

**RESOLUTION RE: TRANSFER (MOVE) FUNDS FROM US BANK
SOLID WASTE REVENUE BOND SERIES 2021 TO
SOLID WASTE GENERAL FUND**

WHEREAS, the Sussex County Municipal Utilities Authority funded payments of \$1,836,902.67 for Landfill Expansion Project #551 from the US Bank Solid Waste General Fund; and

WHEREAS, the Sussex County Municipal Utilities Authority established Solid Waste Revenue Bond Series 2021 US Bank account from Revenue Bond Sale proceeds in September of 2021,

WHEREAS, the Sussex County Municipal Utilities Authority would reimburse the Solid Waste General Fund once the Solid Waste Revenue Bond proceeds were received,

BE IT FURTHER RESOLVED, that the Sussex County Municipal Utilities Authority will transfer the balance of \$1,836,902.67 from the Solid Waste Revenue Bond Series 2021 to the Solid Waste General Fund to reimburse previous funded payments;

Certified as a true copy of the
Resolution adopted by the Authority
At their Regular Authority Meeting
Held on Wednesday, November 24, 2021.



Andrea Cocula, Secretary

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):

Upper Wallkill NJPDES Permit Litigation, Solid Waste Flow Control, Rails-to-Trails/Green Acres, Vernon Township/Vernon Township MUA Litigation
Stage 2 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 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 24, 2021.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING AN ENERGY AGENT CONTRACT WITH GABEL ASSOCIATES, INC., AND AUTHORIZING THE EXECUTIVE DIRECTOR IN HIS/HER ABSENCE, THE CHIEF ENGINEER TO AWARD A CONTRACT AND/OR REJECT 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

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 2019, will expire upon the meter read dates in May 2022 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, the NJSMUAESA intends to issue a Request for Bids (“RFB”) on or about February 8, 2022 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 2022; 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 any 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 March 8, 2022 in response to the RFB to be issued on or about February 8, 2022; 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 2022, 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 Chief Engineer, 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 March 8, 2022. 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 Chief Engineer, 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 in accordance with applicable law.

Certified as a true copy of the
Resolution adopted by the Authority
at their Regular Meeting held on
Wednesday, November 24, 2021.


Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2021 UPPER WALLKILL FACILITIES CAPITAL BUDGET – RENEWAL & REPLACEMENT FUND

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2021 Budget on November 25, 2020; and

WHEREAS, due to project status and revised program priorities, the SCMUA has determined it is necessary and proper to amend the Upper Wallkill Facilities' Renewal and Replacement Fund including renaming a project expenditure Line Item, and transferring funds with 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 FY2021 SCMUA Upper Wallkill Facilities' Budget ending November 30, 2021 be amended and approved by the Board of Commissioners as follows:

Upper Wallkill R&R Fund:

<u>Expenses</u>	<u>From</u>	<u>To</u>
Renewal & Replacement Fund		
Hamburg P.S. Rehab.	\$790,000	\$775,000
Electrical Control Stormwater Upgrades	\$270,000	\$253,000
Vernon Pump Replacements	\$ 0	\$ 32,000
Total	\$1,060,000	\$1,060,000

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, November 24, 2021.


 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			
K. Meyer	x			
J. Drake	x			
J. Wesley				x
J. Finkeldie				x
R. Dabinett	x			

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2022, UPPER WALLKILL SYSTEM

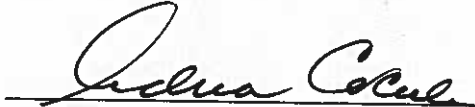
WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Bond Resolutions and Service Agreements, it is necessary that the Authority develop each year, and issue to its participants of the Upper Wallkill System, an estimate of the amounts of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by the SCMUA to each participant; and

WHEREAS, the Commissioners have adopted the Authority's FY2022 Schedule of Rates, Fees and Estimated Annual Sewage Treatment Charges, which contained calculations of the estimated FY2022 charges.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Upper Wallkill System participant, containing the estimated Annual Charges for FY2022, as contained in the Attachment hereto;

AND BE IT FURTHER RESOLVED that this resolution shall take effect in conformance 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, November 24, 2021.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2022, HAMPTON COMMONS SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Service Agreement with the Hampton Commons Homeowners Association and the Township of Hampton regarding the Hampton Commons System, it is necessary that the Authority develop each year, and issue to the participants of the Hampton Commons System, an estimate of the amount of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by SCMUA to each participant; and

WHEREAS, the Hampton Commons Homeowners' Association and the Township of Hampton are the participants in this system; and

WHEREAS, the Commissioners have adopted the Authority's FY2022 Schedule of Rates, Fees and Charges, which contained calculations of the estimated FY2022 charges for the Hampton Commons System.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate, containing the estimated Annual Charges for FY2022 to the Hampton Commons Homeowners' Association and Township of Hampton:

