

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

(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, November 6, 2024.


Andrea Cocula, Secretary

RESOLUTION RE: AUTHORIZING THE PUBLIC SALE OF SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY (SCMUA) WASTEWATER 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 Wastewater Facility property no longer needed for public use; and

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); and

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 #1601 – 2000 Volvo Jet Vac Truck VIN/Serial# 4V5J32HE1YN868997

And,

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

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; and

BE IT FURTHER RESOLVED, that a legal advertisement shall be published the on the SCMUA’s website 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; and

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 November 6, 2024.



Andrea Cocula, Secretary

RESOLUTION RE: AWARD OF CONTRACT 25-04 FURNISH AND DELIVER OF LANDFILL COVER SOIL TO BRAEN STONE

WHEREAS, the Sussex County Municipal Utilities Authority, hereinafter "Authority" has sought bids for Contract No. 25-04 for the Furnishing and Delivery of Landfill Cover Soil for the Authority's Solid Waste Facility in Lafayette, New Jersey; and

WHEREAS, Contract No. 25-04 was advertised in the New Jersey Herald on October 23, 2024 in conformance with New Jersey Public Contracts Law; and

WHEREAS, sealed bids were received and opened by the Authority on November 5, 2024 at 11:00 a.m.; and

WHEREAS, the Authority received one (1) bid package which was from Braen Stone; and

WHEREAS, the unit price for the contract term from December 1, 2024 through November 30, 2025 was \$7.07 per ton for 35,000 tons for a total price of \$247,450; and

WHEREAS, Braen Stone is required to provide soil sampling and independent testing results thereof; and

WHEREAS, SCMUA staff and legal counsel reviewed said bid package and determined it to be in conformance with the contract documents and bid specifications; and

WHEREAS, the SCMUA's Treasurer has certified sufficient funds are available for the contract award; and


WHEREAS, it is recommended to award the Contract to Braen Stone for the quantity and unit price as outlined in the bid package; and

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Municipal Utilities Authority's Board of Commissioners that the bid for Contract No. 25-04 (December 1, 2024 through November 30, 2025) is hereby awarded to Braen Stone of Lafayette, NJ according to the prices stated within their Bid Proposal.

BE IT FURTHER RESOLVED that SCMUA staff are authorized to execute the Agreement with Braen Stone.

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 Wednesday, November 6, 2024.


Andrea Cocula, Secretary

SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY

RESOLUTION RE: FY2023 ANNUAL FINANCIAL AUDIT

WHEREAS, N.J.S.A. 40A:5A-15 requires the governing body of each local Authority to cause an annual audit of its accounts to be made; and

WHEREAS, the annual audit report for the fiscal year ended November 30, 2023 has been completed and filed with the Governing Body and the Director of the Division of Local Government Services pursuant to N.J.S.A. 40A:5A-15; and

WHEREAS, N.J.S.A. 40A:5A-17 requires the governing body of each Authority to, within 45 days of receipt of the annual audit, certify by resolution to the Local Finance Board that each member thereof has personally reviewed the annual audit report, and specifically the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board; and

WHEREAS, the members of the governing body have received the annual audit and have personally reviewed the annual audit, and have specifically reviewed the sections of the annual audit report entitled "General Comments" and "Recommendations" in accordance with N.J.S.A. 40A:5A-17,

NOW, THEREFORE BE IT RESOLVED, that the governing body of the Sussex County Municipal Utilities Authority hereby certifies to the Local Finance Board of the State of New Jersey that each governing body member has personally reviewed the annual audit report for the fiscal year ended November 30, 2023, and specifically has reviewed the sections of the audit report entitled "General Comments" and "Recommendations", and has evidenced same by group affidavit in the form prescribed by the Local Finance Board.

BE IT FURTHER RESOLVED, that the Secretary of the Authority is hereby directed to promptly submit to the Local Finance Board the aforesaid group affidavit, accompanied by a certified true copy of this resolution.

IT IS HEREBY CERTIFIED THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON NOVEMBER 6, 2024.


Andrea Cocula, Secretary

November 6, 2024
Date

LOCAL AUTHORITIES
GROUP AFFIDAVIT FORM

PRESCRIBED BY
THE NEW JERSEY LOCAL FINANCE BOARD

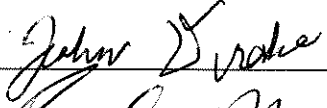
AUDIT REVIEW CERTIFICATE
FY2023

We, the members of the governing body of the Sussex County Municipal Utilities Authority, being of full age and being duly sworn according to law, upon our oath depose and say:


1. We are duly appointed members of the Sussex County Municipal Utilities Authority.
2. We certify, pursuant to N.J.S.A. 40A:5A-17, that we have each reviewed the annual audit report for the fiscal year ended November 30, 2023 and specifically the sections of the audit report entitled "General Comments" and "Recommendations".

