


RESOLUTION RE: APPOINTMENT OF ANDREA COCULA AS AUTHORITY  
SECRETARY FEBRUARY 5, 2020 TO FEBRUARY 3, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Andrea Cocula as Secretary of the Authority for the period commencing February 5, 2020 and ending February 3, 2021.

Certified as a true copy of the  
Resolution adopted by the Authority  
At their Annual Reorganization  
Meeting held on Wednesday, February 5, 2020.

  
Secretary

RESOLUTION RE: DATES AND TIME OF REGULAR AUTHORITY MEETINGS  
FEBRUARY 5, 2020 TO FEBRUARY 3, 2021

BE IT RESOLVED that the Regular Meetings of the Sussex County Municipal Utilities Authority shall be held on the 1<sup>st</sup> Wednesday and the 3<sup>rd</sup> Wednesday of each month, at 3:00 P.M. (Three O'clock), commencing February 5, 2020 through February 3, 2021 at the Sussex County Municipal Utilities Authority's Administration Building, located at the Solid Waste Complex, 34 South Route 94, Lafayette Township, New Jersey; except that when the meeting day falls on a Holiday, or for any other stated reason, the meeting shall be cancelled by the Authority or held at a time to be determined by the Authority and announced publicly; with the actual dates of such regular meetings to be as listed below:

February 19, 2020  
March 4, 2020  
March 18, 2020  
April 1, 2020  
April 15, 2020  
May 6, 2020  
May 20, 2020  
June 3, 2020  
June 17, 2020  
July 1, 2020  
July 15, 2020  
August 5, 2020  
August 19, 2020  
September 2, 2020  
September 16, 2020  
October 7, 2020  
October 21, 2020  
November 4, 2020  
November 25, 2020  
December 2, 2020  
December 16, 2020  
January 6, 2021  
January 20, 2021  
February 3, 2021 (Annual Reorganization)

AND BE IT FURTHER RESOLVED that other special meetings, public meetings, etc., will be called for, and held in conformance with Chapter 231, P.L. 1975, commonly known as the "Open Public Meeting Act", and at which time the meeting, as determined by the Authority, shall be announced publicly;

BE IT FURTHER RESOLVED that a certified copy of this resolution stating the schedule of Authority meetings shall be filed with the Sussex County Clerk's Office, and with the official newspapers of record, and posted prominently on the bulletin board for such public notices at the Sussex County Administration Building, One Spring Street, Newton, New Jersey and at the Sussex County Municipal Utilities Authority offices in Hardyston Township and Lafayette Township, New Jersey.


Certified as a true copy of the  
Resolution adopted by the Authority  
At their Annual Reorganization Meeting  
Held on Wednesday, February 5, 2020.

  
Secretary

RESOLUTION RE: APPOINTMENT OF AUTHORITY TREASURER AND  
ASSISTANT TREASURER - FEBRUARY 5, 2020 TO  
FEBRUARY 3, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Timothy Day, Comptroller as Authority's Treasurer, and Valerie Olm as the Authority's Assistant Treasurer for the period commencing February 5, 2020 and ending February 3, 2021.


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\_\_\_\_\_  
Andrea Cocula

RESOLUTION RE: APPOINTMENT OF THE FIRM OF CLEARY  
GIACOBBE ALFIERI & JACOBS, LLC, AS AUTHORITY  
GENERAL LEGAL COUNSEL - FEBRUARY 5, 2020 TO  
FEBRUARY 3, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint the firm of Cleary Giacobbe Alfieri & Jacobs, LLC, as General Legal Counsel for the Authority for the period commencing February 5, 2020 and ending February 3, 2021.

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Secretary

RESOLUTION RE: APPOINTMENT OF THOMAS H. PROL, ESQ. OF SILLS  
CUMMIS & GROSS AS AUTHORITY SPECIAL COUNSEL ON  
ENVIRONMENTAL MATTERS - FEBRUARY 5, 2020 TO  
FEBRUARY 3, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Thomas H. Prol, Esq. of Sills Cummis & Gross as Special Counsel on Environmental Matters for the Authority for the period commencing February 5, 2020 and ending February 3, 2021.

