

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):

Solid Waste NJPDES SIU Permit, Vernon Township, Vernon Township Litigation, Sussex Borough Force Main Replacement Project, Stage 2 Landfill Project Change Orders

(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 Matters

(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, September 7, 2022.


Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2022 PAULINSKILL FACILITY'S CAPITAL OUTLAY BUDGET – LINE ITEM TITLE

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2022 Budget on November 24, 2021; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Paulinskill Facility Capital Outlay Budget and rename certain project expenditure Line Items (no increase in overall budget amount); 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 FY2022 SCMUA Paulinskill Facility Capital Outlay Budget ending November 30, 2022 be amended and approved by the Board of Commissioners as follows:

Paulinskill Facility Capital Outlay Budget Line Item Title Update

<u>From</u>	<u>To</u>
Fire Alarm System Upgrades	Replacement Pumps

BE IT FURTHER RESOLVED, that a copy 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, September 7, 2022


Andrea Cocula, Secretary

Date: September 7, 2022

Member	Aye	Recorded Vote	
		Nay	Abstain Absent
R. Petillo	x		
T. Madsen			x
A. Cocula	x		
J. Drake	x		
W. Dietz	x		
K. Meyer	x		
J. Wesley	x		
J. Finkeldie	x		
R. Dabinett	x		

RESOLUTION RE: AMENDING THE SCMUA'S FY2022 UPPER WALLKILL FACILITIES CAPITAL OUTLAY BUDGET – LINE ITEM TITLE

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2022 Budget on November 24, 2021; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Upper Wallkill Facilities Capital Outlay Budget and rename certain project expenditure Line Items (no increase in overall budget amount); 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 FY2022 SCMUA Upper Wallkill Facilities Capital Outlay Budget ending November 30, 2022 be amended and approved by the Board of Commissioners as follows:

Upper Wallkill Capital Outlay Budget Line Item Title Update

<u>From</u>	<u>To</u>
Pump Station Alarm Communication Upgrades	Security cameras and Recorder Upgrades

BE IT FURTHER RESOLVED, that a copy 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, September 7, 2022


Andrea Cocula, Secretary

Date: September 7, 2022

Member	Aye	<u>Recorded Vote</u>	
		Nay	Abstain Absent
R. Petillo	x		
T. Madsen			x
A. Cocula	x		
J. Drake	x		
W. Dietz	x		
K. Meyer	x		
J. Wesley	x		
J. Finkeldie	x		
R. Dabinett	x		

**RESOLUTION RE: AUTHORIZATION TO EXECUTE CHANGE ORDERS TO
SCMUA CONTRACT NO. 551 – STAGE 2 LANDFILL
EXPANSION, TOMCO CONSTRUCTION INC.**

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Tomco Construction Inc. (Tomco) entered into Contract 551 in the amount of \$25,477,636.59 for the construction of the Stage 2 Landfill Expansion; and

WHEREAS, Change Order Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 19A, 20, 21, 22, 24, 25, 26.1, 26.2, 28, 29, 31, 31B, 32, 35, 36, 40, 41B, 44, 45, 47, 48, 49, 51, 53, 54A, 54B, 58A, 59, 63, 68, 70, 76, and 83 have been approved which increased the original awarded amount to \$29,207,355.52; and

WHEREAS, Change Order Number 26.1A has been prepared by Tomco for the overtime labor “delta” for the critical path Phase 6B MSE berm work (through 9/3/21) for an amount of \$26,604.56; and

WHEREAS, Change Order Number 31B has been modified by Tomco from the previous approval on February 2, 2022 for \$3,677.06. The revised change order includes actual overtime labor “delta” and subcontractor costs for the critical path landfill gas system tie-in work for an amount of \$11,724.41 for a total additional increase of 8,047.35; and

WHEREAS, Change Order Number 100 has been prepared by Tomco for the purchase of additional compactor accessories and two (2) cardboard boxes not shown in the contract documents for an amount of \$28,593.68; and

WHEREAS, Change Order Number 110 has been prepared by Tomco for the purchase of additional landfill gas materials not shown in the contract documents for an amount of \$44,374.53; and

