

**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):

Vernon Sewer Service Agreement, Sussex Borough Sewer Service Agreement,  
Construction & Debris Pilot Study, Contract #21-20 SW Lab Services

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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 Matters

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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, April 7, 2021.

  
Andrea Cocula, Secretary

**RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY  
(SCMUA) SUBMISSION OF USEPA ENVIRONMENTALLY  
SENSITIVE AREA GRANT WAIVER FOR BOROUGH OF  
FRANKLIN MILLY'S COURT DEVELOPMENT**

**WHEREAS**, the proposed development known as "Milly's Court" (Block 2701, Lot 2) is located on 110 Munsonhurst Road in the Franklin Borough, and owned by Silk City Rentals 102 LLC and to be developed by JCM Investors 1012; and

**WHEREAS**, this proposed development contains wetlands and therefore, the Property Owner must receive an Environmentally Sensitive Area (ESA) Grant Condition Waiver for the proposed sewage generator structures (i.e. development); and

**WHEREAS**, in accordance with the ESA Grant Waiver requirements, the Receiving Entity/Designated Approval Agency is required to formally submit the ESA Grant Condition Waiver; and

**WHEREAS**, SCMUA is both the Designated Approval Agency and the receiving entity with respect to the ESA Grant Waiver; and

**WHEREAS**, Bowman Engineering, on behalf of the property Owner, provided SCMUA with the required documents as listed in the EPA checklist for the ESA Grant Waiver; and

**WHEREAS**, the Property Owner paid SCMUA the required review fee in accordance with the FY2021 Rate Schedule.

**NOW, THEREFORE, BE IT RESOLVED**, that SCMUA staff may formally submit the ESA Grant Condition Waiver on behalf of Silk City Rentals 102 LLC for the proposed development known as "Milly's Court" which is located on 110 Munsonhurst Road in Franklin Borough.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the applicant.

Certified as a true copy of the Resolution  
Adopted by the Authority at their Regular  
Meeting held on April 7, 2021

  
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Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING THE CONDITIONAL AWARD OF A ONE-YEAR CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND ENTHALPY ANALYTICAL, LLC. FOR LABORATORY TESTING SERVICES AT SOLID WASTE FACILITY (CONTRACT 21-20)**

WHEREAS, the SCMUA has a need for Laboratory Testing Services for it's Solid Waste Facility; and

WHEREAS, Enthalpy Analytical LLC, Integrated Analytical Laboratories LLC, and Eurofins QC Inc. submitted proposals for said services; and

WHEREAS, the SCMUA staff have reviewed the proposals submitted and Enthalpy Analytical, LLC. was the low bidder; and

WHEREAS, the SCMUA Staff concluded that Enthalpy Analytical, LLC. have in its employ, individuals possessing the requisite licensure, knowledge and skills with which to perform the services encompassed by the proposed Agreement; and

WHEREAS, the unit bid prices for all analysis parameters has been reviewed and approved for the Solid Waste Facility, and it is in the best interest of the SCMUA to award a contract; and

WHEREAS, the contract award to Enthalpy Analytical, LLC. shall be "non fair and open", with a budget price of RFP items A through F for \$41,893.95 inclusive of one (1) year (i.e. 12 consecutive monthly sampling events

WHEREAS, the SCMUA's Treasurer has certified sufficient funds are available for the contract award; and

WHEREAS, due to the urgency and need for this project to ensure the continued compliance with the NJDEP Solid Waste Permit, it is recommended that the agreement be conditionally approved subject to receipt of required business registrations.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority's Board of Commissioners that the bid for Contract No. 21-20 (1-year term) is hereby conditionally awarded to Enthalpy Analytical, LLC of Richmond, VA according to the prices stated within their Bid Proposal.

BE IT FURTHER RESOLVED, that Executive Director and SCMUA Staff are authorized to prepare and execute a one-year field sampling and laboratory testing services contract with Enthalpy Analytical, LLC. continent of receipt of final information.

