

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 Nitrate Litigation, Upper Wallkill Emergency Contract Award

(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 Matter

(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, September 18, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE EMERGENCY AWARD OF A CONTRACT AGREEMENT BETWEEN THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) AND METROTEK FOR THE RELOCATION OF OVERHEAD ELECTRICAL CONDUITS AT THE UPPER WALLKILL FACILITY

WHEREAS, Hazen and Sawyer [Hazen] performed an inspection of the Upper Wallkill Facility and the structural engineer had immediate concerns for the structural stability of the overhead conveyor supports. Hazen noted that several of the baseplates and cross braces have experienced such material loss that there is potential for complete failure. Due to that, Hazen recommended that SCMUA undertaken an immediate repair and/or demolition of the conveyor; and

WHEREAS, upon receipt of the email from Hazen on August 7, 2024, the SCMUA immediately closed the road, re-routed traffic, and began exploring alternatives to demolish the overhead conveyor; and

WHEREAS, prior to demolition of the overhead conveyor, all electrical conduits must be relocated underground; and

WHEREAS, it is necessary to retain an emergency contractor to complete the electrical scope of work such that the overhead conveyor can be demolished; and

WHEREAS, the scope of work includes site work/excavation, site demolition, conduit installation, pull/terminate wires, concrete duct bank, trench backfill, and pavement patching; and

WHEREAS, the Authority is desirous of authorizing the Emergency Procurement by the Executive Director; and

WHEREAS, the Authority received proposals from Hayenhjelm Electric Company, High Point Electric, and Metrotek. It was determined after review by Authority Staff that based on performance, reliability, and price, that proceeding with Metrotek would best resolve the Authority's emergency condition; and

WHEREAS, the proposal from Metrotek dated September 13, 2024 for the scope of work that includes the relocation of the overhead conduits is for a sum of \$70,500; and

WHEREAS, the proposed work will be funded from R&R and the SCMUA's Treasurer has certified sufficient funds are available for the contract award.

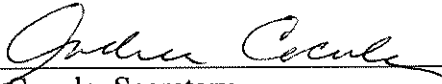
NOW THEREFORE, BE IT RESOLVED, that the Authority finds that, in accordance with the Hazen and Sawyer recommendation, an emergency situation exists and that it is necessary to proceed with the procurement and retention of a contractor to complete the relocation of overhead electrical conduits on an emergency basis.

BE IT FURTHER RESOLVED, the Authority further finds that this situation was not foreseeable because SCMUA hires third party professional engineers to perform annual inspections on all facility infrastructure and no structural concern was ever noted.

BE IT FURTHER RESOLVED, the contract for emergency procurement is hereby confirmed and awarded to Metrotek for the full scope of work for the relocation of the electrical conduits for a proposed cost of \$70,500.00.

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, September 18, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE EXECUTION OF A PARTNERSHIP AGREEMENT WITH CRANDON LAKES COUNTRY CLUB TO ASSIST WITH THE IMPLEMENTATION OF A RAIN GARDEN PROJECT

WHEREAS, the Sussex County Municipal Utilities Authority-Walkill River Watershed Management Group (SCMUA-WRWMG) has an existing grant agreement from the New Jersey Department of Environmental Protection (hereinafter referred to as "NJDEP") to help fund "green infrastructure" stormwater management projects in Sussex County; and

WHEREAS, the SCMUA-WRWMG has been working with the Crandon Lakes Country Club for several years to plan a rain garden project for the area adjacent to the parking lot at the clubhouse, located at 39 East Shore Road, Newton, NJ; and

WHEREAS, the SCMUA-WRWMG has partnered with Rutgers Cooperative Extension-Water Resources Program who has prepared formal engineering design plans and will provide the necessary engineering oversight for the project; and

WHEREAS, the NJDEP has approved use of grant funds from the SCMUA-WRWMG's Sussex Countywide NJDEP grant for use towards this rain garden project; and

WHEREAS, Crandon Lakes Country Club has a proposal from Palmer Services of Fredon, NJ to perform the scope of work included within the design documents for a not to exceed cost of \$12,000.00; and

