

**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):

Professional Services RFPs, Septage Receiving Area, Contract 551B Northern Cap Bid Results; Sussex County WQMP Endorsement

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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 Matter

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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):

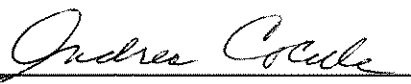
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NOW, THEREFORE, be it further resolved by the Sussex County Municipal Utilities Authority that pursuant to N.J.S.A. 10:4-13(b) the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed 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, January 17, 2024.

  
Andrea Cocula, Secretary

**RESOLUTION RE: AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE CHANGE ORDERS TO SCMUA CONTRACT NO. 459, RAPID PUMP AND METER SERVICE COMPANY**

WHEREAS, the Sussex County Municipal Utilities (SCMUA) and Rapid Pump and Meter Service Company (Rapid) entered into Contract 459 in the amount of \$1,332,280.00 for the Franklin Pump Station Rehabilitation Project; and

WHEREAS, Change Order Number 1 has been prepared by Rapid for programming speed feedback/alarm at the HMI screen for an amount of \$4,780.70; and

WHEREAS, Change Order Number 2 has been prepared by Rapid to furnish and replace a 2-inch isolation valve for an amount of \$7,200.00; and

WHEREAS, Change Order Number 3 has been prepared by Rapid to furnish and install eight (8) new hour meters: (4) on Pumps, (2) on Grinders, and (2) on Mixers for an amount of \$1,355.20; and

WHEREAS, Change Order Number 4 has been prepared by Rapid to furnish and install (2) new grinder buckets in the MCC for an amount of \$14,423.00; and

WHEREAS, Change Order Number 5 has been prepared by Rapid to furnish and install a new flowmeter display to the MCC Room for an amount of \$3,215.58; and

WHEREAS, Change Order Number 6 has been prepared by Rapid for the installation of two (2) stilling wells for the multitrode for an amount of \$12,454.53; and

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


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

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. 459 which reflects the work outlined above and contained within said Change Orders, for a total increase in Contract Price of \$43,429.01 thereby changing the contract price from \$1,332,280.00 to \$1,375,709.01.

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 their Regular Meeting  
Held on Wednesday, January 17, 2024.

  
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Andrea Cocula, Secretary

*js01 Common Common Contract No. 459 - Franklin PS Rehabilitation Change Orders*

**RESOLUTION RE: SUSSEX COUNTY MUNICIPAL UTILITIES  
AUTHORITY'S (SCMUA) ENDORSEMENT OF THE  
DIAMOND CHIP LOGISTICS PARK AMENDMENT TO  
THE SUSSEX COUNTY WATER QUALITY  
MANAGEMENT PLAN (WQMP)**

WHEREAS, Diamond Chip Logistics Park and Natural Systems Utilities (NSU) are requesting a consent resolution for endorsement of the proposed site-specific amendment to the Sussex County Water Quality Management Plan (WQMP); and

WHEREAS, the documentation was prepared by Natural Systems Utilities, Inc. dated May 2021, revised January 2022, and revised December 21, 2023 (received December 27, 2023); and

WHEREAS, the revised document proposes two (2) warehouse buildings totaling 698,000 SF (including 10,000 SF office space) located along 33 Demarest Road Sparta, New Jersey (Block 12008, Lot 23); and

WHEREAS, the projected wastewater flow for the infrastructure is 10,000 gallons per day (gpd); and

WHEREAS, all wastewater generated onsite will be treated onsite by a discharge to groundwater wastewater treatment system; and

WHEREAS, the Amendment will remove 20.49 acres from the currently adopted sewer service area; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved Water Quality Management Plan (WQM); and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at 7:15-3.5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, public notice for the proposed amendment to the WQM plan was issued on December 1, 2023; and

WHEREAS, previous Sussex County Municipal Utilities Authority (SCMUA) resolution dated February 16, 2022 conditionally endorsed the WQMP Amendment submission for the construction of the referenced project; and

WHEREAS, Sparta Township issued a resolution on October 27, 2021 stating the proposed project is consistent with the municipal master plan and local zoning; and

WHEREAS, the Sussex County Board of County Commissioners issued a resolution on March 3, 2022 stating the proposed project is supported by the County Strategic Growth Plan goals and objectives; and

WHEREAS, the Sussex County Policy Advisory Committee (PAC) issued a resolution on May 11, 2022 stating the proposed project is consistent with the Sussex County Strategic Growth Plan and the Sussex County Master Plan; and

WHEREAS, the Highlands Council reviewed the proposed amendment for consistency with the New Water Availability provisions of the Highlands Regional Master Plan and issued a consistency determination on January 10, 2023; and

WHEREAS, the NJDEP issued multiple determinations as outlined in the proposed amendment to the Sussex County Water Quality Management Plan with no environmental concerns for the proposed action; and


WHEREAS, the SCMUA was identified as an “affected party” to this matter as defined in N.J.A.C 7:15; and

WHEREAS, the SCMUA has been requested to provide consent/endorsement of the proposed WMP/WQMP Amendment and has reviewed the documents; and

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

- I. Upon review of the public notice and supplementary information provided, the WQMP Amendment for the construction of the above referenced project is endorsed by the SCMUA.
- II. This Resolution shall be effective in accordance with applicable law.
- III. SCMUA Staff and Professionals are directed and empowered to take any and all action necessary to affect this Resolution.
- IV. A copy of this resolution shall be forwarded to the Sussex County Board of Chosen Freeholders, Sparta Township, Diamond Chip Logistics Park, Natural Systems Utilities (NSU), and the Sussex County Policy Advisory Committee.

Certified as a true copy of the Resolution  
Adopted by the Authority at their Regular  
Meeting held on January 17, 2024.

