

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):

Shared Services Agreement with County of Sussex – SWAP Program, Sussex Borough Wastewater Service Agreement, Sparta Township Connection Fee, Professional Services RFPs for 2020, Landfill Gas to Energy Contract, Landfill Life Extension/Infrastructure Relocation Projects, Mountain Creek Bankruptcy

(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):

(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, January 15, 2020.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING PROPRIETARY SPECIFICATION FOR
MICROFILTRATION EQUIPMENT (MBR) PURCHASE FOR A
PORTION OF THE UPPER WALLKILL WASTEWATER
TREATMENT PLANT IN VERNON TOWNSHIP

WHEREAS, the Sussex County Municipal Utilities Authority is in need of a specialized equipment replacement for the Vernon Microfiltration Equipment Membrane Biological Reactor (MBR), a portion of the Upper Wallkill Wastewater Treatment Plant.

WHEREAS, this facility requires a high level of treatment to be provided in order to meet the NJPDES permit requirements for groundwater recharge of treated effluent; and

WHEREAS, it is necessary to utilize the Membrane Biological Reactor (MBR) Process, and incorporate equipment provided by the Kubota Corporation to achieve this high level of treatment, said equipment to be specified in the construction specifications as "proprietary," rather than "Brand Name or equivalent;" and

WHEREAS, "Proprietary" is defined, in N.J.S.A. 40A:11-2(39), as goods of a specialized nature which are necessary for the conduct of the contracting units affairs; and

WHEREAS, the Administrative Code (N.J.A.C. 5:34-9.1) defines "Specialized Nature" as meaning "that the purpose to which the goods or services will be used has such unique characteristics that only the goods or services of a single vendor are capable of meeting the contracting units needs," and defines "necessary for the conduct of its affairs" as meaning "that the public need for the proprietary designation is of such a compelling nature that the value to the public that is gained by the proprietary designation overshadows the public benefit of permitting brand name or equivalent and the benefits of such competition"; and

WHEREAS, the Purchasing Agent, pursuant to N.J.A.C. 5:34-9.1(6) has certified that the MBR equipment is of specialized nature for the patented plate membrane technology and air purge system, as well as the cost-effectiveness and superior maintenance capabilities; and the Kubota MBR is necessary for the conduct of the Authority's affairs for the necessity of consistency between the membrane system, the operating and expansion benefit, and the Purchasing Agent has recommended that the Board authorize the subject proprietary; and

WHEREAS, the Commissioners of the Sussex County Municipal Utilities Authority, County of Sussex, State of New Jersey, find that: (1) the Kubota MBR is of a specialized nature for the reasons set forth in this resolution.

NOW, THEREFORE BE IT RESOLVED by the Commissioners of the Sussex County Municipal Authority, County of Sussex, State of New Jersey, that the Authority staff and Consulting Engineers are hereby authorized to purchase/replace MBR equipment as "propriety" equipment.

Certified as a true copy of this Resolution
Adopted by the Authority at their Regular
Meeting held on January 15, 2020



Andrea Cocula, Secretary

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RESOLUTION RE: ADOPTION OF AMENDMENT #2 TO SERVICE RULES FOR THE
SCMUA UPPER WALLKILL VALLEY WATER POLLUTION
CONTROL FACILITIES

WHEREAS, the Sussex County Municipal Utilities Authority, (SCMUA or Authority), previously adopted on March 1, 2000 Rules and Regulations entitled "Service Rules – Upper Wallkill Valley Regional Water Pollution Control Facilities" (Service Rules), pursuant to the provisions of N.J.S.A. 40:14B-1 et seq.; and

WHEREAS, from time to time, the SCMUA reviews and determines to update and/or revise the Service Rules, as applicable, via Amendment(s) thereto; and

WHEREAS, the SCMUA has previously adopted Amendment #1 to said Service Rules on September 20, 2006; and

WHEREAS, the Authority currently desires to amend said Service Rules to reference priority of Service Contracts/Agreement versus Service Rules; and

WHEREAS, the Authority has reviewed the said proposed Amendment, and finds same to be in the best interests of the Authority and its users; and

NOW THEREFORE, BE IT RESOLVED by the Commissioners of the Sussex County Municipal Utilities Authority that the referenced Amendment #2, a copy of which is attached hereto, is herein adopted pursuant to the provisions N.J.S.A. 40:14B-1, et. seq.

AND BE IT FURTHER RESOLVED that the herein Amendment of the Service Rules shall be effective sixty (60) days after the mailing of copies thereof to all System Participants, as per the conditions related to effective date contained in each applicable Service Contract/Agreement.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Meeting
held on Wednesday, January 15, 2020.


