

**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):

Vernon Township/VTMUA, Upper Wallkill NJPDES Permit – Nitrate, PFAS  
Litigation

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(8) 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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(9) 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 Matters

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(10) 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, September 1, 2021.

  
Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2021 UPPER WALLKILL  
 FACILITIES CAPITAL BUDGET – RENEWAL & REPLACEMENT  
 FUND

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2021 Budget on November 25, 2020; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Upper Wallkill Facilities' Renewal and Replacement Fund including renaming a project expenditure Line Item, and transferring funds with no increase in overall budget amount; and

WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.

THEREFORE, BE IT RESOLVED, that the adopted FY2021 SCMUA Upper Wallkill Facilities' Budget ending November 30, 2021 be amended and approved by the Board of Commissioners as follows:

Upper Wallkill R&R Fund:

<u>Expenses</u>	<u>From</u>	<u>To</u>
Renewal & Replacement Fund		
Hamburg P.S. Rehab.	\$660,000	\$790,000
Electrical Control Stormwater	\$400,000	\$270,000
Upgrades		
Total	\$1,060,000	\$1,060,000

BE IT FURTHER RESOLVED, that two copies of this resolution shall be filed with the Director of the Division of Local Governmental Services.

Certified as a true copy of the Resolution  
 adopted by the Authority at their regular meeting  
 held on Wednesday, September 1, 2021.

  
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 Andrea Cocula, Secretary

<u>Member</u>	<u>Recorded Vote</u>			
	Aye	Nay	Abstain	Absent
R. Petillo	X			
T. Madsen	X			
A. Cocula	X			
W. Dietz	X			
K. Meyer	X			
J. Drake	X			
J. Wesley	X			
J. Finkeldie	X			
R. Dabinett	X			

**RESOLUTION RE: AUTHORIZING THE AWARD TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER FOR CONTRACT NO. 21-08 FOR THE FURNISH AND DELIVERY OF ONE NEW WALKING FLOOR TRANSFER TRAILER**

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "Authority") has advertised for bids for Contract No. 21-08 on August 12, 2021 in the New Jersey Herald for the furnishing and delivery of one (1) New Walking Floor Transfer Trailer for the Authority's Solid Waste Facility in Lafayette, New Jersey; and

WHEREAS, one sealed bid was received and opened by the Authority on August 24, 2021 at 11:00 a.m. after notice and solicitation in accordance with the provisions of the Local Public Contracts Law (N.J.S.A.40A:11-1, et.seq.); and

WHEREAS, Horwith Trucks, Inc. of Northampton, PA. was the lone bidder with a bid for One Walking Floor Transfer Trailer at \$93,609.00, less a Trade-In Allowance of \$20,000.00, for a Total Bid Price of \$73,609.00; and

WHEREAS, the Authority hereby rejects the Trade-In Allowance to obtain a higher value at auction, which has been deemed the most beneficial for the Authority; and

WHEREAS, the Authority's staff and Attorney have reviewed the Bid Proposal and contract language, and recommends award thereof to Horwith Trucks, Inc. as based upon the accepted Bid Price for One Walking Floor Transfer Trailer for a Total Bid Price of \$93,609.00; and

WHEREAS, the Treasurer has certified that there are sufficient funds in the Solid Waste Renewal & Replacement Fund for equipment procurement and contract award.

NOW, THEREFORE BE IT RESOLVED by the Sussex County Municipal Utilities Authority as follows:

1. Contract No. 21-08 for the furnishing and delivery of One New Walking Floor Transfer Trailer is hereby awarded to Horwith Trucks, Inc. for a Total Bid Price of \$93,609.00; and
2. The proper officers of this Authority, and its employees are hereby authorized to proceed with the preparation and execution of a formal contract and Purchase Order with Horwith Trucks, Inc. as set forth above, pursuant to the terms and conditions of this resolution and pursuant to terms and conditions of the Bid previously submitted by Horwith Trucks, Inc. and the specifications in connection therewith.
3. This resolution shall take effect in accordance with applicable NJ laws and statutes.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Regular Meeting held on  
Wednesday, September 1, 2021.

  
Andrea Cocula, Secretary