

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):

NJ Executive Order #192 for COVID -19 related worker protocols, Mountain Creek, Care Environmental – Georgia Environmental Protection Department Litigation, Engineering Agreement for landfill life expansion project, PFOS litigation, Wallkill River Watershed Management Contract Agreement with NJDEP.

(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, November 4, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: GRANT AGREEMENT BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION RE: UPPER PAULINS KILL HEADWATERS LAKES INITIATIVE

WHEREAS, the Wallkill 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 \$190,000 to fund the Priority Watershed WBP / TMDL Implementation - Upper Paulins Kill Headwaters Lakes Initiative; 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 32% 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 100% of the match will be made of in-kind services.

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.

Certified as a true copy of the Resolution
adopted by the Authority at their scheduled
Meeting held on Wednesday, November 4, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE EXECUTION OF A PARTNERSHIP
AGREEMENT WITH HALSTED MIDDLE SCHOOL / NEWTON
TOWNSHIP BOARD OF EDUCATION TO ASSIST WITH THE
IMPLEMENTATION OF A POROUS ASPHALT PROJECT ON
THE SCHOOL'S PAVED PLAYGROUND AREA

WHEREAS, the Sussex County Municipal Utilities Authority-Walkkill River Watershed Management Group (SCMUA-WRWMG) has an existing grant agreement from the New Jersey Department of Environmental Protection (hereinafter referred to as "NJDEP") to sponsor "green infrastructure" stormwater management projects in the Upper Paulins Kill Watershed; and

WHEREAS, the SCMUA-WRWMG has previously worked with the Newton Board of Education to construct a rain garden stormwater management project on the Halsted Middle School campus in July 2019; and

WHEREAS, Rutgers Cooperative Extension-Water Resources Program identified specific areas for strategic porous asphalt installation on the Halsted Middle School campus and prepared a set of formal engineering design plans that includes a porous asphalt project within Halsted Middle School's paved playground area; and

WHEREAS, NJDEP has approved use of up to \$33,995.00 in the SCMUA-WRWMG's Upper Paulins Kill NJDEP grant for construction of porous asphalt in the Halsted Middle School paved playground area; and

WHEREAS, in November 2020, the Newton Board of Education approved awarding contract to C&V Paving in Swartswood, NJ to complete porous asphalt installation in the Halsted Middle School playground area; and

WHEREAS, upon successful project completion and certification by Rutgers Cooperative Extension-Water Resources Program, and subsequent approval/release of funds by NJDEP to the SCMUA-WRWMG for the porous asphalt installation, the SCMUA-WRWMG will provide a **Total Not-to-Exceed Reimbursement Potential** to Halsted Middle School-Newton Township Board of Education of up to **\$33,995.00 (thirty-three thousand, nine hundred and ninety-five dollars and 0 cents).**

NOW, therefore, BE IT RESOLVED that the Chairman is authorized to execute the Partnership Agreement with Halsted Middle School-Newton Township Board of Education; and

BE IT FURTHER RESOLVED, that the reimbursement payment of grant funds to Halsted Middle School shall be contingent upon certification by Rutgers Cooperative Extension-Water Resources Program at completion of the project and the subsequent approval/ release of funds by NJDEP to the SCMUA-WRWMG for the porous asphalt construction.

AND BE IT FURTHER RESOLVED that this Resolution should become effective as provided by statute/law.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, November 4, 2020.



Andres Cocula, Secretary

RESOLUTION RE: AUTHORIZING SCMUA EXECUTIVE DIRECTOR AND/OR SENIOR PROJECT ENGINEER TO REPRESENT THE AUTHORITY FOR THE LANDFILL LIFE EXTENSION/INFRASTRUCTURE RELOCATION PROJECT

WHEREAS, time is of the essence with regard to the implementation of the SCMUA Landfill Life Expansion/Infrastructure Relocation Project; and

WHEREAS, the Mr. Varro and Mr. Sesto are being considered for authorization to work with the NJDEP and NJ I-Bank, and to make certain decisions regarding project management options for the Landfill Life Extension/Infrastructure Relocation Project; and

WHEREAS, the NJ I-Bank requires this authorizing resolution in order to consult with SCMUA Executive Director/Senior Project Engineer regarding financing, project information and documents required for project review.

