

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):

Upper Wallkill Facility Furnace Rehabilitation, Landfill Operations
Nitrate Upgrades Project - Upper Wallkill

(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 Wednesday, June 19, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY – WALLKILL RIVER WATERSHED MANAGEMENT GROUP TO PARTNER WITH THE NATURE CONSERVANCY AND SUBMIT A GRANT PROPOSAL TO THE UNITED STATES DEPARTMENT OF AGRICULTURE - NATURAL RESOURCE CONSERVATION SERVICE’S REGIONAL CONSERVATION PARTNERSHIP PROGRAM TO FUND THE RESTORATION OF THE HYPER HUMUS SECTION OF THE PAULINS KILL WILDLIFE MANAGEMENT AREA IN ANDOVER, HAMPTON, LAFAYETTE, AND NEWTON

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) and the Wallkill River Watershed Management Group (WRWMG) has been actively working in the Paulins Kill Watershed since 2007 to coordinate planning, restoration, and stewardship activities utilizing grant funding from such entities as the New Jersey, Department of Environmental Protection (NJDEP), the William Penn Foundation, and the National Fish and Wildlife Foundation; and

WHEREAS, since 2013, the SCMUA - WRWMG has maintained active partnership agreements with The Nature Conservancy (TNC) to receive subaward funding from the William Penn Foundation to sponsor its participation in the Delaware River Watershed Initiative; and

WHEREAS, since 2015, the SCMUA - WRWMG has maintained active contribution agreements with the USDA – Natural Resource Conservation Service (NRCS) that provides funding to support efforts to increase the amount of technical assistance provided to landowners within Sussex County; and

WHEREAS, the SCMUA / WRWMG has recently been asked by The Nature Conservancy to partner with them, and the NJDEP Division of Fish and Wildlife on the preparation and submittal of a new grant proposal to the USDA – NRCS Regional Conservation Partnership Program (RCPP) seeking funding to support the restoration of the 1,200-acre Hyper Humus section of the Paulins Kill Wildlife Management Area (WMA), within Andover, Hampton, Lafayette, and Newton over a 5 year project window between 2025 – 2030; and

WHEREAS, since 2015, TNC has been coordinating planning, outreach, and engineering design efforts for this project, which have resulted in the development of a formal conceptual design for restoration of Hyper Humus that includes stream and other hydrologic restoration, habitat enhancement, a planting plan, and recreational uses including fishing, hunting, paddling, hiking and birding, all of which the grant proposal is being developed around; and


WHEREAS, the SCMUA-WRWMG has a desire to join these restoration efforts, and a capability to serve as a key local partner to help coordinate and facilitate said grant if awarded; and

WHEREAS, if said grant is awarded, it will include funding to support the involvement of the SCMUA-WRWMG to serve as a lead partner, facilitate all required contract agreement duties and tasks with USDA – NRCS, TNC, and NJDEP Fish and Wildlife, for a 5 year period between 2025-2030; and

WHEREAS, the governing body of the SCMUA desires to further the public interest by participating in the continued efforts to restore the Hyper Humus section of the Paulins Kill Wildlife Management Area; and

THEREFORE, BE IT RESOLVED, that the SCMUA Board of Commissioners authorizes Joseph Sesto, PE, SCMUA Executive Director and Nathaniel Sajdak, Watershed Director to submit a grant application in partnership with TNC to the NRCS RCCP to request funding for such restoration project efforts.

Certified as a true copy of the Resolution
Adopted by the Authority at their Meeting
of Wednesday, June 19, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: ESTABLISHING AN AMENDED AND RESTATED
HARDSHIP POLICY WITH A CONNECTION FEE HARDSHIP
PAYMENT PLAN FOR THE SCMUA UPPER WALLKILL
WASTEWATER TREATMENT SYSTEM

WHEREAS, the Sussex County Municipal Utilities Authority Board of Commissioners (“SCMUA” or “Authority”) finds and declares that sewer connection charges for the Upper Wallkill Wastewater Treatment System (“UWWTS”) may, in certain circumstances, present a financial burden for small businesses and related commercial property owners as they are seeking to connect to sewer service within the SCMUA UWWTS; and

WHEREAS, SCMUA finds and declares it is the policy of SCMUA, within the Authority’s reasonable, lawful discretion, to assist those small businesses and related commercial property owners in Sussex County in order to ease the immediate financial burden incurred related SCMUA UWWTS sewer connection charges; and,

WHEREAS, SCMUA previously determined to establish and implement a “Hardship Policy” to alleviate the immediate financial burden within the SCMUA UWWTS within UWWTS participating municipal entities that requested same as follows: on or about August 7, 2013, for Vernon Township (through its Municipal Utilities Authority); on or about April 20, 2016 in Sparta Township; and, on or about November 29, 2023 for Sussex Borough; and,

WHEREAS, SCMUA finds and declares that SCMUA, Sussex County residents, SCMUA ratepayers, and others benefit by continuation of the SCMUA Hardship Policy under an amended and restated centralized policy applicable to small business ratepayers within UWWTS participating municipal entities, subject to the requirements, terms and conditions as stated below; and,

NOW THEREFORE, BE IT RESOLVED, that the Sussex County Municipal Utilities Authority Board of Commissioners (“SCMUA” or “Authority”) declares as follows:

1. The foregoing recitals are incorporated herein by reference as if set forth at length.
2. The Authority hereby establishes a SCMUA Hardship Policy applicable to all Upper Wallkill Wastewater Treatment System (“UWWTS”) system participants (“SCMUA Hardship Policy”), as detailed herein and as may be amended from time-to-time.
3. The SCMUA Hardship Policy shall provide a “Hardship Payment Plan” to allow a Small Business to pay for its sewer connection fee charge, as provided for under N.J.S.A. 40:14B-22, in installments under a five (5) year payment term, as detailed below.


