

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):

Sparta Stop and Shop Collection Matter, Mountain Creek Bankruptcy Update, Leachate Pump Station/Force Main Project, Landfill Life Extension/Infrastructure Relocation Project, Contract 447 A/B Bid Opening.

(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, March 4, 2020.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE EXECUTION OF A COST SHARING AGREEMENT WITH SHANE SWARTS, OPERATOR OF DECKERTOWN HOLSTEINS, LLC DAIRY FARM IN WANTAGE TOWNSHIP TO IMPLEMENT BEST MANAGEMENT PRACTICES IN COLLABORATION WITH A USDA-NRCS FARM BILL FUNDING PROGRAM (EQIP)

WHEREAS, the Sussex County Municipal Utilities Authority – Wallkill River Watershed Management Group (SCMUA-WRWMG) has an existing Memorandum of Understanding (MOU) - Shared Services Agreement with the USDA – Natural Resources Conservation Service (USDA- NRCS) dated July 17, 2013; and

WHEREAS, under the MOU the SCMUA-WRWMG would partner with the USDA - NRCS in funding eligible agricultural operators to implement best management practices which would improve water quality and natural resources, and which have been approved by the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the NRCS has agreed to provide funding to SHANE SWARTS, operator of Deckertown Holsteins, LLC Dairy Farm located at 5 Dyer Road, Wantage, New Jersey, Tax Parcel Block 130, Lot 6.01 of Wantage, New Jersey, to implement Best Management Practices which meet the USDA-NRCS standards and specifications under USDA contract Number EQIP 2014 742B291806V; and

WHEREAS, the SCMUA-WRWMG has received an application from SHANE SWARTS to receive 319(h) Non-point Source Grant funding for a portion of the project to be implemented under the USDA-NRCS Farm Bill Funding Program (EQIP); and

WHEREAS, said 319(h) grant application appears to meet all eligibility criteria and has been previously approved by the NJDEP for project funding.

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to execute the Cost Sharing Agreement with SHANE SWARTS; and

BE IT FURTHER RESOLVED, that said Cost Sharing Agreement shall not exceed \$12,940.75 Twelve - Thousand, Nine - Hundred, Forty Dollars, and Seventy - Five cents; and

BE IT FURTHER RESOLVED, that dispersing of the grant funds shall be contingent upon certification by the USDA-NRCS at the completion of the project.

BE IT FURTHER RESOLVED, that this Resolution shall be effective 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, March 4, 2020.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZATION TO APPLY FOR ADMINISTRATIVE ACTION TO MODIFY AND RELOCATE SCMUA'S CLASS C EXEMPT COMPOST FACILITY

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) operates a Class C Exempt Compost Facility at its Solid Waste Complex in Lafayette, N.J.; and

WHEREAS, to better provide for future solid waste operational activities on its existing site, SCMUA is proposing to relocate the Class C Exempt Compost Facility from its current location to the top of the capped Phase I Landfill Cell; and

WHEREAS, in discussions with NJDEP - Division of Solid and Hazardous Waste it was determined that the proposed relocation will necessitate an Administrative Action to change the identified Lot/Block location of the Class C Exempt Composting Operation in the applicable Sussex County Solid Waste Management Plan; and

WHEREAS, the Sussex County Solid Waste Advisory Council (SWAC) has established procedures for seeking the requisite Administrative Action.

NOW, THEREFORE, BE IT RESOLVED, by the SCMUA Board of Commissioners that:

1. SCMUA Staff is authorized to prepare and submit to SWAC the necessary documentation for the Administrative Action.
2. This Resolution shall be effective in accordance with N.J.S.A. 40:14B-14(e).
3. Copies of this Resolution shall be provided to NJDEP – Division of Solid and Hazardous Waste, and SWAC.

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



Andrea Cocula, Secretary

**RESOLUTION RE: REJECTION OF BID FOR SCMUA CONTRACT #447 A/B
AST FUEL STATIONS, NATURAL GAS UTILITY AND
UST REMOVALS**

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "Authority") has advertised for bids for Contract #447 A/B AST Fuel Stations, Natural Gas Utility and UST Removals on February 1, 2020 in the NJ Herald, Daily Record, and on the SCMUA website; and

WHEREAS, sealed bids were therefore received and opened by the Authority on February 28, 2020 at 11:00 a.m. after notice and solicitation in accordance with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.); and

WHEREAS, American Petroleum was the apparent low bidder with a bid cost proposal for a total of \$507,817.00; and

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter "Authority") is a public body, duly formed under the Municipal and County Authority Law, constituting Chapter 183 of the Laws of 1957, as amended (Chapter 14B of Title 40 of the New Jersey Statutes Annotated) and possesses the powers set forth therein; and

WHEREAS, the Authority's staff have reviewed the low bid and have determined that said bid substantially above the Authority's budget for the project; and


WHEREAS, pursuant to N.J.S.A. 40A:11-13.2(b), the Authority may reject all bids when the lowest bid substantially exceeds the appropriation for the goods and services.

NOW THEREFORE BE IT RESOLVED that the Authority hereby adopts the foregoing recitals and rejects all bids.

BE IT FURTHER RESOLVED that the Authority is hereby authorized to modify the scope of the project and explore public rebid and State Contract opportunities in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

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

Certified as a true copy of the
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Andrea Cocula, Secretary