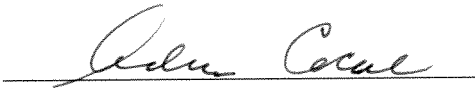
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Secretary

RESOLUTION RE: APPOINTMENT JOHN HALL OF HALL AND ASSOCIATES  
AS SPECIAL COUNSEL FOR MATTERS RELATED TO SOLID  
WASTE FACILITIES AND WASTEWATER FACILITIES  
NJPDES PERMITS AND WATERSHED MANAGEMENT  
PROGRAM - FEBRUARY 5, 2020 TO FEBRUARY 3, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint John Hall of Hall and Associates as Special Counsel for matters related to Solid Waste Facilities and Wastewater Facilities NJPDES Permits and Watershed Management Program for the Authority for the period commencing February 5, 2020 and ending February 3, 2021.

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Secretary

RESOLUTION RE: APPOINTMENT OF JOHN CANTALUPO OF ARCHER &  
GREINER, P.C. AS AUTHORITY BOND COUNSEL -  
FEBRUARY 5, 2020 TO FEBRUARY 3, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint John Cantalupo, Esq. of Archer & Greiner, P.C. as Bond Counsel for the Authority for the period commencing February 5, 2020 and ending February 3, 2021.

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Secretary



RESOLUTION RE: APPOINTMENT OF WIELKOTZ & COMPANY, LLC  
AUDITORS TO THE SUSSEX COUNTY MUNICIPAL  
UTILITIES AUTHORITY - FEBRUARY 5, 2020 TO  
FEBRUARY 3, 2021

BE IT RESOLVED by the Commissioners of the Sussex County Municipal Utilities Authority, that Wielkocz & Company, LLC, are hereby appointed as Auditors to the Sussex County Municipal Utilities Authority for the period commencing February 5, 2020 and ending February 3, 2021. Services include conducting the Financial Audit of the Authority's FY2020 financial records, Audit of the Authority's Post-Closure Care Fund, and Deferred Compensation Fund as required by New Jersey Statutes.

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Secretary

RESOLUTION RE: APPOINTMENT FOR CONTINUING DISCLOSURE AGENT  
SERVICES/FINANCIAL ADVISOR SERVICES TO PHOENIX  
FINANCIAL ADVISORS, LLC FROM FEBRUARY 5, 2020 TO  
FEBRUARY 3, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Phoenix Financial Advisors, LLC to provide Continuing Disclosure Agent and Financial Advisor Services for the Authority for the period commencing February 5, 2020 and ending February 3, 2021.


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Secretary

RESOLUTION RE: APPOINTMENT OF ARM GROUP, INC. AS AUTHORITY'S  
SOLID WASTE CONSULTING ENGINEERS FOR THE SOLID  
WASTE FACILITIES - FEBRUARY 5, 2020 TO FEBRUARY 28,  
2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal  
Utilities Authority do hereby appoint ARM Group, Inc. as Solid Waste Facilities  
Consulting Engineers for the Authority for the period commencing February 5, 2020 and  
ending February 28, 2021.


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Secretary

RESOLUTION RE: APPOINTMENT OF SCS FIELD SERVICES AS AUTHORITY'S  
SOLID WASTE CONSULTING ENGINEERS FOR SOLID  
WASTE FACILITIES - FEBRUARY 5, 2020 TO FEBRUARY 28,  
2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint SCS Field Services as Solid Waste Consulting Engineers for the Authority for the period commencing February 5, 2020 and ending February 28, 2021.

