

**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):

NJPDES Nitrate Permit Appeal, Hampton Commons Wastewater Facility, Stage 2  
Landfill Expansion Project (#551)

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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):

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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, October 5, 2022.

  
Andrea Cocula, Secretary

**RESOLUTION RE: RELEASE OF RETAINAGE TO TOMCO  
CONSTRUCTION INC., CONTRACT NO. 446, LEACHATE PUMP  
STATION AND FORCE MAIN PROJECT, BY THE SUSSEX  
COUNTY MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, The Sussex County Municipal Utilities Authority, Owner, and Tomco Construction, Inc., Contractor, entered into an Agreement, dated August 12, 2020, for the construction of the Leachate Pump Station and Force Main; and


WHEREAS, the Contractor has completed the project in accordance with the Contract requirements and SCMUA Agreement; and

WHEREAS, the Contractor has provided their final Application and Certification for Payment, being satisfactory evidence for closeout, and;

WHEREAS, the Authority's Chief Engineer has approved the contract closeout and the release of retainage,

NOW THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority to authorize release of final contract retainage in the amount of \$129,971.19 to Tomco Construction Inc.

Certified as a true copy of  
the Resolution adopted by the  
Authority at their meeting  
held on Wednesday, October 5, 2022.

  
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 the below noted SCMUA equipment in the most cost effective manner; and

WHEREAS, the Authority has reviewed said SCMUA equipment as put forth below, and has determined that said obsolete equipment 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 obsolete equipment not needed for public use.

BE IT FURTHER RESOLVED that the Authority hereby directs the Treasurer and Staff to delete the listed items from the fixed asset inventory list.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect in accordance with N.J.A.C. 40:14B-14(e).

<u>Serial #</u>	<u>SCMUA#</u>	<u>Description</u>	<u>Acquisition Date</u>
31063	#1288	40 yd open container	1/1994
38421	#1498	40 yd open container	10/1996

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, October 5, 2022

  
Andrea Cocula, Secretary