 2013-90 Adopting the Solid Waste Division Budget for 2014.**
  R. Widdifield reiterated his objection to adopting the budget for this division due to the Horizontal Expansion Engineer line item expense in the O/E budget and capital plan. Chairman Ober asked if he wanted to reduce the Solid Waste Division budget further thereby reducing the amount of funding that would be made available to the County of Salem under the support agreement. Member Widdifield suggested that the funds be designated for replenishment and renewal accounts. Chairman Ober stated that funding in the budget is a planned expenditure only, not final authorization to expend the monies and noted that all funding that was not expended in certain line items return to the SCIA surplus line item to be utilized the next year or is available for transfer to other line items should it be necessary.
  *(M)* P. Voros, *(S)* R. Howard to adopt resolution. *Resolution adopted 3/1 by voice vote.*

  **Roll Call Vote:**
  
  | John Ober     | Yea |
  | Pete Voros    | Yea |
  | Bob Widdifield| No  |
  | Ron Howard    | Yea |
  | Lew Schneider | Absent |

- **Resolution 2013-91 Adopting the Economic Development Division Budget for 2014**
  *(M)* P. Voros, *(S)* R. Howard to adopt resolution. *All in favor, resolution adopted 4/0 by voice vote.*

  **Roll Call Vote:**
  
  | John Ober     | Yea |
  | Pete Voros    | Yea |
  | Bob Widdifield| Yea |
  | Ron Howard    | Yea |

- **Resolution 2013-92 Adopting the Nursing Home Division Budget for 2014**
  *(M)* P. Voros, *(S)* R. Howard to adopt resolution. *All in favor, resolution adopted 4/0 by voice vote.*
Roll Call Vote:
John Ober    Yea
Pete Voros   Yea
Bob Widdifield Yea
Ron Howard   Yea

- Resolution 2013-93 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide Auditing Services for the Salem County Improvement Authority.
  (M) P. Voros, (S) R. Howard to adopt resolution. Executive Director Turner-Fox reviewed the Fair and Open Process followed by the SCIA to solicit proposals for Professional Services and the results of the responses thereof. Member Bob Widdifield questioned if accepting bids the day after Election Day was a curable defect. He stated according to the Local Public Contracts Law accepting bids the day after Election Day, which is a State holiday is prohibited. Solicitor Adam Telsey notified the Board that his firm’s contract was under consideration this evening and that his opinion was being offered but qualified. He stated that these are Professional Services solicited under Title 19:44A-20.7 Fair and Open Process and the exclusion on bid acceptance dates applies to Local Public Contracts Law N.J. S.A. 40A:11 and N.J.S.A. 18A and does not apply to Professional Services. Chairman Ober suggested that the SCIA Board proceed with the award of contracts contingent upon receipt of a legal opinion from an independent conflict attorney. Resolution adopted by voice vote 3/1. Bob Widdifield opposed.

- Resolution 2013-94 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide Legal Services for the Salem County Improvement Authority.
  (M) P. Voros, (S) R. Howard to adopt resolution. Resolution adopted by voice vote 4/0.

- Resolution 2013-95 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide Bond Counsel Services for the Salem County Improvement Authority.
  (M) P. Voros, (S) R. Howard to adopt resolution. Member Widdifield commented that many of these firms are from Burlington County and stated that SCIA should receive an award for doing Economic Development in Burlington County. Resolution adopted by voice vote 4/0.

- Resolution 2013-96 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide Professional Engineering Services for the Salem County Improvement Authority.
  (M) P. Voros, (S) R. Howard to adopt resolution. Resolution adopted by voice vote 4/0.
• Resolution 2013-97 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide Financial Advisor Services for the Salem County Improvement Authority.
(M) P. Voros, (S) R. Howard to adopt resolution. Resolution adopted by voice vote 4/0.

• Resolution 2013-98 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide Economic Development Consulting Services for the Salem County Improvement Authority.
(M) P. Voros. (S) R. Howard to adopt resolution. Resolution adopted by voice vote 4/0.

• Resolution 2013-99 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide Risk Management Consulting Services for the Salem County Improvement Authority.
(M) P. Voros, (S) R. Howard to adopt resolution. Resolution adopted by voice vote 4/0.

