

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):

Facilities' Security Report

- (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):

Hardyston Recycling Agreement , Mountain Creek Bankruptcy

(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, August 21, 2019.


Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING THE AWARD OF AN ALTERNATIVE
PROCUREMENT METHOD CONTRACT FOR
ENVIRONMENTAL SPECIAL COUNSEL**

#19-124

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) has a need to acquire the goods or services, specifically, legal services from an environmental special counsel, to be provided hereunder as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as applicable; and,

WHEREAS, SCMUA has determined and certified in writing that the value of the services could exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is until February 5, 2020; and,

WHEREAS, Thomas H. Prol, Esq. of Sills Cummis & Gross, P.C. has previously served in this role under a different law firm and SCMUA wishes to continue his legal services; and,

WHEREAS, Mr. Prol has submitted a request indicating the firm will provide the services related to environmental special counsel (as recited under a separate agreement, a form of which is attached hereto), doing so at the blended attorney hourly rate of \$150 which is the same as his prior representation of the SCMUA during the past fifteen years; and,

WHEREAS, Thomas H. Prol, Esq. of Sills Cummis & Gross, P.C. has completed and submitted a Business Entity Disclosure Certification 10 days prior to this award which certifies that the firm has not made any reportable contributions to a political or candidate committee in Sussex County in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the CFO has certified that there are sufficient and available funds, as required under the law;


NOW THEREFORE, BE IT RESOLVED that the Commissioners of Sussex County Municipal Utilities Authority (SCMUA) hereby authorizes the Chairman of SCMUA to execute and enter into a contract with Thomas H. Prol, Esq. of Sills Cummis & Gross, P.C., as described herein; and,

BE IT FURTHER RESOLVED that the Contract, the Business Disclosure Entity Certification (previously submitted) and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that the Clerk shall publish such notice, if any, as required under the law. This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5 because said appointment or engagement requires professional services performed by person or persons qualified to practice recognized professions.

BE IT FURTHER RESOLVED that SCMUA staff and professionals are authorized to take action to carry out this resolution, which shall take effect according to NJSA 40:14B-14(e).

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Meeting
held on Wednesday, August 21, 2019.


Andrea Cocula, Secretary