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Secretary

RESOLUTION RE: APPOINTMENT OF CORNERSTONE ENVIRONMENTAL  
GROUP, LLC AS AUTHORITY'S SOLID WASTE  
CONSULTING ENGINEERS FOR SOLID WASTE FACILITIES  
– FEBRUARY 5, 2020 TO FEBRUARY 28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal  
Utilities Authority do hereby appoint Cornerstone Environmental Group, LLC as Solid  
Waste Facilities Consulting Engineers for the Authority for the period commencing  
February 5, 2020 and ending February 28, 2021.


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Secretary

RESOLUTION RE: APPOINTMENT OF MOTT MACDONALD AS AUTHORITY'S  
WASTEWATER CONSULTING ENGINEER FOR  
WASTEWATER FACILITIES - FEBRUARY 5, 2020 TO  
FEBRUARY 28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Mott MacDonald as Wastewater Facilities Consulting Engineers for the Authority for the period commencing February 5, 2020 and ending February 28, 2021.

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Secretary

RESOLUTION RE: APPOINTMENT OF KLEINFELDER, LLC AS AUTHORITY'S  
WASTEWATER FACILITIES CONSULTING ENGINEER -  
FEBRUARY 5, 2020 TO FEBRUARY 28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal  
Utilities Authority do hereby appoint Kleinfelder, LLC for Wastewater Facilities  
Consulting Engineer for the Authority for the period commencing February 5, 2020 and  
ending February 28, 2021.


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Meeting held on Wednesday, February 5, 2020.

  
Secretary

RESOLUTION RE: APPOINTMENT OF PAULUS SOKOLOWSKI AND SARTOR,  
LLC AS AUTHORITY'S WASTEWATER CONSULTING  
ENGINEERS AND FOR SPECIALIZED ENVIRONMENTAL  
AND LSRP SERVICES - FEBRUARY 5, 2020 TO FEBRUARY  
28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Paulus Sokolowski and Sartor, LLC as Wastewater Consulting Engineers and for Specialized Environmental and LSRP Services for the Authority for the period commencing February 5, 2020 and ending February 28, 2021.

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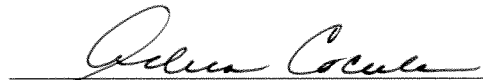
  
Secretary



RESOLUTION RE: APPOINTMENT OF AMY S. GREENE ENVIRONMENTAL  
CONSULTANTS, INC. AS AUTHORITY SPECIALIZED  
ENVIRONMENTAL CONSULTANTS - FEBRUARY 5, 2020  
TO FEBRUARY 28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Amy S. Greene Environmental Consultants, Inc. as Specialized Environmental Consultants for the Authority for the period commencing February 5, 2020 and ending February 28, 2021.


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Secretary

RESOLUTION RE: APPOINTMENT OF TRINITY CONSULTANTS FOR  
SPECIALIZED AIR PERMITTING CONSULTING SERVICES -  
FEBRUARY 5, 2020 TO FEBRUARY 28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Trinity Consultants for specialized air permitting consulting services for the Authority for the period commencing February 5, 2020 and ending February 28, 2021.


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Secretary

RESOLUTION RE: APPOINTMENT OF GABEL ASSOCIATES AS THE  
AUTHORITY'S SPECIALIZED ENERGY CONSULTANTS -  
FEBRUARY 5, 2020 TO FEBRUARY 28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Gabel Associates to provide specialized consulting services on energy resources for the Authority for the period commencing February 5, 2020 and ending February 28, 2021.


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Secretary

RESOLUTION RE: APPOINTMENT OF LOUIS J. WEBER AND ASSOCIATES,  
INC. AS THE AUTHORITY'S SURVEYING PROFESSIONALS  
- FEBRUARY 5, 2020 TO FEBRUARY 28, 2021

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Louis J. Weber and Associates, Inc. as the Authority's surveying professionals for the period commencing February 5, 2020 and ending February 28, 2021.