• Resolution 2013-100 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to Provide for a Professional Engineer for Topographical Engineering Services for the Salem County Improvement Authority.
(M) P. Voros, (S) R. Howard to adopt resolution. B. Widdifield suggested Fralinger Engineering receive the contract as he would like to see more work thrown to Salem County based firms. Executive Director, Turner-Fox noted that Fralinger Engineering was no longer located in Salem County but still had their office in Cumberland County. Chairman Ober stated that professional service contracts are awarded to the firms with best all around experience in their field and that the Fair and Open Process allows any firm to submit a proposal. Resolution adopted by voice vote 3/1. B. Widdifield opposed.

• Resolution 2013-101 Authorizing the Award of a Contract Pursuant to a Fair and Open Process for Fee Accountant Services for the Salem County Improvement Authority.
(M) P. Voros, (S) R. Howard to adopt resolution. Resolution adopted by voice vote 4/0.

• Resolution 2013-102 Authorizing the Award of a Contract Pursuant to a Fair and Open Process to provide Health Benefits Consulting Services for the Salem County Improvement Authority.
(M) P. Voros. (S) R. Howard to adopt resolution. Resolution adopted by voice vote 4/0.

• Motion to award these Professional Service Contracts subject to obtaining a legal opinion from an independent legal firm regarding the acceptance dates of the responses. Member Howard asked how much this would cost. Chairman
Ober said it would probably be under $5,000 as it would only take a few hours of work to research the statutes.  
(M) P. Voros, (S) R. Howard to approve motion.  All in favor, motion passed by voice vote 4/0.

- **Motion** authorizing the Executive Director to re-advertise for Requests for Proposal for Professional Services, if needed, following receipt of a legal opinion and to have the Resolutions available before the December SCIA Board meeting.  
  (M) P. Voros, (S) R. Howard to approve motion.  All in favor, motion passed by voice vote 4/0.

- **Motion** authorizing the Executive Director to contract with Brown & Connery for a price not to exceed $5,000.00 in order to obtain independent legal opinion.  
  (M) P. Voros, (S) R. Howard to approve motion.  All in favor, motion passed by voice vote 4/0.

- **Resolution 2013- 103 Amending a Tariff for the Solid Waste Division**  
  (M) P. Voros, (S) R. Howard to adopt resolution.  Resolution adopted by voice vote 4/0.

- **Resolution 2013-104 Issuing Change Order Number #1 to the Contract to Construct Leachate Tank # 2 for the Solid Waste Division**  
  (M) P. Voros, (S) R. Howard to adopt resolution.  Resolution adopted by voice vote 4/0.

- **Resolution 2013-105 Correcting Minutes of September 23, 2013 Regular SCIA Board Meeting**  
  (M) P. Voros, (S) R. Howard to adopt resolution.  Resolution adopted by voice vote 4/0.

- **Resolution 2013-106 Authorizing a Shared Services Agreement between the SCIA and County of Salem for Information Technology Equipment Housing and Internet Services.**  
  Freeholder Cross pointed out that a correction should be made in paragraph # 1 of the Shared Services Agreement that was drafted by the County.  The written amount (should read four hundred dollars not eight hundred dollars).  
  (M) P. Voros, (S) R. Howard to adopt resolution.  Resolution adopted by voice vote 4/0.

**CORRESPONDENCE**

**External Correspondence**

- E-Mail Dated November 22, 2013 from Nichole Galianzzi RE: Aetna Dental Rates and effective dates.
• E-Mail Dated November 15, 2013 from G. Clouser SCLE RE: Key Equipment Financing, Inc.
• Letter Dated November 14, 2013 to K. Coleman RE: Mercadian Financial Analysis SCIA SWD.
• Letter Dated November 14, 2013 to M. Mulligan RE: Gateway Business Park Biennial Engineers Certification.
• Letter Dated November 5, 2013 from Mary Lou Rutherford RE: SCIA 2012 Audit and Host Benefits Payable.
• Letter Dated November 1, 2013 from Jeffrey Winegar RE: Salem Co. Landfill Leachate Storage Tank #2.
• Letter Dated November 1, 2013 from Jessica Foote RE: Revised Shared Services Agreement between the County of Salem and SCIA for IT Equipment housing and Internet Services.
• Letter Dated October 31, 2013 to Ms. Mary Lou Rutherford RE: SCIA2012 Audit and Host Community Benefits Payment
• Letter Dated October 28, 2013 to Ms. Coleman, CFO RE: SCIA Retiree Health Benefit Payment
• NJWELL Wellness Champion Designation form, Casie Garton.

