

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):

Landfill Gas to Energy Marketing Plan/Contract Status

(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, October 16, 2019.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE AWARD OF A CONTRACT AND/OR REJECTION OF BIDS IN RESPONSE TO THE REQUEST FOR BIDS FOR ELECTRIC GENERATION SERVICE ISSUED ON BEHALF OF THE NEW JERSEY SEWERAGE AND MUNICIPAL UTILITY AUTHORITY ELECTRICAL SUPPLY AGGREGATION #19-154

WHEREAS, the Sussex County Municipal Utilities Authority (“Authority”) has participated in the formation and implementation of the New Jersey Sewerage and Municipal Utility Authority Electrical Supply Aggregation (“NJSMUAESA”), which is a consortium of New Jersey Sewerage and Municipal Utility Authorities formed for the purpose of soliciting and securing bids on an aggregated basis for electric generation service from licensed electric power suppliers pursuant to the provisions of the “Electric Discount and Energy Competition Act” (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, “the Act”), and thereby and thereby enjoying the benefits of joint purchasing and bulk power purchasing discounts; and

WHEREAS, the existing electric power supply contract(s) for the Authority’s electric accounts, awarded and entered as a result of a bid conducted by the NJSMUAESA in December 2017, will expire upon the meter read dates in May 2020 for each Authority electric account; and WHEREAS, the Authority desires to continue its purchase of electric generation service for its electric accounts as a participant in the NJSMUAESA to derive the benefits of bulk purchasing discounts; and

WHEREAS, due to current favorable market conditions the NJSMUAESA intends to issue a Request for Bids (“RFB”) on or about November 1, 2019 for the purpose of seeking bids for electric generation service from licensed electric power suppliers to replace the current supply contract(s) scheduled to expire in May 2020; and

WHEREAS, as a participant in the NJSMUAESA the Authority requires the services of an “Energy Agent,” as defined in the “Electric Discount and Energy Competition Act,” to administer the bid process and arrange for the sale of retail electric generation service by a licensed retail electric power supplier to the Authority; and

WHEREAS, the Energy Agent shall provide the Authority with services, including but not limited to, analyzing the Authority’s energy needs, quantifying the Authority’s load profile, developing an energy plan for the Authority, preparing bid specifications and, upon approval of the bid specifications, bidding a contract for the supply of electric generation service to the Authority; and

WHEREAS, the Energy Agent shall not receive and monetary compensation directly from the Authority for the services to be provided; and

WHEREAS, the Authority and the Energy Agent agree that the electricity supply contract(s) (“ESC”) between the Authority and the awarded supplier(s) shall provide that the awarded supplier pay the Energy Agent a monthly administrative fee for each account served at a rate of \$.0005 per kilowatt-hour for all months of the ESC; and

WHEREAS, Gabel Associates, Inc., with a principal place of business located at 417 Denison Street, Highland Park, New Jersey 08904, is a duly registered Energy Agent pursuant to the Act; and

WHEREAS, the Authority is desirous of authorizing the award of a contract to Gabel Associates, Inc. to serve as Energy Agent in connection with the bid for electric generation service through the NJSMUAESA, as an extraordinary, unspecifiable service without competitive bidding pursuant to N.J.S.A. 40A:11.1 *et. seq.*; and

WHEREAS, it is the NJSMUAESA's intent to receive bid price submittals on or about December 3, 2019 in response to the RFB to be issued on or about November 1, 2019; and

WHEREAS, due to the fact that the electricity market is highly volatile and bid prices will not be guaranteed past 3:00 p.m. on the day that bids are accepted, the award or rejection of bid(s) must be made on the Authority's behalf by its designated representative by no later than 3:00 p.m. on bid day;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Municipal Utilities Authority ("Authority") is hereby authorized to participate with the NJSMUAESA for the purpose of securing bids for electric generation service from licensed electric power suppliers for a contract to replace the existing electricity supply contract(s) expiring in May 2020, pursuant to the "Electric Discount and Energy Competition Act" (P.L. 1999, c.23, N.J.S.A. 48:3-49 *et. seq.*, "the Act"), Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*, and applicable regulations.

BE IT FURTHER RESOLVED that the Authority hereby approves the retention of Gabel Associates, Inc. as the Authority's Energy Agent in connection with the procurement of electricity supply for the Authority's electric accounts.

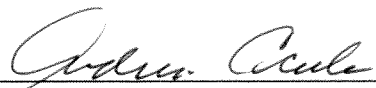
BE IT FURTHER RESOLVED that the Executive Director is hereby authorized and directed to execute any documents reasonably required to effectuate the retention of Gabel Associates, Inc. as the Authority's Energy Agent.

