

## 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 Township MUA Litigation, Vernon Township Septage Facility

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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, December 14, 2022.



Andrea Cocula, Secretary

RESOLUTION RE: APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2022 - UPPER WALLKILL SYSTEM

WHEREAS, per the requirements of the Sussex County Municipal Utilities Authority's Bond Resolution and Service Agreements, it is necessary that the Authority develop, and issue to its participants, prior to December 15 of each Fiscal Year, an estimate of the amounts of the Annual Charges to become payable by each participant for services to be rendered by SCMUA to each participant for sewage treatment services; and

WHEREAS, it is also required that subsequent to the completion of each Fiscal Year, a calculation of the amounts of the actual Annual Charge for the prior Fiscal Year must be carried out for each participant, and that a charge be requisitioned, based upon the difference between the estimated and actual charges; and

WHEREAS, the SCMUA Comptroller has prepared a report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2022", which calculates the Actual Charges to be payable by each participant for Fiscal Year 2022 a copy of which is attached hereto and shall be incorporated as part hereof; and

WHEREAS, the Commissioners have reviewed said report and concur with the development of Actual Annual Charges contained therein; and

WHEREAS, the Commissioners desire to approve and adopt said report and formally submit said Actual Annual Charges to each participant as per the terms of the Service Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the attached report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2022" is hereby approved, and is adopted as the Authority's calculation of actual Annual Charges for Fiscal Year 2022.

AND BE IT FURTHER RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Upper Wallkill participant containing the amount of the credit or additional payment resulting from the calculation of the Actual Fiscal Year 2022 Annual Charges.

AND 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, December 14, 2022.

  
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Andrea Cocula, Secretary

RESOLUTION RE: APPROVAL AND ADOPTION OF CALCULATION OF ACTUAL ANNUAL CHARGES FOR SEWER SERVICE FOR FISCAL YEAR 2022 – PAULINS KILL BASIN WATER RECLAMATION SYSTEM

WHEREAS, per the requirements of the Sussex County Municipal Utilities Authority's Bond Resolution and Service Agreements, it is necessary that the Authority develop, and issue to its participants, prior to December 15 of each Fiscal Year, an estimate of the amounts of the Annual Charges to become payable by each participant for services to be rendered by SCMUA to each participant for sewage treatment services; and

WHEREAS, it is also required that subsequent to the completion of each Fiscal Year, a calculation of the amounts of the actual Annual Charge for the prior Fiscal Year must be carried out for each participant, and that a charge be requisitioned, based upon the difference between the estimated and actual charges; and

WHEREAS, the SCMUA Comptroller has prepared a report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2022", which calculates the Actual Charges to be payable by each participant for Fiscal Year 2022 a copy of which is attached hereto and shall be incorporated as part hereof; and

WHEREAS, the Commissioners have reviewed said report and concur with the development of Actual Annual Charges contained therein; and

WHEREAS, the Commissioners desire to approve and adopt said report and formally submit said Actual Annual Charges to each participant as per the terms of the Service Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority that the attached report entitled "Calculation of Actual Annual Charges for Sewage Treatment Services - Fiscal Year 2022" is hereby approved, and is adopted as the Authority's calculation of actual Annual Charges for Fiscal Year 2022.

AND BE IT FURTHER RESOLVED that the Chairman of the Sussex County Municipal Utilities Authority is hereby authorized to issue a certificate to each Paulinskill System participant containing the amount of the credit or additional payment resulting from the calculation of the Actual Fiscal Year 2022 Annual Charges.

AND 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, December 14, 2022.

  
Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZATION TO EXECUTE CHANGE ORDERS 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, 51, 53, 54A, 54B, 58A, 59, 63, 68, 70, 76, 83, 100, 110, 120, 124, 137, and 140 have been approved which increased the original awarded amount to \$29,350,367.66; and

WHEREAS, Change Order Number 8 for additional paving around Scalehouse was previously submitted by Tomco and approved by SCMUA on February 2, 2022 for \$174,133.78. As-built quantities using previously approved unit quantities increased the total change order value by \$6,263.48 for a total Change Order amount of \$180,397.26; and

WHEREAS, Change Order Number 49A has been prepared by Tomco for the installation of the gate operator power feed and entrance sign fiberoptic cable for an amount of \$3,929.41; and

WHEREAS, Change Order Number 50B has been prepared by Tomco for the installation of the contractor drop-off area trench drain for an amount of \$24,325.11; and

