

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):

(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):

(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):

- (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):

- (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):

- (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):

- (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 Litigation, NJPDES Permit Nitrate Litigation, Sparta Township Connection Fees

(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):

(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 Items

(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):

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, April 6, 2022.


Andrea Cocula, Secretary

RESOLUTION RE: GRANT AGREEMENT BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY / WALLKILL RIVER WATERSHED MANAGEMENT GROUP AND THE NATURE CONSERVANCY FOR PHASE 2+ CONSERVATION PROJECTS IN THE NEW JERSEY HIGHLANDS CLUSTER UPPER PAULINS KILL FOCUS AREA IMPLEMENTATION OF THE UPPER PAULINS KILL WATERSHED RESTORATION PLAN

WHEREAS, since April 2013 the SCMUA / WRWVG has been an active partner with The Nature Conservancy (TNC) and many other organizations in a watershed planning initiative sponsored by The William Penn Foundation for the Delaware River Watershed, and specifically what has been called the New Jersey Highlands sub-watershed Cluster; and

WHEREAS, since May 2014, the SCMUA / WRWVG and The Nature Conservancy have had multiple grant agreements in place to provide the means for the SCMUA / WRWVG to participate in the New Jersey Highlands Cluster partnership and to coordinate specific projects in the Upper Paulins Kill Watershed; and

WHEREAS, in 2018 additional funding was awarded to TNC by The William Penn Foundation, to be sub-awarded to the SCMUA / WRWVG to continue cluster collaboration activities and sponsor specific conservation project work aimed at improving water quality and watershed health in the New Jersey Highlands Cluster, as part of Phase II for the NJ Highlands Cluster of the Delaware River Watershed Initiative; and

WHEREAS, this sub-award agreement from TNC to coordinate and assist with project activities associated with agricultural restoration, stormwater restoration, and overall Cluster communications and collaboration efforts was for a four year period until February 2022 for a not to exceed amount of \$157,720; and

WHEREAS, The William Penn Foundation has now awarded an additional three years of funding to TNC, of which a portion is to be sub-awarded to the SCMUA / WRWVG to continue the same cluster collaboration activities and sponsor specific conservation project work aimed at improving water quality and watershed health in the New Jersey Highlands Cluster, as part of Phase II for the NJ Highlands Cluster of the Delaware River Watershed Initiative; and

WHEREAS TNC has provided SCMUA / WRWVG a new three year subaward agreement which is back dated to begin on February 15, 2022 and expire on February 14, 2025 in an amount not to exceed \$117,000; and

WHEREAS, the governing body of the SCMUA desires to further the public interest by accepting this new subaward grant agreement from TNC; and

WHEREAS, the governing body authorizes that Thomas Varro, PE, SCMUA Executive Director and Nathaniel Sajdak, Watershed Director, or the successor to either office, to execute this grant agreement with TNC and to execute any amendments thereto which do not increase the Grantee's obligations; and

WHEREAS, the Grantee agrees to comply with all applicable federal, State and municipal laws, rules, and regulations in its performance pursuant to the agreement.

THEREFORE, BE IT RESOLVED, that the SCMUA Board of Commissioners authorizes the SCMUA / WRWMG to enter into this grant agreement with TNC.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, April 6, 2022.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE AWARD OF A ONE-YEAR CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND GARDEN STATE LABORATORIES, INC. FOR FIELD SAMPLING AND LABORATORY TESTING SERVICES AT WASTEWATER FACILITIES (CONTRACT 22-10)

WHEREAS, the SCMUA has a need for Field Sampling and Laboratory Services for its Wastewater Facilities; and

WHEREAS, Garden State Laboratories, Inc. and Eurofins Environmental Testing (“Eurofins”) submitted proposals for said services dated January 20, 2022 and February 24, 2022 respectively; and

WHEREAS, Eurofins did not meet the deadline for proposal submission of February 25, 2022 at 11:00am at the SCMUA Administration Building; and

