

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):

NOVA Filter Unit Update, Landfill Gas to Energy Contract

(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):

Personnel Items

(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, November 27, 2019.


Andrea Cocula, Secretary

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RESOLUTION RE: APPROVING A SUPPLEMENT TO THAT CERTAIN MARKETING PLAN UNDER THE JANUARY 20, 2010 LANDFILL GAS-TO-ENERGY BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND SXLE LANDFILL ENERGY, LLC #19-162

WHEREAS, on January 20, 2010, the Sussex County Municipal Utilities Authority (“SCMUA”) entered into an agreement with SXLE Landfill Energy, LLC, a division of DCO Energy (“SXLE”), for the provision of third-party landfill-gas-to-energy services, including a cooperative “Marketing Plan” as appended thereto as Appendix E (“Agreement”); and

WHEREAS, in the decade since entry into said Agreement, the marketplace for the collection, processing, sale, and marketing of landfill gas has evolved and changed, making it necessary for the parties to the Agreement to adjust and refine the Marketing Plan that is a critical and material part of the Agreement; and

WHEREAS, the parties to the Agreement are desirous of updating and refining the Marketing Plan and supplementing same consistent with current marketplace conditions, and each of the parties have discussed and negotiated in good faith toward refreshing the marketing plan in a manner that is mutually agreeable and beneficial and adaptive to the needs of each in accordance with their expectations under the Agreement; and

WHEREAS, in addition to the foregoing, the parties wish to, and do hereby clarify, define and recite certain rates and the Annual True-Up valuations as well as the terms and provisions as more specifically stated in the said Marketing Plan Supplement, attached hereto; and

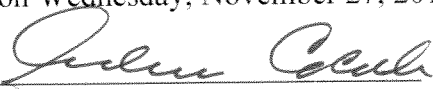
WHEREAS, the parties to the Agreement have discussed and reviewed the attached “Supplement” to the Marketing Plan dated November 27, 2019, and agree that they wish to enter into and be bound by the provisions therein, with said Marketing Plan together with the Supplement, being a necessary and vital component part of the Agreement; and

WHEREAS, the Authority’s Treasurer has certified that all necessary funds are available under this Resolution.

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

1. The Authority does hereby adopt, and agrees to enter into and be bound by the Marketing Plan Supplement to the Agreement.
2. All SCMUA staff and professionals are directed to take any and all necessary actions consistent with effecting this approval and the Marketing Plan Supplement.
3. Contract shall become effective 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, November 27, 2019


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE ASSIGNMENT OF FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A. AUDITING SERVICE CONTRACT TO WIELKOTZ & COMPANY, LLC

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) previously selected Ferraioli, Wielkocz, Cerullo & Cuva, P.A. as the Authority's Auditor for the period of February 6, 2019 through February 5, 2020; and

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, P.A. shall cease doing business as of December 31, 2019; and

WHEREAS, Ferraioli, Wielkocz, Cerullo & Cuva, P.A. employees shall become employees of Wielkocz & Company, LLC as of January 1, 2020; and

WHEREAS, the employees of Ferraioli, Wielkocz, Cerullo & Cuva, P.A. possesses unique knowledge concerning the operations of the Authority gained its years of experience serving as the Authority's auditors; and


WHEREAS, the SCMUA desires to assign the Ferraioli, Wielkocz, Cerullo & Cuva, P.A. Contract to Wielkocz & Company, LLC without change to the terms, conditions and rates set forth therein; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids and the contract itself must be available for public inspection;

NOW, THEREFORE BE IT RESOLVED by the Authority as follows:

1. That the SCMUA is hereby authorized and directed to execute an assignment of the Ferraioli, Wielkocz, Cerullo & Cuva, P.A. Contract to Wielkocz & Company, LLC without change to the terms, conditions and rates set forth therein.
2. Wielkocz & Company, LLC shall provide the following documents to the Authority (1) a valid certificate of insurance listing the Authority as an additional insured party; (2) a valid Business Registration Certificate; (3) a complete C.271 Political Contribution Disclosure Form; (4) a complete Business Entity Disclosure Certificate; and (5) a W-9.
3. This resolution shall become effective 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, November 27, 2019.


Andrea Cocula, Secretary

**2020 ADOPTED BUDGET RESOLUTION
SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY**

FISCAL YEAR: FROM: DECEMBER 1, 2019 TO: NOVEMBER 30, 2020

WHEREAS, the Annual Budget and Capital Budget/Program for the Sussex County MUA for the fiscal year beginning December 1, 2019 and ending, November 30, 2020 has been presented for adoption before the governing body of the Sussex County MUA at its open public meeting of November 27, 2019; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and


WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$19,177,500, Total Appropriations, including any Accumulated Deficit, if any, of \$19,234,500 and Total Unrestricted Net Position utilized of \$57,000; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$9,920,000 and Total Unrestricted Net Position planned to be utilized of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the SCMUA, at an open public meeting held on November 27, 2019 that the Annual Budget and Capital Budget/Program of the SCMUA for the fiscal year beginning, December 1, 2019 and ending, November 30, 2020 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, November 27, 2019.