WHEREAS, Change Order Number 57 has been prepared by Tomco for the backfill of Phase 6B landfill has header for an amount of \$32,704.56; and

WHEREAS, Change Order Number 62 has been prepared by Tomco for the installation of the litter fence rub sheet in Phase 6 for an amount of \$3,729.69; and

WHEREAS, Change Order Number 67 has been prepared by Tomco for the bulky waste fire hydrant relocation for an amount of \$9,713.23; and

WHEREAS, Change Order Number 69 has been prepared by Tomco for the manhole I-10 Adjustments for an amount of \$20,884.41; and

WHEREAS, Change Order Number 73 has been prepared by Tomco for Johnson Controls receiver additional electrical work for an amount of \$3,596.75; and

WHEREAS, Change Order Number 74 has been prepared by Tomco for sanitary manhole invert conflicts for an amount of \$17,986.27; and

WHEREAS, Change Order Number 78 has been prepared by Tomco for the manhole P4-2 conflict for an amount of \$1,445.63; and

WHEREAS, Change Order Number 79 has been prepared by Tomco for the additional procurement and placement of DGA on Phase 6B West Slope for an amount of \$2,850.85; and

WHEREAS, Change Order Number 80 has been prepared by Tomco for the existing MH-9 and electrical duct bank conflict for an amount of \$2,654.31; and

WHEREAS, Change Order Number 82 has been prepared by Tomco for the procurement and installation of Phase 6 litter net access gate for an amount of \$9,888.78; and

WHEREAS, Change Order Number 83 has been prepared by Tomco for the installation of a litter net mid-rail in Phase 4 and Phase 6 for an amount of \$10,174.5; and

WHEREAS, Change Order Number 85 has been prepared by Tomco for the sanitary force main relocation for an amount of \$1,499.32; and

WHEREAS, Change Order Number 89 has been prepared by Tomco for the Phase 6B ramp extension for an amount of \$2,665.14; and

WHEREAS, Change Order Number 90 has been prepared by Tomco for the additional 3D modeling for an amount of \$9,446.22; and

WHEREAS, Change Order Number 92 has been prepared by Tomco for the underground electric conflict with Culvert I-10 for an amount of \$819.84; and

WHEREAS, Change Order Number 93 has been prepared by Tomco for the bin block wall crushed stone backfill material modification for an amount of \$1,329.50; and

WHEREAS, Change Order Number 95 has been prepared by Tomco for the grading, topsoil placement, and seeding at the toe of the Phase 4 MSE berm for an amount of \$25,746.54; and

WHEREAS, Change Order Number 97 has been prepared by Tomco for preparation work associated with the construction of the tub grinder pad for an amount of \$8,629.67; and

WHEREAS, Change Order Number 98 has been prepared by Tomco for additional clearing and grubbing at Cell 4 for an amount of \$50,222.73; and

WHEREAS, Change Order Number 99 has been prepared by Tomco for removing and replacing unsuitable material below the proposed Recycling Center slab for an amount of \$5,842.43; and

WHEREAS, Change Order Number 101 has been prepared by Tomco for additional DGA at corner of Phase 6B for an amount of \$14,869.30; and

WHEREAS, Change Order Number 102 has been prepared by Tomco for removing and replacing unsuitable material below the Phase 4 MSE berm subgrade for an amount of \$31,484.59; and

WHEREAS, Change Order Number 104 has been prepared by Tomco for the installation of additional site lighting behind the bulky waste building for an amount of \$2,938.25; and

WHEREAS, Change Order Number 105 has been prepared by Tomco for modifications to the proposed stormwater swale to allow the uncharted culvert by the main Scalehouse to continue to drain for an amount of \$6,444.39; and

WHEREAS, Change Order Number 106 has been prepared by Tomco for boxing out and paving at contractor drop-off area for an amount of \$3,893.93; and

WHEREAS, Change Order Number 107 has been prepared by Tomco for removing and replacing unsuitable material below the lower convenience center wall for an amount of \$7,156.56; and

WHEREAS, Change Order Number 108 has been prepared by Tomco for the removal of the wind screen for an amount of \$693.45; and

WHEREAS, Change Order Number 110B has been prepared by Tomco for additional cost associated with AIS Compliance for landfill gas equipment for an amount of \$705.00; and