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Secretary

RESOLUTION RE: APPOINTING RISK MANAGEMENT CONSULTANT - 2020

WHEREAS, Sussex County Municipal Utilities Authority (“SCMUA”) has joined the Statewide Insurance Fund (“Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the “Fund” has required its members to appoint individuals or entities to that position; and

WHEREAS, the SCMUA solicited RFPs for these services under the “Fair and Open” process as per P.L.2004 Chapter 19 (N.J.S.A. 19:44A:20-4); and


WHEREAS, The Mitchell Agency submitted a proposal; and

WHEREAS, The Mitchell Agency has the requisite experience, licenses, and personnel to serve as the SCMUA Risk Manager.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the “SCMUA”, in the County of Sussex and State of New Jersey, as follows:

1. Sussex County MUA hereby appoints The Mitchell Agency as its local Risk Management Consultant.
2. The SCMUA Executive Director is hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2020 in the form attached hereto.

Certified as a true copy of the  
Resolution adopted by the Authority  
At their Annual Reorganization Meeting  
Held on Wednesday, February 5, 2020

  
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Andrea Cocula, Secretary

RESOLUTION RE: APPOINTMENT OF FUND COMMISSIONER TO THE STATEWIDE INSURANCE FUND

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "SCMUA") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and


WHEREAS, pursuant to the governing Bylaws of the Fund, each member is required to appoint a Commissioner to represent them in the Fund.

NOW, THEREFORE, BE IT RESOLVED that the SCMUA Board of Commissioners appoint Thomas Varro as Fund Commissioner for the SCMUA for the year 2020; and

BE IT FURTHER RESOLVED, that Timothy Day is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2020; and

BE IT FURTHER RESOLVED that the SCMUA's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Certified as a true copy of the Resolution adopted by the Authority at their Annual Reorganization Meeting held on Wednesday, February 5, 2020.

  
Secretary

<u>Board Member</u>	<u>Yea</u>	<u>Vote Results</u>		<u>Absent</u>
		<u>Nay</u>	<u>Abstain</u>	
D. Perez	X			
J. Drake	X			
T. Madsen	X			
W. Dietz	X			
A. Cocula	X			
K. Meyer	X			
R. Petillo	X			
J. Finkeldie				X
R. Dabinett	X			

RESOLUTION RE: DESIGNATION OF OFFICIAL AUTHORITY NEWSPAPERS -  
FEBRUARY 5, 2020 TO FEBRUARY 3, 2021

BE IT RESOLVED that The New Jersey Herald and The New Jersey Sunday Herald and The Daily Record are hereby designated as the Authority's official newspapers for the advertising of any public or legal notices by the Sussex County Municipal Utilities Authority for the period commencing February 5, 2020 and ending February 3, 2021.

AND BE IT FURTHER RESOLVED that the New Jersey Herald, New Jersey Sunday Herald, and the Daily Record, are hereby designated as newspapers for the placement of notices in conformance with Chapter 211, P.L. 1975, commonly known as the "Open Public Meetings Act" for the period commencing February 5, 2020 and ending February 3, 2021.

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At their Annual Reorganization  
Meeting held on Wednesday, February 5, 2020.

  
Secretary

RESOLUTION RE: APPOINTMENT OF MARGUERITE NEMETH AS SCMUA  
CERTIFYING OFFICER FROM FEBRUARY 5, 2020 TO  
FEBRUARY 3, 2021

WHEREAS, there exists the need within the Authority for the appointment of a "Certifying Officer" to execute and authorize certain documents relating to daily operations.

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Municipal Utilities Authority (SCMUA) appoints Marguerite Nemeth as "Certifying Officer" for the purpose of execution and authorization of documents relating to the New Jersey Division of Pensions and Benefits, Public Employees Retirement System and State Health Benefits Program reports/remittances.

BE IT FURTHER RESOLVED that Timothy Day, SCMUA Comptroller shall serve as Supervisor to Certifying Officer.

BE IT FURTHER RESOLVED that the Certifying Officer and Supervisor be authorized to execute and authorize documents as relating to the following: NJ Motor Vehicle Commission transactions.

