

**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):

Sparta Township – White Deer Plaza Connection, Stage 2 Landfill Expansion Project (Contract # 551), Upper Wallkill NJPDES Permit Litigation

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(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 Items

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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 Rescheduled Regular Authority Meeting held  
on Wednesday, March 2, 2022.

  
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Andrea Cocula, Secretary

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RESOLUTION RE: AUTHORIZING THE EXECUTION OF A PARTNERSHIP AGREEMENT WITH NEWTON HIGH SCHOOL / NEWTON BOARD OF EDUCATION TO ASSIST WITH THE IMPLEMENTATION OF A POROUS PAVER PROJECT IN THE SCHOOL'S COURTYARD AREA

WHEREAS, the Sussex County Municipal Utilities Authority-Walkkill River Watershed Management Group (SCMUA-WRWMG) has an existing grant agreement from the National Fish and Wildlife Foundation (hereinafter referred to as "NFWF") to sponsor "green infrastructure" stormwater management projects in the Upper Paulins Kill Watershed; and

WHEREAS, the SCMUA-WRWMG has previously worked with the Newton Board of Education to construct rain garden and porous asphalt stormwater management projects at Halsted Middle School in July 2019 and December 2020 as well as a rain garden project at Newton High School in July 2021; and

WHEREAS, Rutgers Cooperative Extension-Water Resources Program identified specific areas for strategic green infrastructure installation at Newton High School and prepared a set of formal engineering design plans that include a porous paver project within Newton High School's courtyard area; and

WHEREAS, the SCMUA-WRWMG's current "Enhancing Green Infrastructure in the Upper Paulins Kill Watershed: Phase II (NJ)" NFWF grant agreement includes a funding allocation for porous paver installation at Newton High School; and

WHEREAS, in February 2022, the Newton Board of Education approved the awarding of a contract of \$18,480.00 to Bears Landscaping of Newton, NJ for the installation of porous pavers at Newton High School; and

WHEREAS, upon successful project completion and certification by Rutgers Cooperative Extension-Water Resources Program, and subsequent approval/release of funds by NFWF to the SCMUA-WRWMG for the porous paver installation, the SCMUA-WRWMG will provide a **Total Not-to-Exceed Reimbursement Potential** to Newton High School-Newton Township Board of Education of up to **\$18,480.00 (eighteen thousand, four hundred and eighty dollars and 0 cents)**.

NOW, therefore, BE IT RESOLVED that the Chairman is authorized to execute the Partnership Agreement with Newton High School-Newton Board of Education; and

BE IT FURTHER RESOLVED, that the reimbursement payment of grant funds to Newton High School shall be contingent upon certification by Rutgers Cooperative Extension-Water Resources Program at completion of the project and the subsequent approval/ release of funds by NFWF to the SCMUA-WRWMG for the porous paver installation.

AND BE IT FURTHER RESOLVED that this Resolution should become effective as provided by statute/law.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, March 2, 2022.

  
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Andres Cocula, Secretary

RESOLUTION RE: APPROVAL/ENDORSEMENT OF TWA APPLICATION FOR THE CONSTRUCTION OF WHITE DEER PLAZA WASTEWATER TREATMENT FACILITY CONVERSION AND FORCE MAIN IN SPARTA TOWNSHIP, NEW JERSEY

WHEREAS, Applicant/Owner, Sparta Township, has submitted to the Sussex County Municipal Utilities Authority (SCMUA), an application for the approval of the conversion of the existing White Deer Plaza Wastewater Treatment Facility (WWTF) and construction of force main in Sparta Township, along with the necessary plans and specifications; and

WHEREAS, this project consists of the modification of the existing valve chamber associated with the WWTF and construction of a new 940-foot, 4-inch diameter HDPE force main which will be routed to connect to the Township's existing gravity sewer system, and thereafter conveyed/discharged to the SCMUA's Upper Wallkill Regional System; and

WHEREAS, the construction plans, specifications, and supplemental information for this project have been reviewed by and are acceptable to the Sussex County Municipal Utilities Authority; and

WHEREAS, the limits of construction are within an existing Sparta Township sanitary easement and approved Sparta Board of Education utility easement; and

WHEREAS, the above project requires the necessary approval and endorsement of the SCMUA for NJDEP Treatment Works Approval; and

WHEREAS, the project has been completed and final connection to the Sparta gravity sewer system was made on March 1, 2022; and

WHEREAS, on March 1, 2022, wastewater was diverted from the existing White Deer Plaza facility to the Sparta Township sewer system and ultimately to the SCMUA Upper Wallkill Valley Wastewater Treatment Facility; and

WHEREAS, based on the applicant-provided three (3) year daily flow data, since the Sparta Township emergency bypass connection in December 2018, the average daily flow through the facility is 29,284 gpd (i.e. 117.25 EDU); and

WHEREAS, the appropriate SCMUA review fee has been paid by the applicant; and;

WHEREAS, Sparta Township has agreed to pay existing assessed and prior assessed SCMUA Connection Fees in the total amount of \$1,023,394.50 within 30 days of the date of physical connection/flow, as per SCMUA Invoice dated 3/2/22.

