

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):

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):

(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

(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):

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, November 4, 2015.


Andrea Cocula, Secretary

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RESOLUTION RE: AUTHORIZING AWARD OF CONTRACT FOR ELECTRICAL
SUPPLY SERVICES

WHEREAS, the Sussex County Municipal Utilities Authority ("SCMUA" or "Authority") has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation ("NJSMUAESA"), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts ; and

WHEREAS, the existing electric power supply contract between the Authority and TriEagle Energy Energy (TriEagle), awarded and entered as a result of a bid conducted by the NJSMUAESA in April 2014, will expire upon the meter read dates in May 2016 for each Authority electric account currently being served by TriEagle; and

WHEREAS, due to current favorable market conditions the NJSMUAESA intends to issue a Request for Bids on or about October 29, 2015 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the TriEagle contract that is scheduled to expire in May 2016; and

WHEREAS, it is the NJSMUAESA's intent to receive bid price submittals on or about November 20, 2015; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day;

NOW, THEREFORE, BE IT RESOLVED that the Authority is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing contract with TriEagle that is expiring in May 2016, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and the "Local Unit Electronic Technology Pilot Program and Study Act" (P.L. 2001, c.30).

BE IT FURTHER RESOLVED by the Authority that it hereby authorizes the Authority's Executive Director John Hatzelis and/or the Authority's Chief Engineer Thomas Varro to act in their sole discretion as the Authority's designated representatives to award a contract to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about October 29, 2015. Such authorization to award a contract to the low bidder as the Authority's designated representatives is subject to the low bid being equal to or less than the following Trigger Price(s):

<u>Bid Group</u>	<u>Utility</u>	<u>Tariff</u>	<u>Trigger Price (\$/kwh)</u>
Bid Group 2	JCP&L	GP	\$.08002/kwh
Bid Group 3	JCP&L	GT	\$.07286/kwh
Bid Group 5	JCP&L	GS	\$.09117/kwh

BE IT FURTHER RESOLVED that notwithstanding the foregoing, the Authority's Executive Director and/or Chief Engineer may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.* This resolution shall be effective in accordance with NJSA 40:14B-14(e).

Certified as a true copy of the Resolution
adopted by the Authority at their Regular
Meeting held on Wednesday, November 4, 2015.



Andrea Cocula, Secretary

RESOLUTION RE: SCMUA CONSENT TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – SOLID WASTE FACILITY

WHEREAS, Sussex County Municipal Utilities Authority (SCMUA) desires to provide for the orderly development of wastewater facilities within its service area; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment noticed in the New Jersey Register on October 21, 2015 for Sussex County Municipal Utilities Authority – Solid Waste Facility has been prepared by the Sussex County Municipal Utilities Authority; and

WHEREAS, the proposed WQM plan amendment will allow for the conveyance of SCMUA landfill leachate via pumping station and force main to its Upper Walkkill Facility for treatment and disposal, thereby eliminating conveyance by tanker truck and providing for a more reliable, cost effective and environmentally sound conveyance option.

NOW THEREFORE, BE IT RESOLVED on this 4th day of November, 2015, by the governing body of the Sussex County Municipal Utilities Authority that:

1. The Sussex County Municipal Utilities Authority; hereby consents to the amendment entitled Sussex County Municipal Utilities Authority - Solid Waste Facility, and publicly noticed on October 21, 2015, prepared by Sussex County Municipal Utilities Authority, for the purpose of its incorporation into the applicable WQM plan(s).
2. The consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.
3. The resolution shall be effective in accordance with N.J.S.A. 40:14B-14(e).

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Wednesday, November 4, 2015.


Andrea Cocula, Secretary