WHEREAS, Change Order Number 114 has been prepared by Tomco for additional Cell 4 MSE berm surveying for an amount of \$599.76; and

WHEREAS, Change Order Number 117 has been prepared by Tomco for the culvert I-22 utility pole conflict for an amount of \$14,760.78; and

WHEREAS, Change Order Number 118 has been prepared by Tomco for the additional work by the lining subcontractor (ALCO) in Phase 6B for an amount of \$16,656.02; and

WHEREAS, Change Order Number 121 has been prepared by Tomco for the Channel P6-2A Repair for an amount of \$30,817.19; and

WHEREAS, Change Order Number 122 has been prepared by Tomco for the Paradigm Software package for an amount of \$62,511.97; and

WHEREAS, Change Order Number 123 has been prepared by Tomco for the fire hydrant isolation valve indicator replacement for an amount of \$2,026.37; and

WHEREAS, Change Order Number 125 has been prepared by Tomco for additional DGA required to elevate the sidewalks per ADA requirements for an amount of \$570.64; and

WHEREAS, Change Order Number 126 has been prepared by Tomco for milling the existing tub grinder pad for an amount of \$7,777.59; and

WHEREAS, Change Order Number 127 has been prepared by Tomco for providing and installing a temporary sanitary connection for the convenience center for an amount of \$167.63; and

WHEREAS, Change Order Number 131 has been prepared by Tomco for convenience center grading changes for an amount of \$3,668.52; and

WHEREAS, Change Order Number 136 has been prepared by Tomco for the antenna relocation at Pump Station 1A/B for an amount of \$996.03; and

WHEREAS, Change Order Number 138 has been prepared by Tomco for bulky waste building column base repairs for an amount of \$1,670.61; and

WHEREAS, Change Order Number 139 has been prepared by Tomco for additional infrastructure guide rail installation for an amount of \$7,004.34; and



WHEREAS, Change Order Number 141 has been prepared by Tomco for administration building generator conduit relocation for an amount of \$3,695.70; and

WHEREAS, Change Order Number 142 has been prepared by Tomco for P4-2 manhole penetrations for an amount of \$1,682.86; and

WHEREAS, Change Order Number 143 has been prepared by Tomco for additional traffic signage for an amount of \$12,728.84; and

WHEREAS, Change Order Number 145 has been prepared by Tomco for installation of fiberoptic network for an amount of \$9,611.9; and

WHEREAS, Change Order Number 146 has been prepared by Tomco for installation of additional infrastructure area cameras for an amount of \$9,649.71; and

WHEREAS, Change Order Number 148 has been prepared by Tomco for I-21 swale regrading for an amount of \$4,028.03; and

WHEREAS, Change Order Number 150 has been prepared by Tomco for welding MH-9 lid prior to liner installation for an amount of \$1,270.22; and

WHEREAS, Change Order Number 151 has been prepared by Tomco for installation of larger Phase 6 litter fence rub sheets for an amount of \$1,277.27; and

WHEREAS, Change Order Number 156 has been prepared by Tomco for installation of additional administration building equipment pad bollards for an amount of \$5,446.8; and

WHEREAS, Change Order Number 159 has been prepared by Tomco for additional culvert P6-8 inlet grading for an amount of \$15,163.16; and

WHEREAS, Change Order Number 163 has been prepared by Tomco for the 2-sided digital entrance sign for an amount of \$13,869.45; and

WHEREAS, Change Order Number 164 has been prepared by Tomco for the additional concrete pad square footage for the electrical equipment for an amount of \$1,071.00; and

WHEREAS, Change Order Number 166 has been prepared by Tomco for the additional tree installations for an amount of \$2,249.1; and

WHEREAS, Change Order Number 169 has been prepared by Tomco for raising manhole cover by Scalehouse due to finished grade conflict for an amount of \$1,170.79; 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 Orders and found them 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, 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 \$556,676.10 thereby changing the Contract Price from \$29,350,367.66 to \$29,907,043.76.

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  
Wednesday, December 14, 2022.

