

**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):

Paulinskill Facility - Ovivo Warranty

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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 Regular Authority Meeting held  
on Wednesday, May 6, 2020.

  
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Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING THE AWARD OF A CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND FOLEY POWER SYSTEMS FOR PURCHASE AND INSTALLATION OF NEW DIESEL-POWERED EMERGENCY GENERATOR AT HAMPTON COMMONS WASTEWATER FACILITY**

**WHEREAS**, the Sussex County Municipal Utilities Authority (SCMUA) has received a cost proposal through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System; and

**WHEREAS**, Foley Power Systems of Piscataway, New Jersey submitted a cost proposal of \$45,947.00 (not to exceed) that includes purchase of equipment, installation of equipment, and startup/testing; and

**WHEREAS**, proposal was reviewed by SCMUA Staff and it was determined that Foley Power Systems proposal met all SCMUA requirements and was cost efficient and fiscally responsible; and

**WHEREAS**, the Authority's Qualified Purchasing Agent has reviewed and authorized this contract award; and

**WHEREAS**, the Treasurer has certified that sufficient funds are available.

**NOW, THEREFORE, BE IT RESOLVED** by the Sussex County Municipal Utilities Authority's Board of Commissioners that the proposal is hereby awarded to Foley Power Systems, according to the prices stated within their proposal dated April 2, 2020.

**BE IT FURTHER RESOLVED**, that Executive Director and SCMUA Staff are authorized to prepare and execute the applicable contract with Foley Power Systems.

**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 Wednesday, May 6, 2020.

  
\_\_\_\_\_  
Andrea Cocula, Secretary

**RESOLUTION OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE WATER BANK FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$8,300,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE WATER BANK CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK**

**WHEREAS**, the Sussex County Municipal Utilities Authority (the "Local Unit") has determined that there exists a need to construct a project consisting of the Leachate Pump Station and Force Main Project including, but not limited to, a pumping station and force main to convey landfill leachate to the Upper Walkill Water Pollution Control Facility (the "Leachate Pump Station/Force Main Project"), and it is the desire of the Local Unit to obtain financing for such Leachate Pump Station/Force Main Project through participation in the water bank construction financing program (the "New Jersey Water Bank") of the New Jersey Infrastructure Bank (the "I-Bank");

**WHEREAS**, the Local Unit has determined to temporarily finance the construction of the Leachate Pump Station/Force Main Project prior to the closing with respect to the New Jersey Water Bank, and to undertake such temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the "Construction Loan") to the Local Unit, pursuant to the Water Bank Construction Financing Program of the I-Bank (the "Construction Financing Program");

**WHEREAS**, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Program, it is the desire of the Local Unit to issue and sell to the I-Bank the "Note Relating to the Construction Financing Program of the New Jersey Infrastructure Bank" in an aggregate principal amount of up to \$8,300,000 (the "Note");

**WHEREAS**, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of (i) the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 *et seq.*, as the same may from time to time be amended and supplemented (the "Local Unit Enabling Act") and the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1 *et seq.*, as the same may from time to time be amended and supplemented (the "Local Authorities Fiscal Control Law"); and

**WHEREAS**, the Local Authorities Fiscal Control Law and N.J.S.A. 58:11B-9 each allow for the sale of the Note to the I-Bank, without any public offering, all pursuant to the terms and conditions set forth therein.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Local Unit as follows:

**Section 1.** In accordance with the Local Authorities Fiscal Control Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award of the Note in accordance with the provisions hereof. The obligation represented by the Note has been

authorized by resolutions of the Local Unit, which resolutions are entitled "BOND RESOLUTION OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING AND APPROVING THE ISSUANCE OF NOT TO EXCEED \$11,500,000 OF THE AUTHORITY'S SOLID WASTE REVENUE BONDS OR PROJECT NOTES (LEACHATE PUMP STATION/FORCE MAIN PROJECT) IN ONE OR MORE SERIES; AUTHORIZING AND APPROVING THE PREPARATION OF DISCLOSURE AND RELATED FINANCING DOCUMENTS; AUTHORIZING AND DELEGATING TO THE ADMINISTRATOR THE POWER TO AWARD AND SELL SAID BONDS; AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH" and "SUPPLEMENTAL RESOLUTION OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AUTHORIZING THE ISSUANCE OF THE AUTHORITY'S NOT TO EXCEED \$8,300,000 COUNTY-SECURED SOLID WASTE REVENUE BONDS OR PROJECT NOTES (LEACHATE PUMP STATION AND FORCE MAIN PROJECT)" (collectively, the "Local Unit Note Resolution") and were finally adopted by the Local Unit at meetings duly called and held on January 4, 2017 and March 21, 2018, respectively, at which times quorums were present and acted throughout, all pursuant to the terms of the Local Unit Enabling Act, the Local Authorities Fiscal Control Law and other applicable law.

