

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):

Care Environmental HHW Issues, SXLE Spill-Release, Sparta Connection Fee

(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 Matters

(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, November 25, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR THE TREASURER TO DELETE CERTAIN BAD DEBTS FROM THE SOLID WASTE REVENUE ACCOUNT

WHEREAS, the Sussex County Municipal Utilities Authority accepts checks from the general public in good faith as payment for disposal of solid waste; and

WHEREAS, occasionally a check is returned from the maker's bank not paid for various reasons; and

WHEREAS, the checks listed as attached were returned from the maker's bank as not paid, and

WHEREAS, after many attempts at collection, the makers of the checks as listed below are unavailable, and as of this date these checks remain uncollected and are considered bad debts.

NOW, THEREFORE BE IT RESOLVED, that the Sussex County Municipal Utilities Authority Board of Commissioners hereby authorized the Treasurer to take such action as is necessary to delete these bad debts in the total amount of \$300.05 which represents FY2020), as follows:

02/18/20	Craig S. Seidenberg	\$ 32.20
03/11/20	Rachel L. Ays	10.00
03/25/20	James A. Broyles	166.75
04/20/20	James Giegold	16.10
09/01/20	Stephen J. Romaine	75.00

Certified as a true copy of the
Resolution as adopted by the Authority
At their Regular Meeting held on
Wednesday, November 25, 2020.



Andrea Cocula, Secretary

RESOLUTION TO JOIN (RENEW) THE FUND

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2021** terminating on **January 1, 2024** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) :

Workers’ Compensation & Employer’s Liability	<u>X</u>
Comprehensive General Liability	<u>X</u>
Automobile Liability and Physical Damage	<u>X</u>
Public Officials and Employment Practices Liability	<u>X</u>
Property	<u>X</u>
Inland Marine Boiler and Machinery	<u>X</u>
Crime-Faithful Performance and Fidelity	<u>X</u>
Pollution Liability	<u>X</u>
Cyber Liability	<u>X</u>
Non Owned Aircraft	<u>X</u>

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

By: 

Thomas J. Varro
Print Name

Title: Executive Director

ATTEST:

Certified as a true copy of this Resolution
Adopted by the Authority at their Regular
Meeting held on November 25, 2020


Andrea Cocula, Secretary

8 Affirmative 1 - Dietz Abstain 0 Negative 0 Absent

2021 ADOPTED BUDGET RESOLUTION

#20-170

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

FISCAL YEAR: FROM: DECEMBER 1, 2020 TO: NOVEMBER 30, 2021

WHEREAS, the Annual Budget and Capital Budget/Program for the Sussex County MUA for the fiscal year beginning December 1, 2020 and ending, November 30, 2021 has been presented for adoption before the governing body of the Sussex County MUA at its open public meeting of September 16, 2020; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$19,375,300, Total Appropriations, including any Accumulated Deficit, if any, of \$19,615,800 and Total Unrestricted Net Position utilized of \$240,500; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$8,834,000 and Total Unrestricted Net Position planned to be utilized of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the SCMUA, at an open public meeting held on November 25, 2020 that the Annual Budget and Capital Budget/Program of the SCMUA for the fiscal year beginning, December 1, 2020 and ending, November 30, 2021 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

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at their Regular Meeting held on
Wednesday, November 25, 2020.



Andrea Cocula, Secretary

Governing Body

R. Petillo
T. Madsen
A. Cocula
W. Dietz
J. Drake
K. Meyer
D. Perez
J. Finkeldie
R. Dabinett

Recorded Vote
Aye Nay Abstain Absent

X
X
X
X
X
X
X
X
X

RESOLUTION RE: ADOPTION OF SUSSEX COUNTY MUNICIPAL UTILITIES
AUTHORITY'S SCHEDULE OF RATES, FEES AND CHARGES
FOR FY2021

WHEREAS, N.J.S.A. 40:14B-1 et. seq. requires that every Authority shall prescribe and, from time to time when necessary, revise a schedule of all its service charges; and

WHEREAS, said Schedule of Rates, Fees and Charges ("Schedule") may be revised after holding a public hearing on the proposed revisions, which shall be held by the Authority at least 20 days after notice of the proposed revision is given in accordance with law; and

WHEREAS, the notice of proposed revision of the SCMUA Rates and Fees Schedule was published on October 11, 2020 in The Sunday New Jersey Herald and on October 13, 2020 in the Daily Record; and


WHEREAS, the Authority intends to revise its Schedule, has provided proper notice in accordance with law, and has held a public hearing thereon; and

WHEREAS, a public hearing was held on the proposed rates on November 4, 2020 at which time public comment was provided for with respect thereto; and

WHEREAS, after review and consideration of the public comment as well as the report and recommendations of the Authority's staff, the Commissioners have determined that the proposed adjustments to the Authority's rates are necessary and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the attached "Sussex County Municipal Utilities Authority's Adopted FY2021 Schedule of Rates, Fees and Charges" is hereby approved, and will serve as the Authority's Schedule of Charges beginning December 1, 2020 or as otherwise provided for, and shall remain in effect until modified in accordance with applicable State statutes and regulations.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular
Meeting held on Wednesday, November 25, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2021, UPPER WALLKILL SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Bond Resolutions and Service Agreements, it is necessary that the Authority develop each year, and issue to its participants of the Upper Wallkill System, an estimate of the amounts of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by the SCMUA to each participant; and

WHEREAS, the Commissioners have adopted the Authority's FY2021 Schedule of Rates, Fees and Estimated Annual Sewage Treatment Charges, which contained calculations of the estimated FY2021 charges.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Upper Wallkill System participant, containing the estimated Annual Charges for FY2021, as contained in the Attachment hereto;

AND BE IT FURTHER RESOLVED that this resolution shall take effect in conformance with N.J.S.A. 40:14B-14(e).

Certified as a true copy of the
Resolution adopted by the Authority
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Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2021, HAMPTON COMMONS SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Service Agreement with the Hampton Commons Homeowners Association and the Township of Hampton regarding the Hampton Commons System, it is necessary that the Authority develop each year, and issue to the participants of the Hampton Commons System, an estimate of the amount of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by SCMUA to each participant; and

WHEREAS, the Hampton Commons Homeowners' Association and the Township of Hampton are the participants in this system; and

WHEREAS, the Commissioners have adopted the Authority's FY2021 Schedule of Rates, Fees and Charges, which contained calculations of the estimated FY2021 charges for the Hampton Commons System.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate, containing the estimated Annual Charges for FY2021 to the Hampton Commons Homeowners' Association and Township of Hampton:

AND BE IT FURTHER RESOLVED that this resolution shall take effect in conformance with N.J.S.A.40:14B-14 (e).

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
Wednesday, November 25, 2020


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2021, PAULINSKILL BASIN WATER RECLAMATION SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Service Agreement with the Borough of Branchville and the Township of Frankford regarding the Paulinskill Basin Water Reclamation System, it is necessary that the Authority develop each year, and issue to the participants of the Paulinskill Basin Water Reclamation System, an estimate of the amount of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by SCMUA to each participant; and

WHEREAS, the Borough of Branchville and the Township of Frankford are the participants in this system; and

WHEREAS, the Commissioners have adopted the Authority's FY2021 Schedule of Rates, Fees and Charges, which contained calculations of the estimated FY2021 charges for the Paulinskill Basin Water Reclamation System.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate, containing the estimated Annual Charges for FY2021 to the Borough of Branchville and Township of Frankford;

AND BE IT FURTHER RESOLVED that this resolution shall take effect in conformance with N.J.S.A. 40:14B-14(e).

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Andrea Cocula, Secretary