

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):

NJDEP U.W. Nitrate Appeal, UW Nitrate Upgrades Project, Planet Networks
Status

(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

(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, August 7, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: RELEASE OF RETAINAGE TO RAPID PUMP AND METER SERVICE CO., INC., CONTRACT NO. 459, FRANKLIN PUMP STATION UPGRADES PROJECT, BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the Sussex County Municipal Utilities Authority, Owner, and Rapid Pump and Meter Service Co., Inc., Contractor, entered into an Agreement, September 22, 2022, for the construction of the Franklin Pump Station Upgrades; and


WHEREAS, the Contractor has completed the project in accordance with the Contract requirements, proposal dated May 17, 2022 and SCMUA Agreement; and

WHEREAS, the Contractor has provided their final Application and Certification for Payment, being satisfactory evidence for closeout; and

WHEREAS, the Authority's Executive Director and Wastewater 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 of final contract retainage in the amount of \$26,035.52 to Rapid Pump and Meter Service Co., Inc.

Certified as a true copy of
the Resolution adopted by the
Authority at their meeting
held on Wednesday, August 7, 2024.


Andrea Cocula, Secretary

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 Executive Director 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 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, August 7, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: RELEASE OF RETAINAGE TO TOMCO CONSTRUCTION INC., CONTRACT NO. 551C, LANDFILL EXPANSION-PHASE 4 CONTRACTOR AREA, 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 Executive Director 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 of final contract retainage in the amount of \$810.66 to Tomco Construction, Inc.

Certified as a true copy of
the Resolution adopted by the
Authority at their meeting
held on Wednesday, August 7, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE PUBLIC SALE OF SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) SOLID WASTE PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH GOVDEALS.COM PUBLIC ONLINE AUCTION

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) is the owner of certain property which is no longer needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes municipalities to sell public property that is no longer needed for public use at a public sale to the highest bidder as surplus property; and

WHEREAS, the Board of Commissioners of the SCMUA are desirous of selling such surplus property in "as is" condition without express or implied warranties.

BE IT RESOLVED, by the Board of Commissioners that they hereby authorize the sale of Solid Waste Facility property no longer needed for public use.

BE IT FURTHER RESOLVED, that the public auction shall be conducted through GovDeals.com public online auction pursuant N.J.S.A. 40A:11-36, Local Finance Notice 2008-9 of the New Jersey Department of Community Affairs, Division of Local Government Services. (The terms and conditions of the agreement entered into with GovDeals is available online at www.govdeals.com and is also available at the Authority's Administration Offices).

BE IT FURTHER RESOLVED, that the sale of surplus property to be sold in "as is" condition without expressed or implied warranties as follows:
SCMUA #1748 – 2005 Montone Dump Trailer VIN/Serial # 1M9SD362255S567370


BE IT FURTHER RESOLVED, that the SCMUA reserves the right to accept or reject any bid submitted.

BE IT FURTHER RESOLVED, that the successful bidder(s) shall be required to pay the full amount of the sale, execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property, and shall be required to make arrangements for the pick-up of sold property from the SCMUA within 10 business days of the auction.

BE IT FURTHER RESOLVED, that a legal advertisement shall be published the in the SCMUA's official newspaper informing the public as to the nature of items being sold and how to obtain more information on the sale as required by N.J.S.A. 40A:11-36.

BE IT FURTHER RESOLVED, that SCMUA staff is hereby authorized and directed to take all actions necessary and appropriate to effectuate the terms of this resolution, which shall take effect in accordance with applicable NJ laws and statutes.

Certified as a true copy of the Resolution
Adopted by the Authority at their Regular
Meeting held on August 7, 2024.



Andrea Cocula, Secretary