

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):

Hardyston Township MUA Meeting, Nitrate Effluent Litigation, and Landfill Expansion Project

(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, February 15, 2023.


Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZATION FOR THE FILING OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NJPDES SURFACE WATER PERMIT RENEWAL
APPLICATION FOR THE HOMESTEAD WWTP
FACILITY**

#23-058

WHEREAS, the NJPDES surface water discharge permit No. NJ0022063 relative to the Sussex County Homestead WWTP Facility expires on June 30, 2023; and

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) is the Licensed Operation of the Facility on behalf of Sussex County; and

WHEREAS, SCMUA has been authorized and directed by Sussex County to execute the required NJPDES permit renewal application forms for Permit NJ0022063; and

WHEREAS, the NJDEP regulations mandate that permittees submit NJPDES Permit renewals prior to permit expiration; and

WHEREAS, said renewal applications, when submitted to the NJDEP, automatically allow for continuance of NJPDES Permit conditions and provisions beyond the expiration date, until the renewal thereof; and

WHEREAS, such action is in the best interests of Sussex County and SCMUA.

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

1. SCMUA Staff is hereby authorized and directed to execute the required NJPDES permit renewal application forms for Permit NJ0022063.
2. The Chief Engineer shall act as the Authority's Contact Person in these matters and is further authorized and directed to complete and file said NJPDES Permit renewal application and supporting documentation, along with certified copies of this Resolution to the NJDEP.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
Wednesday, February 15, 2023.



Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZATION FOR THE FILING OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NJPDES SURFACE WATER PERMIT RENEWAL
APPLICATION FOR THE UPPER WALLKILL FACILITY**

WHEREAS, the Authority's NJPDES surface water discharge permit No. NJ0053350 relative to the SCMUA Upper Walkkill Facility that expires on September 30, 2023; and

WHEREAS, the NJDEP regulations mandate that permittees submit NJPDES Permit renewals prior to permit expiration; and

WHEREAS, said renewal applications, when submitted to the NJDEP, automatically allow for continuance of NJPDES Permit conditions and provisions beyond the expiration date, until the renewal thereof; and

WHEREAS, such action is in the best interests of the Authority.

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

1. SCMUA Staff is hereby authorized and directed to execute the required NJPDES permit renewal application forms for Permit NJ0053350.
2. The Chief Engineer shall act as the Authority's Contact Person in these matters and is further authorized and directed to complete and file said NJPDES Permit renewal application and supporting documentation, along with certified copies of this Resolution to the NJDEP.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
Wednesday, February 15, 2023.


Andrea Cocula, Secretary

RESOLUTION: AUTHORIZING THE EXECUTION OF A WRITTEN AMENDATORY
CONTRACT WITH TOMCO, INC. FOR CHANGE ORDERS IN EXCESS OF
20% OF THE ORIGINAL CONTRACT

WHEREAS, the Sussex County Municipal Utilities Authority (the "AUTHORITY"), having administrative offices at 34 South Route 94, Lafayette, New Jersey 07848, is desirous of authorizing a written amendatory contract be entered into with Tomco, Inc. of Mount Arlington, New Jersey ("TOMCO") to cover change orders required to complete the Stage 2 Landfill Expansion Project; and

WHEREAS, the AUTHORITY entered into a contract with TOMCO to complete Stage 2 Landfill Expansion Project, including the Construction of Landfill Disposal Cells (i.e., Phase 4 and Phase 6B), Stormwater Management Improvements, Leachate Management Improvements, Landfill Gas Management Improvements, Electrical System Improvements, Infrastructure Relocation (i.e., recycling center, convenience center, contractor drop-off area, and composing area), roadway improvements, septic system replacement, and water supply improvements; and

WHEREAS, during the construction of the project, unforeseen site conditions, changes in material quantities, additional labor costs, increase in costs for materials including asphalt and diesel fuel, supply chain issues related to COVID-19, and Force Majeure from geosynthetic liner manufacturer; additional scope of work is required to complete the construction project; and

WHEREAS, on February 15, 2023, ARM Group, Inc., the PROJECT design engineer, provided a certification requesting change orders in excess of twenty percent (20%) of the original New Jersey Infrastructure Bank (NJIB) eligible costs within TOMCO, Inc. scope of work, which is attached hereto and incorporated herein; and

WHEREAS, the Executive Director has filed a request for the change order with the SCMUA Board of Commissioners that included a statement indicating that ARM Group's requested changes are allowed under the Local Finance Board regulations, including N.J.A.C. 5:30-11.9; and

WHEREAS, the AUTHORITY believes that the proposed changes are necessary for the timely completion of the PROJECT.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY that the Executive Director is hereby authorized to enter into a written amendatory contract with TOMCO, Inc. for the proposed changes as described in the February 15, 2023 engineers certification.

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to:

1. Paul Hauch, NJDEP
2. Jacquelyn Suarez, Director of Division of Local Government Services
3. Ben Allen, ARM Group
4. Paul Cuva, Authority Auditor
5. John A. Napolitano, Authority General Counsel

Certified as a true copy of the Resolution.
adopted by the Authority at their Regular
Meeting held on Wednesday, February 15, 2023.



Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZATION TO EXECUTE CHANGE ORDER 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, 26.1A, 26.2, 28, 29, 31, 31B, 32, 35, 36, 40, 41B, 44, 45, 47, 48, 49, 49A, 50B, 51, 53, 54A, 54B, 57, 58A, 59, 62, 63, 67, 68, 69, 70, 73, 74, 76, 78, 79, 80, 82, 83, 85, 89, 90, 92, 93, 95, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 110, 110B, 114, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 131, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146, 148, 150, 151, 156, 159, 163, 164, 166, and 169 have been approved which increased the original awarded amount to \$29,907,043.76; and

WHEREAS, Change Order Number 167 has been prepared by Tomco for additionally milling and paving at various locations around the site for an amount of \$126,779.63; and

WHEREAS, a work change directive was given by the SCMUA Construction Review Committee to Tomco on November 30, 2022 that included a combination of Lump Sum and Unit Pricing; 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 Committee have reviewed said Change Order and found it 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 or 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 \$126,779.63 thereby changing the Contract Price from \$29,907,043.76 to \$30,033,823.39.

AND BE IT FURTHER RESOLVED that this SCMUA resolution and copies of the aforementioned Change Orders for Contract No. 551 shall be provided 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 its
Regular Meeting held on
Wednesday, February 15, 2023.


Andrea Cocula, Secretary

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