

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):

Energy Aggregate Bid, SCMUA Contract #20-09 Liquid Waste Hauling and Disposal, and Contract #20-11 Sludge Cake Hauling and Disposal

(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, December 18, 2019.


Andrea Cocula, Secretary

**RESOLUTION RE: REJECTION OF BID FOR SCMUA CONTRACT #20-11
SLUDGE CAKE AND LIQUID SLUDGE HAULING &
DISPOSAL AND REAUTHORIZING RE-BID**

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "Authority") has advertised for bids For Contract #20-11 Sludge Cake And Liquid Sludge Hauling & Disposal on November 17, 2019 in the NJ Herald and on the SCMUA website; and

WHEREAS, sealed bids were therefore received and opened by the Authority on December 12, 2019 at 11:00 a.m. after notice and solicitation in accordance with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.); and

WHEREAS, Environmental Protection & Improvement Co., Inc. (Synagro) was the sole and therefore apparent low bidder with a bid cost proposal for Annual Sludge Cake and Liquid Sludge Hauling and Disposal. Bid Item 1.a (One Year) Unit Price Cost of \$129.06/ton (x4,000), Total \$516,240.00; Bid Item 1.b (Two year) Unit Price Cost of \$131.92/ton (x8000), Total \$1,055,360; and

WHEREAS, for Synagro Bid Item 2 (One Year) Unit Price Cost of \$0.162/gallon (x2,000,000), Total \$324,000, Total for Bid Items 1a and 2, \$840,240.00, Total for Bid Items 1.b and 2 , \$1,379,360.00; and

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "Authority") is a public body, duly formed under the Municipal and County Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the Authority's staff and legal counsel have reviewed the sole low bid and have determined that said bid substantially above the Authority's budget for the project; and


WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), the Authority may reject all bids when the lowest bid substantially exceeds the appropriation for the goods and services.

NOW THEREFORE BE IT RESOLVED that the Authority hereby adopts the foregoing recitals and rejects the bid of Synagro.

BE IT FURTHER RESOLVED that the Authority is hereby authorized to re-bid the project in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

BE IT FURTHER RESOLVED this resolution shall take effect in accordance 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, December 18, 2019.


Andrea Cocula, Secretary

RESOLUTION RE: AWARD OF CONTRACT NO. 20-09 FOR LIQUID WASTE HAULING AND DISPOSAL #20-003

WHEREAS, on November 17, 2019 in The New Jersey Herald the Notice to Bidders was published for Contract No. 20-09 for Liquid Waste Hauling and Disposal, with Bids being received and publicly opened on December 12, 2019; and

WHEREAS, Wind River Environmental, LLC was the apparent low bidder for Contract No. 20-09; and

WHEREAS, Staff and Attorney reviews determined that Wind River Environmental, LLC of Vernon, N.J. did not submit a bid in conformance with the specifications, with fatal bid defects being a nonconforming bid bond, absence of Consent of Surety and failure to properly complete Ownership Disclosure; and

WHEREAS, the next low bidder is Russell Reid Waste Hauling & Disposal Service Co., Inc. (Russell Reid) with bid prices of \$114.00/1000 gallons (sludge haul and disposal) for Item 1.A., and \$54.04/1000 gallons (sewage haul and disposal) for Item 2.A., and \$45.00/1000 gallons (leachate haul and disposal) for Item 3.A.; and

WHEREAS, the bid price has been reviewed and Bid Items 1.A., 2.A., and 3.A. are determined to be in the best interests of the SCMUA for Liquid Waste Hauling and Disposal One (1) Year Contracts as noted herein (haul & disposal); and

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 Items 1.A., 2.A., and 3.A of Contract No. 20-09 (1-year term) is hereby awarded to Russell Reid of Keasbey, NJ according to the prices stated within their Bid Proposal.

NOW, THEREFORE, BE IT RESOLVED that SCMUA staff and legal counsel are authorized to execute Liquid Waste Hauling and Disposal Agreements with Russell Reid, as per herein.

NOW, THEREFORE, BE IT RESOLVED this resolution shall take effect in accordance 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 December 18, 2019.


Andrea Cocula, Secretary

RESOLUTION RE: APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2019 - UPPER WALLKILL SYSTEM

WHEREAS, per the requirements of the Sussex County Municipal Utilities Authority's Bond Resolution and Service Agreements, it is necessary that the Authority develop, and issue to its participants, prior to December 15 of each Fiscal Year, an estimate of the amounts of the Annual Charges to become payable by each participant for services to be rendered by SCMUA to each participant for sewage treatment services; and

WHEREAS, it is also required that subsequent to the completion of each Fiscal Year, a calculation of the amounts of the actual Annual Charge for the prior Fiscal Year must be carried out for each participant, and that a charge be requisitioned, based upon the difference between the estimated and actual charges; and

WHEREAS, the SCMUA Comptroller has prepared a report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2019", which calculates the Actual Charges to be payable by each participant for Fiscal Year 2019 a copy of which is attached hereto and shall be incorporated as part hereof; and

WHEREAS, the Commissioners have reviewed said report and concur with the development of Actual Annual Charges contained therein; and

WHEREAS, the Commissioners desire to approve and adopt said report and formally submit said Actual Annual Charges to each participant as per the terms of the Service Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the attached report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2019" is hereby approved, and is adopted as the Authority's calculation of actual Annual Charges for Fiscal Year 2019.