**Section 2.** The Chairman or Vice Chairman of the Local Unit (the "Authority Officers") are each hereby authorized to determine pursuant to the terms and conditions hereof and of the Local Unit Note Resolution (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

**Section 3.** Any determination made by the Authority Officers pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

**Section 4.** The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$8,300,000;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered "CFP-20[ ]-1" or such other designation at the time of issuance;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Chairman or Vice Chairman under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Secretary of the Local Unit (the "Secretary").

**Section 5.** The Note shall be substantially in the form attached hereto as Exhibit A.

**Section 6.** The law firm of Archer & Greiner P.C. is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Financing Program, to arrange for same.

**Section 7.** The Authority Officers of the Local Unit are each hereby further authorized to (i) execute and deliver, and the Secretary is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authority Officers or the Secretary, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authority Officers and the Secretary deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Program.

**Section 8.** This resolution shall take effect immediately.

**Section 9.** Upon the adoption hereof, the Secretary shall forward certified copies of this resolution to John M. Cantalupo, Esq. at Archer & Greiner P.C., bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

**CERTIFICATE**

I, ANDREA COCULA, Secretary of The Sussex County Municipal Utilities Authority (the "Authority"), DO HEREBY CERTIFY that the above resolution entitled "RESOLUTION OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE CONSTRUCTION FINANCING PROGRAM OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$8,300,000, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE BANK CONSTRUCTION FINANCING PROGRAM" (the "Resolution") was duly adopted by the Authority at a regular meeting held on May 6, 2020 duly called and held in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout, and that said Resolution is a true and correct copy thereof and of the whole appearing in the books and records of the Authority as of the date hereof.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Authority this 6th day of May, 2020.

(SEAL)

  
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ANDREA COCULA,  
Secretary



**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2020 NEW JERSEY WATER BANK (OR SUCH OTHER YEAR OF DESIGNATION AT DELIVERY)**

**WHEREAS**, the Sussex County Municipal Utilities Authority (the "Local Unit"), in the County of Sussex, New Jersey, has determined that there exists a need within the service area of the Local Unit to undertake a project consisting of the Leachate Pump Station and Force Main Project including, but not limited to, a pumping station and force main to convey landfill leachate to the Upper Wallkill Water Pollution Control Facility (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2020 New Jersey Water Bank (or such other year of designation at delivery) (the "Program");

**WHEREAS**, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest, authenticate if applicable, and deliver the Local Unit's County-Guaranteed Solid Waste Revenue Bonds, Series 2020, to the I-Bank (the "I-Bank Loan Bond") and County-Guaranteed Solid Waste Revenue Bonds, Series 2020, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$8,300,000, pursuant to the terms of applicable law and the Loan Agreements;

**WHEREAS**, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit, the escrow agent named therein and [Name of Trustee], as trustee for the holders of the Local Unit Bonds.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Local Unit as follows:

**Section 1.** The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Chairman, Vice Chairman or Executive Director in substantially the forms attached hereto as Exhibits A, B and C, respectively, with such changes as the Chairman, Vice Chairman or Executive Director (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Secretary of the Local Unit is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

**Section 2.** The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Secretary of the Local Unit is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 3.** This resolution shall take effect immediately.


**Section 4.** Upon the adoption hereof, the Secretary of the Local Unit shall forward certified copies of this resolution to John M. Cantalupo, Esq. Archer & Greiner P.C., bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

**CERTIFICATE**

I, ANDREA COCULA, Secretary of The Sussex County Municipal Utilities Authority (the "Authority"), DO HEREBY CERTIFY that the above resolution entitled "RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND EACH OF THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2020 NEW JERSEY WATER BANK (OR SUCH OTHER YEAR OF DESIGNATION AT DELIVERY)" (the "Resolution") was duly adopted by the Authority at a regular meeting held on May 6, 2020 duly called and held in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout, and that said Resolution is a true and correct copy thereof and of the whole appearing in the books and records of the Authority as of the date hereof.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Authority this 6<sup>th</sup> day of May, 2020.

(SEAL)

  
\_\_\_\_\_  
ANDREA COCULA,  
Secretary

**RESOLUTION RE: SOLID WASTE CAPITAL BUDGET AMENDMENT TO INCLUDE  
\$2,000,000 FOR SELF-FUNDING OF NORTH BERM PROJECT WHILE  
PROVIDING NOTICE OF INTENT TO SEEK FUTURE PROJECT NOTE**

**WHEREAS**, the Authority’s solid waste capital budget for the year ending November 30, 2020 was adopted on the 27<sup>th</sup> day of November, 2019, and

**WHEREAS**, N.J.A.C. 5:31-2.8 provides that all amendments to the solid waste capital budget shall be approved and adopted by resolution of the Authority, passed by not less than a majority of the full membership,

**THEREFORE BE IT RESOLVED** that the following amendments be made to the solid waste capital budget of the Sussex County Municipal Utilities Authority for its fiscal year ending November 30, 2020:

**THEREFORE BE IT FURTHER RESOLVED** that the Authority hereby declares the intent of the Authority to issue bonds, project notes or other obligations in the amount of \$2,000,000 and to use the proceeds of such bonds, project notes or other obligations to pay or reimburse expenditures for the costs of the Construction of the North Berm Wall. This paragraph is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

<u>FUNDING SOURCES</u>	<u>FROM</u>	<u>TO</u>
Undesignated Net Position – Solid Waste	\$ _____	\$ <u>2,000,000</u>
Total – Solid Waste Funding Sources	\$ <u>16,659,000</u>	\$ <u>18,659,000</u>

<u>PROJECT COSTS</u>		
Construction of North Berm Wall	\$ <u>-0-</u>	\$ <u>2,000,000</u>
Total – Solid Waste Costs	\$ <u>16,659,000</u>	\$ <u>18,659,000</u>

It is hereby certified that this is a true copy of a resolution amending the Capital Budget, Adopted by the governing body on the 6<sup>th</sup> day of May, 2020.

  
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Andrea Cocula, Secretary

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

RESOLUTION RE: AMENDING THE SCMUA'S FY2020 SOLID WASTE FACILITIES BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2020 Budget on November 27, 2019; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Solid Waste Facilities Operating Budget to reallocate certain Capital Outlay expenditures (no increase in overall budget amount); and


WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.

THEREFORE, BE IT RESOLVED, that the adopted FY2020 SCMUA Solid Waste Facilities Budget ending November 30, 2020 be amended as follows:

<u>Expenses</u>	<u>From</u>	<u>To</u>
Capital Outlay		
LF3601 – Roll off Containers	\$15,000	\$15,000
LF3602 – BWRP Roof Repair & Knee Wall Engr.	\$50,000	\$50,000
LF3603 – UST/AST/ Fueling Station (447A/B)	-\$0-	\$453,885
LF3604 – UST/Removal (447B)	\$90,000	-\$0-
LF3605 – Fuel Station/ASI (447A)	\$325,000	-\$0-
LF3606 – Upgrade Scale Sys. Software	\$120,000	\$120,000
LF3607 – Shop Natural Gas Heater	\$15,000	\$15,000
<u>LF3610 – Back up Generator (447C)</u>	<u>\$450,000</u>	<u>\$411,115</u>
Total	\$1,065,000	\$1,065,000

BE IT FURTHER RESOLVED, that two copies of this resolution shall be filed with the Director of the Division of Local Governmental Services.

Certified as a true copy of the Resolution adopted by the Authority at their regular meeting held on Wednesday, May 6, 2020.

  
 Andrea Cocula, Secretary

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

**RESOLUTION RE: AUTHORIZING THE AWARD OF A CONTRACT AGREEMENT #447 A/B BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND PETRO MECHANICS, INC. FOR NEW FUELING FACILITY AND REMOVAL OF THREE (3) UNDERGROUND STORAGE TANKS (USTs) AT SOLID WASTE FACILITY ADMINISTRATION BUILDING**

**WHEREAS**, the Sussex County Municipal Utilities Authority (SCMUA) has received a cost proposal through the New Jersey State Contract #T-0849 for the purchase and installation of new fueling facility and removal of three (3) UST's at the solid waste facility; and

**WHEREAS**, Petro Mechanics, Inc. of Lafayette (State Contractor PO #42265) submitted a cost proposal of \$453,885.00 (not to exceed) that additionally includes purchase of equipment from E.O. Habegger (State Contractor PO #42261); and

**WHEREAS**, proposal was reviewed by SCMUA Staff and it was determined that Petro Mechanics Inc. of Lafayette, NJ proposal met all SCMUA requirements and was cost efficient and fiscally responsible; and

**WHEREAS**, the Authority's Qualified Purchasing Agent has reviewed and authorized this contract award; and

**WHEREAS**, the Treasurer has certified that sufficient funds are available: to finance project, \$38,885.00 is to be transferred from line item LF3610 – Backup Generator to cover full cost of proposal, and remainder of funds to cover project are budgeted under LF3604 – UST Removal (447B) for \$90,000.00 and LF3605 – Fuel Station/AST (447A) for \$325,000.00, with all project costs to be combined under LF 3603 (447 A/B).

**NOW, THEREFORE, BE IT RESOLVED**, that the proposed Capital Outlay expenditure transfers are to be recorded under a separate SCMUA Resolution formally amending said Solid Waste Budget.

**BE IT FURTHER RESOLVED** by the Sussex County Municipal Utilities Authority's Board of Commissioners that the proposal for Contract No. #447 A/B is hereby awarded to Petro Mechanics, Inc. of Lafayette, NJ., according to the prices stated within their proposal dated April 14, 2020, not to exceed \$453,885.00.

**BE IT FURTHER RESOLVED**, that Executive Director and SCMUA Staff are authorized to prepare and execute the applicable contract with Petro Mechanics, Inc.

**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 Wednesday, May 6, 2020.

  
\_\_\_\_\_  
Andrea Cocula, Secretary