WHEREAS, the SCMUA-WRWMG staff concluded that Palmer Services possesses the knowledge, skills, and equipment to properly perform the required project activities for the construction and installation of the rain garden and associated trench drains, in accordance with the design plans; and

WHEREAS, the Crandon Lakes Country Club would like to enter in an agreement with Palmer Services as the contractor for the rain garden project; and

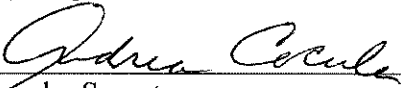
WHEREAS, upon successful project completion in accordance with the design plans prepared by Rutgers Cooperative Extension-Water Resources Program, the SCMUA-WRWMG will provide a **Total Not-to-Exceed Payment** of up to \$12,000.00 to the Crandon Lakes Country Club to reimburse them for Palmer Services construction costs; and

NOW, therefore, BE IT RESOLVED that the SCMUA-WRWMG Watershed Director and/or the SCMUA Executive Director are authorized to execute the Partnership Agreement with the Crandon Lakes Country Club; and

BE IT FURTHER RESOLVED, that the payment of grant funds to Crandon Lakes Country Club shall be contingent upon certification by Rutgers Cooperative Extension-Water Resources Program at completion of the project;

BE IT FURTHER RESOLVED that this Resolution should become effective as provided by statute/law.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Wednesday, September 18, 2024.



Andres Cocula, Secretary

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA)

FISCAL YEAR: FROM: DECEMBER 1, 2024 TO: NOVEMBER 30, 2025

WHEREAS, the Annual Budget and Capital Budget for the Sussex County Municipal Utilities Authority (SCMUA) for the fiscal year beginning December 1, 2024 and ending, November 30, 2025 has been presented before the governing body of the SCMUA at its open public meeting of September 18, 2024; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$25,467,000, Total Appropriations, including any Accumulated Deficit if any, of \$27,548,000 and Total Unrestricted Net Position utilized of \$2,081,000; and

WHEREAS, the Capital Budget as introduced reflects total Capital Appropriations of \$3,018,650 and Total Unrestricted Net Position planned to be utilized as funding thereof, of \$0; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the SCMUA, at an open public meeting held on September 18, 2024 that the Annual Budget, including all related schedules, and Capital Budget/Program of the SCMUA for the fiscal year beginning, December 1, 2024 and ending, November 30, 2025 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the SCMUA will consider the Annual Budget and Capital Budget/Program for adoption on November 30, 2024.

Certified as a true copy of the Resolution adopted by the Authority at their Regular Meeting held on Tuesday, September 18, 2024.

Signature of Andrea Cocula, Secretary

Governing Body

- R. Petillo
T. Madsen
W. Dietz
A. Cocula
K. Meyer
J. Drake
J. Wesley
J. Finkeldie
M. Poggi

Table with columns: Recorded Vote (Aye, Nay, Abstain, Absent) and rows for each governing body member.

RESOLUTION RE: SCMUA TO ESTABLISH A DEBT SERVICE RESERVE FOR UPPER WALLKILL FACILITY

WHEREAS, the Sussex County Municipal Utilities Authority (the "Authority") recognizes the need to set aside funds for the payment of future debt service on debt for the sewer system; and

WHEREAS, it is in the best interest of the Authority to establish a reserve for debt service for the payment of debt service of its facilities; and

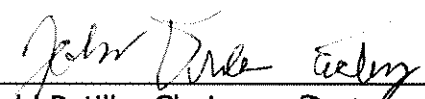
WHEREAS, the Authority has determined that there is a need to designate funds for such purposes.

NOW THEREFORE BE IT RESOLVED that an unrestricted, designated Debt Service Reserve be established for Upper Wallkill Facility from budget appropriations in the following Fiscal Budget Years; 2024, 2025, 2026, 2027 and 2028. The budget appropriation for FY2024 was \$350,000. The proposed budget appropriation for FY2025 will be \$750,000. Future amounts to be reserved will be determine at annual Budget Introduction and Approval.

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Resolution adopted by the Authority
At their Regular Authority Meeting
Held on Wednesday, September 18, 2024.



Andrea Cocula, Secretary



Ronald Petillo, Chairman
John Drake

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