AND BE IT FURTHER RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Upper Wallkill participant containing the amount of the credit or additional payment resulting from the calculation of the Actual Fiscal Year 2019 Annual Charges.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect in accordance 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, December 18, 2019.



Andrea Cocula, Secretary

RESOLUTION RE: APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2019 – PAULINS KILL BASIN WATER RECLAMATION SYSTEM

WHEREAS, per the requirements of the Sussex County Municipal Utilities Authority's Bond Resolution and Service Agreements, it is necessary that the Authority develop, and issue to its participants, prior to December 15 of each Fiscal Year, an estimate of the amounts of the Annual Charges to become payable by each participant for services to be rendered by SCMUA to each participant for sewage treatment services; and

WHEREAS, it is also required that subsequent to the completion of each Fiscal Year, a calculation of the amounts of the actual Annual Charge for the prior Fiscal Year must be carried out for each participant, and that a charge be requisitioned, based upon the difference between the estimated and actual charges; and

WHEREAS, the SCMUA Comptroller has prepared a report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2019", which calculates the Actual Charges to be payable by each participant for Fiscal Year 2019 a copy of which is attached hereto and shall be incorporated as part hereof; and

WHEREAS, the Commissioners have reviewed said report and concur with the development of Actual Annual Charges contained therein; and


WHEREAS, the Commissioners desire to approve and adopt said report and formally submit said Actual Annual Charges to each participant as per the terms of the Service Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the attached report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2019" is hereby approved, and is adopted as the Authority's calculation of actual Annual Charges for Fiscal Year 2019.

AND BE IT FURTHER RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Paulinskill System participant containing the amount of the credit or additional payment resulting from the calculation of the Actual Fiscal Year 2019 Annual Charges.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect in accordance 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, December 18, 2019.


Andrea Cocula, Secretary

RESOLUTION RE: ENERGY AGGREGATE REFRESHER BID - 2020

WHEREAS, the Sussex County Municipal Utilities Authority (“Authority”) by prior Resolution, authorized the Authority’s participation in the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation (“NJSMUAESA”) bid solicitation on an aggregated basis for the bulk purchase of 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.*, “the Act”); and

WHEREAS, on December 3, 2019, in response to the Request For Bids for Aggressive Energy submitted a bid with respect to the bulk supply of electric generation services to Bid Group 6 (Pump Station Group), and later that day, requested that the bid submitted be withdrawn due to a mathematical error in the bid submission; and

WHEREAS, Gabel Associates, Inc., the Authority’s Energy Agent in connection with the procurement of electricity supply for the Authority’s electric accounts, has determined that the bid submitted by Aggressive Energy contains a mistake and recommends that the Authority accept the request to withdraw the bid of Aggressive Energy; and

WHEREAS, the electricity market is highly volatile and bid prices are not be guaranteed past 3:00 p.m. on the day that bids are accepted, the bids submitted on behalf of other licensed electric power suppliers had expired by the time that the mistake was discovered, and therefore the bid price for the supply of electric generation service for Bid Group 6 must be refreshed on a future date.


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

1. The Authority hereby grants Aggressive Energy’s request to withdraw its bid with respect to electric generation service for Bid Group 6 (Pump Station Group) due to mistake.
2. The Authority is hereby authorized to participate in the NJSMUAESA refresher bid for Bid Group 6 with respect to electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2020.
3. The Authority’s Thomas Varro, Executive Director, or in his absence General Counsel, John Napolitano, Esq., is hereby authorized to act as the Authority’s designated representative to award a contract for Bid Group 6 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 price refresh and subsequently executing the Model Supply

Contract, or reject the electricity bid, in conjunction with the price refresh for Bid Group 6 in accordance with NJSMUAESA's Request for Bids originally issued on or about November 1, 2019. Authorization to award a contract is subject to the low bid being equal to or less than the Trigger Price(s) for Bid Group 6 containing the Authority's accounts prior to the date of the price refresh for Bid Group 6.

4. Notwithstanding the foregoing, the Authority's Director or in his absence the Manager of Engineering, 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.*
5. This resolution shall take effect in accordance 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, December 18, 2019.


Andrea Cocula, Secretary

RESOLUTION RE: AMENDING BUDGET RESOLUTION TO INTRODUCE THE 2020 BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) for the December 1, 2019 to November 30, 2020 fiscal year was approved on the 27th day November of 2019, and

WHEREAS, the public hearing on said budget has been held as advertised, and

WHEREAS, it is desired to amend said approved budget.


NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Sussex County Municipal Utilities Authority, County of Sussex that the following amendments to the approved budget of December 1, 2019 to November 30, 2020 fiscal year be made:

CAPITAL BUDGET

	From	To
Total Capital Appropriations	\$9,590,500	\$9,920,500

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the Sussex County Municipal Utilities Authority budget so amended.

