

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):

Vernon Township, 2023 RFQ/RFPs for Professional Services

(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):

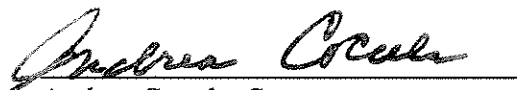
Personnel Items

(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, January 18, 2023.



Andrea Cocula, Secretary

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RESOLUTION RE: AUTHORIZATION TO EXECUTE GRANT AGREEMENT BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR CLIMATE AND COMMUNITY RESILIENCY IN THE PAKATING CREEK AND CLOVE BROOK WATERSHEDS

WHEREAS, the Walkkill River Watershed Management Group, under the administrative auspices of the Sussex County Municipal Utilities Authority, has previously been awarded grant funding from the New Jersey Department of Environmental Protection to develop and implement Watershed Restoration Plans for the Papakating Creek, Clove Brook, and Upper Paulins Kill Watershed as well as to now coordinate stewardship projects across Sussex County; and

WHEREAS, the governing body of the Sussex County Municipal Utilities Authority desires to further the public interest by obtaining a grant from the State of New Jersey DEP in the amount of \$609,434.98 to fund the following project: Priority Watershed WBP / TMDL Implementation – Climate and Community Resiliency in the Papakating Creek and Clove Brook Watersheds ; and

WHEREAS, the governing body authorizes that Thomas Varro, PE, SCMUA Executive Director, Timothy Day, SCMUA Comptroller / Treasurer, and Nathaniel Sajdak, Watershed Director, or the successor to these offices, are authorized to make application for such a grant, if awarded, to execute an agreement with the State, and to execute any amendments thereto which do not increase the Grantee's obligations; and

WHEREAS, the SCMUA Board of Commissioners authorizes and hereby agrees to match 24.24% of the total project amount in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property is hereby certified up to 7.376% of the match will be made of in-kind services; and

WHEREAS, the Grantee agrees to comply with all applicable federal, State and municipal laws, rules, and regulations in its performance pursuant to the agreement.

THEREFORE, BE IT RESOLVED, that the SCMUA Board of Commissioners authorize filing an application for, and executing said Grant.

BE IT ALSO RESOLVED, that this Resolution shall take effect as per Statute.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular
Meeting held on Wednesday, January 18, 2023


Andrea Cocula, Secretary

RESOLUTION RE: ENABLING RESOLUTION AUTHORIZING THE FILING OF A SPENDING PLAN FOR A 2022 RECYCLING ENHANCEMENT ACT TAX FUND GRANT 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 grants 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.

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

1. That the Spending Plan be submitted to the Division of Solid and Hazardous Waste for a 2022 Recycling Enhancement Act Tax Grant in the amount of \$162,000.00.
2. That the Executive Director and the Solid Waste Superintendent of the Sussex County Municipal Utilities Authority are hereby authorized and directed to execute and file such Spending Plan with the Department of Environmental Protection, to provide additional information and furnish such documents as may be required and to act as the authorized correspondent of the Sussex County Municipal Utilities Authority in this matter.
3. That the Sussex County Municipal Utilities Authority was designated by the Sussex County Board of Commissioners as the implementing agency to perform the Recycling Enhancement Tax Grant on October 9, 1990.
4. 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 grant.
5. 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 Regular Meeting
held on Wednesday, January 18, 2023.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE PUBLIC SALE OF SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) SOLID WASTE PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH GOVDEALS PUBLIC ONLINE AUCTION

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 is needed for Authority purposes; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes the Authority to dispose of the equipment in the most cost effective manner. SCMUA assets listed and noted as such for auction, or disposal are put forth below; and

NOW THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the equipment put forth below, shall be and are hereby determined to be surplus personal property and not needed for public use and shall be put up for auction, or disposed of in the most cost effective manner.

BE IT FURTHER RESOLVED that the Authority, as a member of the Passaic County Cop, shall use GovDeals, a public online auction conducted pursuant to N.J.S.A. 40A:11-36, Local Finance Notice 2019-15 of the New Jersey Department of Community Affairs, Division of Local Government Services.

Solid Waste Facility:

Description

SCMUA#1735Ford Pick up Truck (VIN#1FTBF2BT0BEB41957)

Auction

BE IT FURTHER RESOLVED, that the successful bidder(s) shall be required to pay the full amount of the sale, no express warranties will be provided concerning use of said surplus property, and shall be required to make arrangements for the pick-up of sold property from the SCMUA within 10 business days of the auction; and

BE IT FURTHER RESOLVED, that a legal advertisement shall be published the in the SCMUA’s official newspaper informing the public as to the nature of items being sold and how to obtain more information on the sale as required by N.J.S.A. 40A:11-36; and

BE IT FURTHER RESOLVED that the Authority hereby directs the Treasurer and Staff to remove the listed items on the fixed asset inventory.

