

**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):

Pace Glass, Vernon Twp/MUA Litigation, USDA Compost & Food Waste Reduction Pilot Program

---

---

---

---

---

---

---

---

---

---

(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, August 17, 2022.



Andrea Cocula, Secretary

**RESOLUTION RE: UPPER WALLKILL CAPITAL BUDGET AMENDMENT TO INCLUDE \$1,400,000 FOR SELF-FUNDING OF FRANKLIN PUMP STATION REHABILITATION PROJECT WHILE PROVIDING NOTICE OF INTENT TO SEEK FUTURE PROJECT NOTE**

**WHEREAS**, the Authority’s Upper Wallkill Capital Budget for the year ending November 30, 2022 was adopted on the 24<sup>th</sup> day of November, 2022, and

**WHEREAS**, N.J.A.C. 5:31-2.8 provides that all amendments to the Upper Wallkill Capital Budget shall be approved and adopted by resolution of the Authority, passed by not less than a majority of the full membership,

**THEREFORE BE IT RESOLVED** that the following amendments be made to the Upper Wallkill Capital Budget of the Sussex County Municipal Utilities Authority for its fiscal year ending November 30, 2022:

**THEREFORE BE IT FURTHER RESOLVED** that the Authority hereby declares the intent of the Authority to utilize Undesignated Net Position funds in the amount of \$1,400,000 and to use the proceeds to pay or reimburse expenditures for the costs of the Rehabilitation of Franklin Pump Station. This paragraph is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

<u>FUNDING SOURCES</u>	<u>FROM</u>	<u>TO</u>
Undesignated Net Position – Upper Wallkill	\$ _____	\$ <u>1,400,000</u>
Total – Upper Wallkill Funding Sources	\$ <u>1,526,700</u>	\$ <u>2,926,700</u>
 <u>PROJECT COSTS</u>		
Construction of Franklin Pump Station	\$ <u>-0-</u>	\$ <u>1,400,000</u>
Total – Upper Wallkill Costs	\$ <u>1,526,700</u>	\$ <u>2,926,700</u>

It is hereby certified that this is a true copy of a resolution amending the Capital Budget, Adopted by the governing body on the 17<sup>th</sup> day of August, 2022.

  
Andrea Cocula, Secretary

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

**RESOLUTION RE: AUTHORIZING THE AWARD OF CONTRACT AGREEMENT #459 BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND RAPID PUMP AND METERING CO., INC. FOR THE REHABILITATION OF THE FRANKLIN PUMP STATION**

**WHEREAS**, the Sussex County Municipal Utilities Authority (SCMUA) contacted Rapid Pump and Metering Co., Inc. to provide a cost proposal through the North Jersey Wastewater Cooperative for the rehabilitation of the Franklin Pump Station; and

**WHEREAS**, Pump Station Rehabilitation includes but is not limited to the following scope of work: slide gate replacements, muffin monster (i.e. sewage grinder) replacements, concrete rehabilitation, mechanical piping/valving replacements, pump replacements, mixer installations, meter replacement, lighting replacement, miscellaneous painting, and miscellaneous electrical and control upgrades; and

**WHEREAS**, SCMUA received a cost proposal from Rapid Pump and Metering Co. Inc. of Paterson, New Jersey through the North Jersey Wastewater Cooperative in the amount of \$1,332,280.00; and

**WHEREAS**, all labor and equipment included in the proposal are included in North Jersey Wastewater Cooperative (No. B279); and

**WHEREAS**, pursuant to review by SCMUA Staff, it was determined that Rapid the Pump and Metering Inc. of Paterson, New Jersey proposal met all SCMUA requirements, and its proposal was cost efficient and fiscally responsible; and

**WHEREAS**, the Authority's Qualified Purchasing Agent has reviewed and recommended approval of this contract award; and

**WHEREAS**, the work is projected to be performed in FY 2023; and

**WHEREAS**, the Treasurer has certified that sufficient funds are available to finance the project.

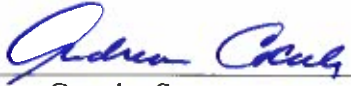
**NOW, THEREFORE, BE IT RESOLVED**, that the proposed R&R Outlay expenditure transfers are required and are to be recorded under a separate SCMUA Resolution formally amending said Wastewater Capital Budget.