BE IT FURTHER RESOLVED that this shall be effective through February 3, 2021, and as per Statute N.J.S.A. 40:14B-14(e).

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held on Wednesday, February 5, 2020.

  
Secretary



RESOLUTION RE: AUTHORIZING ISSUANCE OF OFFICERS CERTIFICATES  
RELATED TO AUTHORITY BONDS – FEBRUARY 5, 2020  
TO FEBRUARY 3, 2021

BE IT RESOLVED that Authority Chairman John Drake, Vice Chairman Karl Meyer, Authority Secretary Andrea Cocula, Authority Executive Director Thomas Varro, Comptroller/Treasurer Timothy Day and Assistant Treasurer Valerie Olm are hereby designated to provide Officer's Certificates to the Authority's Trustee relating to all Authority Bond Issues, and are authorized to direct, and instruct the Authority's Trustee on all matters related to Authority Bonds, provided such directions and instruction comply with all requirements of the pertinent Bond Resolutions.

BE IT FURTHER RESOLVED that this shall be effective through the Authority's next Reorganization Meeting on February 3, 2021, and as per Statute N.J.S.A. 40:14B-14(e).

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Held on Wednesday, February 5, 2020.

  
Andrea Cocula, Secretary

RESOLUTION RE: ESTABLISHMENT OF A PURCHASING BOARD IN  
ACCORDANCE WITH N.J.S.A. 40A:11-9 FOR PERIOD FROM  
FEBRUARY 5, 2020 TO FEBRUARY 3, 2021

WHEREAS, the Sussex County Municipal Utilities Authority, hereinafter "Authority", is authorized pursuant to N.J.S.A. 40A:11-9 to establish by Resolution a Purchasing Board as its contracting agent, which Board is authorized to prepare public advertising for bids and to receive bids for the purchase of work, materials and supplies on behalf of the Authority; and

WHEREAS, the Authority desires to establish a Purchasing Board in accordance with the aforementioned Statute; and


WHEREAS, the Authority desires to designate the membership of such Board as consisting of (9 members) Thomas Varro, Angelo Baron, Timothy Day, Jonathan Morris, Shane Zappa, Joseph Sesto, Karl Meyer, Ronald Petillo and John Finkeldie of the Sussex County Municipal Utilities Authority; and

NOW, THEREFORE BE IT RESOLVED BY THE Sussex County Municipal Utilities Authority, in the County of Sussex, State of New Jersey as follows:

1. The Sussex County Municipal Utilities Authority hereby establishes a Purchasing Board, pursuant to N.J.S.A. 40A:11-9, which Board is authorized as its contracting agent to prepare public advertising for bids and to receive bids for the purchase of work, materials and supplies on behalf of the Authority during the period from February 5, 2020 to February 3, 2021, said Board to consist of nine members appointed by the Authority. A minimum of two members and a recording secretary of this Board must be present at any bid opening.
2. The Authority hereby appoints Thomas Varro, Angelo Baron, Timothy Day, Jonathan Morris, Shane Zappa, Joseph Sesto, Karl Meyer, Ronald Petillo and John Finkeldie of the Sussex County Municipal Utilities Authority, whose terms shall be effective immediately upon the adoption of this Resolution, and run until the Authority's next Reorganization Meeting on February 5, 2020, and until such time as successors are appointed by the Authority.
3. The Authority hereby appoints Tara Kronski, Executive Secretary, as Recording Secretary to the Purchasing Board. Recording Secretary shall record minutes of the activities of the Purchasing Board Meetings and act as custodian of bid documents.

4. The members of the Purchasing Board are authorized and directed to perform all acts necessary to effectuate the purposes of this Resolution.
5. These appointments shall be effective as of February 5, 2020 and as per Statute N.J.S.A. 40:14B-14(e).

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Resolution adopted by the Authority  
At their Annual Reorganization  
Meeting held on Wednesday, February 5, 2020.

