

**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):

Report Re: Draft NJPDES Permit Renewal for Upper Wallkill Facility, Status Re: Mt. Creek Bankruptcy, Legal Opinion/Advice Re: OPMA

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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):

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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, April 4, 2018.

  
Andrea Cocula, Secretary

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RESOLUTION RE: AUTHORIZING THE AWARD TO THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER FOR CONTRACT NO. 18-12 FOR THE LEASE OF REAL PROPERTY AT 3500 ROUTE 94 HAMBURG, NJ FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A WIRELESS COMMUNICATION FACILITY AT THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S UPPER WALLKILL WPCF

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "Authority") has advertised for bids for Contract No. 18-12 on January 26, 2018 in The New Jersey Herald and January 19, 2018 in The Daily Record for the Lease of Real Property at 3500 Route 94, Hamburg, NJ for the Construction, Operation and Maintenance of a Wireless Communication Facility; and

WHEREAS, Addendum No. 1 to said contract was duly issued and advertised on February 21, 2018 in The New Jersey Herald and in The Daily Record; and

WHEREAS, sealed bids, therefore, were received and opened by the Authority on March 15, 2018 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, Cellco Partnership d/b/a Verizon Wireless was the lone bidder with a bid of a Monthly Lease Price of \$3,000/month (Item 1.A), and Extended Annual Lease Price of \$36,000/year (Item 1.B), and a Percentage of Future Monthly Sub-Leases of Wireless Communication Facility of 50% (Item 2.A); and

WHEREAS, the bid proposed by Cellco Partnership d/b/a Verizon Wireless has all bid documents in order; and

WHEREAS, proposed "Exception to Bid" have been reviewed, resolved, and approved; and

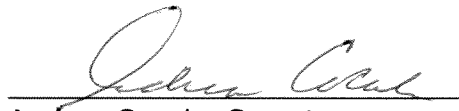
WHEREAS, the Authority's Staff and Attorney have reviewed the Bid Proposal and recommends award thereof to Cellco Partnership d/b/a Verizon Wireless as based upon the accepted Bid Price for Monthly Lease Price of \$3,000/month (Item 1.A), and Extended Annual Lease Price of \$36,000/year (Item 1.B), and a Percentage of Future Monthly Sub-Leases of Wireless Communication Facility of 50% (Item 2.A); and

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

1. Contract No. 18-12 for the Lease of Real Property at 3500 Route 94, Hamburg, NJ for the Construction, Operation and Maintenance of a Wireless Communication Facility is hereby awarded to Cellco Partnership d/b/a Verizon Wireless.

2. The proper officers of this Authority, and its employees are hereby authorized to proceed with the preparation and execution of the formal Lease Agreement with Cellco Partnership d/b/a Verizon Wireless as set forth above, pursuant to the terms and conditions of this resolution and pursuant to terms and conditions of the Bid previously submitted by Cellco Partnership d/b/a Verizon Wireless and the Contract Documents in connection therewith.
3. This resolution shall take effect in accordance with applicable NJ laws and statutes.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Regular Meeting held on  
Wednesday, April 4, 2018.

  
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Andrea Cocula, Secretary