4. For purposes of this SCMUA Hardship Policy, a “Small Business” is defined as any lawfully established commercial enterprise authorized to do business in the State of New Jersey that is in good standing (including without limitation, corporation, limited liability company, partnership, limited partnership, or person conducting business, be it for-profit or not-for-profit) with no more than 100 employees and gross revenues not exceeding \$5 million, same being consistent with the criteria established under New Jersey Small Business Enterprise program.
5. The SCMUA Hardship Policy is available to a “Small Business” holding title in fee simple of real property at which the UWWTS sewer service is connected (or is to be connected) and incurring the sewer connection service charge that is the subject of the SCMUA Hardship Policy. It shall be permitted under the SCMUA Hardship Policy for the small business to hold fee simple title to the said property in a separate special performance entity that exists solely to hold and manage the real estate asset, provided that the Small Business and the special performance entity are owned 100% by a common owner and said property is a location where the Small Business operates throughout its use of the Hardship Payment Plan.
6. Applicants seeking approval of a Hardship Payment Plan must submit their request in writing on a form prepared by SCMUA staff consistent with the SCMUA Hardship Policy and the Hardship Payment Plan.
7. SCMUA will only consider a connection fee Hardship Payment Plan for those existing developed commercial properties that are first approved for a sewer connection fee hardship by their local UWWTS participating municipal entity having jurisdiction over the property. Applicants must provide proof of acceptance into their local participating municipal entity’s Hardship Payment Plan program.
8. If approved and accepted into a Hardship Payment Plan under the SCMUA Hardship Policy, the Small Business applicant shall be required to sign a “Hardship Agreement” which acknowledges the following:
 - a. The Small Business is responsible to pay the SCMUA’s full calculated sewer connection service charge based on the SCMUA approved rate schedule as well as SCMUA’s reasonable attorney’s fees and all costs SCMUA incurs for preparation of the Hardship Agreement, cover page, lien and lien discharge preparation, recording fees, and other costs and fees incurred under the Hardship Payment Plan.
 - b. The Small Business may have up to five (5) years to pay the SCMUA connection charge.

- c. Payments shall be made in a maximum of five (5) equal installments, the first payment (20% of the calculated connection fee, plus filing fees) shall be required upon execution of the Hardship Agreement and the remaining payments shall be made no later than January 31st of each year following the first payment.
 - d. The property owner where the Hardship Payment Plan is in effect shall agree and acknowledge that the SCMUA may record with the Office of the Sussex County Clerk and the local tax collector a First Priority Lien on the subject property for the total outstanding amount of the connection fee due the SCMUA, and providing for payment of any Default charges including interest and cost of collection.
 - e. In the event of Default, wherein the property owner fails to make the agreed to payments, within 30 days of the annual due date (January 31), the total remaining unpaid connection service charge balance shall become due immediately, along with all costs of collection and interest on the total unpaid connection fee balance, per the SCMUA prevailing rate schedule.
 - f. In the event the subject property is sold/transferred, the outstanding connection service charge balance shall be due to the SCMUA immediately at closing.
 - g. All Hardship Payment Plans and Hardship Agreements must be approved by resolution of the SCMUA Board of Commissioners before they are considered valid and approved.
9. This SCMUA Hardship Policy revises, restates, amends and replaces all prior hardship policies. The SCMUA Hardship Policy, as stated herein, shall control all Hardship waivers granted after the date of adoption by the SCMUA Commissioners noted below.

BE IT FURTHER RESOLVED, that all SCMUA Commissioners, staff, professionals, participating municipalities, ratepayers, and system participants are directed to take any and all actions necessary to effect the terms of the SCMUA Hardship Policy; and,

BE IT FURTHER RESOLVED, that copies of this resolution shall be distributed to all participating entities in the UWWTS and the SCMUA Treasurer.

Certified as a true copy of the Resolution
adopted by the Commissioners at their Regular
Meeting of Wednesday, June 19, 2024



Andrea Cocula, Secretary

RESOLUTION RE: AWARD OF CONTRACT NO. 24-05 FOR FERRIC CHLORIDE SOLUTION DELIVERY TO COYNE CHEMICAL CO. INC.