AND BE IT FURTHER RESOLVED that this resolution shall take effect in conformance 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, November 24, 2021



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION FOR CHAIRMAN TO ISSUE CERTIFICATES OF ESTIMATED SEWER USER CHARGES FOR FY2022, PAULINSKILL BASIN WATER RECLAMATION SYSTEM

WHEREAS, as per the requirements of N.J.S.A. 40:14B-1 et. seq., as well as the Sussex County Municipal Utilities Authority's Service Agreement with the Borough of Branchville and the Township of Frankford regarding the Paulinskill Basin Water Reclamation System, it is necessary that the Authority develop each year, and issue to the participants of the Paulinskill Basin Water Reclamation System, an estimate of the amount of the Annual Charges to become payable by each participant for sewage treatment services to be rendered by SCMUA to each participant; and

WHEREAS, the Borough of Branchville and the Township of Frankford are the participants in this system; and

WHEREAS, the Commissioners have adopted the Authority's FY2022 Schedule of Rates, Fees and Charges, which contained calculations of the estimated FY2022 charges for the Paulinskill Basin Water Reclamation System.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate, containing the estimated Annual Charges for FY2022 to the Borough of Branchville and Township of Frankford;

AND BE IT FURTHER RESOLVED that this resolution shall take effect in conformance 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, November 24, 2021


Andrea Cocula, Secretary

RESOLUTION RE: ADOPTION OF SUSSEX COUNTY MUNICIPAL UTILITIES
AUTHORITY'S SCHEDULE OF RATES, FEES AND CHARGES
FOR FY2022

WHEREAS, N.J.S.A. 40:14B-1 et. seq. requires that every Authority shall prescribe and, from time to time when necessary, revise a schedule of all its service charges; and

WHEREAS, said Schedule of Rates, Fees and Charges ("Schedule") may be revised after holding a public hearing on the proposed revisions, which shall be held by the Authority at least 20 days after notice of the proposed revision is given in accordance with law; and

WHEREAS, the notice of proposed revision of the SCMUA Rates and Fees Schedule was published on October 11, 2021 in The Sunday New Jersey Herald and on October 10, 2021 in the Daily Record; and

WHEREAS, the Authority intends to revise its Schedule, has provided proper notice in accordance with law, and has held a public hearing thereon; and

WHEREAS, a public hearing was held on the proposed rates on November 3, 2021 at which time public comment was provided for with respect thereto; and

WHEREAS, after review and consideration of the public comment as well as the report and recommendations of the Authority's staff, the Commissioners have determined that the proposed adjustments to the Authority's rates are necessary and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the attached "Sussex County Municipal Utilities Authority's Adopted FY2022 Schedule of Rates, Fees and Charges" is hereby approved, and will serve as the Authority's Schedule of Charges beginning December 1, 2021 or as otherwise provided for, and shall remain in effect until modified in accordance with applicable State statutes and regulations.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular
Meeting held on Wednesday, November 24, 2021.


Andrea Cocula, Secretary

2022 ADOPTED BUDGET RESOLUTION

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

FISCAL YEAR: FROM: DECEMBER 1, 2021 TO: NOVEMBER 30, 2022

WHEREAS, the Annual Budget and Capital Budget/Program for the Sussex County MUA for the fiscal year beginning December 1, 2021 and ending, November 30, 2022 has been presented for adoption before the governing body of the Sussex County MUA at its open public meeting of September 15, 2021; and

WHEREAS, the Annual Budget and Capital Budget as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services; and

WHEREAS, the Annual Budget as presented for adoption reflects Total Revenues of \$19,693,100, Total Appropriations, including any Accumulated Deficit, if any, of \$20,038,100 and Total Unrestricted Net Position utilized of \$345,000; and

WHEREAS, the Capital Budget as presented for adoption reflects Total Capital Appropriations of \$10,117,588 and Total Unrestricted Net Position planned to be utilized of \$0; and

NOW, THEREFORE BE IT RESOLVED, by the governing body of the SCMUA, at an open public meeting held on November 24, 2021 that the Annual Budget and Capital Budget/Program of the SCMUA for the fiscal year beginning, December 1, 2021 and ending, November 30, 2022 is hereby adopted and shall constitute appropriations for the purposes stated; and

BE IT FURTHER RESOLVED, that the Annual Budget and Capital Budget/Program as presented for adoption reflects each item of revenue and appropriation in the same amount and title as set forth in the introduced and approved budget, including all amendments thereto, if any, which have been approved by the Director of the Division of Local Government Services.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, November 24, 2021.


Andrea Cocula, Secretary

Governing Body

R. Petillo
T. Madsen
A. Cocula
W. Dietz
J. Drake
K. Meyer
J. Wesley
J. Finkeldie
R. Dabinett

<u>Recorded Vote</u>				
	Aye	Nay	Abstain	Absent
	x			
	x			
	x			
	x			
	x			
				x
				x
	x			