

**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 Collection Matter; NOVA Filter Unit - Contract #454;  
Sussex Borough Shoprite Connection Fee

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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, November 28, 2018.

  
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Andrea Cocula, Secretary

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# 2019 ADOPTED BUDGET RESOLUTION

## SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

**FISCAL YEAR: FROM: DECEMBER 1, 2018 TO: NOVEMBER 30, 2019**

WHEREAS, the Annual Budget and Capital Budget/Program for the Sussex County MUA for the fiscal year beginning December 1, 2018 and ending, November 30, 2019 has been presented for adoption before the governing body of the Sussex County MUA at its open public meeting of November 28, 2018; 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 \$18,639,700, Total Appropriations, including any Accumulated Deficit, if any, of \$18,645,700 and Total Unrestricted Net Position utilized of \$6,000; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$7,050,000 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 28, 2018 that the Annual Budget and Capital Budget/Program of the SCMUA for the fiscal year beginning, December 1, 2018 and ending, November 30, 2019 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.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Regular Meeting held on  
Wednesday, November 28, 2018.

  
Andrea Cocula, Secretary

Governing Body

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

Aye	<u>Recorded Vote</u>		
	Nay	Abstain	Absent
X			
X			
X			
X			
X			
			X
X			

RESOLUTION RE: ADOPTION OF SUSSEX COUNTY MUNICIPAL UTILITIES  
AUTHORITY'S SCHEDULE OF RATES, FEES AND CHARGES  
FOR FY2019

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 1, 2018 in The New Jersey Herald and on October 2, 2018 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 7, 2018 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 FY2019 Schedule of Rates, Fees and Charges" is hereby approved, and will serve as the Authority's Schedule of Charges beginning December 1, 2018 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 28, 2018.

  
Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING AWARD TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER TO FURNISH AND DELIVER LANDFILL COVER SOIL (CONTRACT NO. 19-04) FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the Sussex County Municipal Utilities Authority, hereinafter "Authority" has sought bids for Contract No. 19-04 for the Furnishing and Delivery of Landfill Cover Soil for the Authority's Solid Waste Facility in Lafayette, New Jersey; and

WHEREAS, Contract No. 19-04 was advertised in the New Jersey Herald on October 12, 2018 in conformance with NJ Public Contracts Law; and

WHEREAS, sealed bids therefore were received and opened by the Authority on November 1, 2018 at 11:00 a.m. in accordance with the provisions of said legal advertisement; and

WHEREAS, the low bid unit price for furnishing and delivery of Landfill Cover Soil was provided by Braen Stone, 217 Limecrest Road, Lafayette, New Jersey 07848; and

WHEREAS, Braen Stone submitted a proposal for Landfill Cover Soil in the amount of \$3.67 per ton for SCMUA Budget Years 2019/2020 (110,000 tons) and 2021 (55,000 tons); and

WHEREAS, the SCMUA staff recommends awarding Landfill Cover Soil Contract #19-04 to Braen Stone for Fiscal Years 2019/2020 at \$3.67 per ton for 55,000 tons per year not to exceed \$201,850 per year, for a total contract award for \$403,700, with both parties reserving the right for further award of a contract extension for SCMUA Fiscal Year 2021 at the same \$3.67 per ton price; and

WHEREAS, Braen Stone is required to provide soil sampling and independent testing results thereof; and


WHEREAS, the Authority's staff has reviewed the Bid Package and associated documentation and herein recommend award of said contract to Braen Stone of Lafayette, New Jersey, as the lowest responsive and responsible bidder; and

WHEREAS, the Authority's legal counsel have reviewed the Bid Package and associated documentation and has no objection of award of said contract to Braen Stone of Lafayette, New Jersey as the lowest responsive and responsible bidder.

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

1. The proper officers of this Authority, its employees and attorney are hereby authorized to proceed with the execution of a formal contract agreement with Braen Stone in the amount of \$3.67 per ton which is a total contract amount of \$403,700 for SCMUA Fiscal Years 2019 and 2020, as set forth above, pursuant to the terms and conditions of Contract No. 19-04.
2. The SCMUA and Braen Stone reserve the right to award a one year contract extension for SCMUA Fiscal Year 2021 at the bid price of \$3.67 per ton (\$201,850 total contract amount).
3. The Bid Bonds of the remaining unsuccessful bidders shall be returned pursuant to the requirements of Contract No. 19-04.
4. The award is subject to the contractor's compliance with the requirements of P.L. 1975, Ch. 127 and the regulation adopted there under.
5. This Resolution shall take effect per NJ Statutes.

Certified as a true copy of the Resolution  
adopted by the Authority at their Regular  
Meeting held on Wednesday, November 28, 2018.

  
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Andrea Cocula, Secretary