

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):

Vernon Township/Vernon Township MUA, Debt Considerations

(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 Items

(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 Tuesday, August 15, 2023.


Andrea Cocula, Secretary

RESOLUTION RE: UPPER WALLKILL CAPITAL BUDGET AMENDMENT TO INCLUDE \$3,477,909 FOR SELF-FUNDING OF ENGINEERING DESIGN FOR UPPER WALLKILL WASTEWATER FACILITY REHABILITATION PROJECT FOR NITRATE UPGRADES WHILE PROVIDING NOTICE OF INTENT TO SEEK FUTURE PROJECT NOTE

WHEREAS, the Authority’s Upper Wallkill Capital Budget for the year ending November 30, 2023 was adopted on the 30th 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, 2023:

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 \$3,477,909 and to use the proceeds to pay or reimburse expenditures for the costs of the Rehabilitation of Upper Wallkill Facility for Nitrate Upgrades Project.

<u>FUNDING SOURCES</u>	<u>FROM</u>	<u>TO</u>
Undesignated Net Position – Upper Wallkill	\$ <u>-0-</u>	\$ <u>3,477,909</u>
Total – Upper Wallkill Funding Sources	\$ <u>478,800</u>	\$ <u>3,956,709</u>

<u>PROJECT COSTS</u>	<u>FROM</u>	<u>TO</u>
Engineering Design and Bidding Services	\$ <u>-0-</u>	\$ <u>3,477,909</u>
Total – Upper Wallkill Costs	\$ <u>478,800</u>	\$ <u>3,956,709</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 15th day of August, 2023.


Andrea Cocula, Secretary

<u>Member</u>	<u>Aye</u>	<u>Recorded Vote</u>		
		<u>Nay</u>	<u>Abstain</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. Dabnett				x

RESOLUTION RE: AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER TO PROVIDE ENGINEERING DESIGN AND BIDDING SERVICES FOR THE UPPER WALLKILL VALLEY WATER POLLUTION CONTROL FACILITY NITRATE UPGRADES PROJECT

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) has a need for engineering design services relative to its proposed Upper Wallkill Valley Water Control Facility Nitrate Upgrades Project; and

WHEREAS, SCMUA duly noticed and solicited a Request for Qualifications/Request for Proposals (RFQ/RFP) for FY2023 wastewater consulting engineering services utilizing a “Fair and Open” Process pursuant to N.J.S.A. 19:44 – 20.4 et seq.; and

WHEREAS, FY2023 wastewater consulting engineering services proposals were received by January 12, 2023 at 12:00 PM; and

WHEREAS, Hazen and Sawyer of 99 Wood Avenue South, Suite 803 Iselin, NJ 08830, responded to said RFQ/RFP with a Proposal dated January 12, 2023 that included relevant experience and their 2023 Rate Schedule; and

WHEREAS, SCMUA reviewed the RFQ/RFP proposals and Hazen and Sawyer possesses staff having requisite training, expertise and experience required to provide such services and thereby were awarded a contract for general wastewater consulting engineering services for FY2023; and

WHEREAS, the February 14, 2023 NJDEP Commissioner “Final Decision” on the Sussex County Municipal Utilities Authority v. New Jersey Department of Environmental Project case found the nitrate limit was properly included in the 2018 NJPDES permit for the SCMUA Upper Wallkill Facility and that the stay issued to SCMUA would expire upon issuance of said “Final Decision”; and

WHERE, on May 16, 2023, SCMUA was issued a letter from NJDEP Assistant Director of Water Pollution Management Element, Susan Rosenwinkel, reiterating that the NJDEP Commissioner’s “Final Decision” concluded the November 6, 2019 stay issued to SCMUA; and

WHEREAS, the Authority is desirous of retaining Hazen and Sawyer for necessary engineering design services relative to its proposed Upper Wallkill Valley Water Control Facility Nitrate Upgrades Project; and

WHEREAS, Hazen and Sawyer has submitted a cost proposal and scope of work dated July 26, 2023 regarding SCMUA Upper Wallkill Nitrate Upgrades Project, including the following tasks: Engineering Design Report, Detailed Design, Geotechnical

Investigation, Survey, Hazardous Waste Study, Permitting, Project Management, and Bidding Phase Support for total cost of not-to-exceed \$3,477,909.00 and

WHEREAS, the local public contracts law requires that the Resolution authorizing the Agreement for a Professional Services and the Agreement itself, must be available for public inspection.

WHEREAS, the Treasurer has certified that there are sufficient funds in the amount of \$3,477,909.00.

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

1. That the Board of Commissioners approve, via this Resolution, a Professional Services Agreement with Hazen and Sawyer for engineering design services relative to its proposed Upper Wallkill Valley Water Control Facility Nitrate Upgrades Project.
2. That one (1) copy of this Resolution, together with the agreement itself, shall be made available electronically for public inspection upon request.
3. Hazen and Sawyer is hereby authorized to proceed with the proposed scope of work and complete said work within schedule outlined in proposal dated July 26, 2023.
4. This resolution shall be effective as provided for under applicable New Jersey State Statutes.

Certified as a true copy of the Resolution
adopted by the Authority at their Regular Authority Meeting
held on Tuesday, August 15, 2023



Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2023 SOLID WASTE FACILITY 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 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 FY2023 SCMUA Solid Waste Operating Budget ending November 30, 2022 be amended as follows:

<u>Expenses</u>	<u>From</u>	<u>To</u>
<u>Capital Outlay</u>		
LF3601 Roll off Containers	\$ 20,000	\$ 15,000
LF3604 Bird Control	\$ 25,000	\$ 23,126
LF3610 Maintenance Shop Truck Lift	\$ 85,000	\$ 71,755
<u>LF3611 Foam Densifier Machine</u>	\$ 0	\$ 20,119
Total	\$130,000	\$130,000

BE IT FURTHER RESOLVED, that a copy of this resolution shall be filed with the Director, Division of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the Capital Budget. Adopted by the governing body on the 15th day of August, 2023.


 Andrea Cocula, Secretary

<u>Member</u>	<u>Recorded Vote</u>			
	Aye	Nay	Abst.	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