  
Andrea Cocula, Secretary

RESOLUTION RE: ADOPTION OF AMENDED SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY ORGANIZATIONAL STRUCTURE, STAFF POSITION DESCRIPTION, SALARY STRUCTURE AND PERSONNEL AND EMPLOYEE POLICIES (EFFECTIVE JANUARY 1, 2023)

WHEREAS, the SCMUA Board of Commissioners has established the SCMUA Personnel Policies, Organizational Structure, Position Descriptions and Salary Guide, herein known as the “SCMUA Personnel Policy Manual”; and

WHEREAS, annually the Commissioners review the SCMUA Personnel Policy Manual to determine necessary changes for economics, efficiencies, compliance with public laws and administrative and operational needs; and

WHEREAS, the review process for the SCMUA Personnel Policy Manual shall be a continuing effort along with the Executive Director and legal counsel; and

WHEREAS, the SCMUA Board of Commissioners, in consultation with the Personnel Committee and SCMUA Staff, have determined certain amendments to the SCMUA Personnel Policy Manual are warranted which will further serve the mission of the SCMUA.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Sussex County Municipal Utilities Authority, that:

1. The SCMUA hereby adopts the following revised employee Personnel Policies.
2. The SCMUA hereby adopts the following revised “Employee Salary Guide” – Appendix A.
3. The SCMUA hereby adopts the following “Professional Consulting Services” policies – Appendix B.
4. The SCMUA hereby adopts the following Job Descriptions – Appendix C.
5. The SCMUA hereby adopts the following Organizational Structure – Appendix D.
6. The SCMUA hereby provides for possible future/on-going revisions to the Personnel Policy Manual as may be deemed appropriate.

BE IT FURTHER RESOLVED THAT THIS “Personnel Policy Manual” shall supersede all previous personnel policy manuals; and

BE IT FURTHER RESOLVED that a copy of the SCMUA Personnel Policy Manual shall be distributed to the SCMUA Board of Commissioners, Executive Director, Superintendents and all employees of the SCMUA.

This Resolution shall take effect on January 1, 2023.

Certified as a true copy of the  
Resolution as adopted by the Authority  
at their Regular Meeting held on  
Wednesday, December 14, 2022.



Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZING THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) TO ENTER INTO A SHARED SERVICE AGREEMENT WITH THE COUNTY OF SUSSEX PROVIDED BY THE SUSSEX COUNTY SHERIFF'S SLAP/SWAP PROGRAMS IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:65-1 ET SEQ.**

**WHEREAS**, the Uniform Shared Services and Consolidated Act N.J.S.A. 40A:65-1 et seq. provides that local units of government may enter into an Agreement to provide or receive a service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction; and

**WHEREAS**, the County of Sussex and the Sussex County Municipal Utilities Authority (SCMU A) desire to enter into a Shared Service Agreement in order to provide supplemental assistance to SCMUA work forces by utilizing the services of the Sheriff's Labor Assistance Program/Work Assistance Program (SLAP/SWAP); and

**WHEREAS**, the proposed work program represents a positive coordination between the County agencies and would be mutually beneficial to both parties and the taxpayers of Sussex County; and

**WHEREAS**, Services to be performed at the SCMUA site by the Sussex County Sheriff's SLAP/SWAP inmates will consist of manual labor for routine site maintenance and assistance at the Residents' Convenience, Recycling Center, leaf/grass compost and brush/wood mulching areas to be performed on select Saturdays of each month, as coordinated by and scheduled with SCMUA.

**NOW, THEREFORE BE IT RESOLVED** that the SCMUA Chairman of the Board of Commissioners is hereby authorized to execute the attached Shared Services Agreement between the County of Sussex and the Sussex County Municipal Utilities Authority; and

**BE IT FURTHER RESOLVED** that this Agreement will be fully executed upon receipt of an adopted resolution from the County of Sussex; and

**BE IT FURTHER RESOLVED** that SCMUA will reimburse the County at the established outside detail hourly rate of \$85.00, the County will invoice SCMUA on a monthly basis, all future Agreement(s) will be re-visited and hourly rates will be recalculated if needed; and

**BE IT FURTHER RESOLVED** the Agreement term will be for a two (2) year period beginning January 1, 2023 and ending December 31, 2024, subject to SCMUA budgetary approvals; and

**BE IT FURTHER RESOLVED** that certified copies of this Resolution and Agreement be forwarded to the County of Sussex, One Spring Street, Newton, NJ, and both Resolutions from the County of Sussex and SCMUA, along with the Agreement need to be emailed to [EGG@dca.state.nj.us](mailto:EGG@dca.state.nj.us) or mailed to the Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625-0803.

Certified as a true copy of a  
Resolution adopted by the SCMUA  
At its Regular Meeting on December 14, 2022.

  
Andrea Cocula, Secretary