

**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):

Landfill Gas to Energy Contract; 3-Party Agreement/ Solid Waste Enforcement

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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):

Notice of Employee Retirement

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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):

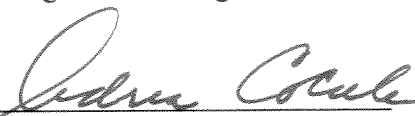
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NOW, THEREFORE, be it further resolved by the Sussex County Municipal Utilities Authority that pursuant to N.J.S.A. 10:4-13(b) the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed 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 Meeting held on Wednesday, February 18, 2015.

  
Andrea Cocula, Secretary

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RESOLUTION RE: APPROVAL OF CHANGE ORDER #1 FOR A.  
SERVIDONE/B. ANTHONY CONSTRUCTION CORP JV, CONTRACT NO.445,  
TEMPORARY LANDFILL CAPPING PROJECT, BY THE SUSSEX COUNTY  
MUNICIPAL UTILITIES AUTHORITY

WHEREAS, The Sussex County Municipal Utilities Authority, Owner, and A. Servidone/B. Anthony Construction Corp JV, Contractor, entered into an Agreement, dated October 01, 2014 for a temporary landfill capping project known as SCMUA Contract 445 in order to properly manage SCMUA landfill leachate and landfill gas; and

WHEREAS, the Contractor has completed the project in accordance with the contract specifications, requirements and documents; and

WHEREAS; the Contractor has provided his final Application and Certification for Payment, being satisfactory evidence for closeout, and

WHEREAS; the original Contract 445 amount was \$1,018,610.00 and, due to actual quantities and contractor approved reductions, the closeout and final payment is reduced by \$7,229.62 resulting in an actual amount paid to the contractor of \$1,011,380.38; and

WHEREAS; Change Order #1 (attached) appropriately incorporates the final project quantities, including contractor approved reductions, which therein, results in the proposed reduced contract and final payment amounts noted herein, and;

WHEREAS, the Authority's Consulting Engineer, Chief Engineer and Solid Waste Superintendent have recommended approval of Change Order #1, including Contract 445 closeout and the release of retainage.

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

1. Change Order #1 is herein approved thereby reducing the final Contract 445 amount by \$7,229.62 from \$1,018,610.00 to \$1,011,380.38.
2. Sussex County Municipal Utilities Authority Administrator and Chief Engineer are herein authorized to take action as necessary in this matter.
3. This Resolution shall be effective in accordance with State Statute and applicable law.

Certified as a true copy of  
the Resolution adopted by the  
Authority at their meeting  
held on Wednesday, February 18, 2015.

  
Andrea Cocula, Secretary

# Change Order

No. 1

Date of Issuance: February 10, 2015

Effective Date: February 10, 2015

Project: Temp Landfill Capping Phases 2A, 2B & 3A	Owner: Sussex County Municipal Utilities Authority	Owner's Contract No.: 445
Contract:	Date of Contract: <u>October 20, 2014</u>	
Contractor: A.Servidone Inc./B. Anthony Construction Corp. JV	Engineer's Project No.: 140616	

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description:

Credit to original contract price

**Attachments (list documents supporting change):**

Table 1: Rectifying Contract Total

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES: NA
Original Contract Price: <u>\$1,018,610.00</u>	Original Contract Times: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: <u>\$NA</u>	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: <u>\$1,018,610.00</u>	Contract Times prior to this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Decrease of this Change Order: <u>\$7,229.62</u>	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: <u>\$1,011,380.38</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): _____ Ready for final payment (days or date): _____

RECOMMENDED:  
By: [Signature]  
Engineer (Authorized Signature)  
Date: 2/10/15

ACCEPTED:  
By: [Signature]  
Owner (Authorized Signature)  
Date: 2/18/15

ACCEPTED:  
By: [Signature]  
Contractor (Authorized Signature)  
Date: 2-10-15

Approved by Funding Agency (if applicable):

Date: \_\_\_\_\_