Other Informational Materials
• The Authority View Volume XXXIX Number 3 Fall 2013
• Leachate Storage Tank # 2 Construction Progress Meeting #1 Minutes-October 10, 2013
• Leachate Storage Tank # 2 Construction Progress Meeting #1 Minutes-October 29, 2013

R. Widdifield inquired about the noise level readings on the Dixie Chopper mower and noted that additional hearing protection was being required. Executive Director Turner-Fox and Solid Waste Division Manager Williams stated that the new hearing protection has already been ordered, received and issued. Chairman Ober without objection
ordered that Correspondence be received and filed. Hearing no objections, so ordered.

PUBLIC COMMENT

(M) P. Voros, (S) R. Howard to open this portion of the SCIA Meeting to the public. Motion approved by voice vote 4/0.

Julie Acton, Freeholder Director, asked the solicitor, thru the Chairman, why appointments are being made tonight and not at Re-Organization in February. Chairman Ober stated that this was a question for the Chairman and not the solicitor. He explained that it has been the practice of SCIA for a number of years to award contracts on a January –December basis. This was done at the suggestion of the auditor to unify contract expiration dates which previously expired all times during the year and resulted in lapsed contractual issues on the audits. The change was also made following the conversion from a fiscal year to calendar year accounting period. Chairman Ober asked the Executive Director to affirm that fact. Executive Director Turner-Fox noted that a prior audit corrective action was to unify contract periods a much as possible. Chairman Ober asked the Executive Director what other Improvement Authorities did for their contacts. Executive Director Turner-Fox responded that other Improvement Authorities also award on this same January-December contract periods, but that there is no set standard timeframe. Some award contracts in February at their re-organization meeting, others award mid-year and others award all thru the year depending on their needs.

(M) P. Voros, (S) R. Howard to close the meeting to Public. Motion approved by voice vote 4/0.

EXECUTIVE SESSION

• Resolution 2013-107 Authorizing Executive Session- Open Public Meetings Act, N.J.S.A. 10:4-12b permits a public body to go into a closed session during a public meeting to discuss certain matters as follows: (M) P. Voros, (S) J. Ober. Motion approved by voice vote 4/0.

• Matter Relating to Potential Litigation, Negotiations and Attorney-Client Privilege and Employment Relationship- Pursuant to N.J.S.A. 10:4-12b (7) and (8)-Discussion of Offer of Employment to Landfill Supervisor.

• Matter Relating to Potential Litigation, Negotiations and Attorney-Client Privilege- Pursuant to N.J.S.A. 10:4-12b(7)- Discussion of Title V Air Permit Notice of Violation and Penalty-Settlement Offer.
  o Freeholder Liaison Cross and Solid Waste Division Manager Williams left executive session at this point.
• Matter Relating to Potential Litigation, Negotiations, and Attorney-Client Privilege- Pursuant to N.J.S.A. 10:4-12b(7)- Discussion of Demand for Payment from Golden Nursing and Rehabilitation Center.

With no further business to discuss in Executive Session, on (M) P. Voros (S) J. Ober the regular meeting of the SCIA was re-opened to the public. Motion approved by voice vote 4/0.

• Motion to offer the position of full time Landfill Supervisor to Lodie van Tonder with a salary of $46,000 effective December 2, 2013 and in accordance with all other provisions outlined the November 20, 2013 recommendation from the Executive Director. (M) P. Voros, (S) R. Howard. Motion approved by voice vote 4/0.

• Motion to accept the NJDEP offer of a 25% reduction in the amount of penalty upon receiving final report on air permit inspection. (M) P. Voros, (S) R. Howard. Motion approved by voice vote 4/0.

• Motion to approve base wage and salary increases for the SCIA staff effective January 2014 in accordance with recommendation from Executive Director. Chairman John Ober stated that in order to bring the Executive Director’s compensation cycle in line with other employees, her next salary increase should be effective January 2014 and would be discussed by the Board between now and then. (M) P. Voros, (S) R. Howard. Motion approved by voice vote 4/0.

(M) P. Voros, (S) J. Ober to adjourn meeting. Approved by voice vote 4/0.

Meeting adjourned 7:40 pm.

Respectfully Submitted:

Joan M. Cole
Recording Secretary