

**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):

Sparta Stop and Shop Connection Fee/Property Lien, Vernon Property Contaminated Soil

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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 Items

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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, September 4, 2019.

  
Andrea Cocula, Secretary

RESOLUTION RE: APPOINTMENT OF MARGUERITE NEMETH AS SCMUA  
CERTIFYING OFFICER THROUGH TO FEBRUARY 5, 2020

WHEREAS, there exists the need within the Authority for the appointment of a "Certifying Officer" to execute and authorize certain documents relating to daily operations.

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Municipal Utilities Authority (SCMUA) appoints Marguerite Nemeth as "Certifying Officer" for the purpose of execution and authorization of documents relating to the New Jersey Division of Pensions and Benefits, Public Employees Retirement System and State Health Benefits Program reports/remittances.


BE IT FURTHER RESOLVED that the Certifying Officer be authorized to execute and authorize documents as relating to the following: NJ Motor Vehicle Commission transactions.

BE IT FURTHER RESOLVED that in the absence of the Certifying Officer, Valerie Olm, SCMUA Accountant, may serve as Alternate Certifying Officer.

BE IT FURTHER RESOLVED that SCMUA Executive Director and/or Comptroller shall serve as Supervisor to Certifying Officer and Alternate Certifying Officer.

BE IT FURTHER RESOLVED that this Resolution be effective through February 5, 2020, and as per Statute 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 4, 2019.

  
Secretary

RESOLUTION RE: AUTHORIZING ANNUAL APPOINTMENT OF A PUBLIC AGENCY COMPLIANCE OFFICER (PACO) FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) FROM SEPTEMBER 4, 2019 THROUGH THE REMAINDER OF 2019

WHEREAS, the Affirmative Action Office of the New Jersey Department of the Treasury has revised the obligations of the public contracting process set forth in N.J.A.C. 17:27 et seq., pursuant to P.L. 1975, C. 127; and

WHEREAS, the regulations require the designation of a "Public Agency Compliance Officer" (PACO) to represent the SCMUA; and

WHEREAS, the PACO is to be appointed annually; and

WHEREAS, John Hatzelis, Administrator was previously appointed PACO for 2019, but is retiring; and

WHEREAS, the SCMUA hereby designates Timothy Day, Comptroller as the PACO for the SCMUA.

NOW, THEREFORE, BE IT RESOLVED by the SCMUA in the County of Sussex, State of New Jersey, that:

1. Timothy Day is hereby appointed as the PACO Officer for the SCMUA from September 4, 2019 through the remainder of 2019.
2. Copies of this Resolution shall be distributed to the New Jersey State Affirmative Action Office and be made available at the Authority's Administrative Offices for public inspection.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, September 4, 2019.

  
Andrea Cocula, Secretary

PLEASE RETURN THIS FORM TO THE:

Department of the Treasury  
Affirmative Action Office  
P.O. Box 029  
Trenton, New Jersey 08625-0209

The designated 2019 Public Agency Compliance Office (P.A.C.O.) is:

Public Agency: Sussex County Municipal Utilities Authority  
Name: Timothy Day  
Title: Comptroller  
Business Address: 34 South Route 94  
Lafayette, New Jersey 07848  
Telephone: 973-579-6998  
Fax: 973-579-7819

- No person currently serving as the P.A.C.O.
- The P.A.C.O. will be appointed at the next Board/Council meeting.  
A copy of the resolution designating the appointee will be sent to the  
Affirmative Action Office.
- Additional technical assistance is requested.

  
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Public Agency Official Signature

RESOLUTION RE: APPOINTMENT OF A SUSSEX COUNTY MUNICIPAL  
UTILITIES AUTHORITY RECORDS CUSTODIAN

WHEREAS, the New Jersey Public Records Act (OPRA) N.J.S.A. 47:1A-1 et seq. requires the appointment of a Records Custodian to provide information requested by the public; and

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) Board of Commissioners recognize the need to appoint a Records Custodian to meet the requirements of the OPRA; and

WHEREAS, the SCMUA has previously appointed John Hatzelis, Administrator, as Records Custodian, but is retiring; and

WHEREAS, the Commissioners have determined to appoint the SCMUA Executive Director to serve as Records Custodian.

