

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 Litigation regarding connection fee, Landfill Gas to Energy Contract Matters, North Berm Project Bids, Title V Permit Matters

(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, June 17, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING SETTLEMENT OF LITIGATION WITH
JERSEY INVESTORS GROWTH COMPANY, L.P.

WHEREAS, The Sussex County Municipal Utilities Authority ("Authority") was named as a Defendant in lawsuit filed by Jersey Investors Growth Company, L.P. ("Jersey Investors") in the Superior Court of New Jersey regarding the collectability of certain connection fees assessed by the Authority for a connection at property located at 5 Town Center Drive in Sparta, New Jersey and the Authority filed Counterclaims to collect outstanding connection fees and related costs; and

WHEREAS, the Authority had assessed a total connection fee of \$148,573.00 and Jersey Investors had only paid \$50,660.76 because it disputed the method of calculation, leaving a balance due of \$97,912.24; and

WHEREAS, Jersey Investors proposed to settle the lawsuit by making payment to the Authority for the full amount of unpaid connection fees totaling \$97,912.24, along with additional funds, for the total sum of \$160,000.00 in exchange for a release; and

WHEREAS, the Authority has determined that settlement of the litigation by such payment and the issuance of a mutual release by Jersey Investors in favor of the Authority is appropriate to avoid the uncertainty of litigation and further litigation costs.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority's Board of Commissioners that upon payment of the sum of \$160,000.00 to the Authority from certain funds on deposit with the Superior Court of New Jersey, the books and records of the Authority will be marked to indicate that the connection fees billed to Jersey Investors and any related charges have been paid in full and the lawsuit may be dismissed with prejudice.

BE IT FURTHER RESOLVED 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 June 17, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – WALLKILL RIVER WATERSHED MANAGEMENT GROUP TO EXTEND THE EXISTING COST-SHARE AGREEMENT WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE - NATURAL RESOURCE CONSERVATION SERVICE (NRCS) TO WORK COOPERATIVELY TO PROVIDE TECHNICAL ASSISTANCE TO LANDOWNERS IN SUSSEX COUNTY, NEW JERSEY ON PLANNING AND INSTALLING CONSERVATION PRACTICES AND WATER QUALITY IMPROVEMENT PROJECTS

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) and the Wallkill River Watershed Management Group (WRWMG) are currently administering grants from the State of New Jersey, Department of Environmental Protection (NJDEP), for purposes of coordinating watershed planning initiatives and implementation projects throughout Sussex County; and

WHEREAS, an ongoing objective of the SCMUA-WRWMG as part of these grant projects is to help raise awareness about the importance of implementing agricultural best management practices (BMP's) and promoting conservation activities and projects for purposes of improving water quality and the overall health of various Sussex County watersheds; and

WHEREAS, the SCMUA-WRWMG has a desire, a need, and a capability to both identify and plan agricultural BMP's and water quality improvement projects for which existing WRWMG grant funds could be used to help implement; and

WHEREAS both the SCMUA-WRWMG and USDA-NRCS have the common goals and needs of improving water quality and the health of watersheds, increasing awareness and participation in conservation programs, promoting environmental stewardship, and leveraging available technical and financial resources to accomplish these goals and needs; and

WHEREAS, in December 2011, the SCMUA-WRWMG entered into a no-cost shared services agreement with the USDA-NRCS to work cooperatively and share resources to identify, plan, and implement conservation programs and water quality improvement projects; and

WHEREAS, in July 2013, the SCMUA-WRWMG and USDA-NRCS, with support provided by NJDEP, amended the 2011 Agreement to include a program for leveraging SCMUA-WRWMG 319(h) grant funds with NRCS funds for implementing BMP's on agricultural lands within Sussex County; and

WHEREAS, in October 2016, the SCMUA-WRWMG entered into a cost share agreement with USDA-NRCS that provided the SCMUA-WRWMG with necessary resources to directly assist Sussex County watershed stakeholders and landowners with identified restoration work, and assist in further developing opportunities to implement water quality improvement projects in Sussex County; and