**BE IT FURTHER RESOLVED** by the Sussex County Municipal Utilities Authority's Board of Commissioners that the proposal for Contract No. #459 is hereby awarded to Rapid Pump and Metering Co., Inc. of Paterson, New Jersey according to the prices stated within their proposal dated July 20, 2022 at a cost of \$1,332,280.00.

**BE IT FURTHER RESOLVED**, that the SCMUA Executive Director, Chief Engineer, and other applicable staff are authorized to prepare and execute the applicable contract with Rapid Pump and Metering Co., Inc.

**BE IT FURTHER RESOLVED**, that 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 Wednesday, August 17, 2022.



---

Andrea Cocula, Secretary

scmuaserver Common Common Wastewater Documents Franklin PS (459) 2022 Upgrade Resolution 459 - Franklin PS (Rapid Pump) v2.docx

**RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR OR CHIEF ENGINEER TO EXECUTE CHANGE ORDERS TO SCMUA CONTRACT NO. 446, TOMCO CONSTRUCTION INC.**

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Tomco Construction Inc. (Tomco) entered into Contract 446 in the amount of \$5,498,098.00 for the construction of the Leachate Pump Station and Force Main; and

WHEREAS, Change Order Numbers 1, 5, 6, 9, 11, 13, 15, 17, and 18 have been approved which increased the original awarded amount to \$6,471,526.15; and

WHEREAS, Change Order Number 7 has been prepared by Tomco for the required construction modifications that resulted from the unknown underground utility conflict at St. #19+50 in the amount of \$19,149.93; and

WHEREAS, Change Order Number 12 has been prepared by Tomco for additional NJDOT and County Road striping in the amount of \$3,658.05; and

WHEREAS, Change Order Number 17B has been prepared by Tomco for additional cost for off-duty law enforcement due to unknown rock along Route 94 in the amount of \$37,737.08; and

WHEREAS, Change Order Number 17C has been prepared by Tomco for additional cost for off-duty law enforcement due to unknown rock along Route 94 in the amount of \$3,799.08; and

WHEREAS, Change Order Number 19 has been prepared by Tomco for required construction modifications due to underground electric conduit crossing unknown concrete encasement in the amount of \$2,665.06; and

WHEREAS, Change Order Number 20 has been prepared by Tomco for required construction modifications due to the unknown storm drain conflict at STA 77+17 in the amount of \$4,989.48; and

WHEREAS, Change Order Number 21 has been prepared by Tomco for the installation of power for the flow meter that was not shown on the drawings in the amount of \$14,573.14; and

WHEREAS, Change Order Number 22 has been prepared by Tomco for procurement and installation of the sanitary vent through roof and trap on stainless steel drain in the amount of \$1,662.47; and

WHEREAS, Change Order Number 23 has been prepared by Tomco for the installation of the water and fire service under the existing unknown concrete encasement in the amount of \$1,273.20; and

WHEREAS, Change Order Number 25 has been prepared by Tomco for the welding of the liner within the leachate containment area resulting for the installation of the air duct footing that was not shown on the drawings in the amount of \$4,841.43; and

WHEREAS, Change Order Number 26 has been prepared by Tomco for the investigation of an unknown existing structure by the chemical feed building in the amount of \$1,273.20; and

WHEREAS, Change Order Number 27 has been prepared by Tomco for the relocate of the light fixtures within the electrical and controls room in the amount of \$690.03; and

WHEREAS, Change Order Number 28 has been prepared by Tomco for the removal of the existing underground electrical conduit to install concrete bases by the carbon air emission skid pad in the amount of \$1,516.04; and

WHEREAS, Change Order Number 29 has been prepared by Tomco for the modification of Tank #01 lining material in the amount of \$38,556.00; and

WHEREAS, Change Order Number 30 has been prepared by Tomco for the changes to the propane gas piping due to the tank relocation in the amount of \$1,606.93; and