WHEREAS, the SCMUA Staff concluded that Garden State Laboratories, Inc. have in its employ, individuals possessing the requisite licensure, knowledge and skills with which to perform the services encompassed by the proposed Agreement; and

WHEREAS, the unit bid prices for all analysis parameters has been reviewed and approved for the following locations: Upper Wallkill, Hampton Commons, Paulinskill, and Homestead Health Center, and it is in the best interest of the SCMUA to award a contract; and

WHEREAS, the contract award to Garden State Laboratories, Inc. is herein recommended by staff, with a budgetary price of \$16,585.00 inclusive of one (1) year (i.e. 12 consecutive monthly sampling events

WHEREAS, the SCMUA’s Treasurer has certified sufficient funds are available for the contract award.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority’s Board of Commissioners that the bid for Contract No. 22-10 (1-year term) is hereby awarded to Garden State Laboratories, Inc. of Hillside, NJ, according to the prices stated within their Bid Proposal.

BE IT FURTHER RESOLVED, that Executive Director and SCMUA Staff are authorized to prepare and execute a one-year field sampling and laboratory testing services contract with Garden State Laboratories, Inc.

BE IT FURTHER RESOLVED, that this Resolution shall be effective in accordance with applicable laws and statutes.

Certified as a true copy of the Resolution adopted by the Authority at their regular meeting held on Wednesday, April 6, 2022.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION TO EXECUTE CHANGE ORDERS TO SCMUA CONTRACT NO. 551 – STAGE 2 LANDFILL EXPANSION, TOMCO CONSTRUCTION INC.

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Tomco Construction Inc. (Tomco) entered into Contract 551 in the amount of \$25,477,636.59 for the construction of the Stage 2 Landfill Expansion; and

WHEREAS, Change Order Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 19A, 20, 21, 22, 24, 25, 26.1, 26.2, 28, 29, 31, 31B, 32, 35, 36, 40, 41B, 44, 45, 47, 48, 49, 51, 54A, 54B, 58A, and 59 have been approved which increased the original awarded amount to \$29,114,884.56; and

WHEREAS, Change Order Number 53 has been prepared by Tomco for contractor drop-off bin block relocation for an amount of \$3,861.26; and

WHEREAS, Change Order Number 63 has been prepared by Tomco for culvert P6-1 extension for an amount of \$47,809.12; and

WHEREAS, Change Order Number 68 has been prepared by Tomco for the removal and reinstallation of P6-3A and P6-3B for an amount of \$20,334.37; and

WHEREAS, Change Order Number 70 has been prepared by Tomco for the electrical manhole structural design changes (material cost only) for an amount of \$3,775.35; and

WHEREAS, Change Order Number 76 has been prepared by Tomco for the new MH I-13A procurement and installation for an amount of \$6,516.36; and

WHEREAS, Change Order Number 83 has been prepared by Tomco for the procurement and installation of litter net mid-rail for Cell 6 and Cell 4 for an amount of \$10,174.50; and

WHEREAS, Said proposed Contract Change Order increases includes increased labor time, material cost and subcontractor costs; and

WHEREAS, SCMUA Staff, ARM Group, and SCMUA's Construction Review Committee have reviewed said Change Orders and found them to be necessary and the price to be reasonable; and

WHEREAS, the SCMUA Treasurer has certified sufficient funds are available for change order approvals; and

WHEREAS, the Contract Change Order final approval is contingent on New Jersey Infrastructure Bank (NJIB) review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director of Chief Engineer is hereby authorized and directed to approve the above referenced change orders to Contract No. 551 contingent upon NJIB approval, which reflects the work outlined above and contained within said Change Orders, for a total increase in Contract Price of \$92,470.96 thereby changing the contract price from \$29,114,884.56 to \$29,207,355.52.