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 regular meeting  
held on Wednesday, April 7, 2021.

  
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Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH SCS ENGINEERS TO PROVIDE FIELD SAMPLE COLLECTION SERVICES AT THE SOLID WASTE FACILITY (NO. 21-20)**

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) has a need for Field Sample Collection Services at the Solid Waste Facility; and

WHEREAS, SCMUA on November 16, 2020 had duly noticed and solicited a Request for Qualifications/Request for Proposals (RFQ/RFP) for solid waste consulting engineering services utilizing a "Fair and Open" Process pursuant to N.J.S.A. 19:44 – 20.4 et seq.; and

WHEREAS, SCS Engineers ("SCS") at 4 Executive Blvd. Suite 303, Suffern, NY, responded to said RFQ/RFP with a Proposal including 2021 Rate Schedule, and possesses a staff having requisite training, expertise and experience required to provide such services; and

WHEREAS, SCMUA reviewed the RFQ/RFP proposals and thereby awarded a contract for general solid waste consulting engineering services to SCS for 2021; and

WHEREAS, the Authority is further desirous of retaining SCS for necessary Field Sample Collection Services at the Solid Waste Facility; and


WHEREAS, SCS has submitted a cost proposal and scope of work, dated March 25, 2021 regarding Field Sample Collection Services at the Solid Waste Facility for total estimated cost of \$30,538.00 for 12 calendar months; and

WHEREAS, the SCMUA's Treasurer has certified sufficient funds are available for the contract award.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Sussex County Municipal Utilities Authority approve, via this Resolution, a Professional Services Agreement amendment with SCS for Field Sample Collection Services at the Solid Waste Facility for a total not to estimated 12-month price of \$30,538.00.

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 Regular Authority Meeting  
held on Wednesday, April 7, 2021

  
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Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CORNERSTONE ENVIRONMENTAL GROUP TO PROVIDE QUALITY ASSURANCE (QA) ENGINEERING SERVICES RELATIVE TO THE LANDFILL STAGE 2 EXPANSION PROJECT (NO. 551)**

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) has a need for QA Engineering Services per the NJDEP Department of Solid Waste Regulation for the Stage 2 Expansion Project; and

WHEREAS, SCMUA on November 16, 2020 had duly noticed and solicited a Request for Qualifications/Request for Proposals (RFQ/RFP) for solid waste consulting engineering services utilizing a "Fair and Open" Process pursuant to N.J.S.A. 19:44 – 20.4 et seq.; and

WHEREAS, Cornerstone Environmental Group ("Cornerstone") at 90 Crystal Run Road, Suite 201, Middletown, NY 10941, responded to said RFQ/RFP with a Proposal including 2021 Rate Schedule, and possesses a staff having requisite training, expertise and experience required to provide such services; and

WHEREAS, SCMUA reviewed the RFQ/RFP proposals and thereby awarded a contract for general solid waste consulting engineering services to Cornerstone Environmental Group for 2021; and

WHEREAS, the Authority is further desirous of retaining Cornerstone for necessary QA Engineering Services relative to its proposed Landfill Stage 2 Expansion Project; and

WHEREAS, Cornerstone has submitted a cost proposal and scope of work, dated March 9, 2021 regarding SCMUA Landfill Stage 2 Expansion Project #551, including QA Engineering Services for total cost of \$62,500 for Milestone 1 and \$75,500 for Milestone 2 for a total, not-to-exceed price of \$138,000; and

WHEREAS, the SCMUA's Treasurer has certified sufficient funds are available for the contract award.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Sussex County Municipal Utilities Authority approve, via this Resolution, a Professional Services Agreement amendment with Cornerstone for QA Engineering Services for the Landfill Stage 2 Expansion for a total not to exceed price of \$138,000.

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 Regular Authority Meeting  
held on Wednesday, April 7, 2021

  
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Andrea Cocula, Secretary