  
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Andrea Cocula, Secretary

RESOLUTION RE: APPOINTMENT OF A SUSSEX COUNTY MUNICIPAL  
UTILITIES AUTHORITY RECORDS CUSTODIAN - 2020

WHEREAS, the New Jersey Public Records Act (OPRA) N.J.S.A. 47:1A-1 et seq. requires the appointment of a Records Custodian to provide information requested by the public; and

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) Board of Commissioners recognize the need to appoint a Records Custodian to meet the requirements of the OPRA; and

WHEREAS, the Commissioners have determined to appoint the SCMUA Executive Director Thomas Varro to serve as Records Custodian.

NOW, THEREFORE, BE IT RESOLVED, that the SCMUA Executive Director Thomas Varro is hereby appointed the SCMUA's Records Custodian.

BE IT FURTHER RESOLVED, that this appointment shall be effective as per Statute N.J.S.A. 40:14B-14(e), and run until the Authority's next Reorganization Meeting on February 3, 2021.

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Held on Wednesday, February 5, 2020.

  
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Andrea Cocula, Secretary

**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):

Mountain Creek Bankruptcy, New Jersey Regulatory Reforms, Landfill Life Extension/Infrastructure Relocation Project

(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):

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(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 Item

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(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):

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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 Annual Reorganization Meeting held  
on Wednesday, February 5, 2020.

  
Andrea Cocula, Secretary

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**RESOLUTION RE: AUTHORIZING TO ADOPT A DEFERRED  
COMPENSATION PLAN FOR SUSSEX COUNTY  
MUNICIPAL UTILITIES AUTHORITY EMPLOYEES TO  
BE PROVIDED BY LINCOLN RETIREMENT SERVICES**

**WHEREAS**, the Sussex County Municipal Utilities Authority (hereinafter referred to as the “Employer”) by resolution is adopting a Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

**WHEREAS**, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the “Code”) and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the “Acts and Regulations”); and

**WHEREAS**, the Employer desires its Plan to conform the Code and Treasury regulations brought about by the Acts and Regulations; and

**WHEREAS**, the Employer desires to adopt a Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations; and

**WHEREAS**, the Employer hereby adopts Plan 92-PD-Lincoln-121316; and

**WHEREAS**, Lincoln Retirement Services, LLC (hereinafter referred to as “Lincoln”) has agreed to be the provider of the Deferred Compensation Program for employees and appointed officials; and

**WHEREAS**, Lincoln will provide for the benefit of the participants the Alliance LincOn account; and

**WHEREAS**, in accordance with N.J.A.C. 5:37-7.1(a) the Sussex County Municipal Utilities Authority (SCMUA) solicited proposals for a Deferred Compensation Plan and Service Agreement for deferred compensation services; and

**WHEREAS**, Proposals were requested from Lincoln, Mass Mutual and Valick, and the one response was from Lincoln; and

**WHEREAS**, SCMUA Comptroller Timothy Day reviewed the proposal submitted, and Lincoln was selected because of the high level of service, features and flexibility of the investment options for plan participants and recommendations from other municipal government units.



**NOW THEREFORE, BE IT FURTHER RESOLVED** that the SCMUA Executive Director and/or Comptroller (e.g. Finance Director or Business Administrator) is authorized to take the necessary steps to implement the Deferred Compensation Program with Lincoln (92-SA-Lincoln-121316). It is further implicitly understood that there is to be no cost or contribution by the Employer to the program; and


**BE IT FURTHER RESOLVED** that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

**BE IT FURTHER RESOLVED** that the SCMUA Comptroller (e.g. Finance Director or Business Administrator) is authorized to serve as the "Administrator" of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and

**BE IT FURTHER RESOLVED** that the Executive Secretary forward a certified true copy of this resolution to the SCMUA Comptroller; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Annual Reorganization Meeting held  
on Wednesday, February 5, 2020.

  
Secretary

Tk/resols/Lincoln deferment plan