NOW, THEREFORE, BE IT RESOLVED, that the SCMUA Executive Director Thomas Varro is hereby appointed the SCMUA's Records Custodian.

BE IT FURTHER RESOLVED, that this appointment shall be effective immediately upon the adoption of this Resolution, and run until the Authority's next Reorganization Meeting on February 5, 2020.


Certified as a true copy of the  
Resolution adopted by the Authority  
At their Regular Meeting  
Held on Wednesday, September 4, 2019.

  
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Andrea Cocula, Secretary

RESOLUTION RE: APPOINTMENT OF AUTHORITY TREASURER -  
SEPTEMBER 4, 2019 TO FEBRUARY 5, 2020

BE IT RESOLVED that the Commissioners of the Sussex County Municipal Utilities Authority do hereby appoint Timothy Day, Comptroller as Authority's Treasurer for the period commencing September 4, 2019 and ending February 5, 2020.

Certified as a true copy of the  
Resolution adopted by the Authority  
At their Regular Meeting  
Held on Wednesday, September 4, 2019.

  
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Andrea Cocula



RESOLUTION RE: APPROVING SCMUA CASH MANAGEMENT AND  
INVESTMENT POLICY

WHEREAS, the SCMUA does administer various funds and accounts with standing balances; and

WHEREAS, the SCMUA desires to maximize investment interest earnings, while also assuring protection of principal; and

WHEREAS, the SCMUA investments require liquidity in order to make timely payments of all obligations; and

WHEREAS, the SCMUA Executive Director, Comptroller/Treasurer, Assistant Treasurer, are responsible to manage and protect the SCMUA's investments.

NOW, THEREFORE BE IT RESOLVED that the SCMUA's Board of Commissioners approve the Cash Management and Investment Policy hereto attached.

BE IT FURTHER RESOLVED that this Cash Management and Investment Policy be effective immediately upon the adoption of this Resolution, and run until the Authority's next Reorganization Meeting on February 5, 2020

Certified as a true copy of the  
Resolution adopted by the Authority  
At their Regular Meeting  
Held on Wednesday, September 4, 2019.


  
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Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING ISSUANCE OF OFFICERS CERTIFICATES  
RELATED TO AUTHORITY BONDS – SEPTEMBER 4, 2019  
TO FEBRUARY 5, 2020

BE IT RESOLVED that Authority Chairman John Drake, Vice Chairman Karl Meyer, Authority Secretary Andrea Cocula, Authority Executive Director Thomas Varro, Comptroller/Treasurer Timothy Day and Assistant Treasurer Valerie Olm are hereby designated to provide Officer's Certificates to the Authority's Trustee relating to all Authority Bond Issues, and are authorized to direct, and instruct the Authority's Trustee on all matters related to Authority Bonds, provided such directions and instruction comply with all requirements of the pertinent Bond Resolutions.

BE IT FURTHER RESOLVED, that these appointments shall be effective immediately upon the adoption of this Resolution, and run until the Authority's next Reorganization Meeting on February 5, 2020

Certified as a true copy of the  
Resolution adopted by the Authority  
At their Regular Meeting  
Held on Wednesday, September 4, 2019.

