

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):

Vernon Township/VTMUA Litigation, Stage 2 Landfill Expansion Project (#551)
Change Orders, Leachate Pump Station/Force Main Project (#446) Change Orders,
Rails to Trails

(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 Matters

(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, August 4, 2021.


Andrea Cocula, Secretary

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RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDERS TO SCMUA CONTRACT NO. 446, TOMCO CONSTRUCTION INC.

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Tomco Construction Inc. (Tomco) entered into Contract 446 in the amount of \$5,498,098.00 for the construction of the Leachate Pump Station and Force Main; and

WHEREAS, Change Order No. 1 was approved on February 3, 2021 which increased the original awarded amount to \$5,518,561.04; and

WHEREAS, Change Order Number 5 has been prepared by Tomco for Stormwater Modifications due to differing site conditions for an amount of \$23,338.33; and

WHEREAS, Change Order Number 6 has been prepared by Tomco for Rock Excavation by Blasting due to differing site conditions (rock) along 1800 LF for \$294,585.80 and contract time increase of 24 working days; and

WHEREAS, Change Order Number 11 has been prepared by Tomco for removal of unknown Concrete Roadway Base on North Church Road for \$48,780.54; and

WHEREAS, Change Order Number 18 has been prepared by Tomco for Existing Concrete Leachate Tank Coating Removal by Sand Blasting for \$44,274.12 and contract time increase of five (5) calendar days; and

WHEREAS, Said proposed Contract increases includes increased labor time, material cost and subcontractor costs only; and

WHEREAS, SCMUA Staff, Mott Macdonald, and SCMUA's Construction Review Committee have reviewed said Change Orders and found them to be necessary and the price to be reasonable; and

WHEREAS, the above Contract Change Order final approvals are contingent on New Jersey Infrastructure Bank (NJIB) review and approval and can be funded from the Project Contingency Line Item; and

WHEREAS, the SCMUA Treasurer herein certifies availability of sufficient funds, including County of Sussex Authorizations for the proposal change orders.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director is hereby authorized and directed to contingently approve aforementioned Change Orders to Contract No. 446, which reflects the work outlined above for a total increase in Contract Price of \$410,978.79 thereby changing the contract price from \$5,518,561.04 to \$5,929,539.83.

AND BE IT FURTHER RESOLVED that this SCMUA resolution and copies of Change Orders for Contract No. 446 shall be provide to the NJIB for final authorization.

AND BE IT FURTHER RESOLVED that this SCMUA resolution shall be effective in accordance with applicable law.

Certified as a true copy of the
Resolution adopted by the Authority
At their Regular Authority Meeting
Held on Wednesday, August 4, 2021.


Secretary

RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDERS TO SCMUA CONTRACT NO. 551, TOMCO CONSTRUCTION INC.

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Tomco Construction Inc. (Tomco) entered into Contract 551 in the amount of \$25,477,636.59 for the construction of the Stage 2 Landfill Expansion; and

WHEREAS, Change Order Number 1 has been prepared by Tomco for Water Line Main Disconnect at Main Gate for an amount of \$1,688.02; and

WHEREAS, Change Order Number 2 has been prepared by Tomco for additional Monitoring Well Abandonment and Drilling for an amount of \$3,302.65; and

WHEREAS, Change Order Number 3 has been prepared by Tomco for Fire Hydrant Restraint Installation for an amount of \$3,431.01; and

WHEREAS, Change Order Number 5 has been prepared by Tomco for Existing Scalehouse Power Feed Disconnect for an amount of \$1,285.20; and

WHEREAS, Change Order Number 7 has been prepared by Tomco for Pole Removal and Electrical Disconnect for an amount of \$2,967.73; and

WHEREAS, Change Order Number 9 has been prepared by Tomco for additional Silt Fence Installation for an amount of \$3,543.64; and

WHEREAS, Change Order Number 10 has been prepared by Tomco for additional 3D modeling revisions associated with June 2021 ARM Drawings for an amount of \$1,113.84; and

WHEREAS, Change Order Number 12 has been prepared by Tomco for Temporary Fence Installation and Existing Fence Removal for an amount of \$9,505.00; and

WHEREAS, Change Order Number 13 has been prepared by Tomco for Culvert P6-3 Removal and Installation for an amount of \$28,352.75; and

WHEREAS, Change Order Number 14 has been prepared by Tomco for Liner System Material Cost Increase for an amount of \$921,588.36; and

WHEREAS, Change Order Number 15 has been prepared by Tomco for Bulky Waste Foundation & Existing Liner Anchor Trench Test Pits for an amount of \$4,177.55; and

WHEREAS, Change Order Number 19 has been prepared by Tomco for Residential access roadway hydrant relocation for an amount of \$7,986.55; and

WHEREAS, Change Order Number 21 has been prepared by Tomco for Scalehouse Disconnect Switch for an amount of \$5,237.19; and

WHEREAS, Change Order Number 22 has been prepared by Tomco for black coating fence and temporary fence removal for an amount of \$72,535.45; and

WHEREAS, Said proposed Contract increases includes increased labor time, material cost and subcontractor costs only; and

WHEREAS, SCMUA Staff, ARM Group, and SCMUA's Construction Review Committee have reviewed said Change Orders and found them to be necessary and the price to be reasonable; and

WHEREAS, the SCMUA Treasurer has certified sufficient funds are available for change order approvals; and

WHEREAS, the Contract Change Order final approval is contingent on New Jersey Infrastructure Bank (NJIB) review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director is hereby authorized and directed to approve the above referenced change orders to Contract No. 551 contingent upon NJIB approval, which reflects the work outlined above and contained within said Change Orders, for a total increase in Contract Price of \$1,163,584.24 thereby changing the contract price from \$25,477,636.59 to \$26,544,351.53

AND BE IT FURTHER RESOLVED that SCMUA resolution and copies of aforementioned Change Orders for Contract No. 551 shall be provide to the NJIB for final authorization.

AND BE IT FURTHER RESOLVED that this resolution shall be effective in accordance with applicable law.

Certified as a true copy of the Resolution
Adopted by the Authority at their Regular Meeting
Held on Wednesday, August 4, 2021.


Andrea Cocula, Secretary