WHEREAS, on May 10, 2024, in The New Jersey Herald, the Notice to Bidders was published for Contract No. 24-05 for the delivery of Ferric Chloride, with Bids being received and publicly opened on June 4, 2024; and

WHEREAS, the bid is for a duration of one (1) calendar year effective as of July 1, 2024 for an estimated 50,000 gallons; and

WHEREAS, SCMUA received bids from Coyne Chemical Co. Inc. and Kemira Water Solutions Inc. for unit prices of \$3.0395/gal (est. \$151,975/year) and \$3.06/gal (\$153,000/year) respectively; and

WHEREAS, SCMUA also received a formal “no bid” letter from Pencco Inc.; and

WHEREAS, SCMUA staff and legal counsel reviewed the bid package and has determined that the bid from Coyne Chemical Co. Inc. is in conformance with the Authority’s bid document requirements and is in compliance with the Local Public Contracts Law; and

WHEREAS, the SCMUA’s Treasurer has certified sufficient funds are available for the contract award.

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority’s Board of Commissioners that the bid for Contract No. 24-05 is hereby awarded to Coyne Chemical Co. Inc. of Croydon, PA for a unit cost of \$3.0395/gal (estimated annual cost of \$151,975.00) for (1) calendar year (effective as of July 1, 2024).

BE IT FURTHER RESOLVED, that Executive Director and SCMUA Staff are authorized to prepare and execute the applicable contract with Coyne Chemical Co. Inc.

BE IT FURTHER RESOLVED 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 June 19, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE AWARD OF UPPER WALLKILL BOILER SYSTEM REHABILITATION BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND RAPID PUMP AND METERING CO., INC.

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) contacted Rapid Pump and Metering Co., Inc. and McCloskey Mechanical, to provide a cost proposal for the rehabilitation of Boiler System pumps, piping, and appurtenances at the Upper Wallkill Facility through New Jersey Cooperative purchasing; and

WHEREAS, the furnace rehabilitation includes, but is not limited to, the following scope of work: demolish and replace circulator pumps, expansion tank, air separator, header, and insulation as well as all necessary auxiliary work for a fully operable system; and

WHEREAS, SCMUA received cost proposals from Rapid Pump and Metering Co., Inc. and McCloskey Mechanical for \$95,875.00 and \$205,684.00 respectively, and

WHEREAS, all labor and equipment included in the Rapid Pump and Metering proposal are included in the North Jersey Wastewater Cooperative (No. B369-7); and

WHEREAS, pursuant to review by SCMUA Staff, it was determined that Rapid the Pump and Metering Inc. of Paterson, New Jersey's proposal met all SCMUA requirements, and its proposal was the most cost efficient and fiscally responsible; and

WHEREAS, the Authority's Qualified Purchasing Agent has reviewed and recommended approval of this contract award; and

WHEREAS, the Treasurer has certified that sufficient funds are available to finance the project.


NOW, THEREFORE, BE IT RESOLVED, proposed capital outlay expenditure transfer budget amendment is required and is recorded under a separate SCMUA Resolution formally amending said Wastewater Budget.

BE IT FURTHER RESOLVED by the Sussex County Municipal Utilities Authority's Board of Commissioners that the proposal for the Upper Wallkill Boiler System Rehabilitation is hereby awarded to Rapid Pump and Metering Co., Inc. of Paterson, New Jersey according to the prices stated within their proposal at a cost of \$95,875.00.

BE IT FURTHER RESOLVED, that the SCMUA Executive Director and other applicable staff are authorized to prepare and execute the applicable contract with Rapid Pump and Metering Co., Inc.

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, June 19, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: AMENDING THE SCMUA'S FY2024 UPPER WALLKILL 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 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 FY2024 SCMUA Upper Wallkill Operating Budget ending November 30, 2024 be amended as follows:

<u>Expenses</u>	<u>From</u>	<u>To</u>
Capital Outlay		
UW3608– Vactor Truck Purchase	\$550,000	\$544,000
UW3603 – New Welder & Equipment	\$ 0	\$6,000
Total	\$550,000	\$550,000

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, June 19, 2024.


Andrea Cocula, Secretary

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

RESOLUTION RE: AUTHORIZATION TO CERTIFY AND SUBMIT VARIOUS
NJDEP PERMIT DOCUMENTS REGARDING SCMUA
WASTEWATER AND SOLID WASTE FACILITIES

WHEREAS, the Sussex County Municipal Utilities Authority's (SCMUA) owns and operates a sanitary Solid Waste Facility and multiple wastewater treatment facilities; and

WHEREAS, the SCMUA Facilities require permit renewals by application to the New Jersey Department of Environmental Protection (NJDEP) on a rolling basis; and

WHEREAS, the necessary application packages are prepared by SCMUA staff.

NOW, THEREFORE, BE IT RESOLVED that this Resolution hereby authorizes the following actions regarding SCMUA NJDEP Permit renewals:

1. Expiring permits, applications, and/or requests for approvals are authorized to be submitted to the NJDEP.
2. Executive Director Sesto is hereby designated as a primary contact person, permit invoice/billing contact person, and permit signatory.
3. Applicable SCMUA Superintendent is designated as additional contact.
4. Copies of this Resolution shall be submitted to NJDEP with the appropriate application package(s).
5. 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, June 19, 2024.


Andrea Cocula, Secretary