

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):

Sparta Twp. Stop and Shop, Landfill Gas to Energy Contract, Landfill Life Extension Generator Design

(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, May 20, 2020.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE EMERGENCY AWARD OF A CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND KOESTER ASSOCIATES FOR PURCHASE AND INSTALLATION OF SIX (6) MEMBRANES AT THE PAULINSKILL WATER RECLAMATION FACILITY

WHEREAS, the Authority has been advised by its Senior Project Engineer and Executive Director via written Certification that as of May 18, 2020, an emergency situation has developed due to inability of existing membrane treatment modules to treat design flows; and

WHEREAS, it was necessary to retain an emergency contractor to purchase and install six (6) new membrane treatment modules; and

WHEREAS, the Authority is desirous of authorizing the Emergency Procurement by the Executive Director;

WHEREAS, the Authority received proposals from Microdyn MBR and Koester Associates. It was determined after review by Authority Staff that based on performance, reliability, and price, that proceeding with Koester Associates would best resolve the Authority's emergency condition;

WHEREAS, the proposed Capital Outlay expenditure shall be funded by undesignated net position – Paulinskill Water Reclamation Facility and the SCMUA's Treasurer has certified sufficient funds are available for the contract award.

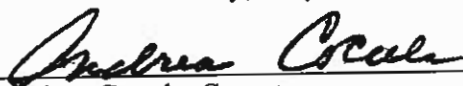
NOW THEREFORE, BE IT RESOLVED, that the Authority finds that, in accordance with the attached certification of its Senior Project Engineer, that an emergency situation exists and that it is necessary to proceed with the procurement and retention of a contractor to complete the purchase and installation of new membrane treatment modules on an emergency basis.

BE IT FURTHER RESOLVED, the Authority further finds that due to Covid-19 traveling restrictions, the situation was not foreseeable.

BE IT FURTHER RESOLVED, the contract for emergency procurement is hereby confirmed and awarded to Koester Associates of Canastota, New York for the procurement and installation of six (6) membrane units with emergency airfreight expedited shipping service for a proposed cost of \$255,000.00.

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 20, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2020 PAULINSKILL FACILITY BUDGET

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

WHEREAS, due to membrane bioreactor operational concerns resulting in an Emergency Declaration dated 5/20/20, the SCMUA has determined it is necessary and proper to amend the Paulinskill Facility Operating Budget to allow for a necessary Membrane Retro-fit Project via (by) transfer of funding to the Paulinskill Capital Outlay Budget; and

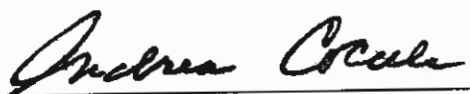
WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.

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

<u>FUNDING SOURCES</u>	<u>FROM</u>	<u>TO</u>
Undesignated Net Position – Paulinskill Facility	\$ <u>-0-</u>	\$ <u>290,000</u>
Total – Paulinskill Facility Funding Sources	\$ <u>40,000</u>	\$ <u>330,000</u>
 <u>PROJECT COSTS</u>		
Paulinskill Facility Membrane Retro-fit & Installation	\$ <u>-0-</u>	\$ <u>290,000</u>
Total – Paulinskill Facility Costs	\$ <u>40,000</u>	\$ <u>330,000</u>

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 20, 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 EXECUTION OF A COST SHARING AGREEMENT WITH JON VAUGHAN, OWNER OF DEMEREST (VAUGHAN) DAIRY FARM IN LAFAYETTE TOWNSHIP TO IMPLEMENT BEST MANAGEMENT PRACTICES IN COLLABORATION WITH USDA-NRCS APPROVED AND FUNDED BY NJDA STATE-COST SOIL AND WATER CONSERVATION FUNDING PROGRAM

WHEREAS, the Sussex County Municipal Utilities Authority – Wallkill River Watershed Management Group (SCMUA-WRWMG) has an existing Memorandum of Understanding (MOU) - Shared Services Agreement with the USDA – Natural Resources Conservation Service (USDA- NRCS) dated July 17, 2013; and

WHEREAS, under the MOU the SCMUA-WRWMG would partner with the USDA - NRCS in funding eligible agricultural operators to implement best management practices which would improve water quality and natural resources, and which have been approved by the New Jersey Department of Environmental Protection (NJDEP); and

Whereas, the State Agricultural Development Committee (SADC) has reviewed and granted final approval of soil and water conservation cost share project submitted by Jon Vaughan, owner of Demerest (Vaughan) Dairy Farm located at 68 Meadows Road, Lafayette, New Jersey, Tax Parcel Block 14, Lot 26 of Lafayette, NJ, to implement Best Management Practices which meet the USDA-NRCS Standards and Specifications under SADC Contract I.D.#19-0030-EP-01; and

WHEREAS, the USDA-NRCS has approved the designs and specifications prepared by SCMUA-WRWMG as meeting all NRCS Standards and Specifications on 3_20_2020; and

WHEREAS, the USDA-NRCS will perform all construction layout and quality assurance inspections ensuring that project materials and construction activities are in accordance with USDA-NRCS standards and specifications; and

WHEREAS, the SCMUA-WRWMG has received an application from JON VAUGHAN to receive 319(h) Non-point Source Grant funding for a portion of the project to be implemented under the SADC state cost share Funding Program; and

WHEREAS, said 319(h) grant application appears to meet all eligibility criteria and has been previously approved by the NJDEP for project funding.

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to execute the Cost Sharing Agreement with JON VAUGHAN; and

BE IT FURTHER RESOLVED, that said Cost Sharing Agreement shall not exceed \$7,273.37- Seven Thousand - Two Hundred – Seventy Three Dollars and Thirty Seven Cents; and

BE IT FURTHER RESOLVED, that final awarding of the Cost Sharing Agreement will be contingent upon SCMUA-WRWMG discretion and judgement that all parties involved in the project, including USDA-NRCS, SADC, and NJDEP remain committed to the proposed project plans.

BE IT FURTHER RESOLVED, that dispersing of the grant funds shall be contingent upon certification by the USDA-NRCS at the completion of the project.

BE IT FURTHER RESOLVED, that this Resolution shall be 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, May 20, 2020.

A handwritten signature in black ink, appearing to read "Andrea Cocula", is written over a horizontal line.

Andrea Cocula, Secretary