  
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Andrea Cocula, Secretary

RESOLUTION RE: ESTABLISHMENT OF A PURCHASING BOARD IN  
ACCORDANCE WITH N.J.S.A. 40A:11-9 FOR PERIOD FROM  
SEPTEMBER 4, 2019 TO FEBRUARY 5, 2020

WHEREAS, the Sussex County Municipal Utilities Authority, hereinafter "Authority", is authorized pursuant to N.J.S.A. 40A:11-9 to establish by Resolution a Purchasing Board as its contracting agent, which Board is authorized to prepare public advertising for bids and to receive bids for the purchase of work, materials and supplies on behalf of the Authority; and

WHEREAS, the Authority desires to establish a Purchasing Board in accordance with the aforementioned Statute; and


WHEREAS, the Authority desires to designate the membership of such Board as consisting of (8 members) Thomas Varro, Angelo Baron, Timothy Day, Jonathan Morris, Shane Zappa, Karl Meyer, Ronald Petillo and John Finkeldie of the Sussex County Municipal Utilities Authority; and

NOW, THEREFORE BE IT RESOLVED BY THE Sussex County Municipal Utilities Authority, in the County of Sussex, State of New Jersey as follows:

1. The Sussex County Municipal Utilities Authority hereby establishes a Purchasing Board, pursuant to N.J.S.A. 40A:11-9, which Board is authorized as its contracting agent to prepare public advertising for bids and to receive bids for the purchase of work, materials and supplies on behalf of the Authority during the period from September 4, 2019 to February 5, 2020, said Board to consist of eight members appointed by the Authority. A minimum of two members and a recording secretary of this Board must be present at any bid opening.
2. The Authority hereby appoints Thomas Varro, Angelo Baron, Timothy Day, Jonathan Morris, Shane Zappa, Karl Meyer, Ronald Petillo and John Finkeldie of the Sussex County Municipal Utilities Authority, whose terms shall be effective immediately upon the adoption of this Resolution, and run until the Authority's next Reorganization Meeting on February 5, 2020, and until such time as successors are appointed by the Authority.
3. The Authority hereby appoints Tara Kronski, Executive Secretary, as Recording Secretary to the Purchasing Board. Recording Secretary shall record minutes of the activities of the Purchasing Board Meetings and act as custodian of bid documents.

4. The members of the Purchasing Board are authorized and directed to perform all acts necessary to effectuate the purposes of this Resolution.
5. These appointments shall be effective as of September 4, 2019.

Certified as a true copy of the  
Resolution adopted by the Authority  
At their Regular Authority  
Meeting held on Wednesday, September 4, 2019.

  
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Andrea Cocula, Secretary

RESOLUTION RE: APPOINTING SCMUA'S QUALIFIED PURCHASING AGENT  
AND ESTABLISHING THE BID THRESHOLD IN  
ACCORDANCE WITH N.J.S.A. 40A:11-3c

WHEREAS, the Local Public Contract Law, NJS 40A:11-3a and NJAC 5:34-5 gives local contracting units the ability to increase their bid threshold; and

WHEREAS, NJS 40A:11-3a permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, NJAC 5:34-5 et. seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Timothy Day, SCMUA Comptroller, possesses the designation of a Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with NJAC 5:34-5 et. seq.; and

WHEREAS, the Sussex County Municipal Utilities Authority Board of Commissioners desires to appoint Timothy Day as the SCMUA's Q.P.A. in an effort to reduce operating costs and increase efficiency at the SCMUA.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Sussex County Municipal Utilities Authority, in the County of Sussex, in the State of New Jersey, hereby maintains its bid and quotation threshold to the legally permissible amount provided for by NJS 40A:11-3c; and

BE IT FURTHER RESOLVED that the governing body hereby appoints Timothy Day as the new SCMUA Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to NJS 40A:11-2(3), with specific relevance to the Authority, responsibility and accountability of the purchasing activity of the contracting unit; and

BE IT FURTHER RESOLVED that in accordance with NJAC 5:34-5.2 the local unit's Secretary is hereby authorized and directed to forward a certified copy of this resolution and a copy of Timothy Day's certification to the Director of the Division of Local Government Services.

I, Andrea Cocula, Secretary of the Sussex County Municipal Utilities Authority, in the County of Sussex, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the governing body of the Sussex County Municipal Utilities Authority, in the County of Sussex, State of New Jersey, at a Regular Meeting of said governing body held on September 4, 2019.

  
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Andrea Cocula, Secretary