Certified as a true copy of the Resolution
 Adopted by the Authority at their Regular
 Meeting held on December 18, 2019.


 Andrea Cocula, Secretary

Governing Body Recorded Vote

Member	Aye	Nay	Abstain	Absent
Ronald Petillo				X
Thomas Madsen				X
Andrea Cocula	X			
Wayne Dietz	X			
John Drake	X			
Karl Meyer	X			
Daniel Perez	X			
John Finkeldie	X			
Robert Dabinett	X			

2020 ADOPTED BUDGET RESOLUTION - AMENDED SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

FISCAL YEAR: FROM: DECEMBER 1, 2019 TO: NOVEMBER 30, 2020

WHEREAS, the Annual Budget and Capital Budget/Program for the Sussex County MUA for the fiscal year beginning December 1, 2019 and ending, November 30, 2020 has been presented for adoption before the governing body of the Sussex County MUA at its open public meeting of November 27, 2019; 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 \$19,177,500, Total Appropriations, including any Accumulated Deficit, if any, of \$19,234,500 and Total Unrestricted Net Position utilized of \$57,000; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$9,920,500 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 27, 2019 that the Annual Budget and Capital Budget/Program of the SCMUA for the fiscal year beginning, December 1, 2019 and ending, November 30, 2020 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, December 18, 2019.


Andrea Cocula, Secretary

Governing Body

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

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

RESOLUTION RE: AUTHORIZING ANNUAL APPOINTMENT OF A PUBLIC AGENCY COMPLIANCE OFFICER (PACO) FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) - 2020

WHEREAS, the Affirmative Action Office of the New Jersey Department of the Treasury has revised the obligations of the public contracting process set forth in N.J.A.C. 17:27 et seq., pursuant to P.L. 1975, C. 127; and

WHEREAS, the regulations require the designation of a "Public Agency Compliance Officer" (PACO) to represent the SCMUA; and

WHEREAS, the PACO is to be appointed annually; and

WHEREAS, the SCMUA hereby designates Timothy Day, Comptroller as the PACO for the SCMUA.

NOW, THEREFORE, BE IT RESOLVED by the SCMUA in the County of Sussex, State of New Jersey, that:

1. Timothy Day is hereby appointed as the PACO for the year 2020.
2. Copies of this Resolution shall be distributed to the New Jersey State Affirmative Action Office and be made available at the Authority's Administrative Offices for public inspection.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, December 18, 2019.


Andrea Cocula, Secretary

PLEASE RETURN THIS FORM TO THE:

Department of the Treasury
Affirmative Action Office
P.O. Box 029
Trenton, New Jersey 08625-0209

The designated 2020 Public Agency Compliance Office (P.A.C.O.) is:

Public Agency: Sussex County Municipal Utilities Authority
Name: Timothy Day
Title: Comptroller
Business Address: 34 South Route 94
Lafayette, New Jersey 07848
Telephone: 973-579-6998
Fax: 973-579-7819

- No person currently serving as the P.A.C.O.
- The P.A.C.O. will be appointed at the next Board/Council meeting. A copy of the resolution designating the appointee will be sent to the Affirmative Action Office.
- Additional technical assistance is requested.



Public Agency Official Signature

RESOLUTION RE: AUTHORIZATION FOR SUSSEX COUNTY MUNICIPAL UTILITIES
AUTHORITY TO ADOPT A DOMESTIC VIOLENCE POLICY

WHEREAS, on or about October 15, 2019, the New Jersey Civil Service Commission issued a Statewide Domestic Violence Policy (DVP) for Public Employers, which is attached hereto; and

WHEREAS, pursuant to N.J.S.A. 11A:2-6a(b)(1), "The Civil Service Commission shall develop a uniform domestic violence policy, which all public employers shall adopt and distribute to their employees, regardless of whether a public employer is subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes"; and

WHEREAS, the Sussex County Municipal Utilities Authority seeks to update its Personnel Policy Manual to comply with N.J.S.A. 11A:2-6a(b)(1).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Sussex County Municipal Utilities Authority, that the Sussex County Municipal Utilities Authority Personnel Policy Manual is updated as follows:

1. The Statewide DVP (which is attached hereto) shall be referenced and adopted in the Sussex County Municipal Utilities Authority Personnel Policy Manual.
2. The Sussex County Municipal Utilities Authority Personnel Policy Manual shall designate Marguerite L. Nemeth as primary Human Resource Officer, and Timothy Day as secondary Human Resource Officer for the purpose of the DVP
3. The Table of Contents shall be updated to reflect the inclusion of the Sussex County Municipal Utilities Authorities adoption of the Statewide DVP.

NOW, THEREFORE BE IT FURTHER RESOLVED that a copy of the updated Sussex County Municipal Utilities Authority Personnel Policy Manual is on file in the Human Resource office.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Human Resource Office for distribution to all Sussex County Municipal Utilities Authority Employees with the 2020 Personnel Policy Manual.

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

Certified as a true copy of the Resolution
adopted by the Commissioners at their Regular
Meeting of Wednesday, December 18, 2019.


Andrea Cocula, Secretary