Andrea Cocula, Secretary

AMENDMENT TO SERVICE RULES

UPPER WALLKILL REGIONAL WATER POLLUTION CONTROL FACILITIES ADOPTED JANUARY 15, 2020

1. Service Rules – ARTICLE I – Introduction

Introduction shall be amended as follows:

The following Rules and Regulations are hereby declared to be the Service Rules of the Sussex County Municipal Utilities Authority regarding the use of the Upper Wallkill Valley Regional Water Pollution Control Facilities (Upper Wallkill System) and the nature of wastes to be discharged into the regional system. The Service Rules are intended to insure and carry out the purposes and provisions of the existing Service Contracts between the SCMUA and its participants. However, with regard to any discrepancy between said Service Rules and any provision of an existing Service Contract/Agreement, the language and intent of the Service Contract/Agreement shall prevail and govern.

2. Service Rules – ARTICLE XI – Section 11.05.4 Surcharges

Surcharge Item 4 shall be amended as follows:

4. Any Participant or user discharging wastewater into the treatment works in a volume exceeding their established contractual flow limitation amount (as based upon its current flow pursuant to its applicable Service Contract/Agreement) shall be surcharged pursuant to the Authority's effective annual Rate Schedule for each 1,000 gallons which exceeds said allocation.

RESOLUTION RE: ENABLING RESOLUTION AUTHORIZING THE FILING OF A SPENDING PLAN FOR A 2019 RECYCLING ENHANCEMENT ACT TAX FUND ENTITLEMENT 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 entitlements 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 2019 Recycling Enhancement Act Tax Entitlement in the amount of \$143,320.00.
2. That the Administrator 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 Chosen Freeholders as the implementing agency to perform the Recycling Enhancement Tax Entitlement 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, January 15, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT WITH THE COUNTY OF SUSSEX FOR THE
PROVISION OF SUPPLEMENTAL ASSISTANCE TO SCMUA
WORK FORCE BY UTILIZING THE SERVICES OF
SHERIFF'S LABOR ASSISTANCE PROGRAM/SHERIFF'S
WORK ASSISTANCE PROGRAM

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "SCMUA"), among other things, operates a Residents' Convenience/Recycling Center within Sussex County as provided in the Sussex County District Solid Waste Management Plan; and

WHEREAS the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1, et. seq.) (hereinafter, "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

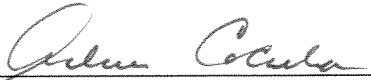
WHEREAS, the SCMUA has requested the services of the Sheriff's Labor Assistance Program/Sheriff's Work Assistance Program (hereinafter referred to as "SLAP/SWAP") in the form of performing supplemental assistance to SCMUA work forces; and

WHEREAS, SCMUA and the County of Sussex desires to enter into a Shared Services Agreement in order to provide assistance to SCMUA work force by utilizing the services of the SLAP/ SWAP; and

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

1. The Chairman and Secretary are hereby authorized and directed to execute a Shared Services Agreement, a copy of which is attached hereto, with the County of Sussex to provide supplemental assistance to SCMUA work force.
2. This Resolution shall 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, January 15, 2020


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION TO EXECUTE A GOVERNMENTAL EQUIPMENT LEASE AGREEMENT WITH CATERPILLAR/ FOLEY, INC. FOR ONE (1) NEW LANDFILL COMPACTOR OBTAINED THROUGH SOURCEWELL

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) advertised for notification to purchase One (1) New Landfill Compactor, through Sourcewell; and

WHEREAS, the laws of the State of New Jersey ("State") authorize the SCMUA, a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the SCMUA, and accordingly to enter into any necessary contracts; and

WHEREAS, the SCMUA desires to lease, purchase and/or finance equipment from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer (Caterpillar) by entering into a Governmental Equipment Lease-Purchase Agreement (Agreement) with Caterpillar; and

WHEREAS, the Agreement including all schedules and exhibits attached to the Agreement, is further approved in substantially the form presented at the meeting, along with any approved changes, and further the SCMUA enter into the Agreement with Caterpillar and authorizes Executive Director to execute said Agreement; and

WHEREAS, changes may later be made to the Agreement if the changes are approved by the SCMUA counsel or members of the governing body of the SCMUA; and

WHEREAS, the purchase price was \$1,101,422.00 minus Trade-in Amount of \$185,000.00 allowance for SCMUA #836 2015 Landfill Compactor (serial #TWZ00510), for a Net amount of \$916,422.00 ; and


WHEREAS, nothing in this resolution, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the SCMUA or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the SCMUA as provided in the Agreement.

