

**RESOLUTION AUTHORIZING EXECUTIVE SESSION**

WHEREAS, this Authority is authorized, pursuant to N.J.S.A. 10:4-12 to exclude the public from that portion of this meeting for purposes of discussing specific matters as permitted by N.J.S.A. 10:4-12; and,

WHEREAS, this Authority intends to discuss certain matters which are deemed confidential pursuant to N.J.S.A. 10:4-12, in Executive Session:

WHEREAS, at this time the Authority cannot determine the time when the discussion to be held in Executive Session will be made public, but will disclose the minutes of the Executive Session when the need for confidentiality no longer exists.

NOW, THEREFORE, be it resolved by the Sussex County Municipal Utilities Authority that this meeting shall be adjourned to an Executive Session (closed session) and the public will be excluded in order that the Authority may discuss the items listed below, and upon reconvening this public meeting the Chairman will announce, if possible, the time when and the circumstances under which the discussion conducted in Executive Session will be disclosed to the public. This resolution is authorized and allowed by and pursuant to N.J.S.A. 10:4-13.

- (1) Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

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- (2) Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

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- (3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any

individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

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- (4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

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- (5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

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- (6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

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- (7) Any pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein in which the public body is, or may become a party.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

Contract #444 Landfill Life Extension Project; Energy Bidding Options; Contract PRC-101 Paulinskill Facility Project

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Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

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(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

Personnel Items

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(9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

The general nature of the subject to be discussed per N.J.S.A. 10:4-13(a):

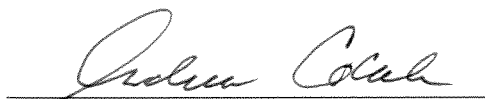
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NOW, THEREFORE, be it further resolved by the Sussex County Municipal Utilities Authority that pursuant to N.J.S.A. 10:4-13(b) the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public is when the need for confidentiality no longer exists.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Regular Authority Meeting held  
on Wednesday, October 4, 2017.



Andrea Cocula, Secretary

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**RESOLUTION RE: AUTHORIZATION TO BID AND AWARD A CONTRACT FOR ELECTRIC GENERATION SERVICES AS PARTICIPANT IN AGGREGATION**

**WHEREAS**, the Sussex County Municipal Utilities Authority (Authority) has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation (“NJSMUAESA”), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.* ), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts ; and

**WHEREAS**, the existing electric power supply contracts between the Authority and electricity generators, awarded and entered as a result of bidding conducted by the NJSMUAESA in November 2015, will expire upon the meter read dates in May 2018 for each Authority electric account currently being served; and

**WHEREAS**, the NJSMUAESA intends to issue a Request for Bids in November 2017 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current contract provides that is scheduled to expire in May 2018; and

**WHEREAS**, it is the NJSMUAESA’s intent to receive bid price submittals on or about November 8, 2017; and

**WHEREAS**, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority’s behalf by its designated representative by no later than 3:00 p.m. on bid day; and

**WHEREAS**, consideration of bids will be based upon “trigger prices” as supplied prior to bid by the energy consultant for the NJSMUAESA, and presented to and discussed by the Authority.

**NOW, THEREFORE, BE IT RESOLVED** that the Authority is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing contracts (per tariffs) that are expiring in May 2018, pursuant to the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and the “Local Unit Electronic Technology Pilot Program and Study Act” (P.L. 2001, c.30).

**BE IT FURTHER RESOLVED** by the Authority that it hereby authorizes the Authority's Executive Director, Chief Engineer and/or Legal Counsel to act in their sole discretion as the Authority's designated representative to award a contract to the low, qualified bidder(s) for the contract term and pricing product deemed most beneficial to the Authority pursuant to established trigger prices, and by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued prior to November 8, 2017.

**BE IT FURTHER RESOLVED** that notwithstanding the foregoing, the Authority's Executive Director, Chief Engineer, and/or Legal Counsel may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*

**BE IT FURTHER RESOLVED** that this resolution shall be effective in accordance with the applicable law.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Regular Meeting held on Wednesday, October 4, 2017.

  
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Andrea Cocula, Secretary