AND BE IT FURTHER RESOLVED that SCMUA resolution and copies of aforementioned Change Orders for Contract No. 551 shall be provide to the NJIB for final authorization.

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

Certified as a true copy of the Resolution
Adopted by the Authority at their Annual
Reorganization Meeting held on Wednesday, April 6, 2022.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE AWARD OF A ONE-YEAR CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND PACE ANALYTICAL FOR LABORATORY TESTING SERVICES AT THE SOLID WASTE FACILITY (CONTRACT 22-20)

#22-098

WHEREAS, on January 20, 2022 in The New Jersey Herald, the Notice to Bidders was published for Contract No. 22-20 for Laboratory Testing Services at the Solid Waste Facility, with Bids being received and publicly opened on February 25, 2022; and

WHEREAS, Garden State Laboratories, Inc. was the only bidder for Contract No. 22-20; and

WHEREAS, the Garden State Inc. total bid project price of \$60,305.00 exceeds the budgeted value for the Contract and it is in the best interest of the SCMUA to reject the bid; and

WHEREAS, after the public bid opening, Pace Analytical submitted a proposal for a budgetary price of \$35,924.00 dated March 31, 2022 which is under the New Jersey public bidding threshold of \$44,000.00 and inclusive of one (1) year of said services (i.e. 12 consecutive monthly sampling events).

WHEREAS, the SCMUA Staff reviewed and concluded that Pace Analytical has in its employ, individuals possessing the requisite licensure, knowledge and skills with which to perform the services encompassed by the proposed Agreement; and

WHEREAS, the unit bid prices for all analysis parameters has been reviewed and approved for the Solid Waste Facility, and it is in the best interest of the SCMUA to award a contract to Pace Analytical; and

WHEREAS, the contract award to Pace Analytical, Inc. is herein recommended by staff, with a budgetary price of \$35,924.00 inclusive of one (1) year (i.e. 12 consecutive monthly sampling events

WHEREAS, the SCMUA's Treasurer has certified sufficient funds are available for the contract award.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority's Board of Commissioners that the February 25, 2022 bid by Garden State Inc. is hereby rejected.

BE IT FURTHER RESOLVED, that the bid for Contract No. 22-20 (1-year term) is hereby awarded to Pace Analytical of East Brunswick, NJ according to the prices stated within their Bid Proposal.

BE IT FURTHER RESOLVED, that Executive Director and SCMUA Staff are authorized to prepare and execute a one-year laboratory testing services contract with Pace Analytical.

BE IT FURTHER RESOLVED, that this Resolution shall be effective in accordance with applicable laws and statutes.

Certified as a true copy of the Resolution
adopted by the Authority at their regular meeting
held on Wednesday, April 6, 2022.



Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2022 SOLID WASTE FACILITIES BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2022 Budget and Five Year Capital Plan on November 24, 2021; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Solid Waste Facilities Operating Budget to reallocate certain Capital Outlay expenditures (no increase in overall budget amount); and

WHEREAS, due to further project status and revised program priorities, the SCMUA has determined it is necessary and proper to additionally amend its Solid Waste Five Year Capital Plan, including R&R Fund Budget to reallocate certain expenditures (no increase in overall budget amount).

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the SCMUA that the following budgetary reallocations (no increase in overall budget amounts) are hereby approved:

<u>R&R Fund</u>	<u>From</u>	<u>To</u>
<u>Expenses</u>		
Admin. Bldg. Flooring Replacement	\$ 20,000	\$ 20,000
Scale Replacement	\$ 0	\$ 120,000
Replace Crew Cab	\$ 50,000	\$ 50,000
Morbark Tub Grinder (Lease)	\$ 750,000	\$ 630,000
Replace 2016 Cat 973D Track Loader	\$ 700,000	\$ 700,000
Total R&R	\$ 1,520,000	1,520,000

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, April 6, 2022.



 Andrea Cocula, Secretary

Recorded Vote

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