Now therefore be it resolved that the Board of Commissioners hereby authorizes SCMUA Executive Director/Chief Engineer Thomas Varro, and Senior Project Engineer Joseph Sesto to represent the Authority in any and all matters regarding implementation and funding of the SCMUA Landfill Life Extension/Infrastructure Relocation Project, including but not limited to activities, decisions and actions required by the NJDEP and/or NJ I-Bank.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Authority Meeting
held on Wednesday, November 4, 2020



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ARM GROUP TO PROVIDE CONSTRUCTION ADMINISTRATION AND ON-SITE INSPECTION SERVICES RELATIVE TO THE LANDFILL LIFE EXTENSION/INFRASTRUCTURE RELOCATION PROJECT #551

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) has a need for construction administration and onsite inspection services incidental to its proposed Landfill Life Extension/Infrastructure Relocation Project; and

WHEREAS, SCMUA on November 18, 2019 had duly noticed and solicited a Request for Qualifications/Request for Proposals (RFQ/RFP) for solid waste consulting engineering services utilizing a "Fair and Open" Process pursuant to N.J.S.A. 19:44 – 20.4 et seq.; and

WHEREAS, ARM Group of 1129 West Governor Road, Hershey, PA 17033, responded to said RFQ/RFP with a Proposal including 2020 Rate Schedule, and possesses a staff having requisite training, expertise and experience required to provide such services; and

WHEREAS, SCMUA reviewed the RFQ/RFP proposals and thereby awarded a contract for general solid waste consulting engineering services to ARM for 2020; and

WHEREAS, the Authority is further desirous of retaining ARM Group for necessary construction administration and onsite inspection services relative to its proposed Landfill Life Extension/Infrastructure Relocation Project; and

WHEREAS, ARM Group has submitted a cost proposal and scope of work, dated November 4, 2020 regarding SCMUA Landfill Life Extension/Infrastructure Relocation Project #551, including construction administration and onsite inspection services for total cost of not-to-exceed \$1,497,518.15 and

WHEREAS, ARM Group has individuals possessing the requisite licensure, knowledge and skills with which to perform the services encompassed by the proposed Agreement; 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 agreement be conditionally approved subject to ongoing SCMUA, legal, NJDEP, and NJIB reviews and approvals; and

WHEREAS, the local public contracts law requires that the Resolution authorizing the Agreement for a Professional Services and the Agreement itself, must be available for public inspection.

WHEREAS, the Treasurer has certified that there are sufficient funds in the amount of \$1,497,518.15.

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

1. That the Board of Commissioners approve, via this Resolution, a Professional Services Agreement with ARM Group contingent upon further review of proposal by Staff, engineer, attorney, NJDEP, and NJIB for construction administration and on-site inspection services incidental to the Landfill Life Extension/Infrastructure Relocation Project, a true copy of which contract is annexed hereto as Attachment A.
2. That one (1) copy of this Resolution, together with the agreement itself, shall be made available electronically for public inspection upon request.
3. That ARM Group is hereby authorized to proceed with the Work Scope Tasks contingent upon completion of all reviews referenced herein and as directed by SCMUA.
4. That said Resolution and ARM Proposal is to be submitted to NJDEP/ NJIB for review and approval.
5. 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 Authority Meeting
held on Wednesday, November 4, 2020



Andrea Cocula, Secretary

RESOLUTION RE: ESTABLISHING REMOTE MEETING PROCEDURES AND REQUIREMENTS DURING DECLARED STATES OF EMERGENCY

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a state of emergency as a result of the coronavirus disease 2019 (“COVID-19”) pandemic; and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104, which announced aggressive social distancing measures as a result of the COVID-19 pandemic, which included encouraging employees to tele-work if feasible and limiting large social gatherings and in-person meetings such as those conducted by local government entities; and

WHEREAS, local government entities, such as the Sussex County Municipal Utilities Authority (the “Authority”), have continued to conduct public meetings and hearings during the COVID-19 pandemic remotely so as to continue the effective administration of government and to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services (“DLGS”) issued remote meeting guidance in March 2020 to provide a list of possible solutions available for local government entities to host remote meetings in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 to -21 (“OPMA”); and

WHEREAS, DLGS has promulgated emergency regulations, codified at N.J.A.C. 5:39-1.1 to -1.7 (the “DLGS Regulations”), which establish standard protocols for remote public meetings held by local government entities during a Governor-declared public health emergency, state of emergency or state of local disaster emergency, including minimum procedures to be followed to provide reasonable notice and to allow public input; and

WHEREAS, on September 24, 2020, DLGS issued Local Finance Notice 2020-21, expanding on the DLGS Regulations; and

WHEREAS, to allow the Authority to continue to conduct public business, and to allow the public to attend Authority meetings remotely, consistent with and in compliance with Executive Order 104, the OPMA, and the DLGS Regulations, the Authority wishes to establish standard protocols for remote public meetings as set forth in this Resolution;

WHEREAS, the Authority has decided to adopt the following standard protocols and procedures for conducting remote public meetings, including minimum procedures to be followed to provide reasonable notice and to allow public input.

