

**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):

Landfill Life Expansion Project #551

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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 Matters

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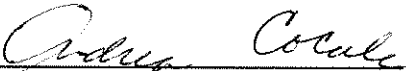
(10) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding 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 Tuesday, October 17, 2023.

  
\_\_\_\_\_  
Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2023 UPPER WALLKILL CAPITAL  
OUTLAY BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2023 Budget on November 30, 2022; and

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

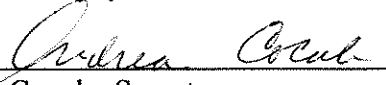
WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.

THEREFORE, BE IT RESOLVED, that the adopted FY2023 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>		
UW36.08 – Boiler Upgrades	\$40,000	\$100,000
UW36.03 – New SUV Vehicle	\$40,000	-
UW36.06 – Maintenance Bldg. Improvements	\$20,000	-
Total	\$100,000	\$100,000

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 Tuesday, October 17, 2023.

  
Andrea Cocula, Secretary

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

**RESOLUTION RE: AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 208 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, 33, 35, 36, 40, 41B, 44, 45, 47, 48, 49A, 49B, 50B, 51, 53, 54A, 54B, 57, 58A, 59, 62, 63, 64, 67, 68, 69, 70, 73, 74, 76, 78, 79, 80, 82, 83, 84, 85, 89, 90, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 104, 105, 106, 107, 108, 110, 110B, 111, 114, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 131, 132, 133, 135, 136, 137, 138, 139, 140, 141, 141A, 141B, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 159, 161, 163, 164, 166A, 166B, 167, 168, 169, 172, 174, 176, 177, 181, 183, 184, 185, 187, 188, 189, 190, 195, 197, 199, 200, 202, and 205 have been approved which increased the original awarded amount to \$30,209,035.37; and

WHEREAS, Change Order Number 208 has been prepared by Tomco for the Contractor drop-off canopy modifications for an amount of \$86,129.42; and

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

WHEREAS, SCMUA Staff and SCMUA's Construction Review Committee Chairman 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 approval; and

WHEREAS, SCMUA resolutions dated February 15, 2023 and October 3, 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

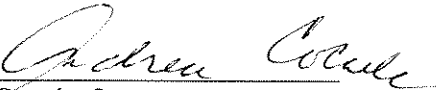
WHEREAS, the Contract Change Order final approval is contingent on New Jersey Infrastructure Bank (NJIB) review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the SCMUA that the Executive Director 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 \$86,129.42 thereby changing the Contract Price from \$30,209,035.37 to \$30,295,164.79.

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, October 17, 2023

  
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Andrea Cocula, Secretary

*fs01 Common Common Contract No. 551 - Landfill EXPANSION Construction Change Orders Resolution 2023-10-17*

RESOLUTION RE: AMENDING THE SCMUA'S FY2023 SOLID WASTE FACILITIES OPERATING AND CAPITAL OUTLAY BUDGETS

WHEREAS, the SCMUA Board of Commissioners approved the SCMUA's Capital and Operating Budgets on November 30, 2022; and


WHEREAS, due to lower than anticipated Diesel Fuel Costs, the Authority will provide funding for Capital Outlay Project; and

WHEREAS, said budget amendment is necessary to the following revenue projection revisions:

	<u>FROM</u>	<u>TO</u>
<u>OPERATING:</u>		
Diesel Fuel	\$315,000	\$270,000
<u>CAPITAL OUTLAY:</u>		
Portable Pump for Leachate PS/FM	\$0	\$45,000
TOTAL	\$315,000	\$315,000

BE IT RESOLVED, copies of this resolution shall be distributed to the Executive Director, Comptroller, and SW Superintendent.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Tuesday, October 17, 2023.

