

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):

Potential Agreement with Cavalier re: ID13 requirements.

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):

(8) 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

(9) 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 Meeting held on Wednesday, October 7, 2015.


Andrea Cocula, Secretary

C:\Documents and Settings\TKronski\Desktop\CLOSED SESS RESOL.DOC

RESOLUTION RE: AWARDING BID FOR SCMUA CONTRACT #15-10 LEASE PURCHASE OF ONE (1) NEW WASTE DISPOSAL ARRANGEMENT TRACK LOADER – CATERPILLAR 973D OR EQUAL TO FOLEY INCORPORATED

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA/Authority) advertised for bids in the New Jersey Herald on August 20, 2015 for a New Waste Disposal Arrangement Track Loader – Caterpillar 973D same to be received on September 10, 2015; and

WHEREAS, at the September 10, 2015 bid opening, the Authority acknowledged receipt of Bid Documents from the only bid received from Foley, Inc.; and

WHEREAS, the bid package from Foley, Inc. was reviewed by Authority Staff and Legal Counsel; and

WHEREAS, the bid of Foley, Inc. Piscataway, NJ is the apparent responsive and responsible bid for the preferred Bid Proposal Option #2; and

WHEREAS, the bid of Foley, Inc., was found to be satisfactory and in conformance with bid requirements; and

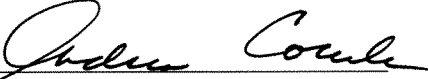
WHEREAS, it is the recommendation of Staff and Legal Counsel to award to Foley, Inc.

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

1. That the bid of Foley, Inc. for Contract #15-10 in the amount of \$548,350.00 be accepted as the low responsive and responsible bidder.
2. That Foley, Inc. Bid Option #2 - including the allowance for Trade-In #1 a 2005 Caterpillar 836H Landfill Compactor \$30,000 value and Trade In #2 a 1999 Caterpillar 973 Track Loader \$20,000 value is accepted for a total adjusted principal amount of \$498,350.00 plus 2.25% interest.
3. That Foley, Inc. Bid Option #2 is selected for award in the monthly lease amount of \$8,789.56 for 60 months.
4. That the total lease/purchase contract amount shall be \$527,372.60 plus \$1.00 End-of-Lease Buyout equaling \$527,373.60.

5. That this lease/purchase shall be contingent upon annual Solid Waste Facility budgetary appropriations by the Board of Commissioners.
6. That SCMUA Staff and Professionals are authorized to proceed with preparation and execution of necessary lease agreements and purchase orders pursuant to the Bid Proposal and Specifications.
7. This resolution shall take effect in accordance with NJSA 40:20-71.3.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Meeting
held on Wednesday, October 7, 2015.



Andrea Cocula, Secretary

RESOLUTION RE: ENABLING RESOLUTION AUTHORIZING THE FILING OF THE 2015 NJDEP RECYCLING BONUS GRANT FOR TIRE MANAGEMENT, UNDER THE RECYCLING ENHANCEMENT ACT TAX FUND PURSUANT TO P.L. 2007 C.113 ET SEQ. HEREINAFTER, THE ACT

WHEREAS, P.L. 2007, c.311 et seq. provides for the awarding of Recycling Enhancement Tax entitlements by the Department of Environmental Protection to designated solid waste management districts to assist them in the preparation, revision and implementation of comprehensive solid waste management and recycling plans; and

WHEREAS, the Sussex County Municipal Utilities Authority, desires such financial assistance to fulfill its responsibilities under the Solid Waste Management Act and the Recycling Enhancement Act; and

WHEREAS, The New Jersey Department of Environmental Protection has announced a \$400,000 "Bonus" grant program that will provide targeted grants for recycling initiatives in three areas: food waste recycling, **SCRAP TIRE REMOVAL** and recycling in public spaces. Bonus grants will be made available to local governments (municipalities and counties) and to county institutions (colleges, health care and corrections facilities). This program is funded through the Recycling Tax established in the "Recycling Enhancement Act".


WHEREAS, The recycling regulations impose on counties certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the county; and

WHEREAS, A resolution authorizing this county to apply for the Bonus Grant for **TIRE MANAGEMENT** will memorialize the commitment of this county to recycling and to indicate the assent of the Sussex County Municipal Utilities Authority to the efforts undertaken by the county and the requirements contained in the Recycling Act and recycling regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Municipal Utilities Authority hereby endorses the submission of the Bonus Grant for the **TIRE MANAGEMENT** grant application to the New Jersey Department of Environmental Protection; and the monies received from the Bonus Grant for **TIRE MANAGEMENT** grant be used solely for the purposes outlined in the Bonus Grant application.

1. That the Application be submitted to the NJDEP for the 2015 Food, Tire & Public Spaces Bonus Recycling Grant in the amount of \$25,000.
2. That the Sussex County Municipal Utilities Authority does hereby hold the State of New Jersey and its departments and agencies harmless from any damages, losses and claims which may arise directly or indirectly from the execution of the Bonus Grant.
3. That the Sussex County Municipal Utilities Authority hereby accepts the terms and conditions set forth in the Act and the guidelines promulgated under it.

Certified as a true copy of the Resolution
adopted by the Authority at their Meeting
held on Wednesday, October 7, 2015.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE UTILIZATION OF LANDFILL CELL CLOSURE ESCROW ACCOUNT FUNDS FOR THE PLANNING, DESIGN AND PERMITTING OF THE LANDFILL EXPANSION AND LEACHATE PUMP STATION FORCE MAIN PROJECTS (“THE PROJECT”)

WHEREAS, the Board of Commissioners recognizes the need to plan, design and seek necessary permits for the Landfill Expansion and Leachate Pump Station Force Main Projects; and

WHEREAS, until such time as temporary or permanent financing for these projects is secured through Notes, Bonds or NJ Environmental Infrastructure Trust loans. The SCMUA must utilize other available funding sources; and

WHEREAS, it has been determined that unobligated funds from the Landfill Cell Closure Escrow Account would be best suited to fund projects.

NOW THEREFORE, BE IT RESOLVED THAT, the Board of Commissioners authorize the use of Landfill Cell Closure Escrow Account Fund for these purposes.

BE IT FURTHER RESOLVED THAT, the Board of Commissioners declare their intention to reimburse the Landfill Cell Closure Escrow Account from the proceeds of Notes, Bonds or NJ Infrastructure Trust Loan funds obtained to permanently finance the project.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
Wednesday, October 7, 2015.


Andrea Cocula, Secretary