WHEREAS, Change Order Number 120 has been prepared by Tomco for the deviation of road striping material for an amount of \$26,834.98; and

WHEREAS, Change Order Number 124 has been prepared by Tomco for the procurement and installation of raised guiderail along Phase 6B due to change in pavement elevation for an amount of \$7,470.23; and

WHEREAS, Change Order Number 137 has been prepared by Tomco for the procurement and installation of bagged garbage scales for an amount of \$316.40; and

WHEREAS, Change Order Number 140 has been prepared by Tomco for additional site security materials not shown in the contract documents for an amount of \$770.41; and

WHEREAS, Said proposed Contract Change Order increases includes increased labor time, material cost and subcontractor costs; and

WHEREAS, SCMUA Staff, ARM Group, and SCMUA’s Construction Review Chairman have reviewed said Change Orders and found them to be necessary and the price to be reasonable; and

WHEREAS, the SCMUA Treasurer has certified sufficient funds are available for change order approvals; and

WHEREAS, the Contract Change Order final approval is contingent on New Jersey Infrastructure Bank (NJIB) review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director of Chief Engineer is hereby authorized and directed to approve the above referenced change orders to Contract No. 551 contingent upon NJIB approval, which reflects the work outlined above and contained within said Change Orders, for a total increase in Contract Price of \$143,012.14 thereby changing the contract price from \$29,207,355.52 to \$29,350,367.66.

AND BE IT FURTHER RESOLVED that SCMUA resolution and copies of aforementioned Change Orders for Contract No. 551 shall be provide to the NJIB for final authorization.

AND BE IT FURTHER RESOLVED that this resolution shall be effective in accordance with applicable law.

Certified as a true copy of the Resolution
Adopted by the Authority at their
Regularly Meeting held on
Wednesday, September 7, 2022.


Andrea Cocula, Secretary

RESOLUTION RE: AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND MOTT MACDONALD, INC. FOR CONSTRUCTION PHASE ENGINEERING SERVICES RELATED TO THE LEACHATE PUMP STATION AND FORCE MAIN PROJECT — CONTRACT NO. 446

WHEREAS, on or about January 10, 2020, the Sussex County Municipal Utilities Authority ("Authority" or "SCMUA") entered into an Agreement, with Mott MacDonald (Mott) for construction phase engineering services related to the Leachate Pump Station and Force Main Project ("Project") Construction Phase Engineering Agreement ("Agreement") with a previous cost ceiling compensation amount of \$730,000.00; and

WHEREAS, during the construction phase of the Project, it became necessary to extend the project completion date from twelve (12) months to twenty-four (24) months, thereby extending the level of effort necessary for the performance of Construction Phase Engineering Services (observation and administrative) accordingly; and

WHEREAS, Mott submitted a request dated November 30, 2021 for consideration of an increase in total compensation based upon perceived increased effort and/or increased scope of services due to extended project duration and coordination with the Contractor; and

WHEREAS, it was subsequently determined by the SCMUA Construction Review Committee that an amount of \$265,000.00 (36%) shall be increased to the original Agreement based upon full resolution of Mott claimed increased scope of services as well as the completion of the following:

1. Project closeout
2. Preparation of final contract modification(s) and submissions to the NJIB
3. Issuance of record drawings (electronic and hard copy)
4. Issuance of O&M manuals (electronic and hard copy)
5. Completion of remaining payment applications; and

WHEREAS, the New Jersey Infrastructure Bank (NJIB) requires an executed budget amendment for cost reimbursement considerations; and

WHEREAS, the cumulative contract ceiling is to be increased from \$730,000 to \$995,000 (+ \$265,000); and

NOW, THEREFORE, BE IT RESOLVED, that the SCMUA Executive Director or Chief Engineer are authorized and directed to execute Engineering Contract Budget Amendment No. 1 to the Construction Phase Engineering Service Agreement, along with the submittal of same to the NJIB.

Certified as a true copy of the Resolution
as adopted by the Authority
At their Regular Meeting held on
Wednesday, September 7, 2022.



Andrea Cocula, Secretary