THEREFORE, BE IT RESOLVED THAT:

1. Executive Director Thomas Varro is authorized to proceed execute lease agreement with Caterpillar Financial Services Corporation, and to further deliver
2. SCMUA Treasurer has certified that the funds are available in the Solid Waste Operations account.

3. This resolution shall take effect in accordance with NJSA 40:14B-14 (e).

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Meeting
held on Wednesday, January 15, 2020



Andrea Cocula, Secretary

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RESOLUTION: AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE SCMUA AND THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY IN A COOPERATIVE PRICING SYSTEM FOR THE PERIOD OF FEBRUARY 1, 2020 THROUGH JANUARY 31, 2025

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on January 15, 2020 the governing body of the Sussex County Municipal Utilities Authority, County of Sussex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW THEREFORE, BE IT RESOLVED, as follows:

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Sussex County Municipal Utilities Authority.
2. Pursuant to the provision of N.J.S.A. 40A:11 -11(5), the SCMUA Comptroller Timothy Day is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. 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, January 15, 2020.



Andrea Cocula, Secretary

RESOLUTION: AUTHORIZING EXECUTION OF A COOPERATIVE PRICING AGREEMENT BETWEEN THE SCMUA AND THE NEW JERSEY COOPERATIVE PURCHASING ALLIANCE FOR THE PERIOD OF FEBRUARY 1, 2020 THROUGH JANUARY 31, 2025

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and


WHEREAS, the County of Bergen, hereinafter referred to as the "Lead Agency" has offered voluntary participation in the New Jersey Cooperative Purchasing Alliance #CK04 a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on January 15, 2020 the governing body of the Sussex County Municipal Utilities Authority, County of Sussex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW THEREFORE, BE IT RESOLVED, as follows:

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Sussex County Municipal Utilities Authority.
2. Pursuant to the provision of N.J.S.A. 40A:11 -11(5), the SCMUA Comptroller Timothy Day is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect in accordance with N.J.S.A. 40:14B – 14(e).

Certified as a true copy of the Resolution
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held on Wednesday, January 15, 2020.



Andrea Cocula, Secretary

RESOLUTION: AUTHORIZING EXECUTION OF A COOPERATIVE PRICING AGREEMENT BETWEEN THE SCMUA AND THE SOMERSET COUNTY COOPERATIVE PRICING SYSTEM FOR THE PERIOD OF FEBRUARY 1, 2020 THROUGH JANUARY 31, 2025

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Somerset County, hereinafter referred to as the "Lead Agency" has offered voluntary participation in the Somerset County Cooperative Pricing System #2 - SOCCP a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on January 15, 2020 the governing body of the Sussex County Municipal Utilities Authority, County of Sussex, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

NOW THEREFORE, BE IT RESOLVED, as follows:

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Sussex County Municipal Utilities Authority.
2. Pursuant to the provision of N.J.S.A. 40A:11 -11(5), the SCMUA Comptroller Timothy Day is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect in accordance with N.J.S.A. 40:14B – 14(e).

Certified as a true copy of the Resolution
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held on Wednesday, January 15, 2020.


Andrea Cocula, Secretary

RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY DECLARING CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC USE, AND AUTHORIZATON TO REMOVE FROM FIXED ASSETS

WHEREAS, the Sussex County Municipal Utilities Authority (“SCMUA”) has been advised by its staff and does hereby confirm that certain personal property in the possession of the Authority is not now or reasonably in the future needed for Authority purposes; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes the Authority to the dispose of equipment in the most cost effective manner and SCMUA asset put forth below was an allowable trade-in on October 8, 2019 in conjunction with the purchase of a 966M Wheel Loader from Foley, Inc. through the National Cooperative Purchasing Agreement Contract; and

WHEREAS, the Authority has reviewed said SCMUA equipment and put forth below and has determined that said personal property is not needed for Authority purposes and is no longer available.

NOW THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the equipment put forth below, shall be and is hereby determined to be surplus personal property personal property not needed for public use.

BE IT FURTHER RESOLVED that the Authority hereby directs the Treasurer and Staff to delete the listed item on the fixed asset inventory.

AND BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon final passage.

<u>Year</u>	<u>Description</u>	<u>Acquisition Date</u>	<u>Serial #</u>	<u>Value</u>
2005	Caterpillar Loader	Feb. 2005	ANZ01054	\$61,000.00

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, January 15, 2020.


Andrea Cocula, Secretary