

RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY  
PARTICIPATION IN THE NEW JERSEY ENVIRONMENTAL  
INFRASTRUCTURE TRUST FINANCING PROGRAM

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) is contemplating the implementation of two projects for its Solid Waste Program, namely the Landfill Life Extension Project and Leachate PS/FM Project; and

WHEREAS, the SCMUA seeks to implement said projects in the most cost efficient and affordable manner; and

WHEREAS, both the Landfill Life Extension Project and Leachate PS/FM Project are eligible for reduced rate loan funding through the New Jersey Environmental Infrastructure Trust (NJEIT) Financing Program; and

WHEREAS, the NJEIT Financing Program is subject to certain requirements as to applicant representation and document submittals; and

WHEREAS, the SCMUA elects to pursue such funding and meet all program requirements.

NOW THEREFORE BE IT RESOLVED, by the Commissioners of the SCMUA that:

1. The SCMUA hereby authorizes participation in the NJEIT Financing Program for potential funding considerations for its Landfill Life Extension and Leachate PS/FM Projects; including submittal of all necessary documentation and compliance with all NJEIT program requirements.
2. The SCMUA hereby designates Administrator John Hatzelis as the primary contact person and Chief Engineer Thomas Varro as the technical contact person representing SCMUA in all NJEIT related matters.
3. John Hatzelis and Thomas Varro are hereby authorized to provide all required documents, consent and actions as may be necessary for NJEIT Funding Program consideration.
4. A Certified copy of this Resolution shall be submitted to NJDEP and NJEIT.
5. This Resolution shall be effective in accordance with applicable law.

Certified as a true copy of the Resolution adopted  
by the Authority at their Regular Meeting held on  
Wednesday, July 15, 2015.

  
Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) CHAIRMAN AND SECRETARY TO EXECUTE A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SUSSEX FOR THE ESTABLISHMENT OF A SCMUA SOLID WASTE ENFORCEMENT PROGRAM**

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. (the “Act”), each county within the State of New Jersey is designated a solid waste management district with responsibility for the development of a solid waste management plan setting forth the solid waste disposal strategy to be applied in the district; and,

WHEREAS, in accordance with the Act and regulations promulgated there under, the SCMUA developed, implemented and financed the existing Sussex County Solid Waste Facilities (“County Facilities”) as included in the County SWMP, premised upon regulatory waste flow control requiring all designated solid waste generated within Sussex County to be delivered to the Sussex County Municipal Utilities Authority Solid Waste Facilities, 34 South Route 94, Lafayette, New Jersey for recycling and disposal; and,

WHEREAS, pursuant to the United States Supreme Court’s holding in United Haulers Association, Inc., et al. vs. Oneida–Herkimer Solid Waste Management Authority, et al., 127 U.S. 1786 (April 30, 2007), by way of a “September 9, 2009, Resolution Re: Solid Waste District Plan Amendment To Reinstitute Solid Waste Flow Control” that was Certified by the NJ Department of Environmental Protection on January 15, 2010, the Sussex County Board of Chosen Freeholders has found and determined it is necessary to re-institute regulatory waste flow control over all Solid Waste Types 10, 13, 13C, 23, 25, 27, 27A and 27N, generated in Sussex County as provided in the County SWMP; and,

WHEREAS, the Board of Chosen Freeholders also found and determined the re-institution of regulatory flow control over Solid Waste Types 10, 13, 13C, 23, 25, 27 27A and 27N will require an enforcement program in order to ensure compliance with the County SWMP and to facilitate an equitable sharing of the costs to maintain the County Solid Waste and Recycling Facilities; and,

WHEREAS, pursuant to N.J.S.A. 26:3A2-21 et seq. and N.J.S.A. 13:1E-9 the Sussex County Department of Environmental & Public Health Services (SCDEPHS), a certified local health agency, is empowered under N.J.S.A. 26:3A2-25 to, inter alia, investigate, monitor and enforce any environmental health law, rule, regulation, or ordinance including the provisions of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. as well as initiate legal proceedings and file and serve a summons and complaints in furtherance of its authority; and,

WHEREAS, the SCDEPHS, a department of the County of Sussex, was certified by the New Jersey Department of Environmental Protection (hereinafter “NJDEP”) as a Certified Health Agency and the County’s lead agency under the County Environmental Health Act N.J.S.A. 26:3A2-21 et seq. (hereinafter “CEHA”); and,

WHEREAS, the SCDEPHS has developed a County Environmental Health Work Program (hereinafter “Work Program”) to provide environmental health services to the County of Sussex under CEHA; and,

WHEREAS, the September 9, 2009 Solid Waste Management Plan (“SWMP”) Amendment designated the SCMUA as a solid waste enforcement agent for the SCDE&PHS upon execution of a Shared Services Agreement to be entered into by the County of Sussex, and

WHEREAS, the County SWMP provides that the Sussex County Municipal Utilities Authority (the “SCMUA”) is duly-designated and empowered to implement the County SWMP; and,

WHEREAS, the SCMUA Board of Commissioners believe that it is in the best interests of all Sussex County solid waste ratepayers that the SCMUA be authorized to conduct certain inspections, investigative and enforcement responsibilities in order to ensure compliance of the Sussex County Solid Waste Control Work Program within the approved CEHA Work Program; and,

WHEREAS, the SCMUA and County of Sussex have developed a Shared Services Agreement and Solid Waste Enforcement CEHA Work Plan (attached hereto) which is intended to provide the SCMUA with Solid Waste Enforcement authority.

NOW THEREFORE, be it resolved that the SCMUA Board of Commissioners hereby authorize and direct that the SCMUA Chairman and Secretary sign the Shared Service Agreement with the County of Sussex.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Regular Meeting held on  
Wednesday, July 15, 2015.

  
Andrea Cocula, Secretary

**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):

Solid Waste Enforcement Program Agreement; Landfill Gas to Energy Agreement Negotiations; Title V Permit Negotiations

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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 Committee Meeting Report

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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 Meeting held on Wednesday, July 15, 2015.

  
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Andrea Cocula, Secretary

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