WHEREAS, through this cost share agreement with USDA-NRCS, the SCMUA-WRWMG is reimbursed at a rate of 75% for technical assistance provided and documented to landowners within Sussex County; and

WHEREAS, the remaining 25% cost contribution is provided by the SCMUA-WRWMG from previously approved NJDEP 319(h) grant funds, and / or other eligible non-federal match funding sources; and

WHEREAS, the current agreement with USDA-NRCS is scheduled to expire on August 31, 2020, but USDA-NRCS has offered to make an amendment to the existing agreement that will provide a one year no-cost time extension until August 31, 2021; and

WHEREAS, the SCMUA-WRWMG desires to extend the agreement and continue working the USDA-NRCS to work cooperatively and share resources to identify, plan, and implement conservation programs and water quality improvement projects; and cooperatively with USDA-NRCS to share resources to identify, plan, and implement conservation programs and water quality improvement projects.

NOW THEREFORE BE IT RESOLVED that the SCMUA Chairman, Executive Director, and the Watershed Director are authorized to execute the amendment to the existing cost-share agreement with USDA-NRCS; and

BE IT FURTHER RESOLVED that the agreement shall go into effect on the date of execution by all parties and will continue in effect until modified by agreement of the signatory agencies, or revoked by any signatory agencies upon 60 days written notice; and

BE IT FURTHER RESOLVED that future modifications to this agreement may be made by mutual agreement and approval by all signatory agencies; and

BE IT FURTHER RESOLVED one copy of this Resolution, and the shared services agreement itself, shall be made available at the Authority offices for public inspection; and

Certified as a true copy of the Resolution
Adopted by the Authority at their Meeting
of Wednesday, June 17, 2020.


Andrea Cocula, Secretary

RESOLUTION RE: CONDITIONALLY AWARDING NORTH BERM PROJECT FOR CONTRACT #551A TO TOMCO CONSTRUCTION, INC.

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) desires to construct the North Berm to serve the solid waste management and disposal needs for the residents and businesses of Sussex County; and

WHEREAS, the SCMUA subsequently did plan, permit and design the North Berm Project pursuant to the Sussex County Solid Waste Management Plan, and the requirements of various Federal, State and Local agencies and authorities; and

WHEREAS, the SCMUA duly advertised for, and on June 17, 2020 received competitive construction bids for the North Berm Project in conformance with N.J. Local Public Contracts Law (N.J.S.A. 40A:11 et seq); and

WHEREAS, a total of two (2) bidders submitted bids for Contract #551A comprising the North Berm Project; and

WHEREAS, the apparent low bidder for Contract #551A is determined to be Tomco Construction, Inc. with a Total Bid of \$1,946,485.37; and

WHEREAS, SCMUA staff, consulting engineer and legal counsel are in the process of reviewing said bid package for the purposes of evaluating award thereof to Tomco Construction, Inc.; and

WHEREAS, due to the urgency and need for this project to ensure the continued and proper management of solid waste for Sussex County residents and businesses, it is recommended that the contract be conditionally awarded subject to ongoing said reviews, evaluations, and approvals; and

WHEREAS, the Treasurer has certified that there are existing sufficient funds for this contract award.

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

1. Contract #551A of the SCMUA North Berm Project is hereby awarded to Tomco Construction, Inc. in the amount of \$1,946,485.37 as conditioned/contingent upon #3, below.
2. The SCMUA Chairman and Secretary are authorized to execute Contract #551A for the North Berm Project on behalf of the SCMUA, as contingent upon #3, below.

3. The award of SCMUA Contract #551A is contingent upon the review and concurrence of SCMUA staff, consulting engineer, and legal counsel.
4. SCMUA Administrator and staff are authorized to proceed with any necessary project and contract activities associated with North Berm Project Construction.
5. Copies of this Award Resolution shall be provided to Tomco Construction, Inc.
6. This resolution shall be effective as provided for under applicable NJ State Statutes.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular
Meeting held on Wednesday, June 17, 2020.


Andrea Cocula, Secretary