

RESOLUTION RE: RELEASE OF RETAINAGE TO TOMCO CONSTRUCTION INC., CONTRACT NO. 551, LANDFILL EXPANSION PHASE 4, BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

WHEREAS, The Sussex County Municipal Utilities Authority (Owner) and Tomco Construction, Inc. (Contractor), entered into an Agreement, dated March 5, 2021, for the construction of the Landfill Expansion Cells 4 & 6; and

WHEREAS, the Contractor has completed the project in accordance with the Contract requirements and the SCMUA Agreement; and

WHEREAS, the Contractor has provided an Application and Certification for Payment, being satisfactory evidence towards closeout, and

WHEREAS, the Authority's Chief Engineer and Solid Waste Superintendent have approved the contract closeout and the release of retainage,

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority to authorize release 50% of final contract retainage in the amount of \$321,442.52 to Tomco Construction, Inc.

Certified as a true copy of
the Resolution adopted by the
Authority at their meeting
held on Wednesday, March 6, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA’S FY2024 SOLID WASTE FACILITY CAPITAL OUTLAY BUDGET

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) introduced and subsequently adopted its FY2024 Budget on November 29, 2023; 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

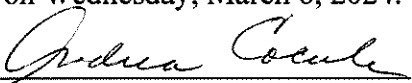
WHEREAS, N.J.A.C. 5:31 – 2.8 provides that all budget amendments shall be approved by resolution.

THEREFORE, BE IT RESOLVED, that the adopted FY2024 SCMUA Solid Waste Operating Budget ending November 29, 2023 be amended as follows:

<u>Expenses</u>	<u>From</u>	<u>To</u>
Capital Outlay		
LF3601– Tank 2 Cathodic Protection Upgrades	\$50,000	\$15,000
LF3604 – Scale Load Cell Upgrades	\$30,000	\$40,000
LF3605 – Well System Upgrades	\$ 0	\$25,000
Total	\$80,000	\$80,000

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 Wednesday, March 6, 2024.


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			

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):

AWH Cultivation Facility TWA, Vernon Twp./Vernon Twp. MUA Matters

(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):

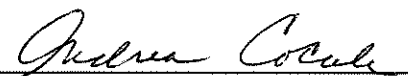
Personnel Matters, Personnel Manual

(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 Wednesday, March 6, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: CONDITIONAL APPROVAL OF TWA APPLICATION FOR THE CONNECTION OF AWH CULTIVATION FACILITY IN FRANKLIN BOROUGH, NEW JERSEY

WHEREAS, Applicant, Ascend New Jersey LLC, has submitted the full NJDEP TWA Package and the Sussex County Municipal Utilities Authority (SCMUA) application package for the approval of AWH Cultivation Facility at 24 Munsonhurst Rd Franklin, New Jersey (Block 2401, Lot 21); and

WHEREAS, this project consists of utilization of existing wastewater pumping station but increasing average daily wastewater flow to 12,727 gpd; and

WHEREAS, the above project requires the necessary approval and endorsement of the SCMUA for NJDEP Treatment Works Approval per NJAC 7:14A-22.3(a); and

WHEREAS, SCMUA was notified on February 24, 2024 that this Facility is currently in operation; and

WHEREAS, the engineer's design report, design drawings, and design specifications for this project have been reviewed by and are acceptable to the Sussex County Municipal Utilities Authority; and

WHEREAS, the above project final endorsement is contingent upon receipt and review of the items listed in SCMUA review letter dated March 1, 2024 that include the following: (1) effluent sampling during normal operation, (2) approximate percentage of proposed waste streams, (3) receipt of connection fee, and (4) CCTV inspection; and

WHEREAS, the appropriate SCMUA review fee has been paid by the applicant.


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

- I. The application for a TWA permit for the connection/operation of the referenced project is conditionally approved/endorsed by the SCMUA, contingent upon agreement to provide the following information and compliance with SCMUA Upper Walkkill Service Rules:
 - A. Effluent sampling during normal operation.
 - B. Approximate percentage of proposed waste streams.
 - C. Receipt of connection fee.
 - D. CCTV inspection of existing connection and force main.

- II. The SCMUA hereby endorses the subject application and the SCMUA's Executive Director is hereby authorized and directed to sign the Endorsement Form WQM-003 for the referenced application for NJDEP Treatment Works Approval, as conditioned upon item I.A to I-D, above:

- III. A certified copy of this resolution shall be forwarded to the project Applicant (Ascend New Jersey LLC), Franklin Borough, Suburban Consulting Engineers, and the NJDEP.
- IV. The above-referenced provisions and conditions are incorporated herein by reference.
- V. SCMUA Staff and Professionals are directed and empowered to take any and all action necessary to affect this Resolution.

Certified as a true copy of the Resolution
Adopted by the Authority at their Regular
Meeting held on March 6, 2024.



Andrea Cocula, Secretary