WHEREAS, Change Order Number 33 has been prepared by Tomco for the installation of additional wires from pumps e-stops to discharge pump control panel (DPCP) in the amount of \$1,503.48; and

WHEREAS, Change Order Number 34 has been prepared by Tomco for the changes to concrete work associated with the chemical feed building in the amount of \$14,994.77; and

WHEREAS, Change Order Number 35 has been prepared by Tomco for the relocation of the electric heater unit panel to accommodate VFDs in the amount of \$886.38; and

WHEREAS, Change Order Number 37 has been prepared by Tomco for the termination manhole drop alterations in the amount of \$477.49; and

WHEREAS, Change Order Number 39 has been prepared by Tomco for the installation of the hydrogen peroxide level display in the amount of \$673.20; and

WHEREAS, Change Order Number 40 has been prepared by Tomco for additional lining of the bottom of air release valve manholes in the amount of \$13,759.20; and



WHEREAS, Change Order Number 101 CREDIT has been prepared by Tomco for a portion of the electrical duct bank not requiring concrete encasement in the amount of \$8,830.00; and

WHEREAS, Change Order Number 102 CREDIT has been prepared by Tomco for the reduced scope not requiring the coating within the metering chamber in the amount of \$8,750.00; and

WHEREAS, Change Order Number 103 CREDIT has been prepared by Tomco for the reduced scope of work associated with the construction of the concrete pad for the carbon air emission skid in the amount of \$1,194.84; and

WHEREAS, Change Order Number 104 CREDIT has been prepared by Tomco for the reduced scope of work involving the installation of supports for the leachate tank ductwork in the amount of \$7,500.00; and

WHEREAS, Change Order Number 105 CREDIT has been prepared by Tomco for the reduction of silt fence installation in the amount of \$5,000.00; and

WHEREAS, said proposed Contract increases includes increased labor time, material cost and subcontractor costs only; and

WHEREAS, SCMUA Staff, Mott Macdonald, and SCMUA's Construction Review Committee have reviewed said Change Orders and found them to be necessary and the price to be reasonable; and

WHEREAS, the above Contract Change Order final approvals are contingent on New Jersey Infrastructure Bank (NJIB) review and approval and can be funded from the Project Contingency Line Item; and

WHEREAS, the SCMUA Treasurer herein certifies availability of sufficient funds, including County of Sussex Authorizations for the proposed change orders.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director and/or Chief Engineer is hereby authorized and directed to contingently approve the aforementioned Change Orders to Contract No. 446, subject to NJIB review/approval, which reflects the work outlined above for a total increase in Contract Price of \$139,010.80 thereby changing the contract price to \$6,610,536.95.

AND BE IT FURTHER RESOLVED that this SCMUA resolution and copies of Change Orders for Contract No. 446 shall be provided to the NJIB for final authorization.

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

Certified as a true copy of the  
Resolution adopted by the Authority  
At their Regular Authority Meeting  
Held on Wednesday, August 17, 2022.

  
Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2022 SOLID WASTE FACILITY CAPITAL OUTLAY BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2022 Budget on November 24, 2021; and

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

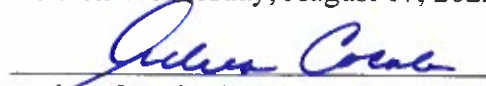
WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.

THEREFORE, BE IT RESOLVED, that the adopted FY2022 SCMUA Solid Waste Operating Budget ending November 30, 2022 be amended as follows:

<u>Expenses</u>	<u>From</u>	<u>To</u>
<b>Capital Outlay</b>		
LF3601 – Rolloff Container	\$15,000	\$20,000
LF3605 – Maintenance Bldg. AC	\$20,000	\$15,000
Total	\$35,000	\$35,000

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 Authority Meeting  
Held on Wednesday, August 17, 2022.

  
Andrea Cocula, Secretary

Date: August 17, 2022

Approved \_\_\_\_\_, 2022

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

\_\_\_\_\_  
Director, Division of Local Governmental Services