  
Andrea Cocula, Secretary

RESOLUTION RE: ENABLING RESOLUTION AUTHORIZING THE FILING OF A SPENDING PLAN FOR A 2023 RECYCLING ENHANCEMENT ACT TAX FUND GRANT PURSUANT TO P.L. 2007 C.113 ET SEQ. HEREINAFTER, THE ACT

WHEREAS, P.L. 2007, c.311 et seq. provides for the awarding of Recycling Enhancement Tax grants by the Department of Environmental Protection to designated solid waste management districts to assist them in the preparation, revision and implementation of comprehensive solid waste management and recycling plans; and

WHEREAS, the Sussex County Municipal Utilities Authority, desires such financial assistance to fulfill its responsibilities under the Solid Waste Management Act and the Recycling Enhancement Act.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority:

1. That the Spending Plan be submitted to the Division of Solid and Hazardous Waste for a 2023 Recycling Enhancement Act Tax Grant in the amount of \$162,000.00.
2. That the Executive Director and the Solid Waste Superintendent of the Sussex County Municipal Utilities Authority are hereby authorized and directed to execute, file and amend such Spending Plan with the Department of Environmental Protection, to provide additional information and furnish such documents as may be required and to act as the authorized correspondent of the Sussex County Municipal Utilities Authority in this matter.
3. That the Sussex County Municipal Utilities Authority was designated by the Sussex County Board of Commissioners as the implementing agency to perform the Recycling Enhancement Tax Grant on October 9, 1990.
4. That the Sussex County Municipal Utilities Authority does hereby hold the State of New Jersey and its departments and agencies harmless from any damages, losses and claims which may arise directly or indirectly from the execution of the grant.
5. That the Sussex County Municipal Utilities Authority hereby accepts the terms and conditions set forth in the Act and the guidelines promulgated under it.

Certified as a true copy of the Resolution  
adopted by the Authority at their Regular Meeting  
held on Wednesday, January 17, 2024.

  
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Andrea Cocula, Secretary



RESOLUTION RE: CONDITIONALLY AWARDING LANDFILL LIFE STAGE 2  
EXPANSION / NORTHERN PERMANENT CAP PROJECT  
CONTRACT #551B TO TOMCO CONSTRUCTION, INC.

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) desires to construct the Landfill Life Stage 2 Expansion/Northern Permanent Cap Project to serve the solid waste management, disposal and recycling needs for the residents and businesses of Sussex County; and

WHEREAS, the SCMUA subsequently did plan, permit and design the Project pursuant to the Sussex County Solid Waste Management Plan, and the requirements of various Federal, State and Local agencies and authorities; and

WHEREAS, this Project is anticipated to be funded by the New Jersey Infrastructure Bank (NJIB) funding program through the NJDEP; and

WHEREAS, pursuant to the NJIB Authorization, the project was duly advertised with the New Jersey Herald on December 6, 2023; and

WHEREAS, on January 10, 2024, SCMUA received competitive construction bids for the Project in conformance with N.J. Local Public Contracts Law (N.J.S.A. 40A:11 et seq); and

WHEREAS, a total of three (3) contractors submitted bids for Contract #551B comprising the Landfill Life Stage 2 Expansion/Northern Permanent Cap Project; and

WHEREAS, the apparent low bidder for Contract #551B is determined to be Tomco Construction, Inc. with a verified Total Bid in the amount of \$4,666,666.66; and

WHEREAS, SCMUA staff, consulting engineer, and legal counsel, have reviewed said bid package for the purposes of evaluating award thereof to Tomco Construction, Inc., with staff, consulting engineer and legal counsel thereby providing formal recommendation for award thereof; and

WHEREAS, due to the need for this project to ensure the continued and proper management of solid waste for Sussex County residents and businesses, it is recommended that the contract be conditionally awarded subject to NJDEP/NJIB reviews, evaluations, and approvals; and

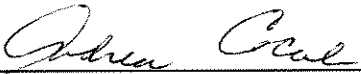
WHEREAS, NJDEP/NJIB Authorization to Award is required to preserve funding eligibility for this project; and

WHEREAS, the Treasurer has certified that there are existing sufficient funds for this contract award.

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

1. Contract #551B for the SCMUA Landfill Life Stage 2 Expansion/Northern Permanent Cap Project is hereby awarded to Tomco Construction, Inc. in the amount of \$4,666,666.66 as conditioned/contingent upon #3, below.
2. The SCMUA Chairman and Secretary are authorized to execute Contract #551B for the Landfill Life Stage 2 Expansion/Northern Permanent Cap Project on behalf of the SCMUA, as contingent upon #3, below.
3. The award of SCMUA Contract #551B is contingent upon the review, concurrence, and available funding of NJDEP/NJIB.
4. SCMUA Executive Director and staff are authorized to proceed with any necessary project and contract activities associated with Landfill Life Stage 2 Expansion/Northern Permanent Cap Construction, including submittal of the Bid Award Package and supporting documents to NJDEP/NJIB, and any other necessary authorizations or approvals.
5. Copies of this Award Resolution shall be provided to NJDEP/NJIB and Tomco Construction, Inc.
6. This resolution shall be effective as provided for under applicable NJ State Statutes.

Certified as a true copy of the Resolution  
adopted by the Authority at their Regular  
Meeting held on Wednesday, January 17, 2024.

  
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Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING ANNUAL APPOINTMENT OF A PUBLIC AGENCY COMPLIANCE OFFICER (PACO) FOR THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) - 2024

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, 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 for the year 2024.
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, January 17, 2024.

  
Andrea Cocula, Secretary

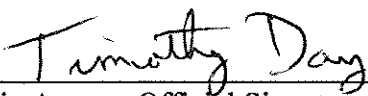
PLEASE RETURN THIS FORM TO THE:

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

The designated 2024 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