

**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):

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(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):

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(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):

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- (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):

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- (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):

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- (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):

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- (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):

St. Clare's Lease Agreement, Verizon Lease Agreement, PFOS Coalition/  
Litigation, Sussex Borough Service Rules, Sparta Township Connection Fee,  
Leachate Pump Station/Force Main Connection Fee, FY2020 Solid Waste and  
Upper Wallkill Capital Budget Amendments

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(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):

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(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 Item

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(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):


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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 7, 2020.

  
Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2020 UPPER WALLKILL FACILITIES BUDGET – LINE ITEM TITLE

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2020 Budget on November 27, 2019; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Upper Walkkill Facilities Renewal and Replacement Fund and rename certain project expenditure Line Items (no increase in overall budget amount); and

WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.


THEREFORE, BE IT RESOLVED, that the adopted FY2020 SCMUA Upper Walkkill Facilities Budget ending November 30, 2020 be amended and approved by the Board of Commissioners as follows:

Upper Walkkill R&R Line Item Title Update

<u>From</u>	<u>To</u>
Belt Filter Press	UW Liquid Sludge Conversion

BE IT FURTHER RESOLVED, that two copies of this resolution shall be filed with the Director of the Division of Local Governmental Services.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, October 7, 2020

  
Andrea Cocula, Secretary

Date: October 7, 2020

Member	Aye	Recorded Vote	
		Nay	Abstain Absent
R. Petillo	X		
T. Madsen	X		
A. Cocula	X		
J. Drake	X		
W. Dietz	X		
K. Meyer	X		
D. Perez	X		
J. Finkeldie	X		
R. Dabinett	X		

RESOLUTION RE: AUTHORIZING EXECUTION OF A RETAINER AGREEMENT AND COMMON INTEREST AGREEMENT WITH NEIL YOSKIN, ESQ. OF CULLEN & DYKMAN, LLP FOR COUNSEL REPRESENTATION REGARDING PFAS RULEMAKING

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) owns and operates a wastewater treatment plant which is covered by NJDEP NJPDES – DWG permit; and

WHEREAS, the SCMUA passed a resolution to join a coalition to contest new NJDEP rules effecting said permit regarding testing requirements of PFOA/PFOS/PFNA on September 2, 2020; and

WHEREAS, as part of the litigation procedures, SCMUA is to execute a retainer agreement and Common Interest Agreement with Neil Yoskin, Esq. at Cullen & Dykman law firm who will represent the consortium of entities who joined in the Rule challenge; and

WHEREAS, the following entities are in the coalition: Landis Sewerage Authority (“Landis”), Sussex County Municipal Utilities Authority, the Commerce and Industry Association of New Jersey (“CIANJ”), the New Jersey Business & Industry Association (“NJBIA”), and the Chemistry Council of New Jersey (“CCNJ”); and

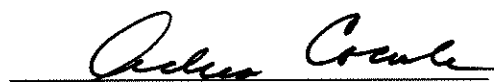
WHEREAS, the attached agreements, include that SCMUA will also contribute \$400 for filing-related costs/charges with all other costs and fees to be paid for by another entity – 3M Corporation; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners authorize the execution of a Retainer Agreement and Common Interest Agreement with Cullen & Dykman, LLP in the amount of \$400.00.

BE IT FURTHER RESOLVED, that said contract shall be effective in accordance with N.J.S.A. 40:14B-14(e).

BE IT FURTHER RESOLVED, that the SCMUA Chairman and Secretary are authorized to execute same which has been reviewed by SCMUA Special Legal Counsel.

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Resolution adopted by the Authority  
at their Regular Meeting held on  
Wednesday, October 7, 2020



Andrea Cocula, Secretary

Tk.resols/common interest and confidentiality contract (PFOA-PFOS litigation)

RESOLUTION RE: AMENDING THE SCMUA'S FY2020 SOLID WASTE FACILITIES BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2020 Budget on November 27, 2019; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Solid Waste Facilities Operating Budget to reallocate certain Capital Outlay expenditures (no increase in overall budget amount); and

WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.

THEREFORE, BE IT RESOLVED, that the adopted FY2020 SCMUA Solid Waste Facilities Budget ending November 30, 2020 be amended as follows:

<u>Expenses</u>	<u>From</u>	<u>To</u>
Capital Outlay		
LF3601 – Roll off Containers	\$15,000	\$15,000
LF3602 – BWRF Roof Repair & Knee Wall Engr.	\$50,000	\$50,000
LF3603 – Fueling Station/AST (447A)	\$453,885	\$493,885
LF3604 – UST Removal (447B)	-\$0-	-\$0-
LF3610 – Back-up Generator (447C)	\$411,115	\$348,115
LF3606 – Upgrade Scale Sys. Software	\$120,000	\$120,000
LF3607 – Shop Natural Gas Heater	\$15,000	-\$0-
LF3608 – Heavy Duty Tire Machine	-\$0-	\$18,000
LF3609 – Bird Control	-\$0-	\$20,000
Total	\$1,065,000	\$1,065,000

BE IT FURTHER RESOLVED, that two copies of this resolution shall be filed with the Director of the Division of Local Governmental Services.

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Andrea Cocula, Secretary

<u>Member</u>	<u>Recorded Vote</u>			
	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
R. Petillo	X			
T. Madsen	X			
A. Cocula	X			
W. Dietz	X			
J. Drake	X			
D. Perez	X			
K. Meyer	X			
J. Finkeldie	X			
R. Dabinett	X			

RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY DECLARING CERTAIN PROPERTY NO LONGER NEEDED FOR PUBLIC USE, AND AUTHORIZATION TO REMOVE FROM FIXED ASSETS

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 the dispose of equipment in the most cost effective manner. SCMUA assets listed and noted as such for auction, or disposal put forth below; and

WHEREAS, the Authority has reviewed said SCMUA equipment put forth below and has determined that said personal property is not needed for Authority purposes and is no longer available.

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 hereby directs the Treasurer and Staff to remove the listed items on the fixed asset inventory.

AND BE IT FURTHER RESOLVED that this Resolution shall become effective in accordance with N.J.S.A.40-14B-14(e).

**Administration**

<u>Description</u>	
2010 Xerox Copier Model #5755	Auction

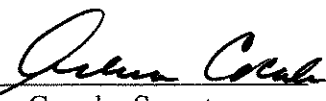
**Upper Wallkill Facility**

<u>Description</u>	
Savin Copier (non-functional)	Disposal
1984 Cummins 50KW Generator (Serial #44113131)	Auction
1999 Powerscreen 620 Trommel (Serial #9103638)	Auction
Lab Dishwasher – Labconco (Model #00710488P)	Disposal

**Solid Waste Facility**

<u>Description</u>	
Ingersoll Rand Compressor (Model #UP6-40-125)	Auction
Scale Indicators (2-Model #IND-R2500-F1) (2-IND-R2500-1)	Auction

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Andrea Cocula, Secretary  
Tk/resols/uw-sw assets removed for auction-disposal