  
 Andrea Cocula, Secretary

<u>Member</u>	<u>Aye</u>	<u>Recorded Vote</u>		
		<u>Nay</u>	<u>Abst.</u>	<u>Absent</u>
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 APPOINTMENT OF METROPOLITAN LIFE INSURANCE COMPANY AS ADMINISTRATOR OF THE AUTHORITY'S SECTION 125 - FLEXIBLE SPENDING ACCOUNT (FSA) IN ACCORDANCE WITH THE REGULATIONS PROMULGATED BY CHAPTER 78 OF THE LAWS OF THE STATE OF NEW JERSEY

WHEREAS, the Sussex County Municipal Utilities Authority (hereinafter, the SCMUA) provides an Employee Health Benefits Program for eligible employees and their eligible dependents; and

WHEREAS, Chapter 78 of the laws of the State of New Jersey require public entities to implement a Section 125 - Flexible Spending Account (FSA) Program in accordance with the rules promulgated by the United States Internal Revenue Service (IRS); and

WHEREAS, the Authority's Benefits Consultant has performed due diligence in the marketplace for firms specializing in this professional service and has recommended Metropolitan Life Insurance Company (hereinafter, MetLife), based upon a performance matrix, which includes ease of usage, usage enhancements and price point.

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of the Sussex County Municipal Utilities Authority, County of Sussex, State of New Jersey, in accordance with the due diligence performed by the Authority's Administrative Team and Benefits Consultant, the firm of Metropolitan Life Insurance Company, (MetLife) is hereby appointed as Administrator for the Authority's Section 125 - Flexible Spending Account, effective upon passage of this Resolution for a January 1, 2024 effective date; and

BE IT FURTHER RESOLVED, the Executive Director and Comptroller are hereby authorized to execute all documents necessary for the implementation; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be provided to the Comptroller, Auditor and PIA Security Programs, a division of World Insurance Associates, LLC, 429 Hackensack Street, Carlstadt, NJ 07072, Benefits Consultant to the Authority.

BE IT FURTHER RESOLVED that said appointment is subject to N.J.S.A. 40:20-71.3.

Certified as a true copy of the resolution as adopted by the Authority at their Regular Meeting held on Tuesday, October 17, 2023.

  
Andrea Cocula, Secretary



**SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION RE: FY2022 ANNUAL FINANCIAL AUDIT**

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local Authority to cause an annual audit of its accounts to be made; and

WHEREAS, the annual audit report for the fiscal year ended November 30, 2021 has been completed and filed with the Governing Body and the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:5A-15; and


WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board; and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17,

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Sussex County Municipal Utilities Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended November 30, 2021, and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED, that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

IT IS HEREBY CERTIFIED THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON OCTOBER 17, 2023.

  
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Andrea Cocula, Secretary

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October 17, 2023  
Date

LOCAL AUTHORITIES  
GROUP AFFIDAVIT FORM

PRESCRIBED BY  
THE NEW JERSEY LOCAL FINANCE BOARD

AUDIT REVIEW CERTIFICATE  
FY2022

We, the members of the governing body of the Sussex County Municipal Utilities Authority, being of full age and being duly sworn according to law, upon our oath depose and say:

1. We are duly appointed members of the Sussex County Municipal Utilities Authority.
2. We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended November 30, 2021 and specifically the sections of the audit report entitled "General Comments" and "Recommendations".

(signature)

John Drake

Karl Meyer

Andrea Cocula

Wayne Dietz

Thomas Madsen

Ronald Petillo

John Wesley

John Finkeldie

Robert Dabinett

\_\_\_\_\_ *John Drake* \_\_\_\_\_  
\_\_\_\_\_ *Karl Meyer* \_\_\_\_\_  
\_\_\_\_\_ *Andrea Cocula* \_\_\_\_\_  
\_\_\_\_\_ *attended remotely* \_\_\_\_\_  
\_\_\_\_\_ *Thomas Madsen* \_\_\_\_\_  
\_\_\_\_\_ *Ronald Petillo* \_\_\_\_\_  
\_\_\_\_\_ *John Wesley* \_\_\_\_\_  
\_\_\_\_\_ *John Finkeldie* \_\_\_\_\_  
\_\_\_\_\_ *Robert Dabinett* \_\_\_\_\_

I hereby certify that I was present during the SCMUA Board of Commissioners Authority Meeting on October 17, 2023 where a vote was taken and the Members acknowledged their signatures on this group affidavit.

*Tara Kronski*  
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Tara Kronski, Notary Public  
Of The State of New Jersey

Commission Expires: August 5, 2024

**TARA KRONSKI**  
Notary Public of New Jersey  
My Commission expires 8/5/2024