

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):

PFOA/PFAS/PFNA Wastewater Coalition/Litigation

(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 Item

(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, September 2, 2020.



Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2020 UPPER WALLKILL FACILITIES BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2020 Budget on November 27, 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 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 FY2020 SCMUA Upper Wallkill Facilities Budget ending November 30, 2020 be amended as follows:

<u>Expenses</u>	<u>From</u>	<u>To</u>
Capital Outlay		
UW3601 – Replacement Pumps	\$20,000	\$20,000
UW3602 – Various Paving Proj.	\$40,000	\$45,000
UW3603 – SCADA System Upgr.	\$28,000	\$29,000
UW3604 – Maint. Bldg. Improv.	\$100,000	\$82,000
UW3605 – Replace Pickup	\$30,000	\$26,500
UW3606 – Replace Mason Dump Plow & Spreader	\$60,000	\$75,500
<hr/> Total	<hr/> \$278,000	<hr/> \$278,000

BE IT FURTHER RESOLVED, that two copies of this resolution shall be filed with the Director of the Division of Local Governmental Services.



Andrea Cocula

Date: September 2, 2020

Approved _____, 20__

Director, Division of Local Government Services

(recorded vote - attached)

Date: September 2, 2020

Member	Aye	Recorded Vote		
		Nay	Abstain	Absent
K. Meyer	X			
T. Madsen	X			
J. Drake	X			
A. Cocula	X			
W. Dietz	X			
D. Perez	X			
R. Petillo	X			
J. Finkeldie	X			
R. Dabinett	X			

Tk/budgets/2019budget/budget amendment FY2019 upper wallkill 8-19-2020

RESOLUTION RE: AUTHORIZING THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) TO JOIN A COALITION TO CONTEST NEW NJDEP RULES REGARDING PFOA/PFOS/PFNA

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) owns and operates a wastewater treatment plant which is covered by NJDEP NJPDES-DGW permit No. NJ0145688, and;

WHEREAS, NJDEP has adopted new rules on June 1, 2020 addressing limits and sampling requirements for PFOA/PFOS/PFNA and issued to the SCMUA a Draft NJPDES-DGW Permit under the date of June 18, 2020 to include sampling requirements for these parameters, and;

WHEREAS, it is the opinion of several entities, including the SCMUA, that the rules were not based upon sound science and engineering; that NJDEP failed to properly summarize the economic, social, construction and job impacts of the rule; and that NJDEP adopted a rule for testing where there is no nationally recognized or standard laboratory method for the analyses of wastewater for PFOA/PFOS/PFNA, and;

WHEREAS, this matter was discussed in Closed Executive Session on August 5, 2020, and was tabled pending authorized discussions with 3M legal counsel and Dennis Palmer of Landis SA; and

WHEREAS, subsequently to said discussions, this matter was reconsidered at the Regular Meeting of September 2, 2020; and

WHEREAS, the SCMUA and its ratepayers may be harmed by the need to construct and treat for PFOA/PFOS/PFNA should the sampling results by the unapproved national or standard laboratory testing methods exceed the new limits.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the Sussex County Municipal Utilities Authority, that the Executive Director and staff are authorized to have the SCMUA join a coalition seeking to challenge the rule, and further authorized to contribute up to \$1,000 towards said rule challenge, along with any further actions deemed appropriate and necessary.

This resolution shall become 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, September 2, 2020.


Andrea Cocula, Secretary
Tk/resols/pfoa-pfos wastewater coalition