

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):

U.W. Nitrate Permit Litigation, Vernon Township/Vernon Township MUA

(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, June 20, 2023.



Andrea Cocula, Secretary

RESOLUTION RE: AWARD OF CONTRACT NO. 23-05 FOR FERRIC CHLORIDE SOLUTION DELIVERY

WHEREAS, on May 14, 2023 in The New Jersey Herald, the Notice to Bidders was published for Contract No. 23-05 for delivery of Ferric Chloride, with Bids being received and publicly opened on June 6, 2023; and

WHEREAS, SCMUA received one (1) bid from Coyne Chemical Co. Inc. of Croydon, PA for a unit price of \$3.0106/gal (estimated annual cost of \$150,530.00); and

WHEREAS, the bid is for a duration of one (1) calendar year effective as of July 1, 2023; and

WHEREAS, SCMUA staff and legal counsel reviewed the bid package and has determined that the bid from Coyne Chemical Co. Inc. is in conformance with the Authority's bid document requirements and is in compliance with the Local Public Contracts Law; and

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

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority's Board of Commissioners that the bid for Contract No. 23-05 (1-year term) is hereby awarded to Coyne Chemical Co. Inc. of Croydon, PA for a unit cost of \$3.0106/gal (estimated annual cost of \$150,530.00) for (1) calendar year (effective as of July 1, 2023).

BE IT FURTHER RESOLVED, that Executive Director and SCMUA Staff are authorized to prepare and execute the applicable contract with Coyne Chemical Co. Inc.

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 Resolution
Adopted by the Authority at their Regular
Meeting held on June 20, 2023.



Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 193 TO
SCMUA CONTRACT NO. 551 – STAGE 2 LANDFILL
EXPANSION, TOMCO CONSTRUCTION INC.**

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Tomco Construction Inc. (Tomco) entered into Contract 551 in the amount of \$25,477,636.59 for the construction of the Stage 2 Landfill Expansion; and

WHEREAS, Change Order Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 19A, 20, 21, 22, 24, 25, 26.1, 26.1A, 26.2, 28, 29, 31, 31B, 32, 35, 36, 40, 41B, 44, 45, 47, 48, 49, 49A, 50B, 51, 53, 54A, 54B, 57, 58A, 59, 62, 63, 67, 68, 69, 70, 73, 74, 76, 78, 79, 80, 82, 83, 85, 89, 90, 92, 93, 95, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 110, 110B, 114, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 131, 136, 137, 138, 139, 140, 141, 142, 143, 145, 146, 148, 150, 151, 156, 159, 163, 164, 166, 167, 169, and 193 have been approved which increased the original awarded amount to \$29,732,894.86; and

WHEREAS, Change Order Number 33 has been prepared by Tomco for additional required test pits around Culvert P6-8 to locate existing underground utilities for an amount of \$8,323.73; and

WHEREAS, Change Order Number 64 has been prepared by Tomco for the relocation of underground conduits inside the recycling building to achieve required code clearances for an amount of \$1,981.35; and

WHEREAS, Change Order Number 94 has been prepared by Tomco for additional work required due to conduit interference with MH I-9 & MH I-8 for an amount of \$2,881.14; and

WHEREAS, Change Order Number 132 has been prepared by Tomco for construction of stormwater management infrastructure required but not shown on Contract Documents for an amount of \$87,300.38; and

WHEREAS, Change Order Number 133 has been prepared by Tomco for the required communication wiring at resident's convenience center not shown on the Contract Documents for an amount of \$5,292.80; and

WHEREAS, Change Order Number 135 has been prepared by Tomco for the installation of two (2) solar antennae repeaters required for SCADA communication but not shown on the Contract Documents for an amount of \$2,273.73; and

WHEREAS, Change Order Number 149 has been prepared by Tomco for the required Phase 4 landfill gas piping modifications for an amount of \$73,791.74; and

WHEREAS, Change Order Number 152 has been prepared by Tomco for the installation of two (2) fire alarm pull stations and strobes not shown on the Contract Documents as required by Code for an amount of \$1,100.99; and

WHEREAS, Change Order Number 153 has been prepared by Tomco for the installation of exterior GFI outlets for AC Units as required by Code not shown on the Contract Documents for an amount of \$2,356.20; and

WHEREAS, Change Order Number 155 has been prepared by Tomco for the relocation of the compactor disconnect switch due to site H&S concerns for an amount of \$1,574.37; and

WHEREAS, Change Order Number 166 has been prepared by Tomco for the additional onsite surveying required to accommodate construction drawing modifications for an amount of \$6,538.99; and

WHEREAS, Change Order Number 168 has been prepared by Tomco for additional stripping around main entrance and scales not shown on the Contract Documents for an amount of \$7,399.27; and

WHEREAS, Change Order Number 172 has been prepared by Tomco for the natural gas piping modifications by the administration building generator such that the line is properly sized and abides by code for an amount of \$8,631.01; and

WHEREAS, Change Order Number 174 has been prepared by Tomco for the 8oz geotextile removal required prior to drainage aggregate placement along Phase 6 side slopes for an amount of \$10,792.84; and

WHEREAS, Change Order Number 176 has been prepared by Tomco for the over excavation and placement of additional reinforced fill in Phase 4 due to unsuitable site material for an amount of \$66,199.49

WHEREAS, Change Order Number 177 has been prepared by Tomco for placement of DGA backfill around the administration building generator ATS pad to meet surrounding grade that was not shown in the Contract Documents for an amount of \$1,449.90; and

WHEREAS, Change Order Number 184 has been prepared by Tomco for the additional Exit/Emergency lights in resident's convenience center as required by code for an amount of \$960.69; and

WHEREAS, Change Order Number 195 has been prepared by Tomco for the additional guide rail installed for site safety for an amount of \$14,300.53; and

WHEREAS, Said proposed Contract Change Order increases includes increased labor time, material cost and subcontractor costs; and

WHEREAS, SCMUA Staff, ARM Group, and SCMUA's Construction Review Committee have reviewed said Change Order and found it to be necessary and the price to be reasonable; and

WHEREAS, the SCMUA Treasurer has certified sufficient funds are available for change order approvals; and

WHEREAS, SCMUA resolution dated February 15, 2023 authorized execution of a written amendatory contract with Tomco, Inc. for Change Orders in excess of 20% of the original contract; and

WHEREAS, the Authority believes that the proposed changes are necessary for the satisfactory completion of the project; and

WHEREAS, the Contract Change Order final approval is contingent on New Jersey Infrastructure Bank (NJIB) review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director or Chief Engineer is hereby authorized and directed to approve the above referenced change orders to Contract No. 551 contingent upon NJIB approval, which reflects the work outlined above and contained within said Change Orders, for a total increase in Contract Price of \$303,149.15 thereby changing the Contract Price from \$29,732,894.86 to \$30,036,044.01.

AND BE IT FURTHER RESOLVED that this SCMUA resolution and copies of the aforementioned Change Orders for Contract No. 551 shall be provided to the NJIB for final authorization.

AND BE IT FURTHER RESOLVED that this resolution shall be effective in accordance with applicable law.

Certified as a true copy of the Resolution
Adopted by the Authority at its
Regular Meeting held on
Tuesday, June 20, 2023.


Andrea Cocula, Secretary