BE IT FURTHER RESOLVED, that SCMUA staff is hereby authorized and directed to take all actions necessary and appropriate to effectuate the terms of this resolution, which shall take effect in accordance with applicable NJ laws and statutes.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, January 18, 2023.



Andrea Cocula, Secretary

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

RESOLUTION RE: FY2021 ANNUAL FINANCIAL AUDIT

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local Authority to cause an annual audit of its accounts to be made; and

WHEREAS, the annual audit report for the fiscal year ended November 30, 2021 has been completed and filed with the Governing Body and the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:5A-15; and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board; and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17,

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Sussex County Municipal Utilities Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended November 30, 2021, and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED, that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

IT IS HEREBY CERTIFIED THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON JANUARY 18, 2023.



Andrea Cocula, Secretary

January 18, 2023

Date

LOCAL AUTHORITIES
GROUP AFFIDAVIT FORM

PRESCRIBED BY
THE NEW JERSEY LOCAL FINANCE BOARD

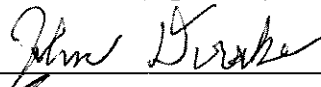
AUDIT REVIEW CERTIFICATE
FY2021

We, the members of the governing body of the Sussex County Municipal Utilities Authority, being of full age and being duly sworn according to law, upon our oath depose and say:

1. We are duly appointed members of the Sussex County Municipal Utilities Authority.
2. We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended November 30, 2021 and specifically the sections of the audit report entitled "General Comments" and "Recommendations".

(signature)

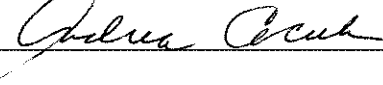
John Drake



Karl Meyer



Andrea Cocula



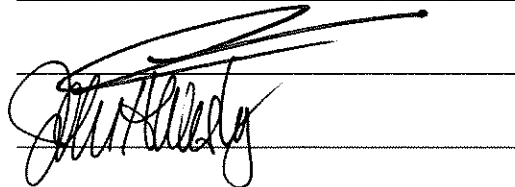
Wayne Dietz

REMOTE

Thomas Madsen



Ronald Petillo

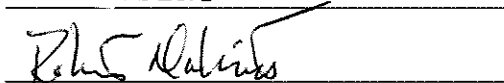


John Wesley

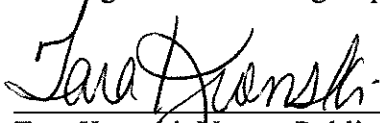
John Finkeldie

ABSENT

Robert Dabinett



I hereby certify that I was present during the SCMUA Board of Commissioners Authority Meeting on January 18, 2023 where a vote was taken and the Members acknowledged their signatures on this group affidavit.



Tara Kronski, Notary Public
Of The State of New Jersey
Commission Expires: August 5, 2024

TARA KRONSKI
Notary Public of New Jersey
My Commission expires 8/5/2024

RESOLUTION RE: AUTHORIZING SUBMITTAL OF A CORRECTIVE ACTION
PLAN ON THE FY2021 FINANCIAL AUDIT FINDINGS

WHEREAS, per State requirements the SCMUA has a financial audit performed annually by an independent auditor; and


WHEREAS, from time to time, the auditor will note some findings and make recommendations regarding the SCMUA's financial audit; and

WHEREAS, in FY2021 the audits findings noted an unfunded liability in the Landfill Closure/Post Closure Care accounts; and

WHEREAS, in FY2021, and in future budget years, the SCMUA will continue to appropriate sufficient funds to eliminate any shortfall in the Landfill Closure/Post Closure Care accounts.

NOW THEREFORE, BE IT RESOLVED, that the Corrective Action Plan prepared by SCMUA Staff is authorized to be submitted to the State of NJ – Division of Local Government Services.

Certified as a true copy of the Resolution adopted
by the Authority at their Regular Meeting held on
Wednesday, January 18, 2023.



Andreea Cocula, Secretary

**SUSSEX COUNTY MUA
CORRECTIVE ACTION PLAN
2021 - AUDIT**

As required by Local Finance Notice #92-15

Section II – Financial Statement Findings

2021-001

- Condition:** The Authority has a shortfall in the funding of its solid waste facilities cell closure reserve.
- Criteria:** Governmental Accounting Standards Board (GASB) Statement No. 18, that is based on US Environmental Protection Agency “Solid Waste Disposal Facility Criteria” rules require that municipal solid waste landfills recognize a portion of the estimated cost of landfill closure in the period that solid waste is accepted.
- Effect:** The Authority’s has not fully funded its accrued cell closure liabilities.
- Cause:** There is insufficient cash in the Authority’s solid waste facilities cell closure accounts to properly fund its accrued cell closure facilities.
- Recommendation:** That the Authority implement procedures to properly fund is accrued cell closure facilities.
- View of Responsible Officials/Corrective Actions:** The Authority is making provisions in its annual budgets to fund the shortfall in its cell closure reserve.
- Management Response:** The Authority will continue to monitor, assess and budget contributions to the cell closure reserves over the remainder of active landfill operating years.