

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):

Nitrate Permit Appeal, Vernon Township/Vernon Township MUA, Cavalier Facility, Stage 2 Landfill Expansion Project (#551)

(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, May 4, 2022.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE AWARD OF A CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND FOLEY POWER SYSTEMS FOR PURCHASE AND INSTALLATION OF NEW 175kW DIESEL-POWERED EMERGENCY GENERATOR AT THE HAMBURG PUMP STATION #22-108

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) has received a cost proposal through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Pricing System as well as the Sourcewell National Cooperative Pricing System; and

WHEREAS, SCMUA received a cost proposal from Foley Power Systems (CAT) in the amount of \$164,557.00, Cummins in the amount of \$172,262.37, and Cooper Electric (Kohler) in the amount of \$185,931.69;

WHEREAS, the cost proposals include the removal of existing equipment, purchase of new equipment, installation of equipment, startup/testing, and warranty; and

WHEREAS, the proposals were reviewed by SCMUA Staff and it was determined that Foley Power Systems was the lowest cost and the proposal met all SCMUA requirements and was cost efficient and fiscally responsible; and

WHEREAS, the Authority's Qualified Purchasing Agent has reviewed and authorized this contract award; and

WHEREAS, the Treasurer has certified that sufficient funds are available.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority's Board of Commissioners that the project is hereby awarded to Foley Power Systems via ESCNJ Cooperative No. 18.19-09 for a total not to exceed cost of \$164,557.00 based on the proposal dated April 22, 2022.

BE IT FURTHER RESOLVED, that the SCMUA Chief Engineer and staff are authorized to prepare and execute the applicable contract with Foley Power Systems.

BE IT FURTHER RESOLVED, that this resolution shall take effect in accordance with N.J.S.A. 40: 14B—14 (e).

Certified as a true copy of the Resolution
adopted by the Authority at their regular meeting
held on Wednesday, May 4, 2022.



Andrea Cocula, Secretary

RESOLUTION RE: RELEASE OF RETAINAGE TO RAPID PUMP AND METER SERVICE CO., INC., CONTRACT NO. 457, HAMBURG PUMP STATION UPGRADES PROJECT, BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the Sussex County Municipal Utilities Authority, Owner and Rapid Pump and Meter Service Co., Inc., Contractor, entered into an Agreement, dated June 21, 2021, for the construction of the Hamburg Pump Station Upgrades; and

WHEREAS, the Contractor has completed the project in accordance with the Contract requirements, proposal dated May 25, 2021, and SCMUA Agreement; and

WHEREAS, the Contractor has provided their final Application and Certification for Payment, being satisfactory evidence for closeout, and;

WHEREAS, the Authority's Chief Engineer and Wastewater Superintendent have approved the Contract closeout and the release of retainage,

NOW THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority to authorize release of final contract retainage in the amount of \$12,006.98 to Rapid Pump and Meter Service Co., Inc.

BE IT FURTHER RESOLVED, that this Resolution shall be effective in accordance with applicable laws and statutes.

Certified as a true copy of
the Resolution adopted by the
Authority at their meeting
held on Wednesday, May 4, 2022.



Andrea Cocula, Secretary