Andrea Cocula, Secretary

Governing Body

- R. Petillo
- D. Perez
- T. Madsen
- W. Dietz
- A. Cocula
- K. Meyer
- J. Drake
- J. Finkeldie
- R. Dabinett

	<u>Recorded Vote</u>		
Aye	Nay	Abstain	Absent

X
X
X
X
X
X
X
X
X
X

RESOLUTION RE: ADOPTION OF SUSSEX COUNTY MUNICIPAL UTILITIES
AUTHORITY'S SCHEDULE OF RATES, FEES AND CHARGES
FOR FY2020

WHEREAS, N.J.S.A. 40:14B-1 et. seq. requires that every Authority shall prescribe and, from time to time when necessary, revise a schedule of all its service charges; and

WHEREAS, said Schedule of Rates, Fees and Charges ("Schedule") may be revised after holding a public hearing on the proposed revisions, which shall be held by the Authority at least 20 days after notice of the proposed revision is given in accordance with law; and

WHEREAS, the notice of proposed revision of the SCMUA Rates and Fees Schedule was published on October 8, 2019 in The New Jersey Herald and on October 10, 2019 in the Daily Record; and

WHEREAS, the Authority intends to revise its Schedule, has provided proper notice in accordance with law, and has held a public hearing thereon; and

WHEREAS, a public hearing was held on the proposed rates on November 6, 2019 at which time public comment was provided for with respect thereto; and

WHEREAS, after review and consideration of the public comment as well as the report and recommendations of the Authority's staff, the Commissioners have determined that the proposed adjustments to the Authority's rates are necessary and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the attached "Sussex County Municipal Utilities Authority's Adopted FY2020 Schedule of Rates, Fees and Charges" is hereby approved, and will serve as the Authority's Schedule of Charges beginning December 1, 2019 or as otherwise provided for, and shall remain in effect until modified in accordance with applicable State statutes and regulations.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular
Meeting held on Wednesday, November 27, 2019.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2020, UPPER WALLKILL SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Bond Resolutions and Service Agreements, it is necessary that the Authority develop each year, and issue to its participants of the Upper Wallkill System, an estimate of the amounts of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by the SCMUA to each participant; and

WHEREAS, the Commissioners have adopted the Authority's FY2020 Schedule of Rates, Fees and Estimated Annual Sewage Treatment Charges, which contained calculations of the estimated FY2020 charges.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Upper Wallkill System participant, containing the estimated Annual Charges for FY2020, as contained in the Attachment hereto;

AND BE IT FURTHER RESOLVED that this resolution shall take effect upon its adoption.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
Wednesday, November 27, 2019.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2020, HAMPTON COMMONS SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Service Agreement with the Hampton Commons Homeowners Association and the Township of Hampton regarding the Hampton Commons System, it is necessary that the Authority develop each year, and issue to the participants of the Hampton Commons System, an estimate of the amount of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by SCMUA to each participant; and


WHEREAS, the Hampton Commons Homeowners' Association and the Township of Hampton are the participants in this system; and

WHEREAS, the Commissioners have adopted the Authority's FY2020 Schedule of Rates, Fees and Charges, which contained calculations of the estimated FY2020 charges for the Hampton Commons System.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate, containing the estimated Annual Charges for FY2020 to the Hampton Commons Homeowners' Association and Township of Hampton:

AND BE IT FURTHER RESOLVED that this resolution shall take effect upon its adoption.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
Wednesday, November 27, 2019


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2020, PAULINSKILL BASIN WATER RECLAMATION SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Service Agreement with the Borough of Branchville and the Township of Frankford regarding the Paulinskill Basin Water Reclamation System, it is necessary that the Authority develop each year, and issue to the participants of the Paulinskill Basin Water Reclamation System, an estimate of the amount of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by SCMUA to each participant; and

WHEREAS, the Borough of Branchville and the Township of Frankford are the participants in this system; and

WHEREAS, the Commissioners have adopted the Authority's FY2020 Schedule of Rates, Fees and Charges, which contained calculations of the estimated FY2020 charges for the Paulinskill Basin Water Reclamation System.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate, containing the estimated Annual Charges for FY2020 to the Borough of Branchville and Township of Frankford;

AND BE IT FURTHER RESOLVED that this resolution shall take effect upon its adoption.

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at their Regular Meeting held on
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Andrea Cocula, Secretary