NOW, THEREFORE, BE IT RESOLVED BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The following procedures and requirements are hereby adopted for the Authority's remote meetings:
 - (a) The Authority's public notice of each meeting conducted remotely shall contain the dial-in conference number and/or web address and all other information (e.g., meeting ID, password) necessary for members of the public to participate in and access the meeting remotely. The Authority presently uses Microsoft Teams video conferencing for the Authority only and audio-only telephone conferencing for the public to conduct its remote public meetings, which accommodates at least 50 public participants.
 - (b) Members of the public may submit written comments in advance of a meeting, which will be read during the public portion of the meeting. Written public comments submitted prior to the meeting must identify the name and address of the commenter. No anonymous comments will be accepted. Written comments may be submitted via e-mail with the subject line "Public Comment" to Thomas Varro, P.E., Executive Director at tvarro@scmua.org, or by mail addressed to: Thomas Varro, P.E., Executive Director, Sussex County Municipal Utilities Authority, 34 South Route 94, Lafayette, NJ 07848. E-mailed comments must be received at least eight (8) hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.
 - (c) Public comments submitted prior to the meeting shall be read aloud by an authorized representative of the Authority during the public meeting in a matter audible to all meeting participants. Written comments received prior to the meeting will be read after all those members of the public attending the meeting wishing to provide comment have had the opportunity to do so. The same time limit of three (3) minutes shall apply to each of the public comments received prior to the meeting. Each written comment shall be read from the beginning, until the time limit is reached. If duplicative written comments are received, the name of each commenter will be noted for the record, and the contents may be summarized.
 - (d) The Authority will not accept comments made through the Microsoft Teams "chat" feature during remote public meetings.
 - (e) The agenda for the meeting will be available on the Authority's website, <https://www.scmua.org/>, under "Commissioner Meeting Schedule & Minutes" prior to the meeting.

- (f) If any meeting includes a public hearing all material that will be considered by the Authority at the public hearing shall be posted on the Authority's website in a conspicuous location or as otherwise required by law. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio.
- (g) Immediately after calling the meeting to order, the Authority shall ensure that the Microsoft Teams link and dial-in number are working. If the Microsoft Teams link or dial-in number are not working, and cannot be returned to working order in a reasonable period of time, the meeting shall be adjourned to another time.
- (h) The Authority shall announce at the beginning of the remote public meeting the procedures and requirements for making public comment. The Authority will also explain that members of the public will be automatically put on mute by the Recording Secretary during the meeting until the Public Comment portions of the Agenda. At that time, shall be called upon individually to ask if they have any comments or questions.
- (i) In the event the meeting is being recorded, the Authority will advise the public at the beginning of the meeting.
- (j) If any member of the public is attending remotely, he/she will be provided an opportunity to provide public comment of no greater than three (3) minutes (unless an alternative time limit is stated at the beginning of the public comment portion of the meeting at the sole discretion of the Authority) in duration during the public comment portion of the meeting during the time in the meeting set forth on the agenda (this applies equally to written public comments submitted via email or through the mail). During the Public Comment portions of the Agenda all those attending remotely shall be taken off mute by the Recording Secretary and asked one at a time if they have a comment. The Authority will ask one public participant at a time whether they wish to make a comment or have any questions. If a member of the public wishes to speak, the commenter must state their name and address for the record. The Authority shall address any comments or questions to the best of their ability after each.
- (k) If any member of the public is attending remotely, and a closed session is called by the Authority as permitted by the OPMA, the public shall be put on hold during the entire length of the Closed Session portion of the meeting. The Authority shall clearly state at what point in the agenda the closed session will occur, the reasons for the closed session, the projected length of the closed session, whether formal action will be taken on any matter after the closed session, and that the public will not be able to hear the Authority or provide comment during the closed session. The Authority shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.

- (l) Any member of the public who is attending remotely must participate in the meeting with appropriate decorum and act in a civil manner. Disruptive behavior will not be tolerated. The Authority reserves the right to exclude those members of the public who display conduct or make comments that are disruptive, which includes but is not limited to sustained inappropriate behaviors such as, shouting, interruption, or the use of profanity. Members of the public engaged in such conduct will receive a warning, and if the conduct continues, the person will be muted and his or her comments deemed concluded. If time permits, and after all other members have been given the opportunity to make comment and all comments submitted in writing before the meeting have been read, the disruptive speaker shall be given the opportunity to continue to comment and be permitted to utilize the unused three (3) minutes of time originally allotted to him or her. Should the commenter remain disruptive, he or she shall be removed altogether from the meeting.
- (m) Members of the public may also be immediately, and without warning, muted, removed from video and/or removed from the meeting altogether for conduct or comments that are harassing, demeaning, threatening, and/or offensive to any person's race, gender, color, age, national origin, religion, sexual orientation, gender identity or expression, and disability (list is representative, not exclusive).
- (n) The Authority, in its discretion, may change the technology for conducting remote public meetings from Microsoft Teams web conferencing and audio-only telephone conferencing to an alternate acceptable form of audio/video-conferencing technology, which accommodates at least 50 public participants in addition to those required to conduct the meeting.
3. Any prior ordinance or resolution controlling the decorum of the Authority's meetings continue to be in effect unless directly contradictory to the provisions in this Resolution.
4. A copy of this Resolution shall be posted on the Authority's website.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be entered into the permanent records of the Authority.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
November 4, 2020



Andrea Cocula, Secretary