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

- I. The application for a TWA permit for the construction of the referenced project and associated plans and specifications are herein approved/endorsed by the SCMUA.
- II. This approval and above connection fees pertain to the prior diversion and current conversion (i.e. bypass) of White Deer Plaza Wastewater Facility only. Any other (future) connection payments shall be made at the then prevailing Connection Fee Rate.
- III. The SCMUA hereby endorses the subject application and said project, and the SCMUA's Chief Engineer and/or Executive Director are hereby authorized and directed to sign the Endorsement Form WQM-003 for the referenced application for NJDEP Treatment Works Approval.
- IV. A certified copy of this resolution shall be forwarded to the project Applicant/Owner Sparta Township, CP Engineers, and the NJDEP.
- V. The above-referenced provisions and conditions are incorporated herein by reference.

SCMUA Staff and Professionals are directed and empowered to take any and all action necessary to effect this Resolution.

Certified as a true copy of the Resolution  
Adopted by the Authority at their Regular  
Meeting held on March 2, 2022.

  
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Andrea Cocula, Secretary

**RESOLUTION RE: SCMUA CONSENTS TO THE PROPOSED SUSSEX COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT FOR JCM INVESTORS 1012 LLC, MUNSONHURST ROAD, BOROUGH OF FRANKLIN**

**WHEREAS**, the proposed development known as “Milly’s Court” (Block 2701, Lot 2) is located on 110 Munsonhurst Road in Franklin Borough, and owned by Silk City Rentals 102 LLC and to be developed by JCM Investors 1012, LLC; and

**WHEREAS**, the SCMUA resolution dated July 1, 2020 provided preliminary consent for adoption of the proposed Sussex County Water Quality Management (WQM) amendment; and

**WHEREAS**, the applicant has furthermore requested final SCMUA consent for the adoption of the proposed Sussex County Water Quality Management (WQM) amendment; 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, conform with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C 7:15-3.5 as the method of incorporating unplanned facilities in the WQM plan; and

**WHEREAS**, in accordance with the applicant, the period of public comment is anticipated to be completed on March 8, 2022; and

**NOW, THEREFORE, BE IT RESOLVED** by the Sussex County MUA that it hereby recommends to the Sussex County Board of Commissioners and the NJDEP, that the proposed WMP appendment is approved contingent on satisfactory conclusion of public comment period.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Sussex County Board of Commissioners, Borough of Franklin, applicant, and the NJDEP NJPDES Stormwater Permitting department.

**BE IT FURTHER RESOLVED** this consent is to be submitted to the NJDEP pursuant to N.J.A.C 7:15-3.5(g)6.

**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 March 2, 2022

  
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Andrea Cocula, Secretary



RESOLUTION RE: ENABLING RESOLUTION AUTHORIZING THE FILING OF A SPENDING PLAN FOR A 2021 RECYCLING ENHANCEMENT ACT TAX FUND GRANT PURSUANT TO P.L. 2007 C.113 ET SEQ. HEREINAFTER, THE ACT


WHEREAS, P.L. 2007, c.311 et seq. provides for the awarding of Recycling Enhancement Tax grants by the Department of Environmental Protection to designated solid waste management districts to assist them in the preparation, revision and implementation of comprehensive solid waste management and recycling plans; and

WHEREAS, the Sussex County Municipal Utilities Authority, desires such financial assistance to fulfill its responsibilities under the Solid Waste Management Act and the Recycling Enhancement Act.

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

1. That the Spending Plan be submitted to the Division of Solid and Hazardous Waste for a 2021 Recycling Enhancement Act Tax Grant in the amount of \$162,000.00.
2. That the Executive Director and the Solid Waste Superintendent of the Sussex County Municipal Utilities Authority are hereby authorized and directed to execute and file such Spending Plan with the Department of Environmental Protection, to provide additional information and furnish such documents as may be required and to act as the authorized correspondent of the Sussex County Municipal Utilities Authority in this matter.
3. That the Sussex County Municipal Utilities Authority was designated by the Sussex County Board of Commissioners as the implementing agency to perform the Recycling Enhancement Tax Grant on October 9, 1990.
4. That the Sussex County Municipal Utilities Authority does hereby hold the State of New Jersey and its departments and agencies harmless from any damages, losses and claims which may arise directly or indirectly from the execution of the grant.
5. That the Sussex County Municipal Utilities Authority hereby accepts the terms and conditions set forth in the Act and the guidelines promulgated under it.

Certified as a true copy of the Resolution  
adopted by the Authority at their Regular Meeting  
held on Wednesday, March 2, 2022.

  
Andrea Cocula, Secretary