BE IT FURTHER RESOLVED that the Authority's Executive Director, or in his/her absence the Authority's Legal Counsel, is hereby authorized to act in his/her sole discretion as the Authority's designated representative to award a contract for the applicable Bid Group(s) to the low, qualified bidder for the contract term and pricing product deemed most beneficial to the Authority, by executing an Award Letter on the day of bid receipt and subsequently executing the Model Supply Contract, or reject an electricity bid, in conjunction with the NJSMUAESA Request for Bids to be issued on or about November 1, 2019. Such authorization to award a contract to the low bidder as the Authority's designated representative is subject to the low bid being equal to or less than the Trigger Price(s) to be established for the applicable Bid Group(s) containing the Authority's accounts prior to the data of receipt of bids by the NJSMUAESA, under the advisement of the Energy Agent.

BE IT FURTHER RESOLVED that, notwithstanding the foregoing, the Authority's Executive Director or in his/her absence the Authority's Legal Counsel, may reject any bid, including, if necessary, all bids (and not award a contract), and if desirable, to authorize the NJSMUAESA to rebid the contract, provided that such rejection is in accordance with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et. seq.*

BE IT FURTHER RESOLVED that, this resolution shall become effective as per Statute 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, October 16, 2019.



Andrea Cocula, Secretary

G:/tk/resols/gabel assoc for aggregate energy bid

RESOLUTION RE: AUTHORIZING EXECUTION OF A GRANT AGREEMENT BETWEEN SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY / WALLKILL RIVER WATERSHED MANAGEMENT GROUP AND THE NATIONAL FISH AND WILDLIFE FOUNDATION FOR WORK ASSOCIATED WITH BUILDING AWARENESS OF GREEN INFRASTRUCTURE IN THE UPPER PAULINS KILL WATERSHED – Phase II.

WHEREAS, the Sussex County Municipal Utilities Authority - Wallkill River Watershed Management Group (SCMUA / WRWMG) has a current grant agreement from the New Jersey Department of Environmental Protection (NJDEP) to implement the Upper Paulins Kill Watershed Restoration Plan; and

WHEREAS, since April 2013 the SCMUA / WRWMG has been an active partner with The Nature Conservancy (TNC) and many other organizations in a watershed planning initiative sponsored by The William Penn Foundation for the Delaware River Watershed, and specifically the New Jersey Highlands sub-watershed Cluster; and

WHEREAS, the SCMUA / WRWMG's Upper Paulins Kill Watershed project area is situated within the delineated boundary for the New Jersey Highlands sub-watershed cluster; and

WHEREAS, since May 2014, the SCMUA / WRWMG has been engaged in multiple sub-award grant agreements with The Nature Conservancy and received funding from the William Penn Foundation and the National Fish and Wildlife Foundation (NFWF) to assist with specific watershed restoration and stewardship projects in the Upper Paulins Kill Watershed; and

WHEREAS, in Fall 2017, the SCMUA / WRWMG was awarded a grant from NFWF as part of the 2017 Delaware River Restoration Fund to sponsor the development and implementation of a "Green Infrastructure Movement" in the Paulins Kill Watershed; and

WHEREAS, the SCMUA/WRWMG's has recently been selected by NFWF as of 13 grants across the Delaware River Watershed to be awarded funding as part of the 2019 Delaware River Restoration Fund to sponsor a Phase II of the "Green Infrastructure Movement" in Paulins Kill Watershed; and

WHEREAS, the project activities the SCMUA / WRWMG will be coordinating and responsible for, as part of this new grant award, is a continuation with existing project activities the SCMUA / WRWMG is currently conducting as part of the grant agreements with the other partners such as NJDEP, the William Penn Foundation, NFWF, and New Jersey Future; and

WHEREAS, the new grant agreement from NFWF is retroactively effective for an approximate two year period starting on May 1, 2019 and expiring on May 31, 2021, with a grant amount not to exceed \$238,023.06; and

WHEREAS, the Commissioners of the SCMUA desires to further the public good by authorizing this grant agreement from NFWF; 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.

NOW THEREFORE, BE IT RESOLVED, that the SCMUA Board of Commissioners authorizes the SCMUA / WRWVG to enter into this grant agreement with NFWF.

BE IT FURTHER RESOLVED, that the governing body authorizes that Thomas Varro, SCMUA Executive Director and Nathaniel Sajdak, Watershed Director, or the successor to either office, to execute this grant agreement with NFWF and to execute any amendments thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that this resolution shall be effective in accordance with Statute 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, October 16, 2019.



Andrea Cocula, Secretary