(signature)

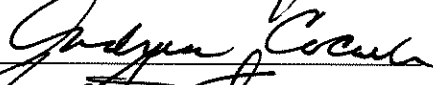
John Drake



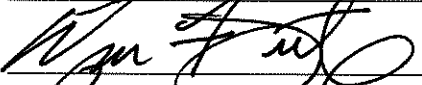
Karl Meyer




Andrea Cocula



Wayne Dietz



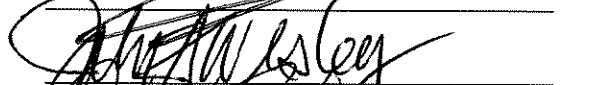
Thomas Madsen



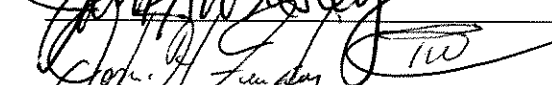
Ronald Petillo



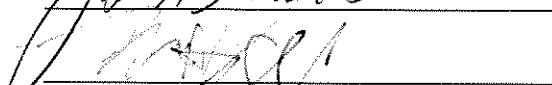
John Wesley




John Finkeldie



Mario Poggi



I hereby certify that I was present during the SCMUA Board of Commissioners Authority Meeting on November 6, 2024 where a vote was taken and the Members acknowledged their signatures on this group affidavit.



Tara Kronski, Notary Public
Of The State of New Jersey
Commission Expires: August 5, 2029

TARA D KRONSKI
Notary Public of New Jersey
Commission ID# 2317911
Commission Expires 8/5/2029

RECOMMENDATIONS

1. That the Authority fully fund its accrued cell closure and postclosure liabilities.

* * * * *

The above Summary or Synopsis was prepared from the Report of Audit of the Sussex County Municipal Utilities Authority for the fiscal years ended November 30, 2023 and 2022.

This Report of Audit, submitted by Wielkocz & Company, LLC, Certified Public Accountants, is on file with Sussex County Municipal Utilities Authority, 34 South Route 94, Lafayette, New Jersey 07848 and may be inspected by any interested person.



Secretary

RESOLUTION RE: AUTHORIZING THE SUBMITTAL OF THE SCMUA'S FY2023
AUDIT CORRECTIVE ACTION PLAN

WHEREAS, the Sussex County Municipal Utilities Authority (SCMUA) is required under NJDCA-DLGS rules to have an annual financial audit; and


WHEREAS, the SCMUA's FY2023 Annual Audit had a finding/recommendation;
and

WHEREAS, Local Finance Notice 92-15 requires that any finding or recommendation in an audit be addressed in a Corrective Action Plan; and

WHEREAS, SCMUA Staff has prepared a Corrective Action Plan (attached hereto) to address said finding.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners approve the Corrective Action Plan prepared and authorize submittal to the NJDCA-DLGS.

Certified as a true copy of the
Resolution adopted by the Authority
At their Regular Authority Meeting
Held on Wednesday, November 6, 2024.


Andrea Cocula, Secretary

**SUSSEX COUNTY MUA
CORRECTIVE ACTION PLAN
2023 - AUDIT**

As required by Local Finance Notice #92-15

Section II – Financial Statement Findings

2023-001

- Condition:** The Authority has a shortfall in the funding of its solid waste facilities cell closure reserve.
- Criteria:** Governmental Accounting Standards Board (GASB) Statement No. 18, that is based on US Environmental Protection Agency “Solid Waste Disposal Facility Criteria” rules require that municipal solid waste landfills recognize a portion of the estimated cost of landfill closure in the period that solid waste is accepted.
- Effect:** The Authority’s has not fully funded its accrued cell closure liabilities.
- Cause:** There is insufficient cash in the Authority’s solid waste facilities cell closure accounts to properly fund its accrued cell closure facilities.
- Recommendation:** That the Authority fully fund its cell closure liabilities.
- View of Responsible Officials/Corrective Actions:** The Authority is implementing procedures and making provisions in its annual budgets to fund the shortfall in its cell closure reserve.
- Management Response:** The Authority will continue to monitor, assess, and budget contributions to the cell closure reserves over the remainder of active landfill operating years.